

**Administrative Order
No. 54
September 16, 1993**

SUBJECT : Amending Department Administrative Order (DAO) No. 59, Series of 1990, Promulgating "Guidelines in the Confiscation, Forfeiture and Disposition of Conveyances Used in the Commission of Offenses Penalized Under Section 68, Presidential Decree No. 705, as Amended by Executive Order No. 277, Series of 1987 and other Forestry Laws, Rules and Regulations.

Pursuant to Presidential Decree No. 705, otherwise known as the Revised Forestry Code of the Philippines, as amended by Executive Order No. 277, Series of 1987, and Executive Order No. 192, Department Administrative Order (DAO) No. 59, Series of 1990, of this Office, is hereby amended, to read as follows:

Section 1. Definition of Conveyance - The Term conveyance as used in these guidelines includes any type or class of vehicle, craft, whether motorized or not, used either in land, water or air, or a combination thereof or any mode of transport used in the movement of any forest products including all its implements and accessories.

Section 2. Conveyances Subject to Confiscation and Forfeiture. - All conveyances used in the transport or movement of logs, lumber or any forest product cut, gathered or removed illegally or possessed without the legal documents in accordance with Sections 68 and 68-A of P.D. 705 shall be confiscated and subject to forfeiture in favor of the government and disposed in accordance with pertinent laws, regulations or policies on the matter.

Section 3. Requirement to Transport Forest Products. - Before any forest product shall be transported, the shipper and conveyance owner or their duly authorized representatives 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.

Section 4. Who are Authorized to Seize Conveyance. - The Secretary or his duly authorized representatives such as the forest officers of the DENR and/or natural resources officers are authorized to seize the conveyances referred to in Section 2 hereof, subject to policies and guidelines pertinent thereto. Deputized military personnel and officials of other agencies apprehending illegal logs and other forest products and their conveyances shall notify the nearest DENR field offices, and turn over said forest products and conveyances for proper action and disposition. In case where the apprehension is made by DENR field offices, the conveyances shall be deposited with the nearest CENRO/PENRO/RED Office as the case may be, for safekeeping wherever it is most convenient and secured.

Section 5. Report of Confiscation/Seizure. - Whenever a seizure is made under these guidelines, the forest officers or natural resources officers concerned shall submit a report thereof to the Secretary or his duly authorized representative within three (3) days from the time of the apprehension and/or knowledge of such.

Section 6. Notice. - The proceedings for the confiscation and forfeiture of the conveyance under these regulations shall be directed against the conveyance under these regulations shall be directed against the conveyance, vessel or craft itself. However, for purposes of compliance with due process, the owner of the conveyance or his representative shall be given by the CENRO/PENRO a written notice of the seizure and the proceedings and shall give him an opportunity to be heard by directing said owner or representative to submit within five (5) days his sworn statements/affidavits and those of his witnesses, if any, in support of his reasons why the conveyance should not be forfeited in favor of the government.

For the purpose of such notice and all proceedings connected with the forfeiture, the word "representative" shall be deemed to include not only a representative-in-fact of the owner but also any person having possession of the conveyance at the time of its seizure or confiscation.

Section 7. Action to be taken by CENRO/PENRO. - Within five (5) days after receipt of the aforementioned affidavits/sworn statements of the owner and/or his representative and witnesses, or if none is received, despite due notice, the CENRO/PENRO shall submit a report to the Regional Executive Director on the action(s) taken by him together with all the records and documents relative to the case including his recommendations thereon.

Section 8. Action to be taken by the Regional Executive Director (RED). - Upon receipt of the records and documents relative to the case from the CENRO or PENRO and after being satisfied that the owner of the conveyance or his representative has been duly notified of the proceedings and given an opportunity to be heard in accordance with Section 6 hereof, the RED shall within thirty (30) days determine whether the logs, lumber or forest products confiscated came from illegal sources in violation of Section 68 of P.D. 705, as amended, and the conveyance was used in the transport of said illegally sourced forest products.

Section 9. Order of Forfeiture. - All conveyances found to have been used in the transport of illegal forest products as determined in accordance with these guidelines shall be declared forfeited in favor of the government. The Order of Forfeiture shall be issued by the Regional Executive Director with due notice to the owner thereof or his representative.

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.

Section 11. Appeal, Motion for Reconsideration and Disposition of Forfeited Conveyances. - If after the lapse of fifteen (15) days from receipt by the owner or his representative of the Order of Forfeiture no motion for reconsideration or appeal is filed, the Order of Forfeiture shall become final. Thereupon, the RED shall cause the said conveyance to be recorded in the books of the DENR as part of the property of the government in accordance with existing regulations.

Forfeited conveyances may be used by the Regional Office in forest protection and development activities or sold at public auction in accordance with existing laws, rules and regulations.

Section 12. Criminal Action. - The forfeiture of the conveyance under these regulations shall be without prejudice to any criminal action which may be filed against the owner thereof or any person who used the conveyance in the commission of the offense.

Section 13. Repealing clause. - All orders, circulars and issuances which are inconsistent herewith are hereby repealed and/or modified accordingly.

Section 14. Effectivity. - This Order shall take effect fifteen (15) days following the completion of its publication in a newspaper of general circulation.

ANGEL C. ALCALA
Secretary