



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

OUTGOING

Received by: APU
Date: 06-15-23 2:00 PM

June 15, 2023

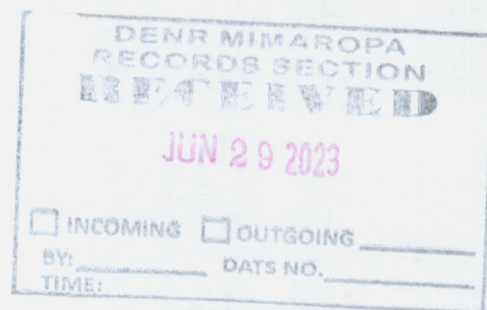
MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region

THRU : **Atty. GANDHI GAGNI-FLORES**
Chief, Legal Division

FROM : The OIC, PENR Officer

SUBJECT : **CONFISCATION OF ONE (1) UNIT CHAINSAW AND FIFTY SIX (56) PIECES OF LUMBER OF MAHOGANY AND GMELINA SPECIES, HAVING AN AGGREGATE VOLUME 279.9 BD. FT. APPREHENDED AT SITIO MABUHAY, BARANGAY LIMON NORTE, LOOC, ROMBLON**



This is to acknowledge the receipt of Notice of Issuance of Decision issued on May 10, 2023 on the above-cited subject matter. Please be informed that the notice was received dated June 05, 2023.

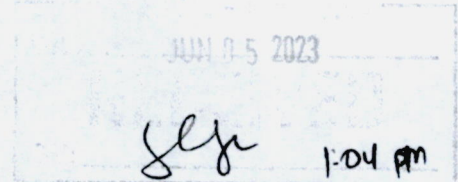
For information and reference.

"For and in the absence of the OIC-PENRO"

MALVIN R. ROCERO
Chief, ISD

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
1515 L&S Bldg., Roxas Boulevard, Ermita, Manila

CENRO Control No.:
E-FMS No.
MIMAROPA AAP CASE NO. 030



NOTICE OF ISSUANCE OF A DECISION

IN THE MATTER OF THE ADMINISTRATIVE ADJUDICATION PROCEEDINGS OF ONE (1) UNIT OF CHAIN SAW AND FIFTY-SIX (56) PIECES OF LUMBER OF MAHOGANY AND GMELINA SPECIES APPREHENDED AT SITIO MABUHAY, LIMON NORTE, LOOC, ROMBLON

TO:

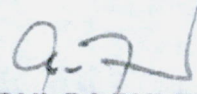
**THE PENRO
Romblon**

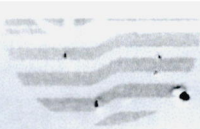
Greetings!

Please be informed that a Decision dated May 10, 2023 was issued by this Office on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office.

Kindly inform this Office of the date of your receipt of this Order, for record purposes.

Date: MAY 29 2023


Atty. GANDHI GAGNI-FLORES
Chief, Legal Division



10 MAY 2023

MARGIE D. OCHOA
FORESTER/ENFORCEMENT DIVISION

IN THE MATTER OF THE ADMINISTRATIVE
ADJUDICATION PROCEEDINGS OF ONE
(1) UNIT OF CHAIN SAW AND FIFTY (56)
PIECES OF LUMBER OF MAHOGANY AND
GMELINA SPECIES APPREHENDED AT
SITIO MABUHAY, LIMON NORTE, LOOC,
ROMBLON

MIMAROPA AAP CASE NO. 0030

DECISION

For resolution is the Report¹ of then PENR Officer Maximo C. Landrito of PENRO Romblon regarding the apprehension of one (1) unit of chain saw (STIHL, orange, with Serial Number S177522415), and fifty-six (56) pieces of lumber of Mahogany and Gmelina species, with a total volume of 279.9 board feet, by personnel of the Philippine National Police (PNP) Looc Municipal Police Station (MPS) at So. Mabuhay, Brgy. Limon Norte, Looc, Romblon on February 16, 2017.

In the *Pinagsamang Salaysay ng Pag-Kumpiska*² of the apprehending officers, they narrated that on February 16, 2017 they received an information from a concerned citizen about an illegal logging operation with the use of a chain saw at So. Mabuhay, Brgy. Limon Norte, Looc, Romblon. They went to the location where they immediately heard the sound of a chain saw. They also saw piles of lumber beside the road. When they asked around to know the owner of the pieces of lumber, nobody knew. They then traced where the sound of the chain saw was coming from and saw Mr. Roger Mariano Sombilon, who was carrying a chain saw. When asked if there were permits for tree cutting and for the chain saw, Mr. Sombilon could not present any document, thus, the apprehension. The items were then hauled and initially deposited at the police station. While they were already at the station, Mr. Reynaldo Arroyo arrived claiming ownership of the chain saw. The apprehending officers eventually brought the apprehended items to the PENRO Romblon for proper custody.

DENR Administrative Order No. 32, series of 1997 (DAO 97-32)³, issued pursuant to **Section 77-A of Presidential Decree No. 705 (PD 705)**⁴, as amended, provides for the administrative apprehension, seizure, confiscation, and disposition of illegally possessed, cut, gathered, removed, or transported forest products, the machinery, equipment, tools and implements used, and the conveyances used to move or transport the same.

On 17 March 2017, a Seizure Order was issued by Seizure Officer Manuel B. Romero seizing the apprehended items. Notices⁵ of hearing were sent to Mr. Sombilon and Mr. Arroyo.

During the June 11, 2019 administrative hearing, Mr. Arroyo admitted that the registration of the chain saw was already expired, but he still allowed Mr. Sombilon to use the chain saw and cut Mahogany and Gmelina trees without permit from the DENR, as the latter assured him that what will be cut will only be used for his house. Mr. Sombilon did not provide any statement.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Roger Mariano Sombilon and Mr. Reynaldo Arroyo for

¹ MEMORANDUM dated July 12, 2021 signed by the PENR Officer Maximo C. Landrito, with SUBJECT: SUBMISSION OF DOCUMENTS ON THE APPREHENSION OF FIFTY-SIX PIECES MAHOGONY AND GMELINA LUMBER AND ONE (1) UNIT CHAIN SAW AT SO. MABUHAY, LIMON NORTE, LOOC ROMBLON.

² Pinagsamang Salaysay Pag-Kumpiska signed by SPO1 Gelven Vencer, PO2 Lained Farnero and PO1 Joenary Baladjay of Looc MPS, on March 31, 2017.

³ 1997 Rules of Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools, and Conveyances Used in Connection Therewith

⁴ Revised Forestry Code of the Philippines

⁵ Notices dated March 13, 2017, March 27, 2017, and June 8, 2019.

violation of Section 77 of P.D. 705, as amended, and Sec. 7 (4) of Republic Act (R.A.) No. 9175; otherwise known as the Chain Saw Act of 2002. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the apprehended forest products and the chain saw in favor of the government.

Sections 1 and 2 of DAO No. 97-32 provide that the following items shall be confiscated:

Section 1. (e) **Forest Products** -- Refer to timber including xxx lumber xxx

Section 2. Items Subject to Apprehension, Seizure, Confiscation, and Forfeiture. --

a. **ILLEGAL FOREST PRODUCTS** -- Any forest product(s) defined in Section 1 (e) above that are **removed, cut, collected, processed, and/or transported: (a) without the requisite authorization or permit xxx**

b. **MACHINERY, EQUIPMENT, TOOLS, and IMPLEMENTS** -- used in the possession, gathering, collecting, processing, and/or transporting of illegal forest products;

Section 7 (4) of R.A. No. 9175 provides that:

4. **Actual Unlawful Use of Chain Saw.** -- Any person who is found to be in possession of a chainsaw and uses the same to cut trees and timber in forest land or elsewhere except as authorized by the Department shall be penalized xxx The chain saw unlawfully used shall be likewise **confiscated in favor of the government.**

Further, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

WHEREFORE, foregoing premises considered, a ruling is hereby rendered:

1. The seized one (1) unit of chain saw (STIHL, orange, with serial number S177522415), and fifty-six (56) pieces of lumber of Mahogany and Gmelina species are **CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter;
2. The PENRO concerned is directed to **FILE** a criminal complaint against Mr. Roger Mariano Sombilon and Mr. Reynaldo Arroyo for violation of Sec. 77 of P.D. 705, as amended, and violation of Sec. 7(4) of R.A. No. 9175; and,
3. **SUBMIT** updates to this Office for record and monitoring purposes.

SO ORDERED.

City of Manila, Philippines. MAY 10 2023

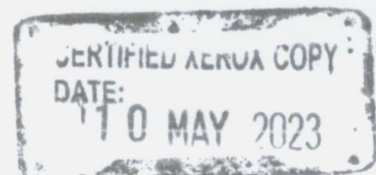

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

Mr. Reynaldo Arroyo
Mr. Mariano Sombilon
Brgy. Punta, Looc, Romblon

PNP, Looc MPS
Looc, Romblon

PENRO Romblon




MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

