

## Title: **Wenceslao Vinzons Tan vs. The Director of Forestry et al., G.R. No. 210 Phil. 244 (1965)**

### Facts:

1. **April 1961:** The Bureau of Forestry issued Notice No. 2087 for public bidding of 6,420 hectares of forest land in Olongapo, Zambales.
2. **May 22, 1961:** Deadline for bid submissions. Wenceslao Vinzons Tan's application was submitted on May 5, 1961.
3. **June 7, 1961:** President Carlos P. Garcia directed the area to be made a forest reserve, halting the awarding process.
4. **August 3, 1961:** Secretary Cesar M. Fortich recommended opening the area to logging under responsible bidders to prevent illegal logging.
5. **April 15, 1963:** Bureau of Forestry awarded the area to Tan.
6. **December 6, 1963:** Ravago Commercial Company and Jorge Lao Happick's motions for reconsideration against the awarding were denied by the Director of Forestry.
7. **May 30, 1963:** Secretary Benjamin M. Gozon issued General Memorandum Order No. 46, allowing the Director of Forestry to grant licenses for areas not exceeding 3,000 hectares.
8. **December 19, 1963:** Secretary Jose Y. Feliciano issued General Memorandum Order No. 60, revoking the Director's authority under General Memorandum Order No. 46.
9. **January 6, 1964:** Tan's license signed and released by the Director of Forestry without Secretary approval.
10. **March 9, 1964:** Secretary Gozon revoked Tan's license as it was issued without authority.
11. **April 11, 1964:** Secretary dismissed appeals from Ravago Commercial Company and Jorge Lao Happick.
12. **April 18, 1964:** Tan filed Special Civil Action No. 56813 for certiorari, prohibition, and mandamus including preliminary prohibitory injunction at the Court of First Instance (CFI) in Manila, which opposed the respondents' motion to dismiss.
13. **January 20, 1965:** CFI dismissed Tan's petition for failing to state a sufficient cause of action, leading to this appeal.

### Issues:

1. **Validity of Timber License:** Whether Tan had a valid and enforceable license.
2. **Jurisdiction and Cause of Action:** Whether the CFI correctly dismissed Tan's petition for lack of a sufficient cause of action.

3. **State Immunity:** Whether the action impacts the State, thus requiring its consent for the lawsuit.
4. **Exhaustion of Administrative Remedies:** Whether Tan exhausted all administrative remedies before filing the petition.
5. **Authority of Secretary to Revoke the License:** Whether the Secretary of Agriculture and Natural Resources had the authority to revoke Tan's license.

**### Court's Decision:**

**1. Validity of Timber License:**

- The Court concurred that Tan's Timber License No. 20-'64 was issued without authority because it covered more than 3,000 hectares, the limit set by General Memorandum Order No. 46.
- License was signed on December 19, 1963, but released on January 6, 1964, after the revocation of the Director's authority by General Memorandum Order No. 60.

**2. Jurisdiction and Cause of Action:**

- The CFI correctly determined that Tan's petition did not state a cause of action since the license was void ab initio and public interest warranted the subsequent actions of the respondents.
- Evidence beyond the pleadings showed that the license was invalid.

**3. State Immunity:**

- The Court held that the suit was essentially against the State, impacting its interests and property, thus falling under State immunity which prohibits such actions without consent.

**4. Exhaustion of Administrative Remedies:**

- Tan failed to appeal to the President, the appropriate administrative recourse, before seeking judicial intervention, which invalidated his claim.

**5. Authority of Secretary to Revoke License:**

- The revocation by Secretary Feliciano was upheld as a valid exercise of administrative oversight due to the significant public interest in protecting the watershed.

**### Doctrine:**

- **State Immunity from Suit:** The State cannot be sued without its consent. Actions against state officers for acts within their authority impacting state interest are considered suits against the State.
- **Exhaustion of Administrative Remedies:** Judicial relief is unavailable until all

administrative remedies are exhausted, ensuring issues are resolved at the appropriate administrative level.

- **License and Public Interest:** A timber license is a revocable privilege, not a contract, emphasizing the State's authority to withdraw such privileges for public welfare without violating due process.

### ### Class Notes:

- **Key Elements:**

- State Immunity: No lawsuits against the State without consent.

- Administrative Remedies: Must exhaust administrative channels before court intervention.

- Licenses vs. Contracts: Licenses are revocable privileges not protected as contracts under due process.

- **Statutory Provisions:**

- **Section 79, Revised Administrative Code:** Department Head's control over bureaus and offices.

- **Section 1824, Revised Administrative Code:** Presidential authority to withdraw lands for certain purposes.

### ### Historical Background:

This case occurs in the post-World War II Philippines when significant U.S. military lands were being re-purposed by the Philippine government. Forest conservation emerged as a crucial policy due to environmental degradation and illegal logging activities, highlighting the balance between public welfare and private enterprise.