

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

IN RE: CONFISCATION OF ONE (1) UNIT PUBLIC UTILITY VEHICLE (PUV) JEEPNEY WITH TEMPORARY PLATE NO. 046005 AND 52 SACKS OF WOOD CHARCOAL APPREHENDED ALONG NATIONAL HIGHWAY, BRGY. TARUSAN, BATARAZA, PALAWAN

X-----X

MOTION FOR PARTIAL RECONSIDERATION

The Movant **ORLANDO BADUA**, unto this Honorable Office most respectfully states that:

1. In an order dated January 15, 2020, this Honorable Office ordered the confiscation of the apprehended PUV with Temporary Plate No. 046005 which is registered under the name of herein Movant.

2. The Movant was not informed of the said decision and it was only the time when he inquired at DENR-CENRO Brooke's Point, Palawan that he learned of the said decision. It was only in March 2023 when the case pending before the MCTC of Brooke's Point was dismissed, he went to DENR-CENRO Brooke's Point and the latter informed him that there was an Order of Confiscation. That the Movant did not receive the subject Order from this Honorable Office.

3. The Movant moves for the reconsideration of the order of confiscation on the ground that there was no factual basis and evidence to support the confiscation. That it did not cite any specific evidence to support the Order of Confiscation. Substantial evidence shall suffice to sustain an administrative Decision adverse to interested party but in this case there was no mentioned of that substantial evidence which was used as basis to sustain the Order of Confiscation.

4. During the so-called Administrative Hearing which the Movant did not know as such. He was not informed of his right to counsel. They were not also given an opportunity to submit a Memorandum or to submit Affidavits and any other supporting documents thereto. The Movant already stated that he has no personal knowledge on the transactions made by his driver which was also corroborated by his driver who admitted that it was Dernalyn Mauddin who approached the driver to load and deliver the same to Brooke's Point, Palawan. Mr. Romy Vejano, the driver also admitted that the Movant has no personal knowledge that his PUV will transport charcoals because the same is used to carry passengers only. Copy of the Sinumpaang Salaysay of Romy R. Vejano is hereto attached as **Annex "1"**.

5. Despite the Movant's non-knowledge that his PUV was used to carry charcoals, still his PUV was confiscated. That it would be very unjust for the Movant, that his hard-earned money in purchasing the said PUV will be gone because it was forfeited in favor of the Government even though he had no knowledge or consent in transporting the said charcoals.

WHEREFORE, it is respectfully prayed unto this Honorable Court to reconsider its Order of confiscation of one (1) unit PUBLIC UTILITY VEHICLE (PUV) JEEPNEY WITH TEMPORARY PLATE NO. 046005 and to release the same to herein Movant.

Respectfully submitted.

12-62-S-14 6/19

This 13th day of June, 2023 at Brooke's Point, Palawan for Manila, Philippines.

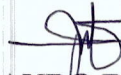

ORLANDO BADUA
Movant

NOTICE OF HEARING

Sir/Madam:

Kindly submit the foregoing motion to this Honorable Office for its consideration and approval immediately upon receipt hereof.

Thank you.


ORLANDO BADUA

EXPLANATION

Copy of the foregoing Motion for Partial Reconsideration was filed through mail due to distance.



ORLANDO BADUA

SINUMPAANG SALAYSAY

Ako si **ROMY R. VEJANO**, nasa wastong gulang, may-asawa, mamamayang Pilipino, at naninirahan sa Barangay Malis, Brooke's Point, Palawan, pagkatapos na manumpa na naaayon sa batas ay sumasaad ng mga sumusunod:

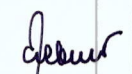
1. Na, noong Setyembre 11, 2018 ng alas 11:00 ng umaga sa National Highway sa Barangay Tarusan, Bataraza, Palawan ang jeep na iking pinapasada ay hinuli dahil sa sakay ko na 52 sako ng uling.
2. Na, ang nasabing jeep ay pagmamay-ari ni G. Orlando Badua at ako ang kaniyang kinuha para magmaneho dahil ang nasabing jeep ay isang pampasaherong sasakyan.
3. Na, ang nasabing mga uling ay pagmamay-ari ni Dernalyn Mauddin at siya ay nagbayad sa akin para isakay ko po ang nasabing mga uling at ihatid sa Brooke's Point, Palawan. Na, hindi ko po alam na pinagbabawal ang sinakay na mga uling.
4. Na, hindi po alam ni G. Orlando Badua na magsasakay ako ng uling sa kaniyang jeep dahil ang nasabing jeep ay pampasahero lamang.
5. Na, noong araw po na iyon si G. Badua po ay nasa Puerto Princesa at siya ay nagulat na lamang nang siya ay aking tinawagan dahil nahuli na ang pinapasada kong jeep.
6. Na, hindi po ako nagpaalam kay G. Orlando Badua na isasakay ko ang mga sako ng uling sa kaniyang jeep.
7. Ginawa ko ang salaysay na ito ng upang patunayan ang lahat ng nakasaad sa itaas at hindi ako tinakot o binayaran upang gawin ang Salaysay na ito.

BILANG PATOTOO, nilagdaan ko ang aking Salaysay ngayong ika- 7 ng Hunyo 2023 sa Munisipyo ng Brooke's Point, Lalawigan ng Palawan.


ROMY R. VEJANO
May Salaysay
Driver's License No. D11-05-048187
Valid until April 2, 2033

SINUMPAAN AT NILAGDAAN sa harap ko ngayong ika- 7 ng Hunyo 2023 sa Munisipyo ng Brooke's Point, Lalawigan ng Palawan.

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Series of 2023


ATTY. MARIA KATHARINA D. OBRERO-BADUA
NOTARY PUBLIC
UNTIL DECEMBER 31, 2023
ROLL NO. 59307
IBP NO. 251139/12/16/2022/PAL
PTR NO. 2751024/12/23/2022/BPPAL
MCLE COMPLIANCE NO. VII-0017948