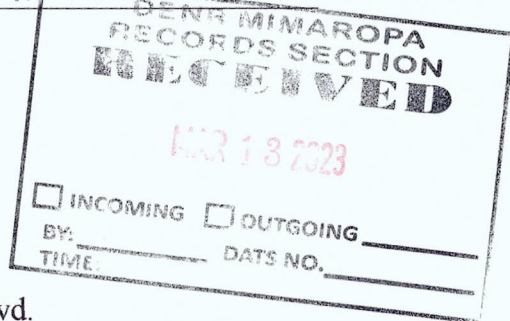




Republic of the Philippines
Department of Environment and Natural Resources
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
MIMAROPA Region

MAR 08 2023.



MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 DENR By the Bay Building , Roxas, Blvd.
Barangay 668 , Ermita , Manila

THRU : The Assistant Regional Director
For Technical Services

FROM : The OIC, PENR Officer

SUBJECT : RESOLUTION NO. 2022-73

Respectfully forwarded is the memorandum of CENR Officer Efren L. delos Reyes dated March 1, 2023 relative to the above-cited subject.

This is in relation to the result of administrative adjudication regarding the apprehension of one (1) unit of STIHL chainsaw without Serial Number by the operatives of PNP-Municipal Police Station (MPS) Calintaan at So. Cambiswer , Barangay Poblacion, Calintaan,, Occidental Mindoro.

For your information and record.


ERNESTO E. TAÑADA



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

MAR 01 2023

MEMORANDUM

FOR : The Regional Executive Director
1515 DENR by the Bay Building, Roxas Boulevard,
Barangay 668, Ermita Manila

THRU : The OIC, PENR Officer
DENR-Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : RESOLUTION NO. 2022-73

Respectfully submitted is the Resolution No. 2023-73 as result of the administrative proceedings on the apprehended one (1) unit STIHL chainsaw without Serial Number, at So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro by personnel of MPS Calintaan on May 17, 2022.

For your information and record.


EFREN L. DELOS REYES





**RE: APPREHENSION OF ONE (1) UNIT STIHL CHAINSAW WITHOUT
SERIAL NUMBER COLOR WHITE AND ORANGE WITH AN STHIL
GUIDE BAR AT BARANGAY SITIO CAMBISWER, BARANGAY
POBLACION, CALINTAAN, OCCIDENTAL MINDORO ON MAY 17,
2022 AT AROUND 4:30 IN THE AFTERNOON**

X-----X

RESOLUTION No. 2022-73

This pertains to the apprehension of One (1) unit STIHL chainsaw without serial number color white and orange with an STHIL guide bar at Barangay Sitio Cambiswer, Barangay Poblacion, Calintaan, Occidental Mindoro on May 17, 2022 at around 4:30 in the afternoon.

The facts of the subject case are as follows, to wit:

1. That, on May 17, 2022 around 5 o'clock in the afternoon the undersigned was informed by Forester Jomar B. Serquina that the Municipal Police Station of Calintaan, Occidental Mindoro had apprehended a certain Mr. Arnold Morales Prado that was in possession of One (1) unit STIHL chainsaw without serial number color white and orange with a STHIL guide bar at Sitio Cambiswer, Barangay Poblacion, Calintaan, Occidental Mindoro around 4:30 in the afternoon of the same day and believed to be illegal;
2. That, on May 18, 2022, at around 9:50 in the morning, the Calintaan MPS had turned over to this office the apprehended One (1) unit STIHL chainsaw without serial number color white and orange with a STHIL guide bar for safekeeping and proper documentation. (*Please see attached spot report*);
3. That, the corresponding Apprehension Receipt with CENRO Control No.2022-F445 was issued by the apprehending officers headed by PSMS Emilio M Mangampo Jr and PSSg Benjie E Andrade (Calintaan MPS) (*please see attached apprehension receipt*);
4. That, the Seizure Order with CENRO Control Number 2022-F445 was issued by the Seizure Officer, Forester III Hector S. Aragones, Jr. (*please see attached seizure order*);
5. That, a criminal case was filed against Mr. Arnold Morales Prado with NPS Docket No. IV-06-INQ-22E-00295 for violation of paragraph 1 of section 7 of the Republic Act No. 9175 (Chainsaw Act) ;
6. That, an invitation for an administrative adjudication dated May 18, 2022, was received by Mr. Arnold Morales Prado (*please see attached Letter*);

7. That, during administrative adjudication last May 19, 2022, Mr. Arnold Morales Prado acknowledged that he is the owner of said chainsaw, however, he did not present any legal documents issued by this Office;
8. That, Mr. Arnold Morales Prado, stated that he is aware of the facts that the use or possession of a chainsaw without any legal documents issued by the Department is a violation;

The issues to be resolved in this case are as follows:

1. Whether or not the One (1) unit STIHL chainsaw without serial number color white and orange with a STHIL guide bar **will be confiscated in favor of the government.**

The grounds for apprehension and seizure of the equipment are valid, as the Chainsaw was not supported by any legal documents issued by the office of the DENR-CENRO San Jose, Occidental Mindoro.

xxx

CHAINSAW ACT (RA 9175)

Republic Act No. 9175, **AN ACT REGULATING THE OWNERSHIP, POSSESSION, SALE, IMPORTATION, AND USE OF CHAINSAW, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES**, states that;

Section 7. Penal Provisions.

1. Selling, Purchasing, Re-selling, Transferring, Distributing, or Possessing a Chain Saw without a Proper Permit. - Any person who sells, purchases, transfers the ownership, distributes, or otherwise disposes or possesses a chain saw without first securing the necessary permit from the Department shall be punished with imprisonment of four (4) years, two (2) months, and one (1) day to six (6) years or a fine of not less than Fifteen thousand pesos (P15,000.00) but not more Thirty thousand pesos (30,000.00) or both at the discretion of the court, and the chain saw/s confiscated in favor of the government.

Xxx

Department Administrative Order No. 97-32

Sec. 2. Items subject to apprehension, seizure, confiscation, and forfeiture.

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

xxx

DENR Administrative Order No. 2003-04 – Implementing Rules and Regulations of the Chainsaw Act of 2002 (RA NO. 9175) “An Act Regulating the Ownership, Possession, Sale, Importation and, Use of Chainsaws, Penalizing Violations thereof and for other purposes.

Section 13. CONFISCATION OF CHAINSAWS-

13.1 Chainsaws sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed without proper permit or authority from the Department.

Wherefore, pursuant to the penal provision (Section 7) of Republic Act No. 9175, section 2 of DENR Administrative Order No. 97-32, series of 1997, section 13 of DENR Administrative Order No. 203-04 and based on DAO 2022- 10 (Manual of Authorities) the following is hereby recommended:

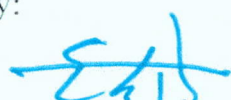
1. The One (1) unit STIHL chainsaw without serial number color white and orange with a STHIL guide bar **shall be confiscated in favour of the government** since the chainsaw is a product of illegal/ no legal documents issued by the Department.

Issued this _____ day of _____, _____ at DENR-CENRO San Jose, Occidental Mindoro.

Prepared By:


HECTOR S. ARAGONES, JR.
Forester III/Hearing Officer

Noted By:


EFREN L. DELOS REYES
CENR Officer

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

KATITIKAN NG ADMINISTRATIBONG PAGDINIG TUNGKOL SA PAGKAHULI NG ISANG (1) UNIT NG CHAINSAW STIHL NA WALANG SERIAL NUMBER NA GINANAP SA DENR-CENRO SAN JOSE OCCIDENTAL MINDORO NOONG IKA-19 NG MAYO, 2022, ALAS 2:00 NG HAPON SA PAGLABAG SA RA 9175

Mga Dumalo:

- | | | |
|------------------------|---|------------------|
| 1. Arnold Prado | - | Katugon |
| 2. Hector S. Aragon Jr | - | Hearing Officer |
| 3. Sancho Niedo III | - | Legal Researcher |
| 4. Maryjean M. Barolo | - | Stenographer |

Hearing Officer: Itong administratibong pagdinig ay tungkol sa pagkahuli ng isang (1) unit ng chainsaw STIHL na walang Serial Number sa So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro noong ika-17 ng Mayo 2022 ng mga tauhan ng PNP Calintaan.

Sa katugon, ipinapaalam po namin sa inyo na kayo po ay nasa ilalim ng administratibong pagdinig ayon sa DAO No. 97-32. Pumunta at humarap kayo sa pagdinig na ito na walang kasamang abogado o tagapagsalita para sa inyo. May karapatan kayo na kumuha ng abogado at meron kayong makukuhang abogado na nagbibigay ng libreng serbisyo. May karapatan din kayo na magsawalang kibo at ang bawat salita na inyong sasabihin ay pwedeng gagamitin laban sa inyo.

Hearing Officer: G. Arnold Prado, handa ka bang sumagot sa aking mga tanong o magbigay ng iyong malayang salaysay kahit wala kang kasamang abogado na magsasalita para sa iyo.

Arnold Prado: Opo.

Hearing Officer: G. Arnold Prado, pwede po ba kayong tumayo?

Hearing Officer: G. Arnold Prado, ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?

Arnold Prado : Opo.

Hearing Officer: Pwede po ba ninyong sabihin ang iyong pangalan, edad, tirahan, trabaho at iba pang pagkakakilanlan?

Arnold Prado: Ako po si Arnold Prado, 41 taong gulang, nakatira sa So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro

Hearing Officer: Noong ika-19 ng Mayo, 2022 sa ganap na 4: 30 ng hapon sa So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro maari mo bang isalaysay ang mga pangyayari kung paano kayo nahuli ng mga kawani ng PNP Calintaan.

Arnold Prado Ako po ay naiwan na putulin ang puno na lumililim sa may talukan.

Hearing Officer: Kilala mo ba ang pulis na nanghuli sa iyo?

Arnold Prado : Opo.

Hearing Officer: Ano ang iyong ginawa noong ikaw ay hinuli?

Arnold Prado : Nagtayo na lamang po ako.

Hearing Officer: May permit po ba ang inyong hawak na chainsaw?

Arnold Prado : Wala po.

Hearing Officer: Ikaw po ba ang may-ari ng chainsaw?
Arnold Prado: Hindi po, operator lamang ako.

Hearing Officer: Anong puno po sana ang iyong puputulin?
Arnold Prado: Akasya po.

Hearing Officer: Sino ang may-ari ng puno ng Akasya?
Arnold Prado: Hindi ko po kilala

Hearing Officer: Alam mo ba na bawal magdala o magbitbit at maggamit ng chainsaw na walang kaukulang dokumento?
Arnold Prado : Alam ko po.

Hearing Officer: G. Prado, meron ka pa bang gusto sasabihin o baguhin sa iyong salaysay?
Arnold Prado: Wala na po.

Hearing Officer: Maraming salamat po G. Arnold Prado

Hearing Officer: Maraming salamat. Dahil wala na pong katanungan dito po nagtatapos ang ating administratibong pagdinig sa ganap ng 3:10 ng hapon.

Prepared by:


MARYJEAN M. BAROLO
Stenographer

Noted by:


HECTOR S. ARAGONES JR.
Forester III
Seizure Officer/ Hearing Officer

Republic of the Philippines
Department of Justice
National Prosecution Service
Office of the Provincial Prosecutor
San Jose, Occidental Mindoro

INVESTIGATION DATA FORM

To be accomplished by the Office

DATA RECEIVED:

(Stamped and initialed)

Time received:

Receiving Staff:

NPS DOCKET NO.: IV-06-MDO-22E-00295

Assigned to:

Date Assigned:

10:40 AM

To be accomplished by compliance counsel law enforcer
(Use back portion if space is not sufficient)

COMPLAINANT/S: Name, Sex, Age & Address

HECTOR S. ARAGONES JR., male, 50 y/o,
Brgy. Mapaya, San Jose, Occ. Mdo

RESPONDENT/S: Name, Sex, Age & Address

MR. ARNOLD M. PRADO, Male, 41y/o,
So. Cambiswer, Brgy. Poblacion, Calintaan,
Occidental Mindoro

OFFENSE/S COMMITTED/LAW/S VIOLATED:
Section 7, par 1 of RA 9175

WITNESS: Name & Address

PSMS Emilio M Mangampo Jr.
PSSg Benjie E Andrade
MPS Calintaan, Occidental Mindoro

DATE & TIME of COMMISSION:
May 17, 2022 (4:30 p.m.)

PLACE of COMMISSION:
So. Cambiswer, Brgy. Poblacion, Calintaan,
Occidental Mindoro

1. Has a similar complaint been filed before any other office? * YES ___ NO ___
2. Is this complaint in the nature of a counter-charge? * YES ___ NO ___
If yes, indicate details below
3. Is this complaint related to another case before this office? * YES ___ NO ___
If yes, indicate details below

I.S. No.:
Handling Prosecutor:

CERTIFICATION

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office within five (5) days from knowledge thereof.

HECTOR S. ARAGONES JR.
(Signature over printed name)

PSMS EMILIO M MANGAMPO JR.
(Signature over printed name)

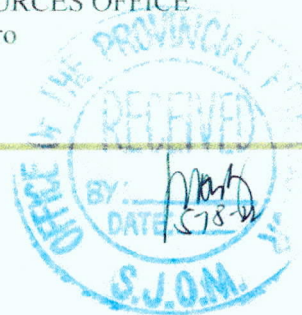
PSSg BENJIE E ANDRADE
(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this _____ day of MAY 18 2022 in _____

WARREN WESLEY M. MALALAB
Prosecutor
Prosecutor Administering Oath



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosan jose@denr.gov.ph



1ST INDORSEMENT

May 18, 2022

Respectfully referred for inquest to the Honorable Prosecutor is herein case for the proper disposition.

Offense Committed : Section 7, par (1) of RA 9175

Respondent Address : **ARNOLD MORALES PRADO**

So. Cambiswer, Brgy. Poblacion, Calintaan,
Occidental Mindoro

Date and Place : May 17, 2022

So. Cambiswer, Brgy. Poblacion, Calintaan,
Occidental Mindoro

Facts:

That on or about 4:30 in the afternoon of May 17, 2022 that a certain **ARNOLD MORALES PRADO** is in possession of undocumented equipment who about to cut Rain Tree (Acacia) within the jurisdiction of this Honorable Court the above named accused, did then and there, willfully, unlawfully and feloniously possessed one (1) unit chainsaw STHIL Brand without Serial Number with an estimated value of Php 20,000.00, without legal documents as required by existing forestry laws, rules and regulation to the damage and prejudice of the government.

Please be informed also that the subject apprehended equipment was also subjected to the administrative proceeding of this Office pursuant to DENR Administrative Order No. 97-32.



Witnesses:

1. PSMS Emilio M Mangampo Jr.
2. PSSg Benjie E Andrade

Evidences:

1. Affidavit of complainant
2. Affidavit of Apprehending Officer
3. Apprehension receipt of apprehended item
4. Seizure receipt of Apprehended item
5. Recapitulation and assessed value
6. Email for transmission
7. Certification of no records
8. Notice of Administrative Hearing
9. PNP spot report
10. Receipt/ inventory of properties seized
11. Chain of custody
12. Picture of apprehended chainsaw
13. Booking mugshot

Advice of the action taken will be appreciated.

Thank You.


EFREN L. DELOS REYES
 CENR Officer

Republika ng Pilipinas)
Lalawigan Ng Kanlurang Mindoro) S.S.
Bayan Ng San Jose)
X-----X

AFFIDAVIT OF COMPLAINANT

Ako si **Forester III HECTOR S. ARAGONES, JR.**, 50 taong gulang may-asawa at kawani ng Kagawaran ng Kapaligiran at Likas Yaman, itinalagang bilang hepe ng Enforcement and Monitoring Section (EMS) ng DENR- CENRO San Jose, Occidental Mindoro.

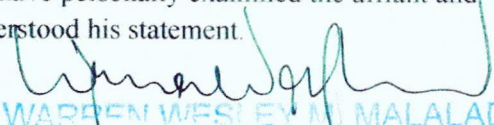
1. Na, noong ika- 17 ng Mayo 2022 ganap na ika-5:00 ng hapon, pinaalam sa akin ni Forester Jomar Serquiña, na tumawag ang Calintaan MPS na meron silang nahuling chainsaw sa So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro.
2. Na, noong ika-18 ng Mayo 2022 ganap na alas 9:50 ng umaga, pumunta ang mga tauhan ng Calintaan Municipal Station dala ang chainsaw at ang operator ng chainsaw na si Arnold Morales Prado.
3. Na, aking kinausap ang operator ng chainsaw na si Arnold Morales Prado, 42 taong gulang at nakatira sa So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro at aking pinaliwanag sa kanya ang kanyang paglabag sa section 7 paragraph 4 ng RA 9175 (Chainsaw Act).
4. Na, aming sinuri ang chainsaw at ayun sa aming record sa opisina, walang certificate of registration ang nasabing chainsaw.
5. Na, ang mga nahuling chainsaw ay minarkahan ng Calintaan MPS ng EMM 051722 para sa pagkakilanlan.
6. Na, ginawa ko ang salaysay na ito na walang tumakot, pumilit o nangakong kapalit bagkus ay sarili kong kaisipan at kapasyahan. Bilang patunay sa lahat ng ito ay ilalagda ko sa ibaba ang aking buong pangalan ngayong ika-18 ng Mayo, 2022 dito sa San Jose, Occidental Mindoro.
7. Na, ginawa ko ang salaysay kong ito na walang tumakot, pumilit o nangakong kapalit bagkus ay sarili kong kaisipan at kapasyahan.

Bilang patunay sa lahat ng ito ay ilalagda ko sa ibaba ang aking buong pangalan ngayong ika- 18 ng Mayo 2022 dito sa San Jose, Occidental Mindoro.


HECTOR S. ARAGONES JR.
Nagsalaysay

OATH AND CERTIFICATION

SUBSCRIBED AND SWORN to before me this MAY 18 2022
at San Jose, Occidental Mindoro. I further certify that I have personally examined the affiant and I am fully satisfied that he voluntarily executed and understood his statement.


WARREN WESLEY M. MALALAD
Prosecutor

Republic of the Philippines)
Province of Occidental Mindoro) S.S
Municipality of Calintaan)

JUDICIAL AFFIDAVIT

Ako, PSSg Benjie E Andrade, 35 taong gulang, may asawa, miyembro ng Pambansang Pulisya ng Pilipinas at nakatalaga sa Calintaan Municipal Police Station naninirahan sa Brgy. Iriron, Calintaan, Occidental Mindoro matapos makapanumpa ng naaayon sa batas ay kusang loob na nagsasalaysay ng tulad dito ay ang mga sumusunod:

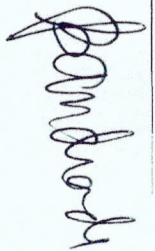
PANGUNANG SALITA

Ang nagtatanong sa akin sa judicial affidavit kong ito ay si PSSg Maria Anna A Barolo na isang pulis na nakatalaga sa Calintaan Municipal Police Station at ginanap ang pagtatanong niya sa akin sa Himpilan ding ito.

Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang magsabi ng katotohanan lamang at batid ko na maari akong managot kung sakaling ako ay magsinungaling.

MGA TANONG AT SAGOT

01. TANONG : Ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?
SAGOT : Opo
02. T : Ano naman ang dahilan at naririto ka ngayon sa loob ng Investigation Section at nahaharap sa pagsisiyasat na ito ?
S : Magbibigay po ako ng aking salaysay hinggil sa pagkakaaresto namin kay Arnold Morales Prado.
03. T : Ano naman ang dahilan at siya ay inyong inaresto?
S : Dahil siya ay nagtangkang pumutol ng isang puno gamit ang isang chainsaw ng walang kaukulang permit.
04. T : Kailan at saan naman ninyo naaresto si Fernan Bullagay?
S : Noon pong ika -17 ng Mayo 2022 humigit kumulang ika - 04:30 ng hapon sa So Cambiswer Brgy. Poblacion, Calintaan, Occidental Mindoro.
05. T : Sa ikaliliwanag ng pagsisiyasat na ito, maari mo bang isalaysay o sabihin kung ano ang tunay na nangyari sa pagkakahuli ninyo kay Arnold Prado?
S : Noong pong ika - 17 ng Mayo 2022 humigit kumulang ika 04:00 ng hapon kami ay nag ikot sa Brgy. Poblacion, Calintaan, Occidental Mindoro gamit ang mga personal na sasakyan upang mag manman sa nasabing lugar para sa posibleng mga illegal na Gawain. Sa pagsapit namin sa So Cambiswer ng nasabing Barangay ay agad kaming nag-ikot sa mga lugar na malapit sa mga kakahuyan at doon ay nakita namin ang

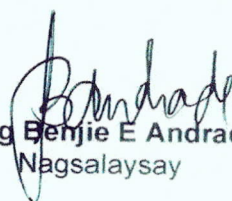


X-----X

isang tao na mayroong hawak na chainsaw at naghahanda na siyang putulin ang isang puno ng acacia kung kayat agad naming siyang nilapitan at tinanong kung mayroon siyang permit sa pagputol at permit ng chainsaw ngunit wala po siyang maipakita sa amin.

06. T : Ano naman ang ginawa ninyo matapos malaman na walang kaukulang permit ang gagawin niyang pagputol sa puno at ang gamit niyang chainsaw?
S : Agad naming sinabi sa kaniya na labag sa batas ang kaniyang ginagawa at kaagad na rin namin siyang inaresto at ipinaalam ang kaniyang mga karapatan alinsunod sa batas.
07. T : Maliban sa pag-aresto kay Fernan Bullagay, ano pa ang inyong ginawa?
S : Kinumpiska rin namin ang gamit niyang chainsaw at pagkatapos ay dinala na namin siya kasama ang nakumpiskang ebidensiya sa aming himpilan.
08. T : Mayroon bang Brand name at serial number ang sinasabi mong chainsaw na inyong nakumpiska?
S : Wala po brand name at serial number pero may label po ito sa mismong blade ng Chainsaw na STIHL at sa mismong cover ng makina nito na CHAINSAW.
09. T : Anong kulay naman ito kung iyong natatandaan?
S : Kulay orange po ito.
10. T : Sino naman ang mga kasama mo sa paghuli kay Fernan Bullagay?
S : Kasama ko ng mga oras na iyon ay si PSMS Emilio M Mangampo Jr.
11. T : Pagdating sa inyong himpilan, ano naman ang ginawa ninyo sa inyong nakumpiskang mga ebidensiya?
S : Ang nakumpiskang chainsaw ay minarkahan po ni PSMS Emilio M Mangampo Jr ng EMM-051722 sa harap ni Arnold Prado at pagkatapos ay pormal niya itong itinurn-over sa imbestigador.
12. T : Pansamantala ay wala na akong itatanong nakahanda ka bang lagdaan ang salaysay mong ito na may tatlong (3) pahina?
S : Opo.

-WAKAS NG SALAYSAY-

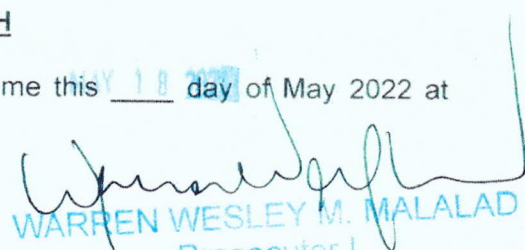

PSSg Benjie E Andrade
Nagsalaysay

Pahina 3... Karugtong ng Salaysay ni PSSg Benjie E Andrade ngayong ika -18 ng Mayo 2022.

x-----x

OATH

SUBSCRIBED AND SWORN to before me this 18 day of May 2022 at San Jose, Occidental Mindoro.


WARREN WESLEY M. MALALAD
Prosecutor I

ATTESTATION

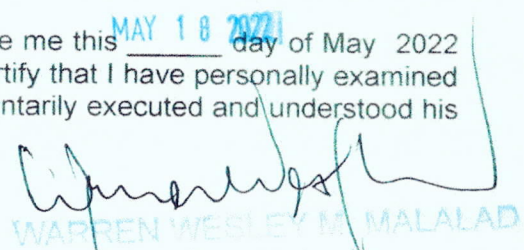
I attest to the fact that I personally supervised the taking of the testimony of the witness **PSSg Benjie E Andrade** the result was reduced in this Judicial Affidavit and I further attest that the questions asked to the witness and his answer to the same were faithfully recorded and that no one assisted or coached the witness when he answered the question ask on him.


Maria Anna Barolo
Police Staff Sergeant
Investigator



OATH AND CERTIFICATION

SUBSCRIBED AND SWORN to before me this 18 day of May 2022 at San Jose, Occidental Mindoro. I further certify that I have personally examined the affiant and I am fully satisfied that he voluntarily executed and understood his statement.


WARREN WESLEY M. MALALAD
Prosecutor I

Republic of the Philippines)
Province of Occidental Mindoro) S.S
Municipality of Calintaan)

JUDICIAL AFFIDAVIT

Ako, PSMS Emilio M Mangampo Jr, 41 taong gulang, may asawa, miyembro ng Pambansang Pulisya ng Pilipinas at nakatalaga sa Calintaan Municipal Police Station naninirahan sa Brgy. Poblacion, Calintaan, Occidental Mindoro matapos makapanumpa ng naaayon sa batas ay kusang loob na nagsasalaysay ng tulad dito ay ang mga sumusunod:

PANGUNANG SALITA

Ang nagtatanong sa akin sa judicial affidavit kong ito ay si PSSg Maria Anna A Barolo na isang pulis na nakatalaga sa Calintaan Municipal Police Station at ginanap ang pagtatanong niya sa akin sa Himpilan ding ito.

Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang magsabi ng katotohanan lamang at batid ko na maari akong managot kung sakaling ako ay magsinungaling.

MGA TANONG AT SAGOT

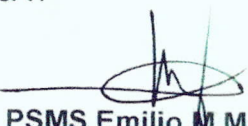
01. TANONG : Ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?
SAGOT : Opo
02. T : Ano naman ang dahilan at naririto ka ngayon sa loob ng Investigation Section at nahaharap sa pagsisiyasat na ito ?
S : Magbibigay po ako ng aking salaysay hinggil sa pagkakaaresto namin kay Arnold Morales Prado.
03. T : Ano naman ang dahilan at siya ay inyong inaresto?
S : Dahil siya ay nagtangkang pumutol ng isang puno gamit ang isang chainsaw ng walang kaukulang permit.
04. T : Kailan at saan naman ninyo naaresto si Fernan Bullagay?
S : Noon pong ika -17 ng Mayo 2022 humigit kumulang ika - 04:30 ng hapon sa So Cambiswer Brgy. Poblacion, Calintaan, Occidental Mindoro.
05. T : Sa ikaliliwanag ng pagsisiyasat na ito, maari mo bang isalaysay o sabihin kung ano ang tunay na nangyari sa pagkakahuli ninyo kay Arnold Prado?
S : Noong pong ika - 17 ng Mayo 2022 humigit kumulang ika 04:00 ng hapon kami ay nag ikot sa Brgy. Poblacion, Calintaan, Occidental Mindoro gamit ang mga personal na sasakyan upang mag manman sa nasabing lugar para sa posibleng mga illegal na Gawain. Sa pagsapit namin sa So Cambiswer ng nasabing Barangay ay agad kaming nag-ikot sa mga lugar na malapit sa mga kakahuyan at doon ay nakita namin ang

x-----x

isang tao na mayroong hawak na chainsaw at naghahanda na siyang putulin ang isang puno ng acacia kung kayat agad naming siyang nilapitan at tinanong kung mayroon siyang permit sa pagputol at permit ng chainsaw ngunit wala po siyang maipakita sa amin.

06. T : Ano naman ang ginawa ninyo matapos malaman na walang kaukulang permit ang gagawin niyang pagputol sa puno at ang gamit niyang chainsaw?
S : Agad naming sinabi sa kaniya na labag sa batas ang kaniyang ginagawa at kaagad na rin namin siyang inaresto at ipinaalam ang kaniyang mga karapatan alinsunod sa batas.
07. T : Maliban sa pag-aresto kay Fernan Bullagay, ano pa ang inyong ginawa?
S : Kinumpiska rin namin ang gamit niyang chainsaw at pagkatapos ay dinala na namin siya kasama ang nakumpiskang ebidensiya sa aming himpilan.
08. T : Mayroon bang Brand name at serial number ang sinasabi mong chainsaw na inyong nakumpiska?
S : Wala po brand name at serial number pero may label po ito sa mismong blade ng Chainsaw na STIHL at sa mismong cover ng makina nito na CHAINSAW.
09. T : Anong kulay naman ito kung iyong natatandaan?
S : Kulay orange po ito.
10. T : Sino naman ang mga kasama mo sa paghuli kay Fernan Bullagay?
S : Kasama ko ng mga oras na iyon ay si PSSg Benjie E Andrade.
11. T : Pagdating sa inyong himpilan, ano naman ang ginawa ninyo sa inyong nakumpiskang mga ebidensiya?
S : Ang nakumpiskang chainsaw ay minarkahan ko ng EMM-051722 sa harap ni Arnold Prado at pagkatapos ay pormal ko na itong itinurn-over sa imbestigador.
12. T : Pansamantala ay wala na akong itatanong nakahanda ka bang lagdaan ang salaysay mong ito na may tatlong (3) pahina?
S : Opo.

-WAKAS NG SALAYSAY-

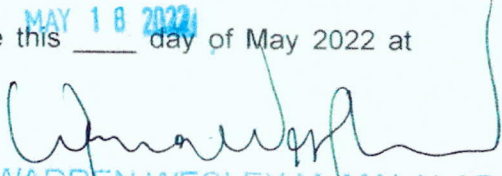

PSMS Emilio M Mangampo Jr
Nagsalaysay

Pahina 3... Karugtong ng Salaysay ni PSMS Emilio M Mangampo Jr ngayong ika
-18 ng Mayo 2022.

x-----x

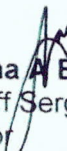
OATH

SUBSCRIBED AND SWORN to before me this MAY 18 2022 day of May 2022 at
San Jose, Occidental Mindoro.


WARREN WESLEY M. MALALAD
Prosecutor I

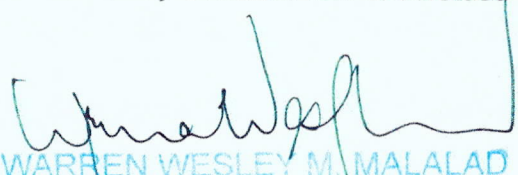
ATTESTATION

I attest to the fact that I personally supervised the taking of the testimony
of the witness **PSMS Emilio M Mangampo Jr**, the result was reduced in this
Judicial Affidavit and I further attest that the questions asked to the witness and
his answer to the same were faithfully recorded and that no one assisted or
coached the witness when he answered the question ask on him.


Maria Anna A. Barolo
Police Staff Sergeant
Investigator

OATH AND CERTIFICATION

SUBSCRIBED AND SWORN to before me this MAY 18 2022 day of May 2022
at San Jose, Occidental Mindoro. I further certify that I have personally examined
the affiant and I am fully satisfied that he voluntarily executed and understood his
statement.


WARREN WESLEY M. MALALAD
Prosecutor I

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address: Labangan, San Jose, Occidental Mindoro

APPREHENSION RECEIPT

CENRO Control No.: 2022-F445
E-FMS No: 2022-175110-F445

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age	Participation	Status of the Person
Arnold M. Prado	So. Cambiswer, Brgy. Poblacion, Calintaan, Occ. Mdo.	single	41	possessor	

pursuant to the provision of P.D. 705 as amended by E.O. No. 277 and DENR Administrative Order No. 97-32 Series of 1997 for the following Forest Products, Conveyances, Machinery/Equipment, Tool and Implements that have been apprehended, to wit:

1. Forest Products:

MAJOR FOREST PRODUCTS									
Kind	Item:	Source/Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodian
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Minor Forest Products				
Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A

Conveyance involved								
Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.	Engine No.	Chassis No.	Accessories
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Estimated Value:					

If Animal			
Kind	Quantity	Gender	Color
N/A	N/A	N/A	N/A

Equipment Involved					
Type	Quantity	Details	Impounding Area	Custodian	Estimated Value
chainsaw	1	STIHL	MPS Calintaan Station		Php 20,000.00

Implements Involved	
Type	Quantity
N/A	N/A

2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

APPREHENSION						
Date and Time of Apprehension	Place of Apprehension				Apprehending Officer	Factual Legal Basis for Apprehension
	Province	City/Municipality	Barangay	Sitio		
May 17, 2022 4:30 pm	OCC. MINDORO	CALINTAAN	POBLACION	CAMBISWER	PNP CALINTAAN	Sec. 7, par. 1 of RA 9175

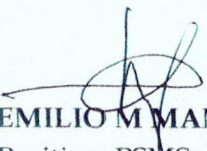
Is/are hereby declare under apprehension on the following FACTUAL reasons:

- _____
- _____

The subject forest products, conveyances, machinery/equipment, tool and implements and others apprehended should be kept and protected from defacement in any manner, destruction or loss and should not be altered or removed until otherwise ordered by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

Done this 17th day of May, year 2022 at Calintaan, Occ. Mindoro.

APPREHENDING OFFICER
(Signature over Printed Name)

1.  EMILIO M MANGAMPO JR

Position: PSMS

Address: MPS Calintaan

2.  BENJIE E ANDRADE

Position: PSSg

Address: MPS Calintaan

3. _____

Position: _____

Address: _____

WITNESSES:

OWNER/CLAIMNANT/REPRESENTATIVE/DRIVER
(Signature over Printed Name)

 1. ARNOLD M. PRADO

Position: _____

Address: So. Cambiswer, Brgy. Poblacion,
Calintaan, Occ. Mindoro

3. _____

Position: _____

Address: _____

2. _____

Position: _____

Address: _____

4. _____

Position: _____

Address: _____

Copy Received by:

Signature over Printed Name

Date/Time

Remarks:

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address : Labangan San Jose, Occidental Mindoro

SEIZURE ORDER

CENRO Control No.: 2022-F445
E-FMS No: 2022-175110-F445

Pursuant to the provision of P.D. 705 as amended by E.O. No. 277 and DENR Administrative Order No. 97-32 Series of 1997 the following forest products are hereby ordered seized, to wit:

FACTS

1. Forest Products:

MAJOR FOREST PRODUCTS									
Kind	Item:	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodian
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Minor forest products				
Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A

Conveyance Involved					
Type	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.
N/A	N/A	N/A	N/A	N/A	N/A

Conveyance Involved (Additional Details)				
Engine No.	Chassis No.	Accessories	Estimated Market Value	Custodian*
N/A	N/A	N/A	N/A	N/A

*turned over to the highest officer of the Regional Office concerned if government-owned vehicle.

If Animal					
Kind	Quantity	Gender	Age (Adult/Young)	Color	Custodian
N/A	N/A	N/A	N/A	N/A	N/A

Equipment Involved				
Type	Quantity	Details	Estimated Value	Custodian
chainsaw	1	STIHL without serial number	Php 20,000.00	Forester III Hector S. Aragoness Jr.

Implements Involved			
Type	Quantity	Details	Custodian
N/A	N/A	N/A	N/A

The subject Forest Products and other items were apprehended while under the possession/ control/ownership of.

Name	Address	Civil Status	Age	Participation	Status of the Person
Arnold M. Prado	So. Cambiswer, Brgy. Poblacion, Calintaan, Occ. Mdo.	single	41	possessor	

2. The subject Forest Products and other items have undergone the following Seizure proceedings

SEIZURE						
Date and Time of Seizure	Place of Seizure				Seizing Officer	Legal Basis for Seizure
	Province	City/Municipality	Barangay	Sitio		
May 18, 2022 10:00 am	OCC. MINDORO	SAN JOSE	LABANGAN	N/A	Forester III Hector S. Aragoness Jr.	Section 7, par (1) of RA 9175

*Marked with EMN 051722

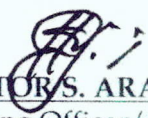
Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated May 17, 2022 and all relevant documents submitted, and after examining personally the apprehending officers and witnesses of the apprehension about the violation committed, it was determined that there is prima facie evidence that existing laws and DENR regulations have been violated and that the offender is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment/implement are hereby ordered seized and now under government custody (except government-owned vehicles).

So ordered this 18th day of May, 2022 at Brgy. Labangan, San Jose, Occidental Mindoro.


HECTOR S. ARAGONES JR.
Hearing Officer/ Seizure Officer



RECAPITULATION AND ASSESSED VALUE

A. Equipment:

Type	Item	Value
Chainsaw STIHL without Serial Number	1	Php 20,000.00
TOTAL:		Php 20,000.00

Prepared by:

JOMAR B. SERQUINA
Forester I



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

EMAIL FOR TRANSMISSION
MAY 18, 2022

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION
ERMITA, MANILA

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

PLEASE BE INFORMED THAT THE PERSONNEL OF CALINTAAN MUNICIPAL POLICE HAD APPREHENDED AND TURNED OVER TO THIS OFFICE ONE (1) UNIT UNDOCUMENTED CHAINSAW STIHL BRAND WITHOUT SERIAL NUMBER CMA MARKED WITH EMN 051722 AT SO. CAMBISWER CMA BRGY. POBLACION CMA CALINTAAN CMA OCCIDENTAL MINDORO ON MAY 17, 2022 AROUND 4:30 IN THE AFTERNOON PD

BE FURTHER INFORMED THAT THE SAID UNDOCUMENTED CHAINSAW WERE IN POSSESSION OF A CERTAIN ARNOLD MORALES PRADO WHO ABOUT TO CUT RAIN TREE (ACACIA) AND ALSO A RESIDENT OF SO. CAMBISWER CMA BRGY. POBLACION CMA CALINTAAN CMA OCCIDENTAL CMA MINDORO PD

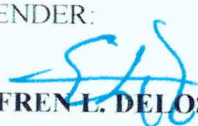
SAID UNDOCUMENTED EQUIPMENT WERE BROUGHT TO DENR-CENRO SAN JOSE OFFICE COMPOUND AT BRGY. LABANGAN CMA SAN JOSE OCCIDENTAL MINDORO FOR TEMPORARY SAFEKEPPING PD

BE INFORMED FURTHER THAT CRIMINAL CHARGES IS BEING PREPARED TO BE FILED AT THE PROVINCIAL PROSECUTORS OFFICE SAN JOSE PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

CENRO DELOS REYES

SENDER:


EFREN L. DELOS REYES
CENR OFFICER





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

Community Environment and Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro

Tel. Number (043) 457-0236 / (043) 742-6627

Email: cenrosanjose@denr.gov.ph

C E R T I F I C A T I O N

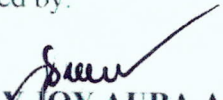
TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based on our records file there is no document found at records regarding the STIHL chainsaw without serial number, in spite of diligent searched pertaining to the Issuance of Certificate of Chainsaw Registration issued to Mr. Arnold M. Prado, 41 years old, who is a resident of Brgy. Poblacion, Calintaan, Occidental Mindoro.

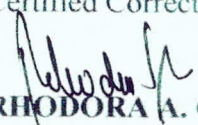
This Certification is issued upon request of Forester III Hector S. Aragon, Jr. Chief, Environment and Monitoring Section, for attachment on the filing of Criminal Complaint at the Provincial Prosecutors Office purposes.

Done this 18th day of May, 2022 at DENR-CENRO Labangan, San Jose, Occidental Mindoro.

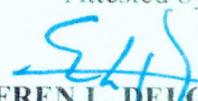
Prepared by:


DALLY JOY AURA A. ROCA
Admin. Aide VI/Records Staff

Certified Correct:


RHODORA A. GARCIA
LMO III/Chief, RPS

Attested by:


EFREN L. DELOS REYES
CENR Officer



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

May 18, 2022

NOTICE OF ADMINISTRATIVE HEARING

MR. ARNOLD M. PRADO

So. Cambiswer, Brgy. Poblacion, Calintaan
Occidental Mindoro

Ginoong Prado,

Isang maka-KALIKASANG pagbati!

Ito po ay may kaugnayan sa pagkahuli ng isang (1) unit ng chainsaw na walang kaukulang dokumento na nahuli ng mga tauhan ng PNP Calintaan, Occidental Mindoro noong ika-17 ng Mayo, 2022 humigit - kumulang alas 4:30 ng hapon.

Ang nasabing chainsaw ay pansamantalang nasa pangangalaga ng DENR CENRO San Jose sa Brgy. Labangan, San Jose, Occ. Mindoro.

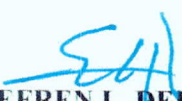
Dahil dito, kayo po ay aming inaanyayahan sa aming tanggapan sa **ika- 19 ng Mayo, 2022, araw ng Huwebes sa ganap na ika 3:00 ng hapon** para sa administratibong pagdinig at maipaliwanag ang iyong panig.

Maraming salamat po at inaasahan namin ang iyong pagdalo.

Lubos na gumagalang,


HECTOR S. ARAGONES JR.
Forester III/ Chief, EMS
Hearing Officer/ Seizure Officer

Noted By:


EFREN L. DELOS REYES
CENR Officer

Received by
AP



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE 4B
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
CALINTAAN MUNICIPAL POLICE STATION
Municipal Compound, Poblacion, Calintaan, Occidental Mindoro



MEMORANDUM

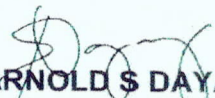
FOR : PD, Occidental Mindoro PPO
Camp Winston Sibley Ebersole
San Jose, Occidental Mindoro
(Attn: C, PIDMU)

FROM : Officer in-Charge

SUBJECT : **Spot Report on Violation of RA 9175**

DATE : May 17, 2022

-
1. WHAT : Violation of Violation of Section 7 of RA 9175 (Chainsaw Act of 2002)
 2. WHERE : Sitio Cambiswer, Brgy. Poblacion Calintaan, Occidental Mindoro
 3. WHEN : May 17, 2022/ about 04:30 PM
 4. WHO : Suspect was identified as Arnold Morales Prado, 41 years old, with live-in partner, farmer and resident of So. Cambiswer Brgy. Poblacion, Calintaan, Occidental Mindoro.
 5. HOW : Personnel of this station led by PSMS Emilio M Mangampo Jr conducted intel monitoring on the above-mentioned place and accidentally heard a noise coming from a chainsaw, when they verified such they saw the suspect while on his possession and control one (1) chainsaw STIHL Brand who about to cut a specie of Acacia Tree. Personnel asked for a necessary permit to cut however, same had no permit to present. After appraising his constitutional rights, the suspect and confiscated chainsaw were brought before this station at about 05:00 pm on the same date for documentation and proper disposition. IOC PSSg Maria Anna A Barolo with cellphone number # 09270768878.
 6. For information and progress report to follow.


ARNOLD S DAYAG
Police Lieutenant



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE 4B
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
CALINTAAN MUNICIPAL POLICE STATION
Municipal Compound, Poblacion, Calintaan, Occidental Mindoro



May 17, 2022

RECEIPT/INVENTORY OF PROPERTIES SEIZED

THIS IS TO CERTIFY that an inventory was conducted in connection with the Violation of RA 9175 Case.

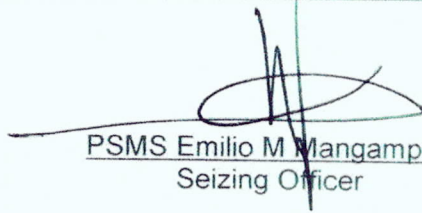
PERSONS ARRESTED : Arnold Morales Prado

DATE/TIME ARRESTED : May 17, 2022/ about 04:30 PM

PLACE OF ARREST : Sitio Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro

This certifies that the following item/property was seized in the possession of above-named arrested person, to wit:

Item No.	Quantity	Description
1	One (1) unit	Chainsaw STIHL with no serial number and with label STIHL on its blade and CHAINSAW in the cover engine


PSMS Emilio M Mangampo Jr
Seizing Officer

Suspect's acknowledgment (Signature over printed name):

ARNOLD M PRADO
A P



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE 4B
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
CALINTAAN MUNICIPAL POLICE STATION
Poblacion, Calintaan, Occidental Mindoro



CHAIN OF CUSTODY OF EVIDENCE

Nature of the case : **Violation of RA 9175**

Name of Suspect/s : **Arnold Morales Prado**

TDPO : **May 17, 2022/ about 04:30 PM at Sitio Cambiswer, Brgy.**
Poblacion Calintaan, Occidental Mindoro

Operating Unit : **Calintaan MPS**

Description of Evidence:

One (1) unit of Chainsaw STIHL with no serial number and with label
STIHL on its blade and CHAINSAW in the cover engine

TURNED OVER BY: PCMS ENILTO M. MANGAMPO JR. / ARRESTING OFFICER
(Name and Designation)

Agency/Address : CALINTAAN MPS, CALINTAAN OCCIDENTAL MINDORO
Time and Date : 04:30 PM / MAY 17, 2022
Remarks :

RECEIVED BY: PSA Maria B. A. Morales / Investigator on Case
(Name and Designation)

Agency/Address : Calintaan MPS, Calintaan Occidental Mindoro
Time and Date : 05:05 PM / May 17, 2022
Remarks :

TURNED OVER BY: PSA Maria B. A. Morales, Investigator on Case
(Name and Designation)

Agency/Address : Calintaan MPS, Calintaan Occidental Mindoro
Time and Date : 10:00 PM / May 18, 2022
Remarks :

RECEIVED BY: _____
(Name and Designation)

Agency/Address : _____
Time and Date : _____
Remarks : _____

TURNED OVER BY: _____
(Name and Designation)

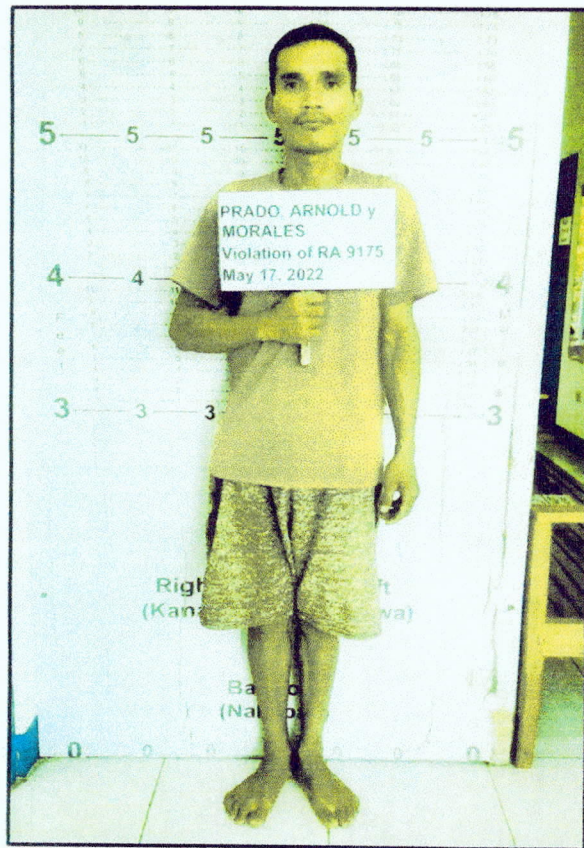
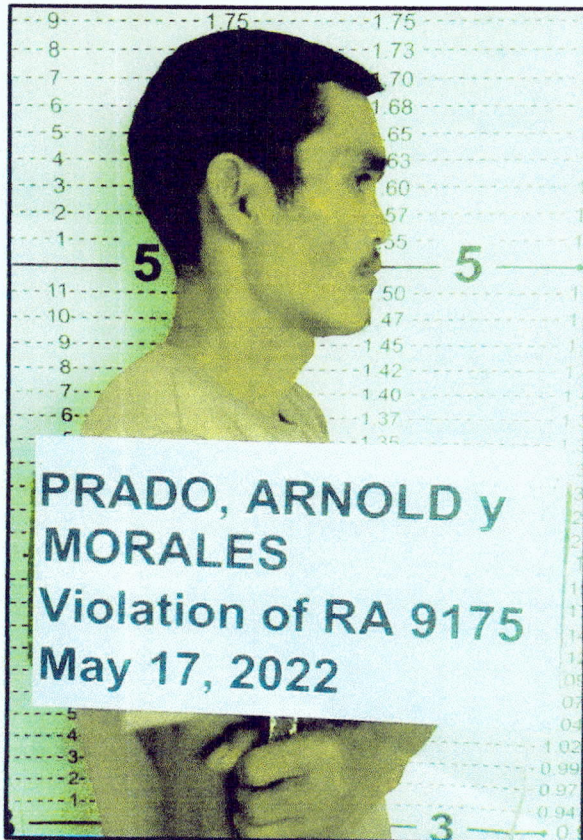
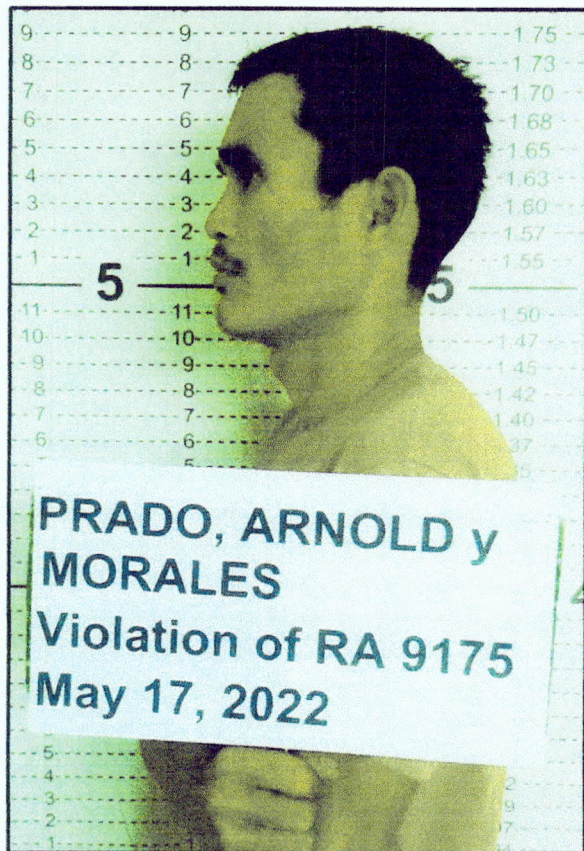
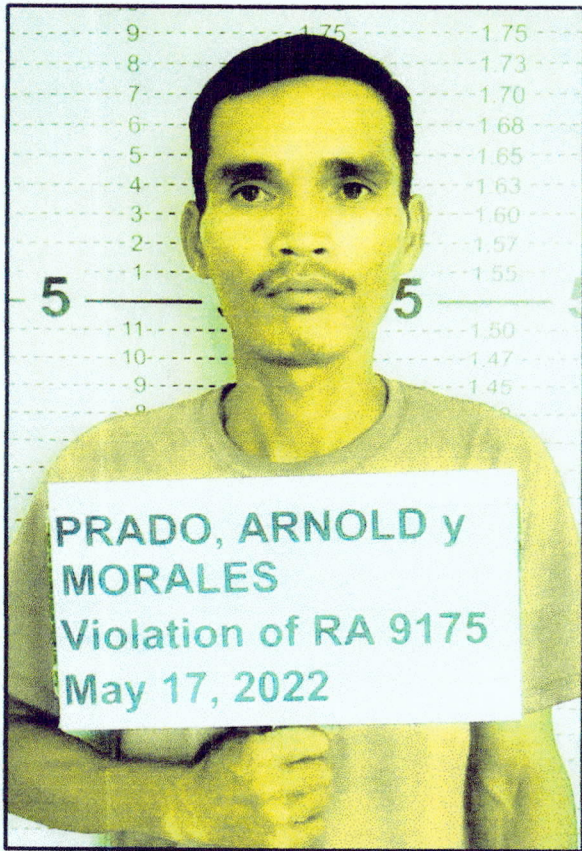
Agency/Address : _____
Time and Date : _____
Remarks : _____



BOOKING MUGSHOT

NAME OF SUSPECT: Prado Arnold Morales
(Family) (First) (Middle)

Blotter Entry Nr: 2022-05-301





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

ATTENDANCE
May 19, 2022

ADMINISTRATIVE HEARING FOR THE APPREHENSION OF ONE (1) UNIT CHAINSAW STIHL WITHOUT SERIAL NUMBER APPREHENDED BY PNP CALINTAAN AT SO. CAMBISWER, BRGY. POBLACION, CALINTAAN, OCC. MINDORO LAST MAY 17, 2022 AT AROUND 4:30 P.M.

NAME	ADDRESS	GEN DER	A G E	PARTICIPATION	SIGNATURE
ARNOLD M PRADO	CALINTAAN, OCC MDO.	M	41	respondent	A P
HECTOR S. ARAGONES JR	DENR CENRO	M	57	HEARING OFFICER	
SANCHO NIEDO III	"	M	39	LEGAL RESEARCHER	
MARY JEAN M. BAROLO	"	F	43	STENOGRAPHER	mmb audo