

**DENR Administrative Order
No. 97-32
October 10, 1997**

**SUBJECT : 1997 Rules for the Administrative
Adjudication of Illegal Forest Products
and the Machinery, Equipment, Tools
and Conveyances Used in Connection
Therewith**

Pursuant to the Provisions of Presidential Decree No. 705, as amended, and pertinent policies, rules and regulations, these 1997 Rules 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 in connection therewith, and of the conveyances used to move or otherwise transport the same, are hereby promulgated.

Sec. 1. Definitions. —

As used in this Order, the following terms shall be defined and/or construed as indicated below:

- a. **APPREHENSION** - The initial measure taken by the DENR when, having determined the existence of probable cause to do so, items listed in Section 2 hereof are found or intercepted and the temporary possession and control over the same is taken/exercised by those authorized to make apprehensions pursuant to Section 3 hereof for administrative disposition in accordance with law.
- b. **SEIZURE** - Upon determination that an apprehension is supported by a *prima facie* case against the offender(s), seizure is the official act of taking by persons authorized

hereby those items listed in Section 2 hereof into government custody, pending formal administrative proceedings for the disposition thereof.

- c. **CONFISCATION** - Upon determination of guilt in administrative proceedings outlined hereunder, confiscation is the official act of the DENR declaring that items listed in Section 2 hereof become property of the Government of the Republic of the Philippines.

- d. **FORFEITURE** - When items listed in Section 2 hereof are submitted by the DENR for disposition in judicial proceedings, forfeiture thereof in favor of the Government of the Republic of the Philippines shall be sought in addition to any other remedies applied for in the prosecution of the case.

- e. **FOREST PRODUCTS** - Refers to timber including lumber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey, beeswax, nipa, rattan, charcoal, or other forest growth, such as but not limited to grass, shrub, flowering plants in forest lands, and others.

- f. **FOREST OFFICERS** - Officials and employees of the DENR charged with the enforcement of forestry laws, rules and regulations of the Philippines.

Sec. 2. Items subject to apprehension, seizure, confiscation and forfeiture.

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

with incomplete required supporting documents ¹; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

- b. **MACHINERY , EQUIPMENT , TOOLS and IMPLEMENTS** - used in the possession, gathering, collecting, processing and/or transporting of illegal forest products; and

- c. **CONVEYANCE** - any mode or type or class of vehicle or craft or any other means used for transportation either on land, water, air, or any combination thereof, whether motorized or not, used for or in taking and/or maintaining temporary or permanent possession or control, gathering, collecting, processing, disposing of, or otherwise transporting, moving or transferring illegal forest products.

Sec. 3. Persons Authorized to Make Apprehensions and Effect Seizures.

- 1. **APPREHENSION** - The following are authorized to apprehend items outlined in Section 2 hereof:
 - (a) Forest Officers as defined in Section 1(f) hereof;

¹ Ie. , these documents required by law, rules and regulations administered by the DENR

- (b) Deputies (i.e., other government officials and private citizens duly deputized by the DENR Secretary or his duly authorized representative);
- (c) Members of law enforcement agencies; and
- (d) Private citizens as provided by law.

2. **SEIZURE** — The administrative seizure of illegal forest products takes effect when, for the purpose of holding the same in *custodia legis*, any DENR Officer designated as a Seizure Officer actually takes delivery from an apprehending officer as described in Section 3 hereof and thereby assumes possession/control of item(s) apprehended pursuant hereto. Only the following are designated Seizure Officers with authority to effect the administrative seizure of items listed in Section 2 hereof and within their respective areas of operation:

- (a) The DENR Regional Executive Director (RED) or, in his absence, any DENR Regional Technical Director (RTD) actually assigned to the area of apprehension at the time thereof;
- (b) The Provincial Environment & Natural Resources Officer (PENRO) or, in his absence, any Senior Forest Management Specialist (SFMS) or Senior Environmental Management Specialist (SEMS) actually assigned to the area of apprehension at the time thereof;
- (c) The Community Environment & Natural Resources Officer (CENRO) or, in his absence, any DENR Officer with the rank of Forester III or Land Management Officer III (LMO III) actually assigned to the area of apprehension at the time thereof; and

- (d) The Secretary may, from time to time, designate, in writing, such other DENR Officers for the purpose.

SECTION 4. General Requirements for Summary Administrative Apprehension, Seizure and Confiscation.

Upon inspection or interception of items listed in Section 2(a) hereof, or upon the discovery of such items that are abandoned, or whose owner, claimant, custodian or other interested party is absent or cannot be determined, the apprehending officer or individual or leader of the apprehending team shall strictly observe the following summary procedures:

On-site recording and preservation of data and evidence. By way of establishing and recording the legal basis for an apprehension and seizure, the following procedures shall be strictly complied with:

1. **ON SITE DETERMINATION OF PROBABLE CAUSE —**
Upon encountering a possible violation of forestry laws, rules and regulations, the apprehending officer/individual/leader of the apprehending team (hereafter referred to as the apprehending officer) shall establish his bona fides by identifying himself to any person(s) witnessing the activity by stating his full name, rank and official designation. He shall exhibit his current DENR Identification Card, if he is a DENR official or personnel, if not, a duly issued identification card. He will invoke these Rules and announce the commencement of a verification procedure. He shall then verify the existence of probable cause for an apprehension as outlined below.
2. **OCULAR INSPECTION AND IMMEDIATE RELEASE -** He will conduct an ocular inspection of all required authorizations cited in Section 2 hereof. If all requisite authorizations, permits, and accompanying documentation are verified to be in order, and

the probable cause for an apprehension is absent, the release of all items inspected must be effected immediately. In such cases, the official DENR seal of inspection/verification must be rubber-stamped or otherwise affixed on the face of all transport documents inspected in connection herewith. In the absence of an official DENR seal, he shall write the date, state the fact of inspection, and the release. After which he shall affix his signature above his full printed name in the official log book for the matter.

3. **ON-SITE RECORD OF VIOLATIONS** — Should inspection pursuant to the preceding paragraph indicate a violation of forestry laws, rules and regulations, and the probable cause for an apprehension is present, the apprehending officer shall immediately: (a) verbally inform the person(s) apprehended of his findings and announce that he is making an apprehension in accordance with these Rules; (b) prepare a written ON-SITE-RECORD of the names, addresses and other available data of all persons found in possession, exercising control and/or supervision over, or performing or otherwise involved in the possession, supervision, control, cutting, gathering, processing and/or transporting the item(s); and (c) if any there be, he shall write an itemized list of all on-site machinery, equipment, tools, and implements used in the commission of or otherwise connected with the offense. He shall then indicate the date and sign the ON-SITE-RECORD, and request the offender(s) to sign the same above their printed names. In case of refusal to sign as herein required, that fact or circumstances and reason, if any, of such refusal shall be written thereon in their presence, as proof of such action.

4. **ON SITE DETERMINATION OF FRAUDULENT MISREPRESENTATION PREJUDICIAL TO THE**

GOVERNMENT — Intent to defraud the Government shall be presumed:

- (a) In case the quantity or volume of a shipment or stock of forest products exceeds what is authorized, documented, manifested or declared: (i) **by five percent (5%)** or more, in case of timber, and/or (ii) **by two percent (2%)** or more, in case of lumber; and/or

- (b) Upon discovery of a misdeclaration on the quantity and species being verified pursuant hereto.

In all such cases, the entire shipment shall be considered illegal due to fraudulent misrepresentation with intent to prejudice the Government of the Republic of the Philippines. Such shipments shall be apprehended/seized, and subject to confiscation or forfeiture proceedings. The apprehending officer or individual shall effect the apprehension and proceed as hereunder outlined even if the requisite authorizations and supporting documents for all or part(s) of said shipment are verified to be otherwise in order.

- 5. **ON-SITE CONVEYANCE CHECK** — In case the violation noted involves the use of a conveyance, as herein defined, the seizing officer will announce the apprehension thereof. Should the conveyance require government registration, he will require the presentation thereof and will inspect (a) the Certificate of Registration; (b) the Official Receipt thereto appertaining, as well as (c) the Driver's License or similar authorization. Said documents shall be returned to the holder thereof upon notation of his identity and address, as well as of the name and address of the owner of the conveyance, its license plate number or other identifying marks or information.

6. **ON-SITE-REPORT** - In addition to the foregoing, the following information, if available, shall be recorded on-site upon apprehension, (1) time, date and place of apprehension; (2) full name and address of the offender(s) on-site; (3) full names of all persons accompanying or providing on-site assistance to the apprehending officer or individual; (4) circumstances that led to the apprehension (e.g., discovery of abandoned items, spot check by monitoring team, verification of absent, lacking, forged or spurious documentation, etc.); (5) names of local government officials present and/or of other person(s) witnessing the apprehension; (6) preliminary description of the item(s) being apprehended; (7) place, time and date of origin and intended destination, consignors and consignees of the items being apprehended; and (8) such other data or information and comments, observations and recommendations as may be available or pertinent on-site.

**Sec. 5. Outline of Procedures for Summary
Administrative Apprehensions.**

The following procedures shall be complied with for the summary administrative apprehension of items listed in Section 2 hereof:

1. **APPREHENSION RECEIPT** — Upon completion of the foregoing procedure and finding the existence of probable cause to make an apprehension, the apprehending officer shall issue and hand-over to the offender an Apprehension Receipt, which shall contain the following: (a) the precise nature of the offense cited; (b) the time, date and place of issuance of the Apprehension Receipt; and (c) the full names in print and signatures of both the apprehending officer and of the offender(s). Should the offender(s) refuse to sign or acknowledge, in writing, his receipt of the

Apprehension Receipt, or refuse to take delivery thereof, such fact shall also be stated in writing on the Apprehension Receipt with an explanation therefor.

2. **PROVISIONAL APPREHENSION RECEIPT** Should the counting, measurement, description, scaling, weighing, and/or value-estimation of the items being apprehended, and/or of any other documentation activity related thereto, remain incomplete at the close of regular office hours of the day when the apprehension was made, the fact that more time is required to complete the same, shall be explained to those concerned on-site and reflected in the Apprehension Receipt which, in such cases, shall state the date and time this procedure commenced. In such cases the Apprehension Receipt shall be prominently marked with the word ***PROVISIONAL***. The Provisional Apprehension Receipt shall also state the date, time and place where the uncompleted documentation activity will resume. This procedure shall be followed each day that the documentation activity remains incomplete until final completion thereof.

3. **TRANSPARENCY OF APPREHENSION PROCEEDINGS** - The documentation activity outlined above shall be undertaken with full transparency and in the presence of the offender(s), owner, custodian, possessor, consignor, consignee, or other person(s) claiming the apprehended items or representatives of any of said persons, as well as any other concerned or interested persons. If the documentation activity is undertaken in the absence of anyone interested therein, such fact shall be stated on both the ON SITE REPORT and APPREHENSION RECEIPT with an explanation, if any. Moreover, the apprehending officer shall immediately implement such measures to ensure that any persons known to have an interest in the apprehended item(s) but who are absent are informed without delay of the fact of, and reasons(s) for,

the apprehension, as well as invite said person(s) to attend the proceedings, stating the date, time and date when the documentation activity will resume.

Sec. 6. Outline of Procedures for Summary Administrative Seizure .

The following procedures shall be complied with the summary administrative seizure of items listed in Section 2 hereof.

1. **DELIVERY** As soon as possible after items are apprehended as outlined above, the same shall be delivered by the apprehending officer to the nearest Seizure Officer authorized pursuant to Section 3 hereof, who shall forthwith sign and issue a Seizure Receipt stating the date, place and time, name of apprehending officer, and containing an itemized list of the item(s) delivered to him. In case such delivery of any apprehended item(s) is impracticable, the apprehending officer shall deposit the same for temporary safekeeping at the nearest Government office. Should such temporary safekeeping be impracticable for any reason, the apprehended item(s) shall remain in the custody of the apprehending officer until delivery thereof is effected as herein provided.

2. **SUMMARY ADMINISTRATIVE SEIZURE** — Upon delivery to those authorized pursuant to Section 3 hereof, the Seizure Officer concerned shall forthwith verify the existence of a *prima facie* case against the offender by examining all the documents submitted to him by the apprehending officer as required by the foregoing provisions.
 - (a) He shall confirm that the item(s) delivered to him strictly coincide with the itemized list thereof reflected in the

documents of apprehension. If such confirmation cannot be completed within the same day, the procedure for extensions outlined in Section 5 hereof shall apply. In case of variance between the items so delivered and those reflected in the documents of apprehension, he shall require a sworn statement from the apprehending officer with a complete, clear and concise explanation for said variation, which shall form an integral part of the permanent records of the case.

In verifying the existence of a *prima facie* case against the offender, the appropriate DENR Officer shall personally examine the apprehending officer and any witnesses appearing before him in order to satisfy himself that an offense has been committed, that the evidence at hand indicates the offender is probably guilty thereof, and that the items delivered to him are the proceeds of the violation. Should a *prima facie* case against the offender be thus found, the Seizure Officer shall immediately declare this fact by issuing a SEIZURE ORDER for the apprehended item(s).

In case the apprehended conveyance involved is a government vehicle, the procedure above shall be followed and the vehicle shall be immediately released to the highest regional official of the office who owned the same, upon acknowledging that the said conveyance has been used in violation of existing forestry laws, rules and regulations.

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

The following procedures shall be complied with for the summary administrative confiscation of items listed in Section 2 hereof. Immediately upon, or as soon as practicable after issuance of a SEIZURE ORDER, the following outline shall be followed in the summary seizure proceedings.

1. **NOTICE OF HEARING** — A Notice of Hearing shall be issued by the DENR Officer who issued the SEIZURE ORDER scheduling a formal, summary hearing at a specified place and date within one (1) calendar week from the date of the SEIZURE ORDER or, upon written request and signature of all interested parties, within two (2) calendar weeks from said date. In no case shall the hearing so scheduled be postponed without the written request of the offender(s) and/or the owner or other person(s) interested in the seized item(s).

2. **HEARING** - The DENR Officer who issued the SEIZURE ORDER shall preside as the Hearing Officer at Confiscation hearings, which shall be recorded and of summary nature, during which all interested parties shall be heard by themselves and/or through counsel of choice. Ample opportunity to obtain the services of counsel shall, in all cases, be provided.

A complete set of the documents supporting the apprehension and seizure as hereinabove outlined shall be provided to the interested parties at their expense, and who shall be afforded the opportunity to present controverting evidence. Although not strictly bound by the technical rules on evidence and procedures, applicable Rules of Court shall have supplementary application in these proceedings to ensure justice and equity at all times. In lieu of adducing testimonial evidence, any Party may elect to submit a Memorandum, attaching Affidavits and any other supporting

documents thereto, with a request that the issues be decided on the basis thereof.

3. **DISPUTABLE PRESUMPTIONS** - In administrative proceedings conducted pursuant hereto, the following shall be considered presumptions of fact and/or law and taken as part of the evidence unless specifically controverted and successfully overcome by a preponderance of evidence.

(a) All those apprehended on-site for direct or indirect participation in the commission of the offense(s) cited had full knowledge of and willingly participated therein;

(b) The registered owner and/or operator/driver of a conveyance used in the commission of the offense had full knowledge and willingly participated therein by providing the conveyance for the illegal purpose to which said conveyance was applied. In case the registered owner of the conveyance is a partnership or corporation, the partners and/or officers thereof had full knowledge of and granted authorization or issued instructions for the use or application of the conveyance in the commission of the offense.

(c) Any forest products included within Section 2(a) hereof were obtained from an illegal source.

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. In the absence of compelling reasons, which shall in all cases be stated on the record, confiscation proceedings shall be terminated within fifteen (15) regular business days from commencement thereof. A transcript of stenographic notes or minutes taken at these proceedings shall form part of the permanent records of the case together with the Decision issued thereon citing the evidence adduced and reasons supporting the ruling. The Decision shall become final and executory upon the lapse of fifteen (15) regular business days unless a Motion for Reconsideration is filed as provided below.

5. **MOTION FOR RECONSIDERATION** - A party aggrieved by the decision may file only one (1) Motion for Reconsideration within a non-extendible period of fifteen (15) calendar days from receipt of the Decision, containing a concise statement of the grounds relied upon for the purpose. The Hearing Officer shall issue a ruling on such Motion within fifteen (15) days from receipt thereof, stating the grounds therefor. Unless a Notice of Appeal is filed by a Party with the Hearing Officer within a non-extendible period of fifteen (15) calendar days from receipt of a Notice of Appeal, the Hearing Officer shall transmit the complete records of the case to the Office of the Secretary for appropriate action.

6. **APPEAL** - Within a non-extendible period of fifteen (15) calendar days from receipt of the ruling upon a Motion for Reconsideration, a Party, after paying the corresponding Appeal Fee, may file an Appeal with the Office of the Secretary, which shall contain a concise statement of all the issues of fact and law raised on appeal. Upon receipt thereof, the Appeal shall be forwarded to the

Undersecretary for Legal and Legislative Affairs, who shall submit his recommendations to the Secretary within a period of fifteen (15) regular working days.

7. **DECISION OF THE DENR SECRETARY** - A Party aggrieved by the decision rendered by the Secretary may, within fifteen (15) days from receipt thereof, file but one (1) Motion for Reconsideration, failing which, the same shall become final and executory. However, the aggrieved Party may, within the same period, appeal said Decision to the Office of the President of the Philippines pursuant to Executive Order No. 19, Series of 1996.

8. **EXECUTIVE DECISION** — When a Decision becomes final and executory upon the lapse of the reglamentary periods herein prescribed, the Undersecretary for Legal and Legislative Affairs shall, *motu proprio* or upon Motion by any Party, issue a Certification to that effect for submission to the Secretary. The Certification shall cite the item(s) confiscated in accordance herewith (if any), together with a recommendation for execution of the Decision.

9. **TERMINATION OF CASE** — Upon approval by the Secretary issued pursuant to the preceding paragraph, confiscated items shall become permanent property of the Government and entered into the books as such and disposed of in accordance with law. The Secretary's approval shall be attached to and shall form part of the permanent records of the case, which, from the date thereof, is considered, terminated and closed.

Sec. 8. Abandoned Illegal Forest Products.

The following procedures apply in cases where illegal forest products and other items listed in Section 2 hereof are abandoned, or when the owner, claimant, custodian or other interested Party(ies) is unknown, cannot be determined, or cannot otherwise be found.

1. The items listed in Section 2 hereof shall forthwith be apprehended. Whenever practicable, photographs of the apprehension site and the item(s) seized shall be taken and shall form a permanent part of the records of the case. For this purpose, the apprehending officer shall identify, date, caption and write his full printed name and affix his signature at the back of each photograph so taken.

2. The ON-SITE RECORD OF VIOLATIONS, ON-SITE REPORT AND APPREHENSION RECEIPT shall be prepared as mandated hereby. In lieu of service of the APPREHENSION RECEIPT, a notice of the apprehension shall be left by the apprehending officer on-site, posted or tacked into the nearest tree, wall or other similar permanent structure. In this connection, the notice shall contain the date, time and place of the apprehension, full printed name, designation and signature of the apprehending officer, a complete, itemized list of the item(s) apprehended, a summary statement of the violation(s) cited, and of the full printed name and office address of the seizure officer to whom said items will be submitted as required by these Rules.

3. Summary Seizure/Confiscation Proceedings shall be conducted by the Hearing Officer designated in these Rules. In such cases the Notice of Hearing shall be posted at least three (3) times, once a every week for three (3) consecutive weeks, in at least three (3) public places, including, but not limited to: (a) the Barangay Hall

of the apprehension site; (b) the Bulletin Board of the DENR Offices where the Proceedings will be conducted, and (c) at the Municipal Hall of the apprehension site.

Should the owner, claimant or other interested Party fail to appear at the Proceedings, such failure shall be deemed a waiver of the right to appear and of any/all rights to the items apprehended in favor of the Government. The Hearing Officer shall state this fact in the records and enter certify that publication of Notice of Hearing had been effected in compliance herewith; thereupon, he shall forthwith issue his Decision based on the evidence at hand.

A Motion for Reconsideration and/or Appeal may be taken by any interested Party in accordance with Section 4 hereof.

Sec. 9. Temporary Release of Conveyances.

When a conveyance is apprehended by virtue hereof, and any time thereafter pending final disposition of the administrative case, and should available evidence establish to the satisfaction of the Hearing Officer that the conveyance may be used for lawful purposes, such as, but not limited to: personal mode of transportation; commercial passenger transport; cargo hauling; or other similar legal use, 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 compliance with the following requirements:

1. **DENR CONFIRMATION** - Written confirmation in the records of the case is entered by the Hearing Officer declaring under oath: (a) that the official registration papers and supporting documents thereof are secured and made an integral part of the records of the case, possession of which shall not be released unless ordered in

the final decision of said case or by other competent authority; and (b) that the Applicant was not among those who were apprehended by virtue hereof and is not a respondent in the case by virtue of which the conveyance is being detained pendente lite; (c) the Applicant has not previously been held administratively or criminally liable for violation of forestry laws, rules and regulations; and that (d) available evidence does not in any way indicate the complicity of the Applicant in the offense cited in the confiscation proceedings; and

3. **SWORN STATEMENT AND UNDERTAKING** — Submission by the Applicant of a Sworn Statement: (a) declaring the precise nature of his claim thereon; (b) declaring that he has not previously been held administratively or criminally liable for violation of forestry laws; (c) describing the precise lawful uses(s) to which the conveyance shall/may be applied during the pendency of the case; (d) stating the replacement cost of the conveyance at the time the application is filed; and (e) an unconditional undertaking to return possession of the conveyance to the DENR as may be required for the final disposition of the case.

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.

4. **RECALL OF CONVEYANCE** — In case of misrepresentation in the Application for Temporary Release of Conveyance and/or any documents submitted in connection with or support thereof, or in case of failure to comply with any representations or undertakings made in connection therewith, the conveyance shall be ordered recalled by the Hearing Officer and the same shall forthwith be returned by the Applicant to the DENR. In case of failure to return the conveyance in compliance with a directive issued in the administrative case, the bond shall be called and forfeited in favor of the Government.

5. **RETURN/CANCELLATION OF BOND** — When the Decision in a case becomes final and executory as outlined above and administrative confiscation of the conveyance is not ordered by the Government, immediate return thereof to the owner and cancellation/return of the bond filed in connection therewith shall be ordered. Unless expressly mandated in the body of the Decision of the case, the Hearing Officer shall forthwith issue an Order citing said Decision, a copy of which shall thereto be attached, mandating the immediate release of the conveyance to the Owner thereof, together with an order for the cancellation of the surety bond or return of the cash bond submitted as hereinabove required.

Sec. 10. Arrests and Prosecution for Other Offenses.

1. In addition to the functions outlined hereinabove, the Apprehending Officer may, whenever circumstances so warrant, effect the arrest and detention of any person(s) apprehended by virtue hereof, and forthwith deliver such person(s) to the proper authorities in accordance with the provisions of Presidential Decree No. 705, as amended.
2. Should the evidence in any administrative case arising by virtue hereof so warrant, the Hearing Officer shall initiate the filing of a criminal complaint before the City or Provincial Prosecutor or the before the Municipal Trial Court of appropriate jurisdiction for preliminary investigation and prosecution in accordance with law.
3. In all matters pertaining to arrests and prosecution of any person(s) effected pursuant hereto, all DENR personnel shall without delay coordinate with the Department of Justice Task Force on Environment and Natural Resources (DOJ-STF-ENR) and strictly comply with all directives issued in connection therewith.
4. In initiating and prosecuting criminal charges in pursuant to this Section, the cognizant DENR Officer shall, in addition to the indictment, contemporaneously file for: (a) actual damages in an amount equivalent to the value of the illegal forest products confiscated by virtue hereof; as well as (b) moral and exemplary damages for prejudice to the environment, in an amount equivalent to ten times (10X) the value of the forest products confiscated by virtue hereof.
5. Should the evidence so warrant, the Hearing Officer shall, in addition to the foregoing, promptly send a complete set of the

records of the case, duly certified by him as faithful reproductions of the original documents thereof, together with written FORMAL INDORSEMENTS on top and as covers thereof, to other cognizant government agencies for investigation and prosecution in accordance with law. Government agencies to which cases may be indorsed include, but are not limited to the: (a) Bureau of Internal Revenue - for failure to pay forestry charges and taxes; (b) Department of Trade and Industry - for violation of trade and industry laws, and (c) the Securities and Exchange Commission.

6. The foregoing guidelines shall be in addition and without prejudice to any other requirements as are or may hereafter be provided by public policy, law, rules and regulations.

Sec. 11. Reportorial Requirements.

Quarterly Reports shall be submitted by Regional Executive Directors to the Secretary, with copies thereof furnished to the Undersecretary for Legal and Legislative Affairs, to the Undersecretary for Field Operations, and to the Director of the Forest Management Bureau, containing the following information:

1. **STATUS REPORT OF CASES** — A complete list of all administrative cases initiated pursuant hereto, including the pertinent dates, places and Parties involved, current status and estimated period for completion, as well as recommendations for the efficient and expeditious disposition thereof, if any.
2. **LIST OF SEIZED AND CONFISCATED ITEMS** — A complete list of all items seized and detained pendente lite, with particular descriptions of each item, current condition thereof and place of detention/safekeeping. A second list shall be submitted reflecting all conveyances temporarily released pursuant hereto,

stating the names of recipients thereof, with the condition and amounts of the bonds pertaining thereto. A third list shall likewise be submitted for all confiscated items awaiting final disposition in accordance herewith, accurately described with recommendations as to the final disposition thereof, if any.

3. **ITEMS NOT RECOMMENDED FOR DISPOSITION** — The Quarterly Reports shall specify which confiscated items awaiting final disposition are not recommended for the purpose because: (a) the same had been submitted in evidence to a court or other government agency in connection with the prosecution of offenders in judicial or other proceedings, stating complete details thereof; or (b) the same are recommended for the use of DENR for a specified purpose or activity; or (c) the same are recommended for donation to a charitable institution for use in connection with a humanitarian purpose or activity.

4. **ITEMS REQUIRING URGENT DISPOSITION** — In the case of seized items which cannot be detained for safekeeping until final disposition thereof is determined in accordance with the foregoing procedures due to (a) the highly perishable nature thereof, or (b) that a place for adequate safekeeping thereof cannot be provided, or (c) because the continued detention thereof until final disposition in accordance herewith is impractical; and in the case of items confiscated in favor of the Government when the continue/prolonged detention/safekeeping thereof while awaiting final disposition in accordance herewith is not recommended for any of the foregoing reasons, all such items shall be itemized in a separate List of Items for Urgent Disposition.

5. The List of Items for Urgent Disposition shall be submitted to the Undersecretary for Field Operations without delay, and in any case within forty-eight (48) hours from discovery of the urgent nature of the circumstances. Said List shall state: (i) the general case

information cited in sub-paragraph (a) of this Section, (ii) a particular description of the item(s); (iii) the estimated value thereof; (iv) the reason(s) for recommending urgent disposition; and (v) mode of disposition recommended to avoid irreparable damage or prejudice to the item(s). Upon consultation with the Undersecretary for Legal and Legislative Affairs and the Director of the Forest Management Bureau, and with the approval of the Secretary, the Undersecretary for Field Operations shall issue directives for the expeditious disposition of all such items in conformity with law, justice and equity.

Sec. 12. Disposition of Items Confiscated in Favor of the Government.

1. Items confiscated in favor of the Government in summary administration proceedings conducted pursuant hereto shall be disposed of in accordance with law.
2. The disposition of items administratively confiscated in favor of the Government pursuant to these Rules shall be governed by the same requirement rules of procedures applied by the DENR Central Committee on Bids and Awards of the Office of the Secretary. In this connection, the Central Committee shall reproduce its requirements and rules of procedure for adoption and strict compliance.
3. For the implementation of these Rules, only the DENR Regional Committees on Bids and Awards are authorized to dispose of items administratively confiscated in favor of the Government pursuant hereto, provided that the value of each or all the items to be disposed of in each instances does not exceed five hundred

thousand pesos (P500,000.00). In cases where the value of any item, or when the total value of the items scheduled for disposition at any instance, exceeds the cited amount, disposition thereof shall be referred to the Central Committee on Bids and Awards, which shall conduct proceedings in relation thereto.

In this connection, DENR Regional Committees on Bids and Awards are hereby constituted as follows:

Chairman - Regional Executive Director or, in his absence, the Regional Technical Director (RTDF);

Member - Regional Legal Officer;

Member - Representative from the Local Government of the place of the DENR Regional Office concerned; and other members designated by the Regional Executive Director.

The representative from the Commission on Audit (COA) shall be designated as observer.

All Regional Executive Directors shall submit to the Office of the Undersecretary for Field Operations the names of the Members of their respective Regional Committees on Bids and Awards within twenty (20) calendar days from the date of effectivity of these Rules.

4. Consistent with the provisions of Republic Act No. 6713, (Code of Conduct and Ethical Standards for Public Official and Employees), DENR employees and their relatives within the fourth civil degree of consanguinity or affinity shall in no way, directly or indirectly, be allowed to participate in or otherwise be interested in any part of any proceedings for the disposition of confiscated items subject of these Rules.

5. In no case shall same individual(s) from whom the items for disposition were confiscated be qualified/admitted as a bidder in these proceedings.

Sec. 13. Expenses for the Transfer, Safekeeping, Maintenance and Delivery of Apprehended, Seized and Confiscated Items.

1. All expenses incurred by the DENR in transferring apprehended items to the place of safekeeping, the necessary maintenance thereof, and delivery to any other place or person as may be required by the circumstances and/or in the implementation of the procedures outlined herein, shall be added to the value thereof. Such expenses shall attach as primary liens over such items in favor of the Department and shall be deducted from and reimbursed to the DENR as administrative costs from the proceeds of the sale thereof if any. In this connection, the Department shall allocate a fund to enable field officers to advance expeditiously hauling expenses and avoid deterioration and/or loss of economic value of the products/conveyances.
2. In cases of forest products, tools, equipment, implements and conveyances that are forfeited in favor of the Government and disposed of by judicial or other official mandate, the cognizant Regional Executive Director shall make official representations with the Court or Government Agency concerned for the purposes of recovering the aforementioned primary lien.
3. The Undersecretary for Field Operations may promulgate such other guidelines, rules and regulations as may, from time to time, be deemed necessary or appropriate under the circumstances in order to ensure the recovery of expenses incurred by the Department in this regard.

Sec. 14. Remittance of Proceeds of Sales.

All proceeds from the sale or other disposition of any item(s) confiscated pursuant hereto are property of the Government of the Philippines. Proceeds in cash revert to the General Fund and shall be applied in strict conformity with applicable laws, rules and regulations.

Immediately upon receipt of payment, or any part thereof, for any item(s) sold or otherwise disposed of pursuant to these Rules, the entire amount(s) so received shall, in the form of a Cashier's Cheque or manager's Cheque, and together with complete documentation and concise explanation therefor, be remitted by the cognizant Chairmen of the Regional Committees on Bids and Awards to the DENR Central Office, where a separate account shall be established for the purpose.

A Quarterly Report on all funds remitted to Central Office pursuant to the preceding paragraph shall be submitted by the cognizant Officer to the Secretary; Quarterly Reports shall be consolidated into an Annual Report to be similarly submitted at the end of the fiscal year.

SECTION 15. Central Office Secretariat for Administrative Cases.

1. Personnel shall be designated by the Undersecretary for Field Operations to constitute a SECRETARIAT FOR ADMINISTRATIVE CONFISCATION CASES charged with the collection, storage, processing, monitoring, analysis and submission of Central Office Quarterly and Annual Reports thereon. The Central Quarterly and Annual Reports shall be submitted to the Secretary through the Undersecretary for Field Operations.

2. All reports required by these Rules shall be coursed through the Secretariat so constituted to ensure the most efficient administration thereof.
3. The Undersecretary for Field Operations may require the Secretariat and all other DENR personnel concerned to prepare such other reportorial requirements as may, from time to time, be necessary for the effective implementation of these Rules.
4. GAZETTE — All policies, guidelines, implementing instructions and directives issued pursuant hereto or in connection with these Rules shall be collated, provided the widest dissemination, and published a Gazette by the Secretariat. In addition thereto, all Decisions in administrative cases that have become final and executory shall be published in the Gazette, copies of which may be provided to other Government offices and Local Government Units.

Sec. 16. Implementing Guidelines and Instructions.

The Undersecretaries for Field Operations and for Legal and Legislative Affairs may, from time to time, issue such other guidelines, directives and implementing instructions for the orderly and effective implementation of these Rules.

Sec. 17. Penalty Clause.

In addition to and without prejudice to such other remedies as may by law be applicable under the circumstances, DENR Officers and Personnel found guilty of culpable violation of these Rules, whether directly or indirectly, shall suffer such penalties as may be imposed by the Secretary in accordance with law.

Sec. 18. Repealing Clause.

This Order repeals DAO No. 59, Series of 1990, DAO Nos. 54 and 67, both Series of 1993, and DAO No. 19, Series of 1994. All orders, circulars and issuances which are inconsistent herewith are hereby repealed and/or modified accordingly.

Sec. 19. Transitory Provision.

These Rules shall govern all administrative cases involving illegal forest products and the machinery, equipment, tools and conveyances used in connection therewith, initiated after the effectivity hereof, as well as to further proceedings in cases then pending, except to the extent that, in the opinion of the Secretary, or of the Court in appropriate cases, an application hereof would not be feasible or would occasion injustice, in which event the formerly applicable procedures shall be implemented.

Sec. 20. Separability Clause.

If any part of these Rules is declared unconstitutional or otherwise defective on any grounds, the remaining parts not affected thereby shall remain valid and effective.

Sec. 21. Effectivity.

This Order shall take effect fifteen (15) days after its publication once a week for three consecutive weeks in a newspaper of general circulation.

SO ORDERED.

(Sgd.) VICTOR O. RAMOS
Secretary