

**Administrative Order
No. 67
December 15, 1993**

**SUBJECT : Amending Certain Sections of DENR
Administrative Order No. 54, Series of
1993.**

Pursuant to Presidential Decree No. 705, as amended by Executive Order No. 227 and Executive Order No. 192, and in order to strengthen forest law enforcement, the following sections of DENR Administrative Order No. 54, series of 1993, promulgating "Guidelines in the confiscation, forfeiture and disposition of conveyances used in the commission of offenses penalized under Sec. 68, PD 705, as amended by E.O. No. 227, series of 1987, and other forestry laws, rules and regulations" the following changes/amendments are hereby made.

1. Section 3 shall read:

"Section 3. Requirement to Transport Forest Products. - Before any forest product shall be transported, the shipper and conveyance owner or their duly authorized representatives, except where said shipper and conveyance owner are one and the same person, shall enter into a transport agreement and shall submit the same to the Community Environment and Natural Resources Officer (CENRO) as a prerequisite to the issuance of a transport document. The transport agreement shall contain the undertaking that the conveyance owner shall also be held liable in case of illegally transported forest products.

2. Section 10 shall read:

"Section 10 Release of Conveyance. - Pursuant to Section 6 hereof, the proceedings under these regulations are directed against the conveyance itself. The fact that the owner of said conveyance has no knowledge that the conveyance was used in the transport or movement of illegal forest products does not free or absolve said conveyance from the penalty of forfeiture. Accordingly, no conveyance shall be released on the basis of the owner's lack of knowledge of/or consent to the use of said conveyance. A conveyance seized under these regulations may be released on orders of the RED concerned but only on either or both of the following grounds, to wit:

a. that the forest products confiscated are in fact or were found to be not illegal or are covered with legal documents; or

- b. that the conveyance was not used in the commission of any of the offenses penalized under Section 68 of P.D. 705, as amended.

The release order to be issued by the RED concerned, together with all pertinent documents, shall be immediately furnished the Secretary for his review. The Secretary shall acknowledge receipt of the order through the fastest available means.

Within fifteen (15) days from his receipt of the Order, the Secretary or his authorized representative may either reverse or confirm the Order. In the meanwhile, the confiscated conveyance shall not be released yet. Notice of the Secretary's action shall be sent to the RED concerned immediately through the fastest available means.

After the lapse of fifteen (15) days from receipt of the Order and the Secretary has not acted either to reverse or confirm the same, the Order shall become final and executory which the RED could immediately implement.

3. A new section shall be added to be numbered as Section 13 which would read:

"Section 13. Quarterly Report. - All REDs shall submit a quarterly report of forfeited and released conveyances under this Administrative Order to the Secretary, including a report on the forest products confiscated in connection therewith. The Under-secretary for Field Operations, the Undersecretary for Natural Resources Management, the Assistant Secretary for Legal Affairs and the Director, Forest Management Bureau shall also be furnished with copies of the reports.

4. Sections 13 and 14 of DENR Administrative Order No. 54, series of 1993 shall be re-numbered as Section 14 and Section 15, respectively.

All orders, circulars and issuances which are inconsistent herewith are hereby repealed.

This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ANGEL C. ALCALA
Secretary