

****Case Brief: Factoran vs. Court of Appeals****

****Title:****

Fulgencio S. Factoran Jr., Secretary, Department of Environment and Natural Resources, Vicente A. Robles, and Nestor Gapuzan vs. Court of Appeals (Third Division), Hon. Benigno T. Dayaw, Judge, Regional Trial Court of Quezon City, Branch 80, Jesus Sy, and Lily Francisco Uy

****Facts:****

1. On August 9, 1988, two Marikina police officers intercepted a six-wheeler truck carrying 4,000 board feet of narra lumber.
2. The truck driver, Jesus Sy, was apprehended, and the truck and its cargo were taken to the DENR office in Quezon City.
3. Atty. Vicente Robles of the DENR's PIC/SAID unit investigated and found discrepancies in the documentation (e.g., different truck plate numbers, improper transport documents).
4. The lumber and truck were seized and a temporary seizure order was issued.
5. On January 20, 1989, Secretary Factoran ordered the confiscation of the narra lumber and truck.
6. Private respondents did not appeal this order and the properties were forfeited to the government, set to be auctioned on March 20, 1989.

Procedural Posture:

1. On March 17, 1989, private respondents Jesus Sy and Lily Francisco Uy filed a complaint for replevin and injunction to retrieve the confiscated lumber and truck and prevent the auction.
2. The RTC issued a writ of replevin and preliminary injunction on March 22, 1989.
3. Petitioners filed a petition for certiorari, prohibition, and mandamus with the Court of Appeals, which granted a TRO on March 30, 1989.
4. The Court of Appeals later lifted the injunction and dismissed the petition on March 30, 1990.
5. Petitioners' motion for reconsideration was denied on May 18, 1990.
6. Petitioners sought review by the Supreme Court.

****Issues:****

1. Can confiscated lumber be subject to replevin?
2. Does the DENR Secretary's authority to confiscate forest products under Sec. 68-A of P.D. 705 have precedence over judicial action?

3. Were the respondents denied due process in the confiscation of their properties?

Court's Decision:

1. **Replevin on Confiscated Lumber:** The Court ruled that confiscated lumber and truck held under legal process are beyond the reach of replevin. Replevin cannot apply to property held in custodia legis (official custody under legal process). The trial court's issuance of replevin was thus invalid and void.

2. **Authority of DENR:** The Supreme Court emphasized that the administrative authority of the DENR Secretary to order confiscation under Sec. 68-A is distinct from, and independent of, the penalties and confiscation determined in a criminal court under Sec. 68. The administrative order was valid and not subject to judicial interference while the property is under such administrative custody.

3. **Due Process:** The Court found that respondents were given ample opportunity to be heard. An extensive investigation was conducted, contrary to respondents' claims. There was no apparent violation of due process in the administrative proceedings that led to the confiscation.

Doctrine:

1. **Administrative Confiscation:** Under Sec. 68-A of P.D. No. 705, the DENR Secretary has the administrative authority to confiscate forest products and conveyances used in illegal logging without immediate judicial review.

2. **Replevin:** Property in custodia legis cannot be subject to replevin and requests for such must meet stringent procedural and factual standards to be considered.

3. **Exhaustion of Administrative Remedies:** Parties must exhaust all administrative remedies before seeking judicial intervention. Courts will not entertain suits where administrative procedures are bypassed.

Class Notes:

1. **Custodia Legis:** Understand the concept and its implications in preventing interference with lawful administrative and judicial processes.

2. **Sec. 68-A P.D. No. 705:** Differentiates administrative and criminal actions regarding illegal forest activities.

3. **Exhaustion Doctrine:** Ensure all administrative avenues are explored before court intervention.

4. **Due Process in Administrative Proceedings:** Procedural due process is key in lawful

confiscation procedures; formal hearings are not always necessary, providing an opportunity to be heard suffices.

Noteworthy is the centrality of administrative competence and specialized agencies (like the DENR) in managing specific statutory frameworks, especially regarding conservation and environmental protection laws.

****Historical Background:****

The case fits within the context of heightened environmental protection measures in the Philippines during the late 20th century, reflecting the government's effort to clamp down on illegal logging and preserve natural resources. This era saw stringent regulations and a robust administrative framework to combat environmental degradation. The procedural intricacies in this landmark case underscore the evolving dynamics between administrative authority and judicial oversight in environmental law enforcement.