



March 20, 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Regional

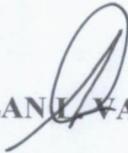
FROM : The OIC - PENRO
Oriental Mindoro

SUBJECT : **ACKNOWLEDGEMENT RECEIPT FOR TWO (2) SEPARATE
ISSUANCE OF DECISION RELATIVE TO APPREHENDED
ILLEGALLY SOURCE FOREST PRODUCTS**

DENR MIMAROPA RECORDS SECTION RECEIVED	
MAR 27 2023	
<input type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING _____
BY: _____	DATE NO. _____
TIME: _____	

Transmitted is the acknowledgement receipt of CENRO Roxas, Oriental Mindoro relative to the received notice of issuance of decision within area of jurisdiction.

For information and reference.


ALAN VALLE





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

MEMORANDUM

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

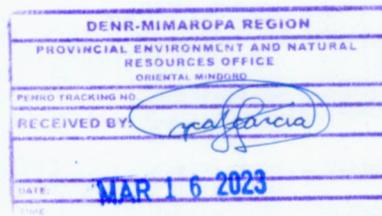
ATTN: The Chief Law Enforcement Division
The Chief Legal Division

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

FROM : The CENR Officer
Roxas, Oriental Mindoro

SUBJECT : **ACKNOWLEDGEMENT RECEIPT FOR TWO (2) SEPARATE NOTICE
OF ISSUANCE OF DECISION RELATIVE TO THE APPREHENDED
FOREST PRODUCTS.**

DATE : Mach 14 , 2023

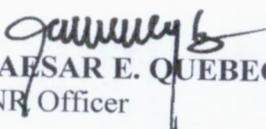


In compliance with the directive pertaining to the issued Decision, this office is acknowledge receipt of the hereunder tabulated apprehended forest products to wit;

CONVEYAN CES/TOOLS	VOLUME/ NO. OF SACKS	PLACE APPREHENDED	CUSTODY/LOC ATION	TOTAL
N/A	12 pcs. of lumber Malugai & Gmelina 58 bdf.	Brgy. Cabugao, Bulalacao, Or. Mdo.	DENR-CENRO San Mariano, Roxas, Or. Mdo.	12 pcs. of lumber Malugai & Gmelina 58 bdf.
N/A	6 pcs. of lumber of Antipolo with a total volume of 78 bdf.	So. Balagbag, Brgy. Maligaya, Gloria, Or. Mdo.	DENR-CENRO San Mariano, Roxas, Or. Mdo.	6 pcs. of lumber of Antipolo with a total volume of 78 bdf.
TOTAL				18 pcs.-136 bdf.

This office is now preparing documentation for the recording in the book of accounts.

For information and further instruction.


ENGR. CAESAR E. QUEBEC
CENR Officer

Cc: Accounting section



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

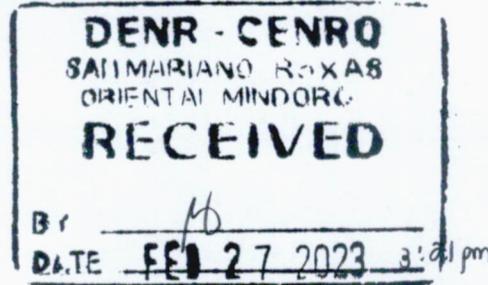
February 22, 2023

MEMORANDUM

TO : The CENR Officer
CENRO Roxas

FROM : The OIC - PENRO
Oriental Mindoro

SUBJECT : **NOTICE OF ISSUANCE OF DECISION RELATIVE TO THE
APPREHENDED FOREST PRODUCTS**



Transmitted are two (2) separate copy of the Notice of Issuance of Decision dated February 10, 2023 and Decision dated February 01, 2023 and January 31, 2023 regarding the confiscation of apprehended forest products enumerated hereunder:

1. Confiscation of twelve (12) pieces Malugai and Gmelina lumbers with a total volume of fifty-eight (58) board feet apprehended in Brgy. Cabugao, Bulalacao, Oriental Mindoro; and,
2. Confiscation of six (6) pieces Antipolo lumbers with a total volume of seventy-eight (78) board feet apprehended in So. Balagbag, Brgy. Maligaya, Gloria, Oriental Mindoro.

Relative thereto, you are hereby instructed to adhere to the instructions stipulated on the said Decision and inform the Regional Office upon receipt hereof indicating the date you received the aforesaid Decision.

For information and strict compliance.


ALAN VALLE

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

CENRO Control No.: 2022-
E-FMS No. 2022-175212
MIMAROPA AAP CASE NO. 014

NOTICE OF ISSUANCE OF A DECISION

IN THE MATTER OF THE ADMINISTRATIVE ADJUDICATION PROCEEDINGS OF TWELVE (12) PIECES OF MALUGAI AND GMELEINA LUMBER WITH A TOTAL VOLUME OF 58 BOARD FEET, APPREHENDED IN BARANGAY CABUGAO, BULALACAO, ORIENTAL MINDORO

TO:

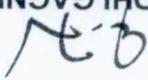
**THE CNR OFFICER
Roxas, Or. Mindoro**

Greetings!

Please be informed that a Decision dated February 01, 2023 was issued by this Office on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office. Kindly inform this Office of the date of your receipt of this Order, for record purposes.

Date: FEB 10 2023

Atty. GANDHI GAGNI-FLORES
Chief, Legal Division





Margie U. Ochoa

MARGIE U. OCHOA
DIRECTOR/ENFORCEMENT DIVISION

MIMAROPA AAP CASE NO. 014

IN THE MATTER OF THE ADMINISTRATIVE
ADJUDICATION PROCEEDINGS OF
TWELVE (12) PIECES MALUGAI AND
GMELINA LUMBER WITH A TOTAL
VOLUME OF 58 BOARD FEET,
APPREHENDED IN BARANGAY
CABUGAO, BULALACAO, ORIENTAL
MINDORO

DECISION

For resolution is the Report¹ of CENR Officer Caesar E. Quebec of CENRO Roxas, Oriental Mindoro regarding the apprehension of twelve (12) pieces of Malugai and Gmelina lumber, having an aggregate volume of fifty-eight (58) board feet, by personnel of the Philippine National Police (PNP) Bulalacao Municipal Police Station, in Brgy. Cabugao, Bulalacao, Oriental Mindoro, on January 26, 2022.

In the *Sinumpaang Salaysay*² of PCpl Mark Russel S. Evangelista, he stated that their station received a tip from a concerned citizen regarding a stockpile of lumber in Brgy. Cabugao, Bulalacao, Oriental Mindoro. They responded immediately and upon reaching the area, they saw the twelve (12) pieces of lumber being stacked by a man they immediately identified as Eddie Malucon, who escaped upon noticing their arrival.

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

On January 31, 2022, a Seizure Order was issued by Seizure Officer Reynaldo D. Pudiquet seizing the apprehended items. On February 2, 2022 and March 24, 2022, notices of hearing were sent to Eddie Malucon.

In the February 9, 2022 administrative hearing, Mr. Malucon failed to attend. During the April 6, 2022 administrative hearing, Mr. Malucon denied ownership of the apprehended lumber. He asserted that at the time of the apprehension, he was at home with his family celebrating his child's birthday.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Eddie Malucon for violation of Section 77 of Presidential Decree No. 705 (PD 705), as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the seized forest products in favor of the government.

A Resolution⁵ was issued by the Office of the Provincial Prosecutor dismissing the case for violation of PD 705 against Eddie Malucon for lack of probable cause.

¹ Memorandum dated April 19, 2022 by CENRO Roxas, Oriental Mindoro with the subject: Submission of Complete Documents for the Apprehended Twelve (12) Pieces of Illegally Sawn Lumber/Fitches of Malugai and Gmelina with a Total Volume of 58 Board Feet at Brgy. Cabugao, Bulalacao, Oriental Mindoro

² *Sinumpaang Salaysay* dated January 26, 2022 signed by PCpl Mark Russel S. Evangelista of PNP Bulalacao Municipal Police Station

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

⁴ Revised Forestry Code of the Philippines

⁵ Resolution dated March 15, 2022 on the case Bulalacao Police Station Oriental Mindoro versus Eddie Malucon docketed as NPS IV-07A-INV-22a-00012

ARD-MS/LD

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

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

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

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

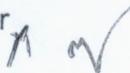
Further, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

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

1. The seized twelve (12) pieces Malugai and Gmelina lumber are **CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter, and,
2. The CENRO concerned is directed to submit updates to this Office for record and monitoring purposes.

SO ORDERED.

City of Manila, Philippines. **FEB 01 2023**


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director 

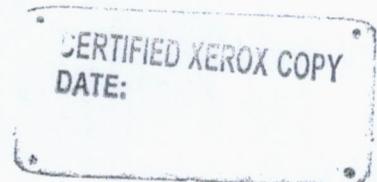
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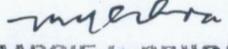
Mr. Eduardo Malucon
Brgy. Cabugao, Bulalacao, Oriental Mindoro

PNP Bulalacao Municipal Police Station

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro




MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 86813

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

CENRO Control No.: 2022-
E-FMS No. 2022-175212
MIMAROPA AAP CASE NO. 015

NOTICE OF ISSUANCE OF A DECISION

IN THE MATTER OF THE ADMINISTRATIVE ADJUDICATION PROCEEDINGS OF SIX (6) PIECES OF ANTIPOLO LUMBER WITH A TOTAL VOLUME OF SEVENTY-EIGHT (78) BOARD FEET APPREHENDED AT SITIO BALAGBAG, BRGY. MALIGAYA, GLORIA, ORIENTAL MINDORO

TO:

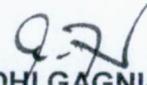
**THE CENR OFFICER
Roxas, Or. Mindoro**

Greetings!

Please be informed that a Decision dated January 31, 2023 was issued by this Office on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office.

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

Date: FEB 10 2023


Atty. GANDHI GAGNI-FLORES
Chief, Legal Division



**IN THE MATTER OF THE ADMINISTRATIVE
ADJUDICATION PROCEEDINGS OF SIX (6)
PIECES ANTIPOLO LUMBER WITH A
TOTAL VOLUME OF SEVENTY-EIGHT (78)
BOARD FEET APPREHENDED AT SITIO
BALAGBAG, BRGY. MALIGAYA, GLORIA,
ORIENTAL MINDORO**

MIMAROPA AAP CASE NO. 015


MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

DECISION

For resolution is the Report¹ of CENR Officer Caesar E. Quebec of CENRO Roxas, Oriental Mindoro regarding the apprehension of six (6) pieces of Antipolo lumber, having an aggregate volume of 78 board feet, by personnel of the Philippine National Police (PNP) Gloria Municipal Police Station at So. Balagbag, Brgy. Maligaya, Gloria, Oriental Mindoro, on March 3, 2022.

In the *Malayang Sinumpaang Salaysay*² of PCpl Manuelito D. Silva, he stated that their station received a tip from Hazel R. Villamarin regarding a stockpile of lumber at So. Balagbag, Brgy. Maligaya, Gloria. They responded immediately by going to the area where they located the piled lumber. Upon investigation, they found out that the pieces of lumber were owned by Mr. Serafin Semilla and were cut by Mr. Erwin Ornedo. The team brought the apprehended lumber to their police station and thereafter turned it over to the CENRO Roxas for safekeeping.

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

On March 3, 2022, a Seizure Order was issued by Seizure Officer Reynaldo D. Pudiquet seizing the apprehended items. On the same date, a notice of hearing was sent to Erwin Ogayne Ornedo, and on March 15, 2022, a notice of hearing was sent to Serafin Semilla.

During the March 15, 2022 administrative hearing, Mr. Ornedo admitted that he did cut the tree upon the instruction of Mr. Semilla. He disclosed that he was reluctant at first as the tree was within the property of Hazel Villamarin, but he was assured by Mr. Semilla who later on gave him a permit issued by the MENRO. In the March 22, 2022 administrative hearing, Mr. Semilla admitted that he instructed Mr. Ornedo to cut the tree as there was a permit from the MENRO. He stated that he did not know how to go to the DENR to request for a permit.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Serafin Semilla and Mr. Erwin Ornedo for violation of Section 77 of Presidential Decree No. 705 (PD 705), as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the seized forest products in favor of the government.

¹ Memorandum dated April 6, 2022 by CENRO Roxas, Oriental Mindoro with the subject: Submission of Complete Documents for the Apprehended Six (6) Pieces of Illegally Sawed Lumber/Fitches of Antipolo with a Total Volume of 78 Board Feet at Sitio Balagbag, Brgy. Maligaya, Gloria, Oriental Mindoro

² *Malayang Sinumpaang Salaysay* dated March 4, 2022 signed by PCpl Manuelito D. Silva of the PNP Gloria Municipal Police Station

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

⁴ Revised Forestry Code of the Philippines

A criminal complaint⁵ for violation of P.D. 705, as amended, was filed against Mr. Erwin O. Ornedo before the Office of the Provincial Prosecutor of the Province of Oriental Mindoro.

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

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

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

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

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

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

1. The seized six (6) pieces Antipolo lumber are **CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter; and,
2. The CENRO concerned is directed to **FURNISH** a copy of this Order to the Court where the criminal case is pending for their consideration, record and reference, and submit updates to this Office for record and monitoring purposes.

SO ORDERED.

City of Manila, Philippines. **JAN 31 2023**


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

Mr. Erwin O. Ornedo
Brgy. Maligaya, Gloria, Oriental Mindoro

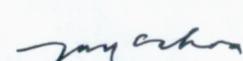
PNP Gloria Municipal Police Station

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro

CERTIFIED XEROX COPY
DATE:

31 JAN 2023


MARGIE U. OCHOA
DIRECTOR/ENFORCEMENT DIVISION

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 85465

⁵ Complaint dated March 4, 2022 entitled *People of the Philippines versus Erwin Ornedo* docketed as NPS IV-07a-INV-22C-00040
ARD-MS/LD