



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

MAR 07 2023

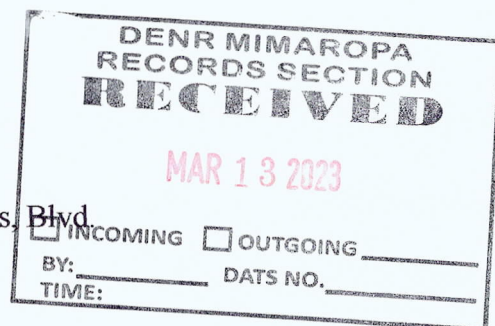
MEMORANDUM

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. 2023-003



Respectfully forwarded is the memorandum of CENR Officer Efren L. delos Reyes dated February 20, 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 with Serial No. S179781824 at Barangay Labangan Ilin , San Jose, 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

FEB 20 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

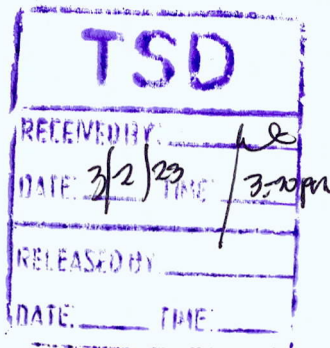
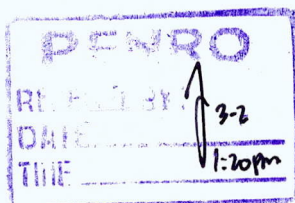
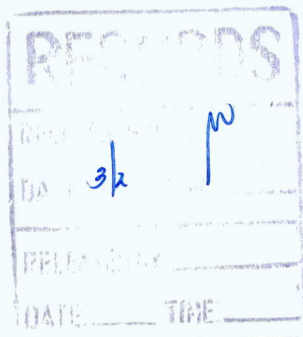
FROM : The CENR Officer

SUBJECT : RESOLUTION NO. 2023-003

Respectfully submitted is the Resolution No. 2023-003 as result of the administrative proceedings on the apprehended one (1) unit STIHL chainsaw with Serial Number S179781824 at Brgy. Labangan Ilin, San Jose, Occidental Mindoro by CENRO San Jose personnel on February 1, 2023.

For your information and record.

EFREN L. DELOS REYES





RE: APPREHENSION OF ABANDONED ONE (1) UNIT STIHL CHAINSAW WITH SERIAL NUMBER S179781824 AT BRGY. LABANGAN ILIN, SAN JOSE, OCCIDENTAL MINDORO ON FEBRUARY 1, 2023 AT AROUND 4:33 IN THE AFTERNOON.
X-----X

RESOLUTION No. 2023-003

This pertains to the apprehension of abandoned one (1) unit STIHL chainsaw with Serial Number S179781824 at Brgy. Labangan Ilin, San Jose, Occidental Mindoro by the Personnel of Enforcement and Monitoring Section (EMS) DENR- CENRO, San Jose, Occidental Mindoro.

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

1. That, on February 1, 2023 the staff/personnel of Enforcement and Monitoring Section (EMS) of this Office conducted LAWIN patrolling and monitoring/ surveillance activities at the vicinity of Brgy. Labangan Ilin, San Jose, Occidental Mindoro.
2. That, the team apprehended the above-subject equipment and hauled to Brgy. Hall of Brgy. Labangan Ilin, San Jose, Occidental Mindoro for documentation.
3. That, the corresponding Apprehension Receipt with CENRO Control No.2023-F472 was issued by the apprehending officer headed by Forest Technician I Dominic L. Vidal,
4. That, the Seizure Order with CENRO Control Number 2022- F472 was issued by the Seizure Officer, Land Management Officer III Rhodora A. Garcia
5. That, a PABATID SA PUBLIKO (Notice to the Public) was posted on February 2, February 9 and February 16, 2023 at the conspicuous places such as at Public Market of San Jose and at the Brgy. Hall of Labangan Ilin, San Jose, Occidental Mindoro.
6. That, no Administrative hearing was made because there were no claimant of the said abandoned equipment even though a Pabatid sa Publiko has been posted on three (3) separate dates and at the conspicuous places of the area of concern.

The issues to be resolved in this case are as follow;

1. Whether or not the abandoned one (1) unit STIHL chainsaw with Serial Number S179781824 will be confiscated in favor of the government.

For the resolution of the above stated case, the provision of the Republic Act No. 9175, Presidential Decree No. 705, as amended by the Executive No. 277, Republic Act 7161 and the Department Administrative Order (DAO) No. 97-32, the 1997 rules for the Administrative apprehension, seizure, confiscation and disposition of illegally possessed, cut, gathered, removed, or transported forest, the machinery, equipment, tools and implements used in the

connection therewith, and of the conveyances used to move or otherwise transport the same, shall be observed.

The ground for apprehension and seizure of the machinery, equipment and tools used in connection therewith is valid, as to the possession of machinery, equipment and tools during the time of apprehension is not supported with valid and/or legal documents as authorized by the law.

Republic Act No. 9175, An act regulating the ownership, possession, sale, importation and used of chainsaws, penalizing violations thereof and for other purposes, states that;

SECTION 5. Persons Authorized to Possess and Use a Chainsaw. - *The Department is hereby authorized to issue permits to possess and/or use a chainsaw for the felling and/or cutting of trees, timber and other forest or agro-forest products to any applicant who:*

- a. *Has a subsisting timber license agreement, production sharing agreement, or similar agreements, or a private land timber permit;*
- b. *Is an orchard or root tree farmer;*
- c. *Is an industrial tree farmer;*
- d. *Is a licensed wood processor and the chainsaw shall be used for the cutting of timber that has been legally sold to said applicant; or*
- e. *Shall use the chainsaw for a legal purpose.*

Agencies of the government that use chainsaws in some aspects of their functions must likewise secure the necessary permit from the Department before operating the same.

Presidential Decree no. 705 May 19, 1975, revising Presidential Decree no. 389, otherwise known as the Forestry Reform Code of the Philippines, as amended by Executive Order No. 277 and Republic Act 7161, states that;

SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License. - *Any person who shall cut, gather, collect, removed timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code*

xxx

SECTION 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation. - *In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.*

xxx

Department Administrative Order No. 97-32

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

- a. **ILLEGAL FOREST PRODUCTS** - *Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b) with incomplete required supporting documents 1; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d)*

with spurious (fake) authorizations, permits, and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

- b. **MACHINERY, EQUIPMENT, TOOLS AND IMPLEMENTS** – used in the possession, gathering, collecting, processing and/or transporting of illegal forest products.
2. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the apprehended abandoned one (1) unit STIHL chainsaw with Serial Number S179781824 shall be confiscated in favour of the government since those lumbers are product of an illegal act.

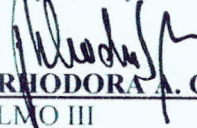
Based in the case at bar, the cutting of forest products without legal documents if proven is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act 7161 thus subject to confiscation.

Wherefore, pursuant to Section 77 and 77-a of PD 705 as amended, section 2 and 7 of DENR Administrative Order No. 97-32, series of 1990 and based on DENR Administrative Order 2022-10 (Revised DENR Manual of Authorities for Technical Matters) the following are hereby recommended:

1. The abandoned one (1) unit STIHL chainsaw with Serial Number S179781824 shall be confiscated in favour of the government since those lumber are products of an illegal act.

Issued this _____ day of **FEB 17 2023** at DENR-CENRO San Jose, Occidental Mindoro.

Prepared By:


RHODORA A. GARCIA
LMO III

Hearing Officer/ Seizure Officer

Noted 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

472

EMAIL FOR TRANSMISSION
FEBRUARY 2, 2023

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

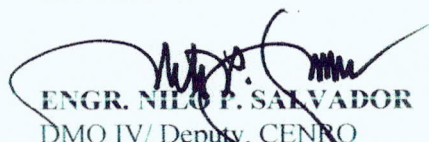
PLEASE BE INFORMED THAT PERSONNEL OF ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE HAD APPREHENDED ONE (1) UNIT STIHL CHAINSAW WITH SERIAL NUMBER S179781824 ON FEBRUARY 1, 2023 AT AROUND 4:33 IN THE AFTERNOON AT BRGY. LABANGAN ILIN CMA SAN JOSE CMA OCCIDENTAL MINDORO PD

BE FURTHER INFORMED THAT THE SAID EQUIPMENT WAS FOUND ABANDONED AND NO CLAIMANT APPEARED DURING THE TIME OF APPREHENSION PD SAID UNDOCUMENTED EQUIPMENT WAS BROUGHT TO DENR-CENRO SAN JOSE OFFICE COMPOUND AT BRGY. LABANGAN CMA SAN JOSE CMA OCCIDENTAL MINDORO FOR SAFEKEEPING PURPOSES PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

ENGR. SALVADOR

SENDER:


ENGR. NILO P. SALVADOR
DMO IV/ Deputy, CENRO
In-Charge, Office of the CENRO

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



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

EMAIL FOR TRANSMISSION
FEBRUARY 2, 2023

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

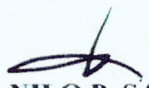
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BE FURTHER INFORMED THAT THE SAID EQUIPMENT WAS FOUND ABANDONED AND NO CLAIMANT APPEARED DURING THE TIME OF APPREHENSION PD SAID UNDOCUMENTED EQUIPMENT WAS BROUGHT TO DENR-CENRO SAN JOSE OFFICE COMPOUND AT BRGY. LABANGAN CMA SAN JOSE CMA OCCIDENTAL MINDORO FOR SAFEKEEPING PURPOSES PD

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ENGR. SALVADOR

SENDER:


ENGR. NILO P. SALVADOR
DMO IV/ Deputy, CENRO
In-Charge, Office of the CENRO



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

CIN-SITE APPREHENSION REPORT

FEBRUARY 1, 2023

The CENR Officer
San Jose, Occidental Mindoro

THRU : The Chief, Enforcement and Monitoring Section

FROM : The Apprehending Officers

SUBJECT : APPREHENSION OF ONE (1) UNIT STILL CHAINSAW WITH
SERIAL NUMBER S179781824 COLOR ORANGE & WHITE

SIR:

Hereunder is a report on the apprehension made by the undersigned.

1. Place, Date and Time of Apprehension.

The Apprehension was undertaken at LABANGAN, IUN ISLAND SUDM on
FEB. 1, 2023 at LABANGAN IUN ISLAND o'clock in the 4:37 PM
SUDM

2. Name, Age, Address of the apprehended person/s

Name	Age/Birthday	Address	Marital Status
N/A	N/A	N/A	N/A

3. Name and Address of individual/officials who conducted, assisted and witnessed the apprehension

Name	Office/Position	Address
N/A	N/A	N/A

4. Circumstances that led to the apprehension (caught in the act during regular patrolling etc.)

5. Quantities and description of items apprehended (see attached tally/inventory sheet and on-site report)

Quantities	Items	Description
1	CHAINSAW	STILL CHAINSAW / SERIAL NUMBER S179781824 COLOR ORANGE & WHITE

6. Place, time and date of origin and intended destinations, consignors and consignee of items apprehended (if applicable).

V/A


7. Nature of Offence Cited.

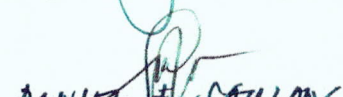
PD 705 + RA 917N

8. Remarks, other information, comments and recommendations.

POSTING OF NOTICE TO THE PUBLIC RE: APPREHENDED CITIZENS

Very truly yours,


DOMINIC L. VIDAR
(Signature over name)


DANIEL F. SAULONG
(Signature over name)

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

APPREHENSION RECEIPT

CENRO Control No.:	2023- F472
E-FMS No:	2023- 175110- F472

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age	Participation	Status of the Person
N/A	N/A	N/A	N/A	N/A	N/A

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
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

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 CHAINSAW WITH SERIAL NUMBER S179781824 ON FIRE JUMPER	DENR - GEN/20 SAN JOSE	SEIZURE OFFICER	35,000.00

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		
FEBRUARY 1, 2023 4:33 PM	Occ. MINDORO	SAN JOSE	LABANGAN LIN ISLAND		DOMINIC L. VIDAL MONIEL F. SAILONG	PD 705 & RA 9175

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

- CUTTING w/ NO PERMIT TO CUT
- NO PERTINENT DOCUMENT
-

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 1st day of FEB. year 2023 at SAN JOSE Occ. Mindoro.

APPREHENDING OFFICER
(Signature over Printed Name)

1. DOMINIC L. VIDAL
Position: FTI
Address: DEPT - CENMO VI

2. RONIE F. CHANONG
Position: #PO
Address: DEPT - CENMO VI

3. _____
Position: _____
Address: _____

WITNESSES:

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

1. _____
Position: _____
Address: _____

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.:	2023 - F472
E-FMS No:	2023 - 175110 - F472

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
CARBIN SW	1	ST/H L CHAIN SAW SERIAL NUMBER SM9781824 LOW ORANGE Y W/PTFE	35,000.00	SEIZURE OFFICER

Implements Involved			
Type	Quantity	Details	Custodian

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
N/A	N/A	N/A	N/A	N/A	N/A

- 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	Site		
FEB. 1, 2023 7:56 PM	OCCIDENTAL MINDORO	DANJOSE	LARANGAN / LIN ISLAND		RHODORA A. GARCIA	NO PERTINENT DOCUMENT

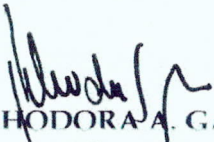
Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated _____ 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 NT of FEBRUARY, 2023 day at DENR - GENRO OFFICE SAN JOSE Occidental Mindoro.


RHODORA A. GARCIA
Seizure Officer/Hearing Officer

Copy furnished:



APPREHENSION OF ONE (1) UNIT STIHL CHAINSAW WITH SERIAL
NUMBER S179781824 AT BRGY. LABANGAN ILIN, SAN JOSE,
OCCIDENTAL MINDORO





FEB 02 2023

UNANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW NA MAY SERIAL NUMBER S179781824 NA INIWAN SA BRGY. LABANGAN ILIN, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-1 NG PEBRERO, 2023 SA GANAP NA ALAS 4: 33 NG HAPON.

ANG NASABING CHAINSAW AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING CHAINSAW AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,

RHODORA A. GARCIA

LMO III

Seizure Officer/ Hearing Officer

NOTED BY:

ENGR. NILO P. SALVADOR

DMO IV/ Deputy, CENRO

In-Charge, Office of the CENRO



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

FEB 09 2023

IKALAWANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW NA MAY SERIAL NUMBER S179781824 NA INIWAN SA BRGY. LABANGAN ILIN, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-1 NG PEBRERO, 2023 SA GANAP NA ALAS 4: 33 NG HAPON.

ANG NASABING CHAINSAW AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARING NASABING CHAINSAW AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,

RHODORA A. GARCIA

LMO III

Seizure Officer/ Hearing Officer

NOTED 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

FEB 16 2023

IKATLONG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW NA MAY SERIAL NUMBER S179781824 NA INIWAN SA BRGY. LABANGAN ILIN, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-1 NG PEBRERO, 2023 SA GANAP NA ALAS 4: 33 NG HAPON.

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LUBOS NA GUMAGALANG,

RHODORA A. GARCIA

LMO III

Seizure Officer/ Hearing Officer

NOTED BY:

EFREN L. DELOS REYES

CENR Officer