

### Title:

People of the Philippines vs. Wilson B. Que

### Facts:

Two weeks before March 8, 1994, SPO1 Dexter Corpuz, a member of the Provincial Task Force on Illegal Logging, was informed that a ten-wheeler truck (plate number PAD-548), loaded with illegally cut lumber, would pass through Ilocos Norte. On March 8, 1994, at about 1:00 AM, SPO1 Corpuz, along with SPO1 Zaldy Asuncion and SPO1 Elmer Patoc, positioned themselves at General Segundo Avenue and Rizal Street in Laoag City. Around 1:30 AM, they observed the truck and apprehended it at Marcos Bridge. The truck was driven by Wilfredo Cacao, with Wilson B. Que and an unnamed person on board. The driver identified Que as the truck's owner and the cargo.

SPO1 Corpuz checked the cargo and found coconut slabs, but Que admitted there were sawn lumber hidden underneath. Que could not present the required documents for the lumber, only a certification from the Community Environment and Natural Resources Office (CENRO) in Sanchez Mira, Cagayan for transporting the coconut slabs. The truck was taken to the Provincial Task Force office; there it was found that the cargo also included 258 pieces of tanguile lumber (total volume: 3,729.3 board feet) concealed by the coconut slabs.

On June 23, 1994, Que was charged with violating Section 68 of PD 705 as amended by EO 277. During the trial, Que claimed he legally acquired the lumber through private land timber permits (PLTP) issued to Enrica Cayosa and Elpidio Sabal and argued the lumber was payment for hauling services. Que also challenged the admissibility of the lumber as evidence, arguing it was obtained through an illegal search and seizure.

The trial court found Que guilty and sentenced him to reclusion perpetua, ordering confiscation of the lumber and truck. Que appealed on several grounds, challenging his conviction, the legality of the search and seizure, and the alleged violation of his constitutional rights.

### Issues:

1. Can Wilson B. Que be convicted under Section 68 of PD 705 as amended by EO 277 for possessing timber without legal documents?
2. Were the pieces of lumber seized in violation of Que's constitutional rights against unlawful searches and seizures?
3. Was Que's right to counsel violated during the custodial investigation?

### Court's Decision:

1. **First Issue**: The Court upheld Que's conviction, stating that Section 68 of PD 705 penalizes mere possession of timber without the necessary legal documents. DENR Administrative Order No. 59, series of 1993, specifies the documents required for transporting lumber. Que's failure to present these documents constituted an offense. The Court clarified that EO 277, which amended PD 705, penalizes possession without proper documentation as a separate offense from the legality of cutting or gathering timber.
2. **Second Issue**: The Court found no violation of Que's right against unlawful searches and seizures. The search of Que's truck fell under the "moving vehicle" exception to the warrant requirement, justified by probable cause based on prior information and Que's own admission about the sawn lumber. Therefore, the seizure of the lumber was lawful, and the evidence was admissible.
3. **Third Issue**: The Court deemed it unnecessary to resolve the issue about counsel during custodial investigation since it did not affect the overall finding of guilt.

### Doctrine:

1. **Possession of Forest Products**: Mere possession of timber or other forest products without the requisite legal documents is a punishable offense under Section 68 of PD 705 as amended by EO 277.
2. **Warrantless Searches and Moving Vehicles**: Warrantless searches of moving vehicles are permissible when probable cause exists.
3. **Separate Offenses under Section 68**: There are two distinct offenses under Section 68 of PD 705: cutting, gathering, collecting, or removing timber without authority; and possession of timber without the necessary legal documents.

### Class Notes:

- **Elements of Offense under Section 68 of PD 705**:

1. **Cutting, gathering, collecting, or removing timber or other forest products without authority**.
2. **Possession of timber or other forest products without necessary legal documents**.

- **Key Legal Statutes/Provisions**:

- **Section 68 of PD 705**: Penalizes unauthorized cutting/removal and possession without legal documents.

- **EO 277**: Amends Section 68 to specify possession without documentation as an

offense.

- **DENR Administrative Order No. 59, series of 1993**: Specifies required documents for transporting timber.

- **Guiding Principles for Warrantless Searches**:

- Valid if probable cause exists.

- Applicable to moving vehicles under exigent circumstances.

### ### Historical Background:

This case reflects the Philippine government's stringent measures to combat illegal logging, reinforcing the legal framework through PD 705 and its amendment by EO 277. The mobilization of government forces, like the Provincial Task Force on Illegal Logging, highlights the state's zero-tolerance approach towards environmental crimes. The doctrine established, particularly on the criminalization of mere possession of undocumented forest products, aims to curtail illegal logging by closing legal loopholes.