



March 06, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

THRU : The OIC-Assistant Regional Director for Technical Services

FROM : The OIC-PENR Officer

SUBJECT : REQUEST FOR INSPECTION OF LAPOTE SITE IN
MOGPOG, MARINDUQUE [E-2022-96918]

This is in connection with the memorandum dated February 20, 2023 of the OIC-Assistant Regional Director for Technical Services, Maximo c. Landrito regarding the above subject.

Please be informed that on September 20, 2022, upon receipt of the complaint via email, the technical staff of this Office already coordinated with the complainant to clarify the nature of the complaint as well as to schedule the required inspection and investigation. The activity was conducted on September 27, 2022, in coordination with the barangay LGU concerned. During the ocular inspection it was observed that there is an ongoing road construction being done by the JEDIDIAH Construction as DPWH contractor. Result of the initial investigation by the Team revealed that several trees were felled down without necessary cutting permit from the DENR. There are allegations that those trees was affected by typhoon. To clarify the matter, the investigation team recommended that an Administrative proceeding be conducted and a summoned letter be send to the owner of JEDIDIAH construction and personnel involve such as the heavy equipment operator.

On November 08, 2022 and January 12, 2022 this Office conducted series of Administrative Confiscation Proceedings (ACP) to Mr. Rommel Dy (owner of Jedidiah construction) and other alleged perpetrators. The results of ACP will be forwarded upon completion of documents.

The same report was furnished to Mr. Rodrigo Lusterio, the complainant, through letter dated September 28, 2022 copy furnished the DENR MIMAROPA Regional Office.

For information and record.


IMELDA M. DIAZ

Cc: The Undersecretary
Field Operations Luzon & Visayas and Environment



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

Document Category: **Outgoing**

Document No.: **2023-OUT-000184**

Sender/s:

- **Don Gibson Mercado**

Originating Office: **MES**

Classification: **Simple**

Subject: **Request for Inspection of Lapote Site in Mogpog Marinduque[E-2022-96918]**

Encoded By: **Don Gibson Mercado**

Document Type: **Memorandum**

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Date & Time Received: **03/31/2023 02:27 PM**

Address:

Is This Urgent?: **Yes**

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN	REMARKS	ATTACHMENTS
• Don Gibson Mercado	• Cynthia Lozano	03/31/2023 02:27 PM	03/31/2023 02:31 PM	4 mins.	For initial.		
• Cynthia Lozano	PENRO		4-3-23 2:35PM		FOR SIGNATURE		



Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque

September 28, 2022

MR. RODRIGO LUSTERIO

Brgy. Sumangga, Mogpog
Email: rodrigo.lusterio@sgs.com

Dear **Mr. Lusterio**:

This refers to the email dated September 20, 2022, to DENR MIMAROPA Region 8888 Focal regarding your complaint about the project in So. Lapote Site, Brgy. Mangyan-Mababad to Brgy. Sumangga, Mogpog, Marinduque.

Be informed that this Office conducted an investigation to verify your concerns and to gather appropriate data in relation with your complaint.

In view of the foregoing, we would like to furnish you the copy of the report of our technical staff for your information and reference. Rest assured that we will always respond to any concerns in relations to environment and natural resources.

Thank you.

Very truly yours, /


IMELDA M. DIAZ
OIC-PENR Officer

*Cc: DENR MIMAROPA Region
1515 L&S Bldg. Roxas Blvd.
Malate, Manila*



September 28, 2022

MEMORANDUM

FOR : The OIC, PENR Officer

THRU : The Chief, Technical Services Division

FROM : Forest Ranger Michael Joseph A. Maranan
Forest Ranger Randy N. Estrella

SUBJECT : **8888 COMPLAINT OF MR. RODRIGO LUSTERIO ON THE ALLEGED ILLEGAL TREE CUTTING AND EXCAVATION ACTIVITY OF JEDIDIAH CONSTRUCTION AT BARANGAY SUMANGGA TO MANGYAN-MABABAD, MOGPOG, MARINDUQUE**

I. BACKGROUND

WHEREAS, on September 20, 2022, an email was forwarded by the DENR MIMAROPA Office 8888 focal the complaint of Mr. Rodrigo Lusterio on the ongoing project in Brgy. Sumangga, Mogpog, Marinduque.

WHEREAS, on September 21, 2022, For. Don Gibson D. Mercado coordinated with the complainant as to the specific complaint he has with regard to the said project.

WHEREAS, accordingly, the DPWH has a project of road concreting within the internal road covering Brgy. Mangyan-Mababad to Brgy. Sumangga, Mogpog, Marinduque. That number of trees has been bulldozed and the contractor entered his private land and excavate the hill within his private land.

II. FACTS and FINDINGS

1. That the undersigned coordinated with Barangay Official Antonio L. Muhi (Chairman) of Barangay Mangyan-Mababad, Mogpog, Marinduque regarding the alleged illegal cutting of trees and excavation in So. Lapote site, Brgy. Mangyan Mababad, Mogpog, Marinduque. Accordingly, the DPWH project which was contracted to JEDIDIAH Construction has an ongoing road concreting project in the area which resulted in the clearing of the proposed area of the project.
2. The undersigned also proceeded to the project area to coordinate with the project engineers and foreman, unfortunately, they are not present in the area at the time of the investigation.
3. The team observed different species of trees which are already felled down along the course of the project with an approximate volume of 5.34 cu. m. 2217.52 bd. ft., however, based on the record of this Office no issued Tree Cutting Permit for the cutting of trees affected by the project.



4. The undersigned also visited the area which was allegedly excavated and flattened by the staff of JEDIDIAH construction. Accordingly, the area was owned by a certain Mr. Muhi who prohibit the JEDIDIAH construction to enter the area to implement the project. In order to resolve the issue, Mr. Rommel Dy, owner of the construction company, bought a portion of land to construct the batching plant. The area which is hilly in topography was excavated and flattened to level the land for the establishment of the batching plant.
5. Per inspection conducted, the said logs were still in the area and not yet turned over to our Office for proper accounting and disposition.
6. Please find the attached Geo-tagged photos and tally sheet of the said inspected trees.

III. RECOMMENDATION

1. In view of the above findings gathered, that the trees affected in the area was cut without securing necessary permit it is hereby recommended that Mr. Rommel Dy (owner of JEDIDIAH construction) be summoned in this office to explain their side for violation of "section 77 of Presidential Decree 705 as amended by Presidential Decree 1559 which states that *"Any person who shall cut, gather, collect, removed timber or other forest products from any forest lands, or timber from A and D, public lands or private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forestry laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code"*. Further, PD 953 states that *"Any person who cuts, destroys, damages or injures, naturally growing or planted trees of any kind, flowering or ornamental plants and shrubs, or plants of scenic, aesthetic and ecological values, along public roads, in plazas, parks other than national parks, school premises or in any other public ground or place, or on banks of rivers or creeks, or along roads in land subdivisions or areas therein for the common use of the owners of lots therein, or any species of vegetation or forest cover found therein shall, be punished with imprisonment for not less than six months and not more than two years, or a fine of not less than five hundred pesos and not more than five thousand pesos, or with both such imprisonment and fine at the discretion of the court"*.
2. To endorse the said concern to EMB to verify the issuance of ECC or CNC to the project and to conduct further investigation in the area.
3. To furnish Mr. Rodrigo Lusterio with this report for his information and reference.


For information and further instruction.

Prepared by:


MICHAEL JOSEP A. MARANAN
Forest Ranger


RANDY N. ESTRELLA
Forest Ranger

Noted by:


DON GIBSON D. MERCADO
Forester I



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

TALLY SHEET

Location of the Project: Brgy. Sumangga to Mangyan-Mababad, Mogpog, Marinduque

Tree No.	Species	D (cm)	MH M	TH (cm)	Volume (m3)
1	Taluto	49	12		2.26
2	Taluto	47	12		2.08
3	Antipolo	22	6		0.22
4	Antipolo	25	5		0.24
5	Misc.	20	7		0.21
6	Dapdap	23	8		0.33


cu m. **5.34**

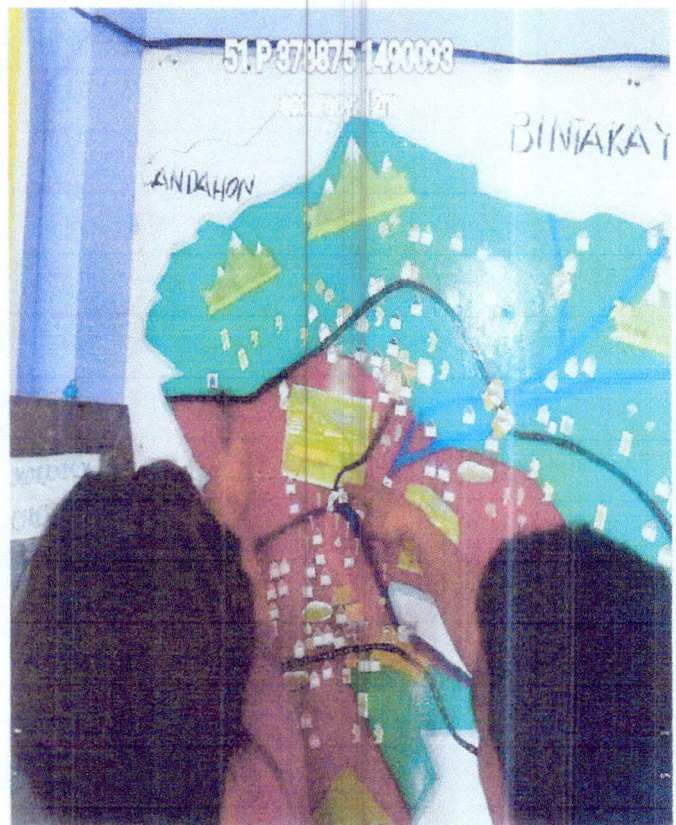
bd ft. **2217.52**

Inventoried by:


Don Gibson D. Mercado
Forester I

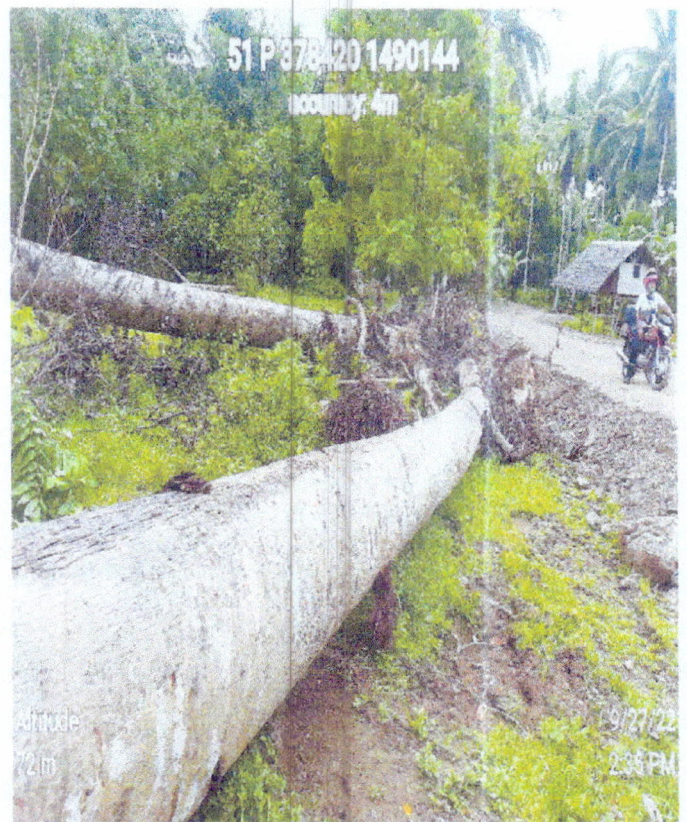

Randy N. Estrella
Forest Ranger


Michael Joseph A. Maranan
Forest Ranger



GEO-TAGGED PHOTOS TAKEN DURING COMPLIANCE/MONITORING REPORT ON THE ALLEGED ILLEGAL CUTTING ACTIVITY OF JEDIDIAH CONSTRUCTION AT BRGY. SUMANGGA TO MANGYAN-MABABAD, MOGPOG, MARINDUQUE

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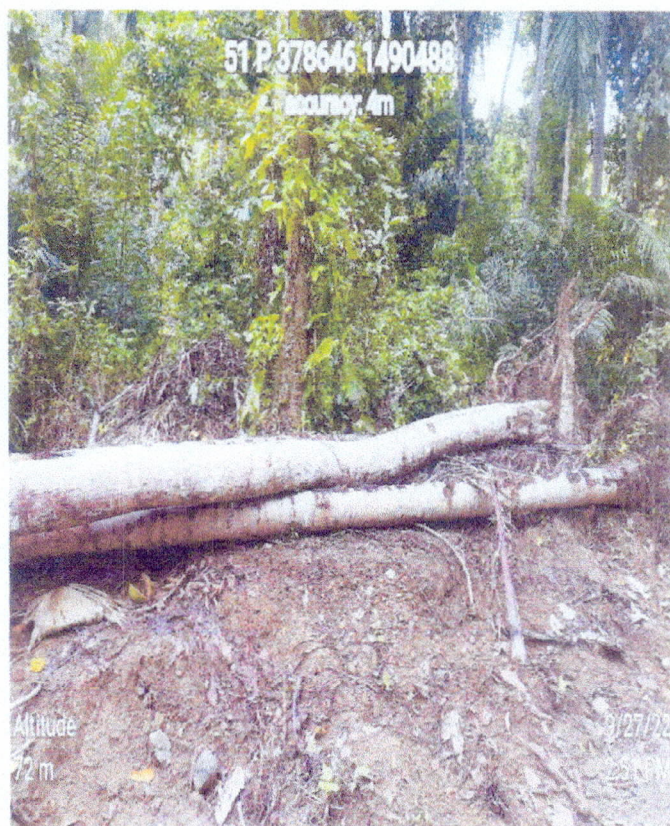
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GEO-TAGGED PHOTOS TAKEN DURING COMPLIANCE/MONITORING REPORT ON THE ALLEGED
ILLEGAL CUTTING ACTIVITY OF JEDIDIAH CONSTRUCTION AT BRGY. SUMANGGA TO MANGYAN-
MABABAD, MOGPOG, MARINDUQUE

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GEO-TAGGED PHOTOS TAKEN DURING COMPLIANCE/MONITORING REPORT ON THE ALLEGED ILLEGAL CUTTING ACTIVITY OF JEDIDIAH CONSTRUCTION AT BRGY. SUMANGGA TO MANGYAN-MABABAD, MOGPOG, MARINDUQUE

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