

**DENR Memorandum Circular
No. 08
March 31, 1993**

SUBJECT : Guidelines for Referral of Illegal Logging Cases to the ENR-SECAL Special Prosecution Team

In line with the designation of ENR-SECAL lawyers as Special Counsels to assist in the prosecution of illegal logging cases per DOJ Special Order No. 217, Series of 1992, and to maximize assistance by said lawyers as well as systematize the referral of cases to them, the following guidelines are hereby promulgated:

Section 1. Priority Regions for Legal Assistance - Consistent with the project design of ENR-SECAL, assistance in the prosecution of illegal logging cases shall be mostly concentrated in Regions II, III and X, where rampant illegal logging activities has been observed. However, such assistance may likewise be extended in adjoining regions where illegal Regions IV, VII and NCR. This, however, shall not preclude the Secretary or the Undersecretary for Field Operations from referring cases to the ENR-SECAL Special Prosecution team originating from other regions of the country as the national interest may require and consistent with their authorization as Special Counsels.

Section 2. Criteria for Selection of Cases - Illegal logging cases to be referred to the ENR-SECAL Special Prosecution Team shall be chosen on the basis of the following criteria:

	Factor	Weight
1.	Value of confiscated logs/timber	25 %
2.	Reputation of alleged offender(s)	25 %
3.	Difficulty of case due to complexity/ novelty of legal/factual issue(s)	25 %
4.	Importance attached by DENR to the case as determined by the Secretary or his representative	25 %
	TOTAL	<hr/> 100 %

The distribution of points for each of the factors enumerated above is shown in Table 1 attached to this Circular as Annex "A".

Section 3. Procedure for Referral of Cases - Referral of illegal logging cases to the ENR-SECAL Special Prosecution shall subscribed to the following procedures:

- a. The Regional Executive Directors (REDs) of the priority regions as identified in Section 1 hereof shall be primarily responsible for referring cases to the ENR-SECAL Special Prosecution Team.
- b. For each case to be referred for prosecution assistance, the corresponding Case-Referral Rating Sheet shall be accomplished by the Chief, Legal Division of the Region concerned duly concurred by the RED. Only cases with a rating of at least 60 % shall be considered for assistance. Copy of the Case-Referral Rating Sheet is attached as Annex "B".
- c. Thereafter, the RED shall forward the duly-accomplished Case-Referral Rating Sheet with an appropriate covering memorandum addressed to the Secretary, Attention: The Program Director, ENR-SECAL Program, together with the case file containing and legible copies of all documents pertinent to the case.
- d. Upon receipt, the ENR-SECAL Program Director shall immediately refer the case to the Task Leader for Prosecution and Manual preparation who shall, thereupon, evaluate whether it qualifies for assistances bases on the approved criteria. After determining that the case merits assistance, the Task Leader for Prosecution and Manual Preparation shall then assign the same to any available member of the ENR-SECAL Special Prosecution Team.
- e. The above procedures shall not however preclude the Secretary or the Undersecretary for Field Operations from referring cases directly to the ENR-SECAL Special Prosecution Team taking into account the approved criteria and the national interest.

Section 4. Reporting of Cases - Quarterly status reports of all cases referred to the ENR-SECAL Special Prosecution Team for assistance shall be submitted to the ENR-SECAL Program Management Office using the form attached as Annex "C".

In addition, all ENR-SECAL lawyers shall be required to submit after-hearing reports as soon as they return from attending court/administrative hearings or preliminary investigations addressed directly to the Secretary and/or coursed through the ENR-SECAL Program Director, as the case may be.

Section 5. Effectivity - These guidelines shall take effect immediately.

ANGEL C. ALCALA
Secretary