



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

2

March 22, 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Regional

FROM : The OIC - PENRO
Oriental Mindoro

SUBJECT : **ANSWER TO THE COMPLAINT OF MS. MARIFEL Q. MONTIEL IN RE: CONFISCATION OF ISUZU FORWARD TRUCK (BED TYPE) WITH PLATE NUMBER NBO 8973 OF STEEL KING HARDWARE [PACE CODE NO. WIC-NEM-03-03-2023-023]**

DENR MIMAROPA RECORDS SECTION RECEIVED	
MAR 27 2023	
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BY: _____	DATE NO. _____
TIME: _____	

Transmitted is the answer of Mr. Reynaldo D. Pudiquet, Chief, Monitoring and Enforcement Section of CENRO Roxas, Oriental Mindoro relative to the received copy of the complaint of Ms. Marifel Q. Montiel, representative of Mr. Zhang Yudong on the impounded conveyance with plate number NBO 7983 loaded with twelve (12) sacks of wood charcoal with PACE Code No. WIC-NEM-03-03-2023-023.

For information and reference.

ALAN L. YALLE



PENRO Tracking No.: 2303000366
FN: TSD/MES/Rick

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro
DENR Contact Nos. (043) 288-3017, tel. fax. 288-3006



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
Camia St., San Mariano, Roxas, Oriental Mindoro

March 13, 2023

MEMORANDUM

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

ATTN: The Chief Law Enforcement Division
The Chief Legal Division

THRU : The OIC, PENR Office
Suqui, Calapan City,
Oriental Mindoro

FROM : The CENR Officer
Roxas, Oriental Mindoro

SUBJECT : **ANSWER TO THE COMPLAINT OF MS. MARIFEL Q. MONTIEL
IN RE: CONFISCATION OF ISUZU FORWARD TRUCK (BED
TYPE) WITH PLATE NUMBER NBO 8973 OF STEEL KING
HARDWARE
PACE CODE NO. WIC-NEM-03-03-2023-023**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENR TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	MAR 16 2023
TIME:	

Respectfully furnishing your office with a copy of the Answer of Mr. Reynaldo D. Pudiquet, Forester III, Chief-MES, to the Complaint of Marifel Q. Montiel coursed through the Presidential Action Center of the Office of the President in Malacañang, Manila regarding the confiscation of one (1) unit of Isuzu Forward Truck (Bed Type) bearing Plate Number NBO 8973 of Steel King Hardware loaded with twelve (12) sacks of wood charcoal without any certification/permit to transport forest products thereby violating of P.D. 705, as amended.

For information and further instruction.

[Signature]
ENGR. CAESAR E. QUEBEC

Contact No. : 0917 876 9985/ 0917 113 5572
VOP: (043) 289-7118
Email: cenroroxas_orientalmin@yahoo.com



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
Camia St., San Mariano, Roxas, Oriental Mindoro

March 13, 2023

JAIME LLAGUNO MABILIN
DIRECTOR IV
OFFICE OF THE PRESIDENT
PRESIDENTIAL ACTION CENTER
Malacañang, Manila

PACE CODE NO. WIC-NEM-03-03-2023-023

**SUBJECT: ANSWER TO THE COMPLAINT OF MS. MARIFEL Q. MONTIEL IN RE:
CONFISCATION OF ISUZU FORWARD TRUCK (BED TYPE) WITH
PLATE NUMBER NBO 8973 OF STEEL KING HARDWARE**

Dear Director Mabilin:

Greetings!

On March 10, 2023, this office, DENR – CENRO Roxas, Oriental Mindoro, received a copy of the complaint of Ms. Marifel Q. Montiel dated March 03, 2023, coursed through the Presidential Action Center of the Office of the President, Malacañang, Manila.

Ms. Marifel Q. Montiel, a representative of Mr. Zhang Yudong of Steel King Hardware in Calapan, Oriental Mindoro, alleges the following in her complaint:

1. That there is one (1) unit of Isuzu forward truck bed type bearing plate no. NBO 8973 which is currently under the custody of Mr. Reynaldo D. Pudiquet (Forester III, Chief MES) of DENR CENRO Roxas, Oriental Mindoro.
2. That there is a Release Order from Judge Divina Lea A. Perdiguerra of the Municipal Circuit Trial Court of Mansalay, Oriental Mindoro granting the Motion to Release the said apprehended vehicle dated February 17, 2021.
3. That Mr. Reynaldo D. Pudiquet is asking for a cash bond amounting to Php. 1,250,000.00 to release the said vehicle.

Based on official records, regarding the above-stated allegations No. 1 and 2, the Isuzu forward truck bed type bearing plate no. NBO 8973 loaded with twelve (12) sacks of wood charcoal without any certification/permit to transport forest products was apprehended by elements of MPS Mansalay at Brgy. Poblacion, Mansalay, Oriental Mindoro on December 18, 2020. The said apprehended vehicle was turned over in this office, DENR CENRO Roxas, Oriental Mindoro, for custody. Criminal Case No. 2632 for violation of P.D. 705 (*PP v. Erwin Quiñones Montiel, Chris Montiel Evangelista, and Ariel Hermosa Alman*) was then filed before the Municipal Circuit Trial Court of Mansalay, Oriental Mindoro. I also conducted an administrative hearing regarding the said case as per Sec. 45 of P.D. 705, as amended and DENR Administrative Order (DAO) No. 1997-32

On February 19, 2021, this office filed a MANIFESTATION before the Hon. Judge Divina Lea A. Perdiguerra of the Municipal Circuit Trial Court, Mansalay, Oriental Mindoro regarding the release of the said vehicle. The MANIFESTATION specified that our office has no authority to



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release any of the seized items under its custody before the decision of the DENR Regional Office in its administrative proceedings under Sec. 77-A of P.D. 705, as amended, and the provisions of DAO No. 1997-32 which the said court duly noted on February 22, 2021, as evidenced by ANNEX A.

On September 08, 2022, a RESOLUTION (*In re: Confiscation Of Twelve (12) Sacks of Wood Charcoal and One (1) Unit Of Isuzu Forward Truck (Bed Type) with Plate Number NBO 8973 Apprehended at Brgy. Poblacion, Mansalay, Oriental Mindoro*) was issued by the DENR MIMAROPA Region, and duly signed by our Regional Executive Director Lormelyn E. Claudio, CESO IV DENYING the instant Motion for Reconsideration for the release of the said apprehended vehicle filed by the accused Erwin Quiñones Montiel et. al. of Steel King Hardware.

A copy of the said RESOLUTION was sent to and duly received by Steel King Hardware in Brgy. Tawiran, Calapan City, Oriental Mindoro on December 15, 2022, as evidenced by ANNEX B.

However, the complainant Montiel did not attach the said RESOLUTION to her complaint letter that was sent to your office. As stated above, they received a copy of the RESOLUTION as early as December 15, 2022. They began filing the Special Power of Attorney regarding the filing of the complaint letter only on December 16, 2022, and gathered their attachments on the said complaint on February 20, 2023, from the Municipal Police Station of Mansalay, Oriental Mindoro. It seems that they only filed the complaint letter in your office so that they can get a favorable decision even though they constructively know the contents of the RESOLUTION denying their plea to release the vehicle.

Also, a copy of the said RESOLUTION was officially submitted and duly received by the Hon. Judge Divina Lea A. Perdiguerra of the Municipal Circuit Trial Court, Mansalay, Oriental Mindoro forming part of the case on December 19, 2022, as evidenced by ANNEX C.

The said RESOLUTION citing Sec. 77-A of P.D. 705, as amended clearly states that the DENR is clothed with authority to apprehend, seize and confiscate "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." This provision is an administrative remedy separate and distinct from criminal proceedings.

Hence, the confiscation of the Isuzu forward truck bed type bearing plate no. NBO 8973 is the result of the administrative proceedings regarding the violation of P.D. 705, as amended as the accused were caught illegally transporting twelve (12) sacks of charcoal using the said vehicle as a conveyance in Brgy. Poblacion, Mansalay, Oriental Mindoro regardless of whether its owner has participation or knowledge of the offense committed.

So, based on the said RESOLUTION, this office cannot release the said conveyance used in the commission of the offense pursuant to Sec. 77-A of P.D. 705, as amended, and DAO No. 1997-32.

Moreover, the Isuzu forward truck bed type bearing plate no. NBO 8973 is not under my custody. Instead, it is under the custody of the DENR CENRO Roxas, Oriental Mindoro through our property custodian, Dale Melchor Alagao as evidenced by ANNEX D.

Regarding allegation No. 3 that I am asking for a cash bond amounting to Php. 1,250,000.00 to release the said vehicle, the said cash bond for the temporary release of the said vehicle was pursuant to Sec. 9 of DAO No. 97-32. The said order states that:



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Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office
Camia St., San Mariano, Roxas, Oriental Mindoro

"When a conveyance is apprehended by virtue hereof ... temporary release thereof to the owner or claimant or other interested Party may be applied for, and release thereof to the applicant pendente lite may be granted by the Hearing Officer upon the compliance of the following requirements ... 4. POSTING OF BOND — Upon approval of an Application for Temporary Release of Conveyance, and as a precondition to the actual pendente lite release thereof, the Applicant shall post a cash or surety bond to guarantee the prompt return of the conveyance to the DENR as may be required pursuant hereto. In no case shall a personal or private bond or guarantee or recognizance be admitted for this purpose.

The bond shall be equivalent to one-hundred-twenty-five percent (125%) of the replacement cost of the conveyance at the time the bond is submitted. A cash bond in favor of the DENR must be filed by the Applicant with the nearest DENR Regional, Provincial, or Community Office; surety bonds in favor of the DENR must be from the GSIS or other government surety. Original documents evidencing the posting of the bond shall be submitted to the Hearing Officer and form part of the records of the case."

The recommended cash bond amounting to Php. 1,250,000.00 for the temporary release of the Isuzu forward truck bed type bearing plate no. NBO 8973 is pursuant to the Memorandum regarding the Appraised Value of Confiscated / Apprehended Conveyances of CENRO-Roxas Oriental Mindoro from the Committee on Provincial Appraisal and Disposal of Properties of the DENR PENRO Oriental Mindoro dated March 01, 2021, as evidenced by ANNEX E.

Hence, I specifically deny the allegation that I, Reynaldo D. Pudiquet, am personally asking for money for the release of the said vehicle. The owner, Mr. Zhang Yudong, has the freedom to choose whether he intends to post a bond for the temporary release of his vehicle or not pursuant to Sec. 9 of DAO No. 97-32. I neither have undue interest nor personal gain in the release of the vehicle as I will not benefit from it. I see to it that my actions involving my official functions are grounded by law and equity. I only strive to follow the orders of my superiors and do my job in serving the public faithfully, fairly, and efficiently to the best of my abilities. Such allegation of Ms. Montiel must be dismissed as it undermines the public's trust in the spirit of good governance and competent public service which this office seeks to live by.

Sincerely,

REYNALDO D. PUDIQUET
Forester III – Chief MES

cc: party/ies concerned,
DENR PENRO Oriental Mindoro
DENR MIMAROPA Region



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

ANNEX A

Community Environment and Natural Resources Office

Camia St., San Mariano, Roxas, Oriental Mindoro

Contact No. : 0917 876 9985/ 0917 113 5572

VOP: (043) 289-7118

Email: cenroroxasormindoro@denr.gov.ph

MEMORANDUM

C file

FOR : The Regional Executive Director
1515 L & S Building, Roxas Boulevard
Ermita, Manila

ATTN: The Chief Law Enforcement Section
The Chief Legal Section

THRU : The PENR Officer
DENR, PENRO, Calapan City

FROM : OIC, CENR Officer
Roxas, Oriental Mindoro

SUBJECT : SUBMISSION OF COMPLETE DOCUMENTS FOR THE
MANIFESTATION OF ISSUED RELEASED ORDERS FROM
MUNICIPAL CIRCUIT TRIAL COURT OF CONFISCATED
VEHICLES WITHIN THE JURISDICTION OF CENRO ROXAS,
ORIENTAL MINDORO

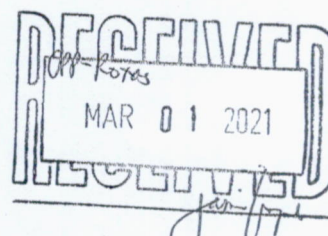
DATE : February 24, 2021

Respectfully forwarded the documents as subject stated and informing the office that the manifestation was filed by this office.

Attached herewith is the copy of One (1) manifestation filed to the Municipal Circuit Trial Court Mansalay-Bulalacao, Mansalay, Oriental Mindoro within the jurisdiction of CENRO San Mariano, Roxas, Oriental Mindoro.

For information and appropriate action.


ALMA E. GIBE



File
Republic of the Philippines
MUNICIPAL CIRCUIT TRIAL COURT
Mansalay-Bulalacao, Mansalay, Oriental Mindoro

PEOPLE OF THE PHILIPPINES,
Plaintiff,

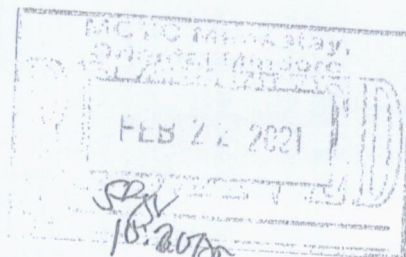
CRIM. CASE NO. 2632

- versus -

ERWIN QUINONES MONTIEL,
CHRIS ANGELO MONTIEL EVANGELISTA,
ARIEL HERMOSA ALMANON,
Accused.

VIOLATION OF PD 705

X ----- X



MANIFESTATION

COMES NOW, the Department of Environment and Natural Resources (DENR) MIMAROPA Regional Office, through the undersigned Community Environment and Natural Resources Officer (CENRO) of Roxas, Oriental Mindoro, and unto this Honorable Court, hereby respectfully manifests the following:

1. An Order dated February 17, 2021 issued by this Honorable Court was received by the Community Environment and Natural Resources Office (CENRO) Roxas, Oriental Mindoro, on February 17, 2021;
2. The Order directs that the motor vehicle involved in the instant case be released to the movant, Mr. Yudong Zhang;
3. The undersigned manifests that it is already beyond the authority of the CENRO Roxas, Oriental Mindoro to release said motor vehicle for the next following reasons;
4. On January 05, 2021, pursuant to the provisions of DENR Administrative Order (DAO) No. 1997-32, administrative confiscations proceedings were conducted by this Office, and an Administrative Hearing Report, through a Memorandum dated January 05, 2021 was submitted to the Regional Executive Director (RED) of the DENR MIMAROPA Regional Office on January 08, 2021. A copy of the transmittal and the Memorandum are hereto attached as *Annexes "A" and "A-1"*;
5. In accordance with Section 7 (4) of DAO 1997-32, the RED shall render a Decision based on the recommendation of the Hearing Officer, thus:

Sec. 7. Outline of Procedures for Summary Administrative Confiscation.

xxx xxx

4. DECISION — The Decision shall be rendered by the RED upon recommendation of Hearing Officer. Substantial evidence shall suffice to sustain an administrative Decision adverse to interested Party(ies), failing which, a ruling shall be issued dismissing the case, and the controversy deemed closed and ordering that the seized item(s) be returned forthwith. When the evidence so warrants, a ruling shall be issued declaring the seized items to be confiscated in favor of the Government, together with recommendations for further prosecution, if any. xxx xxx

6. The DENR is clothed with the authority to apprehend, seize and confiscate forest products illegally cut, gathered, and possessed in violation of the *Revised Forestry Code (Presidential Decree 705, as amended)*. This authority is enunciated under Section 77-A of the said law, viz:

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. [As added by EO No. 277] (Emphasis ours)

This authority provides for the administrative authority of the DENR pertaining to these items. The DENR promulgated the necessary rules for the procedure of administrative confiscation through *Department Administrative Order 32 Series of 1997 (DAO 97-32)*.

7. Moreover, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* under *Rule 12 Section 1* provides that the custody and disposition of seized items shall be in accordance with the applicable laws or rules (DAO 1997-32) promulgated by the concerned government agency (DENR). (Emphasis ours).

8. The authority of the DENR to the exclusion of other government agencies and even the courts in certain instances are even clad in jurisprudential law such as in the following case:

In the case of *Paat vs. Court of Appeals (G.R. No. 111107, January 10, 1997)*, the Honorable Supreme Court laid down the following:

“SECTION 68-A. Administrative Authority of the Department or His Duly Authorized Representative To Order Confiscation. In all cases of violation 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 and policies on the matter. (Underline ours)

xxx Statutes should be construed in the light of the object to be achieved and the evil or mischief to be suppressed, and they should be given such construction as will advance the object, suppress the mischief, and secure the benefits intended. In this wise, the observation of the Solicitor General is significant, thus:

But precisely because of the need to make forestry laws more responsive to present situations and realities and in view of the urgency to conserve the remaining resources of the country, that the government opted to add Section 68-A. This amendatory provision is an administrative remedy totally separate and distinct from criminal proceedings. More than anything else, it is intended to supplant the inadequacies that characterize enforcement of forestry laws through criminal actions. The preamble of EO 277-the law that added Section 68-A to PD 705-is most revealing:

WHEREAS, there is an urgency to conserve the remaining forest resources of the country for the benefit and welfare of the present and future generations of Filipinos;

WHEREAS, our forest resources may be effectively conserved and protected through the vigilant enforcement and implementation of our forestry laws, rules and regulations;

WHEREAS, the implementation of our forestry laws suffers from technical difficulties, due to certain inadequacies in the penal provisions of the Revised Forestry Code of the Philippines; and,

WHEREAS, to overcome this difficulties, there is a need to penalize certain acts more responsive to present situations and realities;

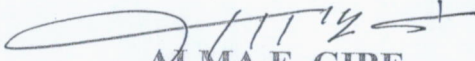
It is interesting to note that **Section 68-A is a new provision authorizing the DENR to confiscate, not only conveyances, but forest products** as well. On the other hand, confiscation of forest products by the court in a criminal action has long been provided for in Section 68. **If as private respondents insist, the power on confiscation cannot be exercised except only through the court under Section 68, then Section 68-A would have no purpose at all.** Simply put, Section 68-A would not have provided any solution to the problem perceived in EO 277, supra." (Emphasis ours)

9. By reason of the foregoing ratiocinations, the RED of the DENR MIMAROPA Region still needs to evaluate the recommendation of the Hearing Officer who conducted the administrative confiscation proceedings before a Decision is rendered thereon. Hence, the undersigned has no authority to release any of the seized items under its custody prior to the Decision of the RED.

10. The undersigned respectfully manifests that this Manifestation be made part of the records of the instant case.

RESPECTFULLY SUBMITTED.

Roxas, Oriental Mindoro. February 19, 2021.


ALMA E. GIBE
CENR Officer
Roxas, Oriental Mindoro

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
MIMAROPA Region**
Purok Camia II, Brgy. San Mariano
Roxas, Oriental Mindoro
+639171135572

Copy furnished:

*The Provincial Prosecutor, Oriental Mindoro
Hall of Justice Building, Calapan City*

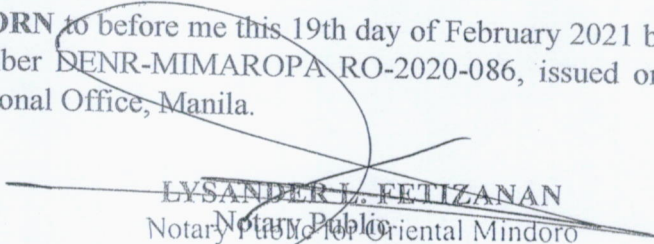
*The Regional Executive Director
DENR MIMAROPA Region
1515 L & S Building, Roxas Boulevard
1000 Ermita, Manila*

*PENRO Oriental Mindoro
Sitio II, Ilang-Ilang St., Brgy. Suqui, Calapan City*

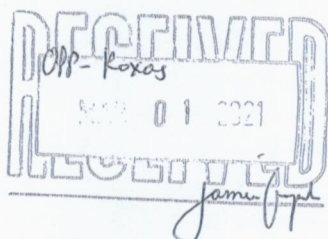
*Mr. Yudong Zhang
Barangay Tawiran, Calapan City, Or.Mdo.*

*The Chief of Police
Municipal Police Station, Mansalay, Oriental Mindoro*

SUBSCRIBED AND SWORN to before me this 19th day of February 2021 by Alma E. Gibe, with Government I.D. Number DENR-MIMAROPA RO-2020-086, issued on May 11, 2020, at DENR-MIMAROPA Regional Office, Manila.


LYSANDER L. FETIZANAN
Notary Public
Until December 31, 2021
Roll of Attorney's No. 50913
MCLE Comp No. VI-0012336
IBP OR No 135571; 12-18-20
PTR No 1599351; 01-04-21
Roxas, Oriental Mindoro

Doc. No. 94 ;
Page No. 19 ;
Book No. C ;
Series of 2021.



Republic of the Philippines
MUNICIPAL CIRCUIT TRIAL COURT
Mansalay-Bulalacao, Mansalay, Oriental Mindoro

DENR - CENRO
SAN MARIANO ROXAS
ORIENTAL MINDORO

RECEIVED

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus

CRIMINAL CASE NO. 2632
- FOR -

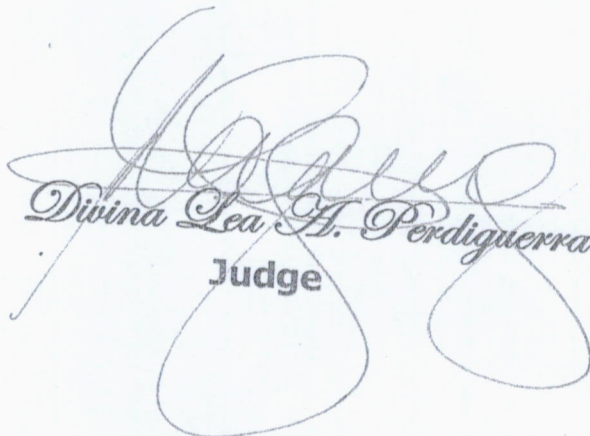
ERWIN QUINONES MONTIEL, ET AL., VIOL. OF PD 705
Accused.

X - - - - - X

ORDER

The Manifestation filed by Ms. Alma E. Gibe, CENR Officer, DENR, MIMAROPA Region, San Mariano, Roxas, Oriental Mindoro is duly **NOTED**.

SO ORDERED.
Mansalay, Oriental Mindoro.
22 February 2021.


Divina Lea H. Perdiguerra
Judge

CC:
PPO
PAO
Ms. Alma E. Gibe

ANNEX B



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

Community Environment and Natural Resources Office

Camia St., San Mariano, Roxas, Oriental Mindoro

Contact No. : 0917 876 9985/ 0917 113 5572

VOP: (043) 289-7118

Email: cenroroxas_orientalmin@yahoo.com

December 14, 2022

Yudong Zhang
Steel King Hardware
Nat'l Highway, Brgy. Tawiran,
Calapan City, Oriental Mindoro

Dear Mr. Zhang,

Greetings!

We would like to inform you that a Resolution dated September 08, 2022 was issued by Department of Environment and Natural Resources (DENR) – MIMAROPA Region DENYING the Motion for Reconsideration which you submitted as the registered owner of the apprehended conveyance – one (1) unit of Isuzu forward truck (bed type) bearing plate number NBO 8973.

Attached herein is the copy of the Resolution for your reference.

Respectfully,

REYNALDO D. PUDIQUET
Forester III/ Chief MES

RECEIVED:

Date: 12/15/22

Time: 02:14 P.M.

Signature: *[Handwritten Signature]*
Atty. E. Demora



IN RE: CONFISCATION OF TWELVE (12) SACKS OF WOOD CHARCOAL AND ONE (1) UNIT OF ISUZU FORWARD TRUCK (BED TYPE) WITH PLATE NUMBER NBO 8973 APPREHENDED AT BRGY. POBLACION, MANSALAY, ORIENTAL MINDORO

RESOLUTION

This resolves the Motion for Reconsideration dated November 4, 2021 filed by Erwin Quinones Montiel, Chris Montiel Evangelista, and Ariel Hermosa Alman on, through counsel, on the Order dated July 23, 2021 issued by then Regional Executive Director Maria Lourdes G. Ferrer, the dispositive portion of which states:

WHEREFORE, PREMISES CONSIDERED, the apprehended twelve (12) sacks of wood charcoal and one (1) unit of Isuzu Forward bed type truck, with Plate Number NBO-8973, with an estimated fair market value of PHP1,800.00 and PHP1,250,000.00, respectively, are hereby ordered **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

The CENRO is directed to furnish a copy of this Order to the court where the criminal case was filed for their record and reference.

SO ORDERED.

In their Motion, they stated the following:

1. The criminal aspect of the case has been settled in MCTC Mansalay, Oriental Mindoro;
2. The actions committed by the defendants were not related to the business of their employer;
3. The defendants bought the subject items for their personal use and the latter's actions were personal in nature;
4. The owner of the vehicle, Yudong Zhang, has no participation whatsoever in the matters that transpired in connection with this case; and,
5. Confiscating the vehicle is nothing but unjust on the part of the owner Yudong Zhang.

This Office resolves to deny the instant Motion for Reconsideration.

In the case of *Flores vs. People*¹, the Supreme Court reiterated that it is hornbook doctrine in administrative law that administrative cases are independent from criminal actions for the same acts or omissions. Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or *vice versa*. Given the differences in the quantum of evidence required, the procedures actually observed, the sanctions imposed, as well as the objective of the two proceedings, the findings and conclusions in one should not necessarily be binding on the other. Hence, the exoneration in the administrative case is not a bar to a criminal prosecution for the same or similar acts which were the subject of the administrative complaint or *vice versa*.

Moreover, the law does not distinguish whether the owner of the conveyance has participation in the offense committed.

In the case of *DENR vs. Daraman, et al.*², the Supreme Court provides that the proceedings for the confiscation and the forfeiture of the conveyance shall be directed against its owner, and the lack of knowledge of its illegal use shall not bar its forfeiture.

¹ GR No. 222861, April 23, 2018

² G.R. No. 125797, February 15, 2002

/RD-MS/LD

In the instant case, the confiscation of the subject conveyance was done in accordance with the prevailing laws.

It is worthy to reiterate that the DENR is clothed with the authority to apprehend, seize and confiscate forest products illegally cut, gathered, and possessed in violation of the Revised Forestry Code (*Presidential Decree 705, as amended*). This authority is enunciated under Section 77-A of the said law, viz:

*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. [As added by EO No. 277]*

The foregoing provision explicitly gives the DENR the administrative authority pertaining to these items. Pursuant thereto, the DENR then promulgated the necessary rules of procedure for summary administrative confiscation through *Department Administrative Order 32 Series of 1997 (DAO 97-32)*.

The recently promulgated *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* under Rule 12, Section 1 provides that *the custody and disposition of seized items shall be in accordance with the applicable laws or rules (DAO 1997-32) promulgated by the concerned government agency (DENR) (emphasis supplied.)*

The authority of the DENR, to the exclusion of other government agencies and even the courts in certain instances, are even clad in jurisprudential law, particularly in the case of *Paat vs. Court of Appeals*³, in which the Honorable Supreme Court laid down the following:

"SECTION 68-A. Administrative Authority of the Department or His Duly Authorized Representative to Order Confiscation. In all cases of violation 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 and policies on the matter.

xxx Statutes should be construed in the light of the object to be achieved and the evil or mischief to be suppressed, and they should be given such construction as will advance the object, suppress the mischief, and secure the benefits intended. In this wise, the observation of the Solicitor General is significant, thus:

*But precisely because of the need to make forestry laws more responsive to present situations and realities and in view of the urgency to conserve the remaining resources of the country, that the government opted to add Section 68-A. **This amendatory provision is an administrative remedy totally separate and distinct from criminal proceedings. More than anything else, it is intended to supplant the inadequacies that characterize enforcement of forestry laws through criminal actions.** The preamble of EO 277-the law that added Section 68-A to PD 705-is most revealing:*

WHEREAS, there is an urgency to conserve the remaining forest resources of the country for the benefit and welfare of the present and future generations of Filipinos;

WHEREAS, our forest resources may be effectively conserved and protected through the vigilant enforcement and implementation of our forestry laws, rules and regulations;

WHEREAS, the implementation of our forestry laws suffers from technical difficulties, due to certain inadequacies in the penal provisions of the Revised Forestry Code of the Philippines; and,

WHEREAS, to overcome these difficulties, there is a need to penalize certain acts more responsive to present situations and realities;

G.R. No. 111107, January 10, 1997

ARD-MS/LD

DENR By the Bay Building, 1515 Roxas Boulevard, 1000 Ermita, Manila
Telephone Number: (632) 84050046
Website: <https://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

It is interesting to note that Section 68-A is a new provision authorizing the DENR to confiscate, not only conveyances, but forest products as well. On the other hand, confiscation of forest products by the court in a criminal action has long been provided for in Section 68. If as private respondents insist, the power on confiscation cannot be exercised except only through the court under Section 68, then Section 68-A would have no purpose at all. Simply put, Section 68-A would not have provided any solution to the problem perceived in EO 277, *supra*."

Finally, the Supreme Court stated that the release of the vehicle to private respondents would defeat the purpose and undermine the implementation of forestry laws. The preamble of the amendment in EO 277 underscore the urgency to conserve the remaining forest resources of the country for the benefit of the present and future generations. Our forest resources may be effectively conserved and protected only through the vigilant enforcement and implementation of our forestry laws. Strong paramount public policy should not be degraded by narrow constructions of the law that frustrates its clear intent or unreasonably restrict its scope.⁴

WHEREFORE, premises considered, the instant Motion for Reconsideration is **DENIED**.

SO ORDERED.

City of Manila, Philippines. SEP 09 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

Atty. Mark Brian R. Celestino
Celestino and Associates Law Office
171-A Panapaan I, City of Bacoor, Cavite

Mr. Erwin Montiel
Brgy. Pachoca, Calapan City

Mr. Chris Angelo Evangelista
Brgy. Pachoca, Calapan City

Mr. Ariel Almanon
Brgy. Canubing II, Calapan City

The Chief of Police
Mansalay Municipal Police Station
Mansalay, Oriental Mindoro

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro



⁴ G.R. No. 125797, February 15, 2002
ARD-MS/LD



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

ANNEX C

Community Environment and Natural Resources Office

Camia St., San Mariano, Roxas, Oriental Mindoro

Contact No. : 0917 876 9985/ 0917 113 5572

VOP: (043) 289-7118

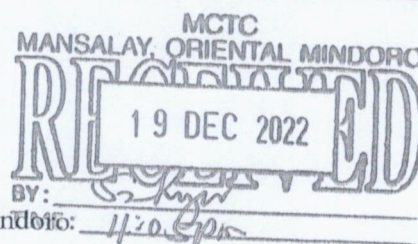
Email: cenroroxas_orientalmin@yahoo.com

December 19, 2022

FOR:

Hon. DIVINA LEA A. PEDIGUERRA
MUNICIPAL CIRCUIT TRIAL COURT

Mansalay-Bulalacao, Mansalay, Oriental Mindoro



FROM:

CENR Officer
Roxas, Oriental Mindoro

Respectfully informing the honorable court that the MIMAROPA Regional Office has been issued a **RESOLUTION** dated September 09, 2022 with regards to the conveyance - One (1) unit of Isuzu Forward Truck (Bed Type) with plate number NBO-8973 apprehended at Barangay Poblacion, Mansalay, Oriental Mindoro loaded with Twelve (12) sacks of wood charcoal and is under the custody of this office with Criminal Case No. 2632- violation of Presidential Decree 705 titled People of the Philippines versus ERWIN QUINONES MONTIEL, CHRISH ANGELO MONTIEL EVANGELISTA AND ARIEL HERMOSA ALMANON.

Attached is the copy of Resolution hereby officially submitted and be form part of the record of the case.

CAESAR E. QUEBEC
CENR Officer



APPREHENSION RECEIPT

CENRO Control No.: 2020-13

E-FMS No:2020-175212

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Date of Birth/Age	Participation	Status of the Person
Erwin Quifiones Montiel Zhang Yudong	Brgy. Pachoca, Calapan City Brgy. Tawiran, Calapan City	Single	41 years old	Driver & owner of forest products Owner of vehicle	Subject for inquest proceeding by MPS Police Mansalay, Or. Mdo.

pursuant to the provision of P.D. 705 as amended by E.O. No. 277 and DENR Administrative Order No. 97-32 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	Pcs.	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	No. of Units	Unit of Measurement	Estimated Value	Custodian
Charcoal	12	sacks	1,800.00	Dale Melchor Alagao Brgy. San Mariano, Roxas, Or.Mdo

Conveyance Involved

Type	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.
Isuzu Forward Bed Type	2018	NBO 8973	Aluminum		1795678990

Conveyance Involved (Additional Details)

Engine No.	Chassis No.	Accessories	Custodian
		N/A	Dale Melchor Alagao Brgy. San Mariano, Roxas, Or.Mdo

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	Custodian
N/A	N/A	N/A	N/A



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

Community Environment and Natural Resources Office

Camia St., San Mariano, Roxas, Oriental Mindoro

Contact No. : 0917 876 9985/ 0917 113 5572

VOP: (043) 289-7118

Email: cenroroxas_orientalmin@yahoo.com

Implements Involved			
Type	Quantity	Details	Custodian
N/A	N/A	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	Legal Basis for Apprehension
	Province	City/ Municipality	Barangay	Sitio		
December 18, 2020 03:40PM	Oriental Mindoro	Mansalay	Poblacion	N/A	Popl Raymond Ellis L. De La Cruz	Violation of Sec. 77 of PD 705 as amended by RA 7161

Apprehension was done under the following circumstances:

- " The subject forest products (e.i. wood charcoal) were transport without necessary documents from concerned agency.

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 18th day of December, year 2020 at Brgy. Poblacion, Mansalay, Oriental Mindoro.

APPREHENDING OFFICER

(Signature over Printed Name)

I. PCPL RAYMOND ELLIS L. DELA CRUZ

MPS Mansalay

Mansalay, Oriental Mindoro

WITNESS

(Signature Over Printed Name)

MARK LAWRENCE R. DE LEON

Forest Ranger

ATTESTED BY:

REY G. FIRMANES

Forester II / Chief Enforcement Unit

DENR - CENRO

San Mariano, Roxas

Oriental Mindoro

Copy Received by:

Signature Over Printed Name

Remarks

Date / Time: _____



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

02 March 2021

MEMORANDUM

TO : The OIC, CENRO
Roxas, Oriental Mindoro

FROM : The PENR Officer
Oriental Mindoro

SUBJECT : APPRAISED VALUE OF CONFISCATED/APPREHENDED
CONVEYANCES OF CENRO-ROXAS, ORIENTAL MINDORO

As per request of your office to appraise the value of the confiscated/apprehended conveyances, the Provincial Committee on Appraisal and Disposal of Properties conducted actual inspection of the confiscated/apprehended vehicles.

Attached is the report of the Committee on the recommended Appraised Value based on actual inspection and source of the current market value.

For reference.

Mary June F. Maypa
MARY JUNE F. MAYPA
Signature



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

01 March 2021

MEMORANDUM

FOR : The PENR Officer
Calapan City, Oriental Mindoro

FROM : The Committee on Provincial Appraisal and Disposal of Properties

SUBJECT : APPRAISED VALUE OF CONFISCATED VEHICLES OF CENRO-ROXAS, ORIENTAL MINDORO

Hereunder is the appraised value of the confiscated/apprehended vehicles at CENRO-Roxas, Oriental Mindoro.

Note that the appraised value are based on the actual inspection of the Committee and based on source of the current market value (CMV) of the conveyances.

Description of Conveyances	Source of Current Market Value (CMV)	Current Market Value (CMV)	Appraised Value of the Committee/ Replacement Cost	Recommended Bond for temporary release of the vehicle (125% of the replacement cost)
1. Isuzu Forward Bed-Typed Model: 2018 Plate No. NBO 8973	cars.trovit.ph	Php 1,000,000.00	Php 1,000,000.00	Php 1,250,000.00
2. Isuzu 10 Wheeler Wing Van Model: 2018 Plate No. 138003	auto bot trucks	Php 2,000,000.00	Php 2,000,000.00	Php 2,500,000.00
3. Elf Closed-Van Model: 2000 Plate No. ZEM 979	cars.trovit.ph	Php 350,000.00	Php 350,000.00	Php 437,500.00
4. Foton Closed-Van Model: 2015 Plate No. ADI 7352	carousell.ph	Php 180,000.00	Php 180,000.00	Php 225,000.00

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro
DENR Contact Nos. (043) 288-3017, Tel. Fax (043) 288-3006

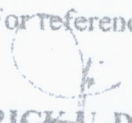


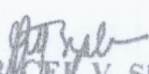
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Provincial Environment and Natural Resources Office


5.	Nissan Urvan Model: 2006 Plate No. ZEY 778	nissan urvan 2006	Php 350,000.00	Php 350,000.00	Php 437,500.00
6.	10 Wheeler Wing Van Model: 2017 Plate No. 0301- 01137787	carousell.ph	Php 570,000.00	Php 570,000.00	Php 712,500.00
7.	10 Wheeler Wing Van Fuso	cars.trovit.ph	Php 580,000.00	Php 580,000.00	Php 725,0500.00
8.	6 Wheeler Wing Van Isuzu Model: 2014 Plate No. NDF 1510 1380-0811705	carousell.ph Appraised Value Report - Pinamalayan	Php 775,000.00 Php 500,000.00	Php 775,000.00 + 500,000.00 1,275,000.00/2 Php 637,500.00	Php 796,875.00

The recommended bond for temporary release is equivalent to one hundred twenty five percent (125%) which is the replacement cost of the conveyance based on the Department Administrative Order No. 97-32, Section 9.

For Reference.

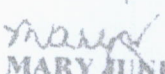

RICK U. DUMADAG
Member


MARICEL V. SUPLEO
Member


REYNALDO D. PUDIQUET
Representative of End-User/CENRO-Roxas


MYLA GEMMA P. GAMBOA
Chairperson

Noted by:


MARY JUNE F. MAYPA
PENRO