

**MAGNO MANUEL, PLAINTIFF-APPELLANT, VS. MARIANO VILLENA,
THE DIRECTOR OF FORESTRY, THE SECRETARY OF THE
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES,
DEFENDANTS-APPELLEES.**

G.R. No. L-28218. February 27, 1971

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

This is an appeal from the order of the Court of First Instance of Tarlac dismissing the complaint in Civil Case No. 4226 entitled "Magno Manuel vs. Mariano Villena, the Director of Forestry and the Secretary of Agriculture and Natural Resources," wherein the plaintiff sought annulment of the decision of said public officials rejecting his application for a Tree Farm Permit over a 20-hectare parcel of public land, which was included in a 66-hectare area covered by a similar application of private defendant Mariano Villena.

The main thrust of the complaint is that the administrative decision sought to be set aside violated the plaintiff's right to due process. The averments in support thereof are substantially as follows: that the plaintiff had been in continuous possession of the land in question since 1939; that being an ignorant farmer he did not file his Tree Farm application (No. 13312) until June 1954; that the Director of Forestry rejected the same because a prior application (No. 3852) had been filed by Mariano Villena in November 1955; that two motions for reconsideration of the rejection order were turned down; that the plaintiff thereafter appealed to the Secretary of Agriculture and Natural Resources, but the appeal was dismissed by him; that on motion for reconsideration the Secretary found that the previous investigation conducted by the District Forester was not in accordance with the rules and regulations of the Bureau, and so ordered another investigation to be made; but that before said investigation was terminated the Secretary rendered a decision dismissing the appeal.

The complaint was filed on July 14, 1966. The defendants filed their respective answers alleging inter alia that the complaint averred no sufficient facts to show the court's jurisdiction. On December 6, 1966 the court issued an order finding the defendants' objection meritorious, but allowing the plaintiff to file an amended complaint within a period of ten days. The pertinent portion of the said order reads as follows:

"Section 1816 of the Administrative Code vests in the Director of Forestry the '... jurisdiction and authority over the demarcation, protection, management, reproduction, reforestation, occupancy, and use of all public forests and forest reserves and over the granting of licenses for game and fish, and for the taking of forest products, including stone and earth, therefrom. The decision of the Director of Forestry on the subject is not subject to judicial review unless in the exercise of such jurisdiction he committed a grave abuse of his discretion which amounts to a denial of due process of law to the party adversely affected. While the complaint alleges that the Director of Forestry acted with 'grave abuse of his discretion and in violation of due process of law provision of the Constitution of the Philippines' this allegation alone is insufficient for the court to intervene and review the actuation of the Director of Forestry. Specific acts and instances from which the grave abuse of discretion amounting to a denial of due process of law may be deduced, must be alleged. The

complaint does not allege any such fact. On the contrary, the complaint states that two motions for reconsideration were denied by the Director of Forestry; that an appeal was made to the Secretary of Agriculture and Natural Resources, who likewise sustained the decision of the Director of Forestry. The fact that the Secretary of Agriculture and Natural Resources decided the appeal without waiting for the completion of the reinvestigation that he ordered - does not constitute a violation of the due process of law provision of the Constitution as in the appeal the Secretary of Agriculture and Natural Resources was only called upon to pass on the sufficiency of the evidence before the Director of Forestry. The Secretary of Agriculture and Natural Resources was not required to conduct a new investigation of the case. He and the Director of Forestry may have committed an error in the appreciation of the evidence before them. But such an error is not sufficient ground for the intervention of the court who likewise may fall into a similar mistake. There is no allegation that the plaintiff was not heard nor that the Director of Forestry decided the case without taking evidence. On the contrary, reinvestigations were even made after which the Director of Forestry arrived at the conclusion subject of the present action. Clearly the plaintiff was given due process."

On March 3, 1967 the plaintiff filed an amended complaint, incorporating the amendments in paragraphs 7 and 8 of the original complaint, as shown in the following underlined recitals:

"7. That on February 2, 1957, with grave abuse of discretion and in violation of the due process of law provision of the Constitution of the Philippines, in that from the very inception of this case in the Bureau of Forestry up to the filing of his appeal in the Department of Agriculture and Natural Resources appellant (Magno Manuel) has not really been assisted or formally represented by counsel in any of the proceedings therein; and that in the investigation conducted by the District Forester concerned there was no showing that a notice has been sent to him so as to have afforded him an opportunity to solicit for the services of a lawyer. x x x"

"8. That the legal staff of the said Department began and conducted a formal investigation of the case, but the investigation was not completed, thus, said investigation, not being completed, was not in accordance with the due process of law provision of the Constitution to which constitutional right herein plaintiff is entitled and of which he was deprived; that despite the incomplete investigation, which was against the due process provision of the Constitution and the Administrative circulars and orders pertinent thereto, the defendant Secretary of Agriculture and Natural Resources, with grave abuse of discretion and in violation of the 'due process' provision of the Constitution rendered a decision on August 12, 1965, arbitrarily, capriciously, and illegally dismissing the appeal of herein plaintiff Magno Manuel, saying that there is no merit in his appeal."

On March 21, 1967 defendant Villena moved to dismiss the amended complaint on the ground that it did not cure the defects of the original one, and still contained no sufficient allegations to make out a cause of action or to confer jurisdiction upon the court to set aside or annul the administrative decision complained of. The court found the motion meritorious and hence dismissed the complaint in its order of June 24, 1967. The said order of dismissal is the subject of the present appeal.

The proceedings challenged in the complaint refer to the approval or rejection of an application for a Tree Farm Permit. Under Section 1838 of the Revised Administrative Code, quoted below, this function falls within the jurisdiction of the Director of Forestry with the approval of the Secretary of Agriculture and Natural Resources.

"Section 1838. Leasing of forest land for special purposes. - The Director of Forestry with the approval of the Secretary of Agriculture and Natural Resources, may, upon such terms as he may deem reasonable, lease or grant to any Filipino citizen or association of persons duly incorporated and authorized by the Constitution to acquire lands of the public domain, permits for the use of forest lands or vacant public lands not declared agricultural land, for a period not exceeding twenty-five years, for the establishment of sawmills, lumber yards, timber depots, logging camps, rights-of-way and plantations for the raising of nipa and/or other palms, bacadan, medicinal plants or trees of economic value. x x x"

The power thus conferred on the Director of Forestry with the approval of the Secretary of Agriculture and Natural Resources is basically executive or administrative in nature.[1] And courts, as a rule, refuse to interfere with proceedings undertaken by administrative bodies or officials in the exercise of administrative functions. This is so because such bodies are generally better equipped technically to decide administrative questions and that non-legal factors, such as government policy on the matter, are usually involved in the decisions.

There are, of course, limits to the exercise of administrative discretion. Administrative proceedings may be reviewed by the courts upon a showing that "the board or official has gone beyond his statutory authority, exercised unconstitutional powers or clearly acted arbitrarily and without regard to his duty or with grave abuse of discretion"[2] or that the decision is vitiated by fraud, imposition or mistake.[3]

The complaint here alleges denial of due process and grave abuse of discretion, in that appellant was not formally represented by counsel at any stage of the proceedings before the Director of Forestry and the Secretary of Agriculture and Natural Resources; that there was no showing that notice was sent to him so as to afford him an opportunity to obtain the services of a lawyer; and that the Secretary dismissed the appeal before the completion of the reinvestigation he had ordered.

The above circumstances however do not necessarily constitute a violation of due process or grave abuse of discretion. Section 1838 of the Revised Administrative Code does not require that the investigation be in the nature of a court trial. In deciding administrative questions, administrative bodies or officials generally enjoy wide discretion. Technical rules of procedure are not strictly enforced, and due process of law in the strict judicial sense is not indispensable.[4] It is sufficient that the substantive due process requirement of fairness and reasonableness be observed.

Appellant does not allege that he was denied opportunity to be heard-only that "there was no showing that a notice was sent to him so as to afford him opportunity to solicit the services of a lawyer" to represent him in all stages of the investigation. Absence of previous notice is not of itself a substantial defect; what the law abhors is the lack of opportunity to be heard.[5] In this case the plaintiff was not denied such opportunity, as it appears that he filed two separate motions for reconsideration before the Director of Forestry and then upon their denial appealed to the Secretary of Agriculture and Natural Resources.

It was not essential, either, that appellant be represented by a lawyer. The investigation conducted by the Bureau of Forestry under Section 1838 of the Revised Administrative Code was purely fact-finding. It was not required to be in the form of a trial where both parties, each represented by counsel, confront each other and their witnesses. In any case, appellant does not allege that the presence of a lawyer could have altered the result of the investigation. He does not even cite any substantial error in the findings of the Director of Forestry which could have been avoided, if a lawyer had represented him.

It should be noted that in the order of the Acting Secretary of Agriculture and Natural Resources dated March 15, 1960, a formal investigation of the case was ordered. That the investigation was actually conducted is not denied, and is borne out by the decision of the Secretary dismissing the plaintiff's appeal, in which it is stated:

"An investigation pursuant to the standing rules and regulations was duly conducted by an attorney of the Legal Staff of this Department and the pertinent portions of his report are hereunder quoted as follows:"

Appellant says that the investigation was incomplete. He does not, however, point out how incomplete it was, or in what aspect it had not been completed, or in what manner the incompleteness constituted grave abuse of discretion or violated the requirement of due process. We have examined the documents and pleadings reproduced in the appellant's record on appeal, particularly the decision of the Secretary of Agriculture and Natural Resources which is sought to be set aside, and we find that said decision is based on a thorough analysis of the facts as

revealed by the evidence. Thus the Secretary concluded:

"We have thoroughly and carefully checked the findings of facts enumerated above against the reverberating back-drop of the voluminous proofs, oral, documentary, presented and adduced by the contending parties herein, and we found that the said findings of facts are sufficiently and fully sustained by the evidence of the record. We are also in complete accord with the evaluation and appreciation of the evidence and the discussion and elucidation on the merits of the case contained in the investigator's Remarks and Comments."

In order to justify a review of the aforesaid decision on the ground that it was based on an investigation which was incomplete, it is not enough to make a bare allegation of incompleteness. Was the appellant for instance, denied the right to present his evidence? If so, what evidence was it, and how would it affect the result? What vital phase of the hearing if any, was omitted? No facts of this or similar nature are alleged in the complaint. The trial court consequently did not err in ruling as it did and issuing an order of dismissal.

Wherefore, the order appealed from is affirmed, with costs against appellant.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Ruiz Castro, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Fernando, J., did not take part.

[1] Pajo vs. Ago 108 Phil. 906, 915.

[2] Pajo vs. Ago, supra, at p. 916.

[3] Castañeda vs. Court of Appeals, L-25874, Feb. 28, 1969, 27 SCRA 186, 188-189.

[4] Hernando vs. Francisco L-18138, May 19, 1966, 17 SCRA 82, 90.

[5] Aguilar vs. Tan L-23600 Jan. 30, 1970, 31 SCRA 205, 210.

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