

**DENR Memorandum Order
No. 10
Aug. 8, 1988**

**Subject: Amendment to DENR Memorandum Order No. 36
Series of 1988 (Guidelines on the Confiscation,
Seizure and Disposition of Illegally Cut, Gathered,
and/or Transported Forest Products**

The following provisions are hereby added to Paragraph 1 of DENR Memorandum Order 36, Series of 1988, to wit:

1. Report of confiscation/seizure. Whenever a confiscation or seizure is made under these rules, The CENRO/PENRO/RED concerned shall immediately make a report thereof to the Secretary and the DENR Auditor, thru their respective Assistant Secretaries. A collated report will be submitted monthly by the ASECs to the Office of the Undersecretary for Field Operations.

- j. Notice to owner. The CENRO/PENRO/RED shall give the owner or his representative a written notice of the confiscation or seizure and shall give him an opportunity to be heard in reference the ground or reason for the seizure or confiscation by requiring said owner or representative to submit sworn statements or affidavits within ten (10) days from receipt of such written notice. For the purpose of such notice and all proceedings connected with the confiscation, "representative" shall be deemed to include not only any representative in fact of the owner but also any person having possession of the logs, timber, lumber or forest products at the time of confiscation or seizure.

- k. Notice to Unknown Owner. Notice to unknown owner shall be effected by posting for ten (10) days a written notice of seizure in a conspicuous place in the office of the CENRO/PENRO/RED where the seizure was made.

- l. Forfeiture of Forest Products. Upon receipt of the aforesaid sworn statement/affidavit of the owner or representative or if none is received despite due notice, the CENRO/PENRO shall determine whether the logs, timber, lumber or the forest products confiscated were illegally cut, gathered, removed or possessed without necessary

legal documents and shall render a report thereof accompanied by the evidence he has gathered including his recommendations to the Regional Executive Director. Upon finding based on substantial evidence that the logs, timber, or forest products are illegal or not covered by proper documents, the Regional Executive Director shall declare the same forfeited in favor of the government in accordance with Section 68-A of P.D. 705 as amended to be disposed of in accordance with these rules.

- m. Proceedings in case of Property Belonging to Unknown Parties. If, within ten (10) days after the notice prescribed in paragraph (k) above, no owner or representative appears before the CENRO/PENRO/RED, the Regional Executive Director shall declare the logs, timber, lumber or forest products forfeited in favor of the government in accordance with Section 68-A of P.D. 705 as amended to be disposed of in accordance with these regulations.

This amendment shall take effect immediately.

(Sgd.) FULGENCIO S. FACTORAN, JR.
Secretary