

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. NARCISO A. AQUINO, IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH XIV, COURT OF FIRST INSTANCE OF PANGA-SINAN, AND BARTOLOME PADILL...

G.R. No. L-39274. July 26, 1991

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/08e9e6a8a5f9/>

FELICIANO, J.:

A complaint for violation of R.A. No. 3701 entitled "An Act to Discourage Destruction of Forests, Further Amending for this Purpose Section 2751 of the Revised Administrative Code" docketed as Criminal Case No. 1183, was filed on 10 October 1970 before the Municipal Court of Balungao, Pangasinan against private respondent Bartolome Padilla y Domingo.

On 29 November 1972, Judge Amando G. Lazaro of the Municipal Trial Court rendered a decision finding respondent Padilla guilty as charged and sentencing him to suffer imprisonment of seven (7) months and to pay a fine of P1,200.00 as the value of the forest products destroyed by appellee, with subsidiary imprisonment in case of insolvency.[1]

Respondent Padilla filed his notice of appeal, and in an order dated 13 February 1973, the Municipal Trial Court ordered the case elevated to the higher court.[2]

The appealed case, docketed as Criminal Case No. 148-R in the Court of First Instance of Pangasinan, Branch XIV, was tried de novo. The Provincial Fiscal filed a new information, dated 20 March 1973, which read:

"That on or about the month of September 17 to 19, 1970 at Sitio Catilaongan, Barrio Kita-kita, Municipality of Balungao, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously enter, and make kaingin in an area of approximately 20.0 hectares, which is within the Balungao forest reserve, Balungao, Pangasinan, and as a result thereof 500 cubic meters of firewood growing therein were destroyed to the damage and prejudice of the government in the amount of ONE THOUSAND THREE HUNDRED FIFTY PESOS (P1,350.00), Philippine Currency.

Contrary to Section 2751 of the Revised Administrative Code (Act No. 2711), as amended by Republic Act No. 3701."[3]

Private respondent Padilla was arraigned anew, and again pleaded not guilty.

Respondent Padilla then filed a motion to dismiss, dated 14 July 1974, claiming that upon inspection of the land involved by the Municipal Treasurer of Balungao, Pangasinan for the 1964 tax declaration, it was found that the land was not public land.[4] Respondent also argued that assuming the land to be public, the 12 June 1974 proclamation of the then President Ferdinand Marcos promised to recognize private rights acquired in respect of alienable and disposable public lands.[5]

Assistant Provincial Fiscal Juanito R. Morante filed an opposition to the motion to dismiss, dated 8 August 1974, arguing that since R.A. No. 3701 had not been repealed, that statute must be enforced.[6]

On 22 August 1974, public respondent Judge Narciso A. Aquino issued an order dismissing the case on the ground that the proclamation cited by private respondent Padilla had given him the opportunity to apply for a homestead patent, thus, rendering the case against him moot and academic.[7] The respondent judge further ruled that:

"The Court is inclined to sustain the theory of the accused that the Court has lost jurisdiction over the subject matter of this case inasmuch as in consonance with the spirit of the New Society to implement the land reform program and/or giving land to the landless, and to resolve in favor of the accused the benefit of the doubt, this case can no longer prosper under the aforesaid circumstances." [8]

The People, through the Solicitor-General, then filed with this Court a Petition for Review. In a Resolution, dated 30 October 1974, the Petition was given due course.[9] Private respondent, however, failed to file his answer. On 13 January 1975, the Court issued a Resolution requiring petitioner to file its brief. A copy of the petitioner's brief was sent to private respondent[10] who nonetheless failed to file his own brief. The case was considered submitted for decision without private respondent's brief.[11]

Petitioner raises the following issues for resolution of the Court:

"1. Whether or not the respondent court, which was possessed of uncontroverted jurisdiction over the subject matter of this case, had thereafter lost such jurisdiction by reason of the 'spirit and meaning of various Presidential Decrees, Orders and Proclamations issued by his Excellency, the President of the Philippines, in implementing the Land Reform Program and/or giving land to the landless' that allegedly rendered this case 'moot and academic'.

2. Whether or not the dismissal of this case by reason of the 'spirit and meaning of various Presidential Decrees, Orders and Proclamations issued by his Excellency, the President of the Philippines, in implementing the Land Reform Program and/or giving land to the landless' is an act without or in excess of the respondent court's jurisdiction, or with grave abuse of discretion, amounting to lack of jurisdiction." [12]

The Solicitor-General argues that since Section 2751 of the Revised Administrative Code as amended by R.A. No. 3701, which made it a criminal act to enter into forest reserves without permission from the Director of Forestry, to wit:

"Section 2751. Unlawful occupation or destruction of public forest. -- Without written permission of the Director of Forestry or his duly authorized representative, it shall be unlawful for any person wilfully to enter upon any public forest, proclaimed timberland, communal forest, communal pasture, and forest reserve and occupy the same, or make 'kaingin' therein or in any manner destroy such forest or part thereto, or to cause any damage to the timber stand and other forest products and forest growth found therein, or to assist, aid or abet any other person to do so. It shall also be unlawful for any person negligently to permit a fire which has set upon his own premises to be communicated, with destructive results, to any of the public forest herein-above described. Any person violating this section shall suffer ?

x x x x x x x x

(b) If the offense is committed within a forest reserve, a fine of four times the regular government charges on the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than four months nor more than six months;

x x x x x x x x

In all cases falling under this section, the court shall, upon conviction, order the eviction of the offender from the land, and the forfeiture to the Government of any construction of improvement thereon. If the area is reforested or under reforestation, the Government, may, in addition to the penalties herein provided, recover in a separate civil action, double the actual damages sustained as determined by the value of plantings and improvement destroyed and the detriment to the land and vegetables thereon" (Emphases supplied)

had not been repealed, it should have been enforced against respondent Padilla.[13] The Solicitor-General further argues that the so-called "proclamation" was but a part of the independence day speech of then President Marcos and cannot be considered in the same light as the martial law decrees recognized to have legislative effect,[14] hence, the same cannot be used as a basis for depriving the Court of First Instance of its jurisdiction over the case.

Deliberating on the instant Petition for Review on Certiorari, the Court considers that petitioner has shown clear reversible error on the part of Judge Narciso A. Aquino warranting reversal of the questioned decision.

As earlier mentioned, respondent Padilla did not file his brief. To forestall any contention from respondent Padilla that the People's appeal violated his right against double jeopardy, it should be recalled that that protection is not available in cases where the dismissal was effected at the instance of the accused.[15]

Neither can respondent Padilla raise any claim of denial of due process. The Court has constantly held that what is repugnant to due process is an absolute lack of an opportunity to be heard.[16] In the present case, respondent was given all the opportunity to be heard but he chose not to file any pleadings.

Under Article 7 of the Civil Code, a law may be repealed only by a subsequent law. Accordingly, in the absence of a law repealing Section 2751 of the Revised Administrative Code, quoted above, a judge has no choice save to apply and enforce Section 2751.[17] In the case at bar, Judge Aquino stated in his decision:

"The Court considers that although the accused, in supporting the ground of his motion to dismiss, may have no legal basis inasmuch as Republic Act 3701 has not yet been repealed or abrogated and still enforceable, yet the Court shall take into consideration the spirit and meaning of various presidential decrees, orders and proclamation (sic) issued by His Excellency, the President of the Philippines, in implementing the reform program and/or giving land to the landless." [18]

Thus, while Judge Aquino was obviously aware of the applicable legal principle, he chose to disregard that principle by invoking "the spirit and meaning" of various presidential decrees. This constitutes a rejection of the principle of legality so fundamental in criminal law that it is very difficult to understand how a judge could reach such a conclusion. No "spirit and meaning" that are not given statutory form and content can be invoked as over-turning a prior statute or as giving rise to new legal rights and duties. The "proclamation" relied upon by Judge Aquino was not a law and did not purport to be a law. In fact, that "proclamation" was merely an extraction from a speech of the then President of the Philippines, a speech in which some proposed policies concerning the disposition of public lands were announced. No decree or legislative enactment exempting "kaingineros" from liability for destruction of forest resources was promulgated after the presidential speech. As a matter of fact, Presidential Decrees Nos. 389[19] and 705,[20] enacted subsequently to that Independence Day Speech of former President Marcos, penalized the practice of kaingin in forest reserves.

In his motion to dismiss in the court below, private respondent Padilla asserted that he had an oral assurance of the Municipal Treasurer of Balungao, Pangasinan, that the area here involved did not form part of public land, possibly hoping to establish mistake of fact. We need only to note that Padilla admitted in his motion that he had started occupying the land here involved in 1962 but commenced paying real estate taxes only two (2) years later. In any case, any such claim is properly presented as a defense during the trial of the case; such claim certainly cannot affect the jurisdiction of the trial court.

WHEREFORE, the Court Resolved to GRANT DUE COURSE to the Petition for Review and to REVERSE and SET ASIDE the Order of public respondent Judge Narciso A. Aquino dated 22 August 1974. The trial court is hereby ORDERED to resume proceedings in Criminal Case No. 148-R of the then Court of First Instance of Pangasinan, Branch 14, against private respondent Bartolome D. Padilla. Costs against private respondent.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Bidin, and Davide, Jr., JJ., concur.

[1] Decision, Records, pp. 104-105.

[2] Records, p. 135.

[3] Id., p. 149.

[4] Id., p. 334.

[5] Id., pp. 334-335.

[6] Id., p. 342.

[7] Decision, Records, p. 351.

[8] Id., p. 351.

[9] Rollo, p. 52.

[10] Id., p. 69.

[11] Id., p. 71.

[12] Petitioner's Brief, pp. 7-8.

[13] Id., p. 12.

[14] Id., p. 26.

[15] *Milo v. Salanga*, 152 SCRA 113 (1987).

[16] See, generally, *Siquian v. People*, 171 SCRA 223 (1989).

[17] *People v. Mapa*, 20 SCRA 1164 (1967).

[18] Decision, Records, p. 350.

[19] Entitled "Codifying Revising, and Updating All Forestry Laws and for Other Purposes," issued on 5 February 1974.

[20] Entitled "Revising Presidential Decree No. 389, Otherwise Known as Forestry Reform Code of the Philippines," issued on 19 May 1975.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.