

[DENR ADMINISTRATIVE ORDER NO. 59, June 22, 1990]

GUIDELINES IN THE CONFISCATION, FORFEITURE AND DISPOSITION OF CONVEYANCES USED IN THE COMMISSION OF OFFENSES PENALIZED UNDER SECTION 68, P.D. 705, AS AMENDED BY EXECUTIVE ORDER NO. 277, SERIES OF 1987 AND OTHER FORESTRY LAWS, RULES AND REGULATIONS

Pursuant to the provisions of Section 68 of Presidential Decree No. 705, as amended, and as further amended by Executive Order No. 277, Series of 1987, the following guidelines and procedures in the confiscation, forfeiture and disposition of conveyances used in the commission of offenses penalized under P.D. 705, as amended, and other forestry laws, rules and regulations are hereby promulgated for the information and guidance of all concerned.

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 conveyance used in the transport of any forest product obtained or gathered illegally whether or not covered with transport documents found spurious or irregular in accordance with Section 68-A of P.D. 705, shall be confiscated in favor of the government or disposed of 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 under oath on a form prescribed for the purpose and shall submit the same to the CENRO as a basis for the issuance of the transport documents covering the forest products to be shipped/transported. The transport agreement shall contain the undertaking that the conveyance owner shall also be held liable in case of illegally transported forest product.

SECTION 4. Who are Authorized to Seize Conveyance. The Secretary or his duly authorized representative such as the forest officers and/or natural resources officers, or deputized officers of the DENR are authorized to seize said conveyance 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 conveyance shall be deposited