SUPREME COURT DECISION IN DY VS. COURT OF APPEALS GR NO. 121587 PROMULGATED ON MARCH 9,1999

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Time and again, field personnel of this Office involved in the campaign against illegal Logging are almost always confronted with the problem of facing and answering replevin suits filed with the Regional Trial Court by owners of seized forest products and conveyances. More often than not the courts issue writs requiring the return to the owners of said seized items and conveyances.

Recently, however, the High Court ruled that courts have no authority, to issue writs of replevin confiscated forest products and conveyances while the same are still undergoing forfeiture proceeding and/or are already the subject of a forfeiture order. The proper remedy for claimants of seized forest products and conveyances, who are interested in recovering them is to first exhaust all administrative remedies within the DENR pursuant to Section 8 of P.D. 705. In other words, he has, to seek relief and pursue the same all the way up to the Secretary of DENR before resort to the court can be allowed.

Henceforth, if ever our forest officials, would be facing replevin suit in the course of the performance of their official duties, they, can resist said suits by involving the doctrine, of exhaustion of administrative remedies which is too significant to be waylaid by the court." [Paat vs. C.A., 266 SCRA 167 (1997)]

For your information and guidance.

Adopted: 5 April 2000

(SGD.) ROSELLER S. DELA PENA
Undersecretary for Legal Affairs

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