

### Title:

**Momongan v. Omipon, 312 Phil. 395 (1993)**

### Facts:

1. **Incident and Initial Apprehension**

- On November 14, 1992, police officers in Hinunangan, Southern Leyte, apprehended Dionisio Golpe while driving a truck loaded with illegally cut lumber.
- The truck and logs were impounded, and a complaint was filed against Basilio Cabig, the alleged owner of the logs.

2. **Preliminary Investigation**

- Judge Rafael B. Omipon conducted a preliminary investigation and found prima facie evidence against Cabig but ordered the release of the truck since Golpe was not charged in the complaint.

3. **Complaint by Regional Director**

- Augustus L. Momongan, Regional Director of the Department of Environment and Natural Resources (DENR), Region VIII, filed a complaint against Judge Omipon.
- Momongan claimed that the release of the truck violated Presidential Decree 705 and other associated directives, which required the truck to be under the jurisdiction of the DENR.

4. **Judge Omipon's Defense**

- Judge Omipon explained that Golpe had a lesser role in the illegal logging and was primarily in the hauling business.
- The judge exercised discretion in releasing the truck, believing Golpe could be used as a prosecution witness against Cabig.

5. **Formal Investigation Recommendation**

- The Office of the Court Administrator found respondent's explanation unsatisfactory and recommended a formal investigation to clarify any missing facts.

6. **Investigation Proceedings**

- An investigation was referred to Acting Executive Judge Leandro T. Loyao, Jr. However, no substantial new facts emerged during the investigation due to respondent Judge Omipon's stroke and hospitalization.
- DENR's counsel Esber filed motions to include Golpe in the criminal information and for the turnover of the truck.

### Issues:

1. **Did respondent Judge Omipon violate Presidential Decree No. 705 along with Executive Order No. 277 and Administrative Order No. 59 by ordering the release of the truck?**
  - Did the judge have the authority to release the truck, or should it have been turned over to the DENR?

### Court's Decision:

1. **Legality of the Judge's Order**
  - The Supreme Court found respondent Judge Omipon's order to release the truck was legally justifiable.
  - The Court cited Article 45 of the Revised Penal Code, which prohibits the confiscation of property belonging to a third party not liable for the offense. Since Golpe was not charged in the complaint, the truck could not be confiscated.
2. **Claim of DENR's Jurisdiction**
  - While the DENR was correct that it has administrative jurisdiction over the confiscation and disposition of illegally procured forest products and conveyances used therein, the judge's decision to release the truck did not nullify DENR's authority.
  - The administrative and criminal proceedings for confiscation are separate. The truck could still be seized under appropriate administrative procedures.

### Doctrine:

1. **Non-confiscation of Third-Party Property**
  - Article 45 of the Revised Penal Code prohibits the confiscation of property used in a crime if it belongs to a third party not liable for the offense.
2. **Separate Administrative and Criminal Jurisdictions**
  - Administrative orders (DENR's jurisdiction over confiscation and disposal) and criminal proceedings (court penalties) function independently.

### Class Notes:

- **Key Elements:**
- **Illegal Logging Violation** - Pres. Decree No. 705, Sec. 68 defines illegal logging penalties.
- **Authority to Confiscate** - Pres. Decree No. 705, Sec. 68-A grants DENR authority for confiscation.
- **Forfeiture Limitations** - Rev. Penal Code Art. 45 prevents forfeiture of third-party property.

- **\*\*Study Focus:\*\***

- Understanding the hierarchy of jurisdiction between administrative bodies (DENR) and judicial authority.
- Application of laws protecting third-party property rights in criminal proceedings.
- Coordination necessity among law enforcement, administrative bodies, and judicial courts for efficacy in environmental law enforcement.

**### Historical Background:**

- **\*\*Forestry Code and Environmental Protection\*\***

- The case context is rooted in the Philippine government's heightened efforts to combat illegal logging. Presidential Decree 705 (Forestry Reform Code) was designed to fortify these efforts by expanding the government's capacity for enforcement and penalization.
- Executive Order No. 277 and subsequent Administrative Orders were amendments to reinforce the DENR's role in managing natural resources sustainably and ensuring stringent measures are in place for violations.