

**THE DIRECTOR OF FORESTRY, HON. TEOFILO SANTOS AND THE
DISTRICT FORESTER, MR. AMBROCIO JUINIO, PETITIONERS, VS.
JUDGE MARIANO V. BENEDICTO, PRESIDING JUDGE OF BRANCH V,
COURT OF ...**

G.R. No. L-29956. May 05, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

Reliance by the Director of Forestry[1] on the leading case of *Director of Forestry v. Muñoz*,[2] in this appeal by certiorari from a decision of the then Judge Mariano V. Benedicto, now deceased, declaring that 417 pieces of logs in General Tinio, Nueva Ecija, had been legally cut by private respondent New Timberland Corporation, but ordering it to pay to the government the amount of P711.07 still due from his forest charges or fees, and to refrain from cutting any log in its concession as its license had in the meanwhile been cancelled by the Secretary of Agriculture and Natural Resources, is more than justified. To allow private respondent to retain possession of the logs in question when no permission had been granted by the then Secretary of Agriculture and Natural Resources would be violative of the constitutional mandate as to the nationalization and conservation of natural resources. As so clearly set forth in the opinion of Justice Sanchez in *Muñoz*: "The view this Court takes of the cases at bar is but in adherence to public policy that should be followed with respect to forest lands. Many have written much, and many more have spoken, and quite often, about the pressing need for forest preservation, conservation, protection, development, and reforestation." [3] The judiciary is thus ever called upon to see to it that no dubious claim to forest products should be recognized.

The facts are undisputed. The case arose from an action for injunction with prayer for preliminary prohibitory injunction filed by private respondent Timberland Corporation with the Court of First Instance of Nueva Ecija, then presided by respondent Judge.[4] The then Director of Forestry and the then District Forester, petitioners now but then respondents, opposed the granting of a preliminary injunction based on lack of jurisdiction and pendency of another case between the same parties.[5] They then filed their answer, raising the special and affirmative defenses that the respondent Court had no jurisdiction to issue a writ of injunction, whether permanent or preliminary, enforceable outside Nueva Ecija to control the acts of the Director of Forestry; that assuming arguendo that the court had jurisdiction, the Timberland Corporation was without a cause of action because its proposed license over the forest area pursuant to which the disputed logs were cut was disapproved by the Secretary of Agriculture and Natural Resources; and that respondent Timberland had not exhausted all administrative remedies before invoking judicial intervention.[6] At the hearing, it was disclosed that without the required approval of a proposed license by the then Secretary of Agriculture and Natural Resources, respondent Timberland Corporation took the risk of operating in the areas formerly licensed to its incorporators, thus enabling one of them to cut and haul about 417 pieces of logs deposited in his log pond at General Tinio. Petitioners did stop the respondent in its logging operations, inventoried the logs and seized the said logs in the care of one Nicanor Aves. Thereafter, the Secretary of Agriculture and Natural Resources, on July 2, 1968,

disapproved the proposed license in favor of the New Timberland Corporation, as directed by the President of the Philippines. His decision was duly communicated to respondent on July 10, 1968. Nonetheless, then respondent Judge rendered the decision as above set forth, basing his decision on the proposed license of a former Director of Forestry disregarding such lack of approval by the then Secretary of Agriculture and Natural Resources. Hence this appeal. This Court gave due course to the petition and directed the stay of the execution of the judgment sought to be reviewed. After the answer was filed by respondents, petitioners filed their brief to be followed by respondents. There being no reply brief on the part of petitioners, the case was deemed submitted for decision.

Fidelity to the Muñoz doctrine extensively relied upon by petitioners calls for a reversal. It must be noted likewise that in the recent case of *Director of Lands v. Abanzado*,^[7] where Muñoz like-wise provided the main support for the conclusion reached, reference was made to cases decided even before the 1935 Constitution to demonstrate that this Court had rigorously adhered to the principle of conserving forest resources, as a corollary to which the alleged right to them of private individuals or entities was meticulously inquired into and more often than not rejected.^[8] We do so again.

1. Why the judgment should be adverse to respondents is categorically asserted in the excerpt from the brief of petitioners: "The ruling is plainly erroneous and untenable, in law and in fact. In the first place no license was ever issued and released to respondent Timberland, for such kind of license is not issuable upon the sole authority of the Director of Forestry, but is subject to the approval of the Secretary of Agriculture and Natural Resources."^[9] Support for such a view comes from Forestry Administrative Order No. 11, Section 14 of which requires that for a licensee to do what was done by private respondent, there must be an approval of the then Secretary of Agriculture and Natural Resources the proposed timber license involving the cutting of 1,000 cubic meters or more for a period not exceeding four years. As pointed out in the brief: "Since the license proposed to be issued to respondent corporation was not approved by the Secretary of Agriculture and Natural Resources, the same is not a license granted in accordance with the regulations (Forestry Administrative Order No. 11, particularly Sec. 14, thereof). It is a mere proposal conferring no right upon the respondents to commence the conduct of logging operations. Forestry Administrative Order No. 11 was published in the Official Gazette; it was issued and promulgated by the Secretary of Agriculture and Commerce (Natural Resources) pursuant to Sections 79(b) and 1817 of the Revised Administrative Code, upon the recommendation of the Director of Forestry. It has the force and effect of law. While Section 1831 of the Revised Administrative Code provides that forest products shall be cut, gathered and removed from any forest only upon license from the Director of Forestry, it is no less true that as a subordinate officer, the Director of Forestry is subject to the control of the Department Head or the Secretary of Agriculture and Natural Resources (Sec. 79(c), Rev. Adm. Code), who, therefore, may impose reasonable regulations in the exercise of the powers of the subordinate officer."^[10] It should not be lost sight of that Forestry Administrative Order No. 11 was recommended by no less than the Director of Forestry himself and thereafter approved by the then Secretary of Agriculture and Commerce, the department entrusted with such matters in 1934. As further contended by petitioners: "What is more, in this case, the Director of Forestry himself submitted the proposed license to the Secretary of Agriculture and Natural Resources 'for approval' thereby implying that he was not exercising the statutory power vested in him under the Revised Administrative Code, to issue a license."^[11] In the absence of a valid license, therefore, the cutting of logs as was done by private respondent was clearly unauthorized. As they were illegally cut, private respondent had no right to the possession of the disputed 417 pieces of logs.

2. The force of the above contention must have been evident to counsel for private respondent for in the eight-page brief submitted, there was hardly any attempt to dispute the soundness of the legal proposition as above set forth. The stress was on good faith. That does not suffice, as the property involved clearly belongs to the State. On the facts as duly proved, the judgment certainly was without support.

WHEREFORE, the appealed judgment is reversed and set aside and the petition for injunction filed by private respondent against the present petitioners dismissed. Costs against private respondent Corporation.

Barredo, Aquino, Guerrero, and De Castro, JJ., concur.

Concepcion, Jr., and Abad Santos, JJ., on leave.

[1] The Director of Forestry was then petitioner Teofilo Santos and the District Forester, his co-petitioner, was Ambrocio Juinio.

[2] L-24796, June 28, 1968, 23 SCRA 1183.

[3] Ibid, 1214.

[4] The New Timberland Corporation, now private respondent, was the petitioner. Petitioners before this Court were named respondents.

[5] Appeal by Certiorari, par. 7.

[6] Ibid, par. 9.

[7] L-21814, July 15, 1975, 65 SCRA 5.

[8] Cf. *Nicolas v. Jose*, 6 Phil. 589 (1906); *Municipality of Luzuriaga v. Director of Lands*, 24 Phil. 193 (1913); *Municipality of Hagonoy v. Archbishop of Manila*, 29 Phil. 320 (1915); *Municipality of Cavite v. Rojas*, 30 Phil. 602 (1915); *Ramos v. Director of Lands*, 39 Phil. 175 (1919); *Vaño v. Government*, 41 Phil. 161 (1920); *Director of Lands v. Roman Catholic Bishop of Zamboanga*, 61 Phil. 644 (1935).

[9] Brief for the Petitioners, 4.

[10] Ibid, 7.

[11] Ibid, 8-9.

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