

**THE EXECUTIVE SECRETARY, ASSISTANT EXECUTIVE SECRETARY
GILBERTO M. DUAVIT, THE SECRETARY OF AGRICULTURE AND
NATURAL RESOURCES, THE DIRECTOR OF FORESTRY AND
AGUS-MIN PROMOTIONAL ...**

G.R. No. L-37999. June 10, 1988

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c6efcc8f8d47/>

CORTES, J.:

The facts of the case are summarized in the decision of the Court of Appeals:

Prior to July, 1963, petitioners and the respondent Agus-Min Promotional Enterprises, Inc., hereinafter referred to as Agusmin for brevity, were concessionaires of adjacent portions of the public forest located in the Municipality of Talacogon, Province of Agusan, Philippines. On July 26, 1963, Acting Director of Forestry Estanislao Bernal, cancelled Ordinary Timber License No. 6-65 of Agusmin embracing 32,800 hectares for alleged violation of forestry rules and regulations (Annex A, Stipulation). Motions for reconsideration and appeals filed by Agusmin were all denied by the Director of Forestry, the Secretary of Agriculture and Natural Resources and the President (Annexes B, B-1 and B-2, Stipulation). On December 5, 1963, the Director of Forestry advertised for public bidding the former forest area of Agusmin.

Before the public bidding could take place, Agusmin, thru Atty. Tranquilino O. Calo, Jr., filed a petition for Injunction with the Court of First Instance of Agusan, contesting the validity of the Director's Order of Cancellation of July 26, 1963 (Annex C. Stipulation). In connection therewith Agusmin, thru its President and General Manager Felix J. Arriola, and one of its Vice-Presidents, Max J. Arriola, entered into a contract of legal services with Atty. Tranquilino O. Calo, Jr., on December 14, 1963, whereby it was agreed that should the latter succeed in securing the nullification of the cancellation order of the Forestry Director, a portion of not less than 5,000 hectares of Agusmin's concession shall be transferred to the Caina Timber Corporation as part of said Atty. Calo's legal fees, in addition to a retainer fee of not less than P500.00 monthly from the date of filing of the aforementioned petition up to the termination of agusmin's license (Annex D, Stipulation).

On September 25, 1964, Atty. Calo requested the assistance of the Manila Law Office of Congressman Benjamin T. Ligot promising to give the latter one-half of the area that agusmin agreed to give him incase they could finally obtain a reversal of the order of the cancellation (Annex E. Stipulation). On October 19, 1964, the Board of Directors of respondent Agusmin passed a resolution ratifying the contract of legal services entered into between its President and General Manager Felix J. Arriola and Atty. Tranquilino O. Calo, Jr., and authorized the former to execute any document or writing transferring and ceding to Atty. Calo, his heirs or assignee not more than 5,000 hectares of Agusmin's concession under O.T. No. 6-65 between the Maasam river and the concession of P.B de Jesus, effective upon the final reinstatement of the corporation's O.T. License No. 6-65 aforecited (Annex F. Stipulation). On the same date, Felix J. Arriola, in his capacity as President and General Manager of Agusmin, addressed a letter jointly to the Director of Forestry and Secretary of Agriculture and Natural Resources,

informing them that agus-min was waiving 5,000 hectares of its forest area under O.T. License No. 6-'65 in favor of Atty. Tranquilino O. Calo, Jr., who has applied for the same, or any corporation or partnership to which said Atty. Calo may assign his rights (Annex C. Stipulation).

On April 19, 1965, petitioner Pedro B. de Jesus, the holder of an adjacent concession under O.T. License No. 42-67, applied for an additional area of 2,500 hectares identified as a portion of the 5,000 hectares covered by the joint letter of October 19, 1964, of Agusmin's President and General Manager Felix J. Arriola to the Director of Forestry and Secretary of Agriculture and Natural Resources (Annex H, Stipulation). On April 27, 1965, the Ligot Law Office wrote the Director of Forestry waiving in favor of Petitioner P.B. de Jesus its right over the 2,500 hectares from Agusmin's concession pledged to him by Atty. Calo (Annex I, Stipulation).

On April 29, 1965, Asst. Director of Forestry Juan L. Utlog, then Officer-in-Charge of the Bureau, addressed a Memorandum to the Secretary of Agriculture and Natural Resources recommending approval of the applications of petitioner P.B. de Jesus for an additional area of 2,500 hectares, emphasizing same as a portion of O.T. License No. 6-65 of Agusmin Promotional Enterprises, Inc., and adjoining license, which executed a waiver dated October 19, 1964, over a portion of its area, consisting of about 5,000 hectares "and that a resolution of the board of directors in this regard waived its rights over this particular portion in favor of Atty. Tranquilino O. Calo, Jr., or his assignee" who bound himself to give to the Ligot Law Office one-half of the area waived in his favor by Agusmin, and that the latter waived his preferential right over this one-half portion in favor of Dr. De Jesus. Asst. Director of Utlog further informed the Secretary that "insofar as the withdrawal of interest by Agusmin over this portion is concerned, not directly in favor of the applicant but thru third parties, we find nothing in the forestry rules and regulations which would operate against said act. Whatever acts the third parties involved had done such as waiving a supposed right in favor of the other may be properly treated as merely removing any bar to the application of De Jesus "and that it is as if the waiver of Agusmin has been made directly in favor of the applicant Pedro B. de Jesus" (Annex J, Stipulation).

On June 24, 1965, Acting Secretary of Agriculture and Natural Resources Jose Y. Feliciano, approved the grant of an additional area to P.B. de Jesus "should the investigation reveal that no violation had in fact been committed by the Agus-Min Promotional Enterprises, Inc., (Annex K, Stipulation).

On July 7, 1965, respondent Agusmin, thru the Ligot Law Office and Atty. Calo, filed a motion with the Bureau of Forestry requesting the Director to reconsider that portion of his order of February 25, 1965, which directed an investigation of the alleged violation of forestry laws and regulations (Annex M, Stipulation). Without waiting, however, for a resolution of the aforesaid motion for reconsideration, respondent Agusmin, thru the same lawyers, appealed to the Secretary of Agriculture and Natural Resources on September 9, 1965, the said portion of the Forestry Director's Order of February 25, 1965, directing an investigation of alleged violations of forestry laws and regulations (Annex N, Stipulation).

On August 25, 1965, Assistant Director Juan L. Utlog notified petitioner P.B. de Jesus of the approval of his application for additional area, and that "the technical description of the area under your O.T. License No. 42-'67 is hereby amended . . . and increased from 21,025 to 23,525 hectares . . . conditioned upon the out-come of the investigation to be conducted by this Office pursuant to its order dated February 25, 1965, the penultimate paragraph thereof, as well as the final disposition of the Motion for Reconsideration filed of the same." Acting Secretary of Agriculture and Natural Resources Jose Y. Feliciano approved the grant on December 16, 1965 (Annex L, Stipulation).

On January 20, 1966, Agusmin thru its Vice-President and Assistant General Manager Max J. Arriola, wrote a letter to the Director of Forestry protesting for the first time against the grant of 2,500 hectares additional area to

the Petitioner P.B. de Jesus and requesting the renewal of its O.T. License No. 6-'65 "without deleting the said portion of 2,500 hectares or the whole of 5,000 hectares erroneously ceded to Atty. Tranquilino O. Calo, Jr." (Annex O, Stipulation).

On January 20, 1966, likewise, Acting Director Utlog denied Agusmin's motion for reconsideration and increased the membership of the investigation committee created on November 3, 1963, to three (Annex O, Stipulation).

On February 5, 1966, Agusmin appealed from the Order of the Director of Forestry dated January 20, 1966, to the Secretary of Agriculture and Natural Resources (Annex P, Stipulation).

On April 12, 1966, the new Director of Forestry Antonio A. Quejado, acting on the said letter of Max J. Arriola, issued a memorandum to the Chief, Forest Management Division, ordering the renewal of O.T. License No. 6-'65 and the return to Agusmin of the 2,500 hectares in question (Annex B, Stipulation).

On May 18, 1966, petitioner P.B. de Jesus addressed a letter-protest to the Director of Forestry questioning the legality of the latter's Memorandum of April 12, 1966, aforementioned for not giving petitioner the opportunity of a hearing (Annex S, Stipulation). The protest of the petitioner was nevertheless denied by the Director on August 12, 1966 (Annex T, Stipulation) and P.B. de Jesus appealed to the Secretary of Agriculture and Natural Resources Fernando Lopez, who, in a decision dated May 17, 1967, reversed and set aside the order of the Director of Forestry of August 12, 1966 (Annex U, Stipulation).

On June 2, 1967, respondent Agusmin received a copy of the Secretary's decision dated May 17, 1967, and on June 5, 1967, filed its Notice of Appeal to the Office of the President, with the Department of Agriculture and Natural Resources where it paid an appeal fee of P10.00 (Annex V, Stipulation).

On July 21, 1967, petitioner P.B. de Jesus filed an urgent motion with the Office of the President for the dismissal of Agusmin's appeal for not having been perfected on time so that the Office of the President did not acquire jurisdiction over the case (Exh. 1).

On July 24, 1967, petitioner also filed with the Office of the President a petition for extension of time and for suspension of the ten-day period given to him to file his reply memorandum until after the resolution of his urgent motion to dismiss.

On July 25, 1967, Acting Director of Forestry Antonio A. Quejado, issued O.T. License No. 133-71 (Exh. D) in favor of P.B. de Jesus & Co., Inc., covering an area of 30,265 hectares, including the disputed area of 2,500 hectares (Exh. D-1). Said license was subsequently approved by the Secretary of Agriculture and Natural Resources.

On September 1, 1967, Director Quejado also forwarded to the Secretary of Agriculture and Natural Resources for approval Res. O.T. License No. 4169-83169 he had issued to Agusmin which excluded the disputed area of 2,500 hectares and the area of Benjamin V. Guiang and Crisostomo Licalde (Exh. F).

On February 14, 1968, Gregorio P. Sadiasa, counsel for Agusmin addressed a letter to the Secretary of Agriculture and Natural Resources urging the approval of the above-stated license issued by the Director of Forestry to Agusmin, and emphasizing the latter's promise not to touch or log in the contested area (Exh. F-2).

By virtue of said appeal of Sadiasa in behalf of Agusmin, the Secretary of Agriculture and Natural Resources, on February 19, 1968, returned to the Director of Forestry, O.T. No. 4169-83169 issued to Agusmin, duly approved (Exh. F) and on the same date the Secretary informed P.B. de Jesus & Co., Inc., about the exclusion of the 2,500 hectares in dispute from Agusmin's license (Exh. E-1) and of the promise of Agusmin, thru its lawyer, not to touch or log in the contested area.

The above-stated motions of petitioner P.B. de Jesus were never resolved, but on May 7, 1968, respondent Assistant Executive Secretary Gilberto M. Duavit rendered his letter-decision, subject matter of these proceedings, reversing and nullifying the decision of the Secretary of Agriculture and Natural Resources and ordering the restoration to Agusmin of the 2,500 hectares in controversy (Annex W, Stipulation).

Petitioner P.B. de Jesus was notified of the decision of Assistant Executive Secretary Duavit on September 12, 1968, and he filed a motion for reconsideration. On October 4, 1968, petitioner also presented an urgent motion for the issuance of a restraining order against Agusmin to prevent the latter from operating within the contested area pending resolution of petitioner's motion for reconsideration aforementioned. Both motions remained unacted upon until the institution of these proceedings (Add. Stipulation).

After the filing of this case (special civil action for certiorari, prohibition and mandamus with preliminary injunction), the petitioners obtained a writ of preliminary injunction on January 10, 1969, directing the respondent Agusmin to desist from conducting logging operations within the 2,500 hectares in question and from gathering and/or hauling logs therefrom. Nevertheless, Agusmin continued cutting timber in the disputed area from which it removed the total volume of 11,603.95 cubic meters of logs (Exhs. NN, 9 and 9-b) and completely denuded same. Petitioners estimated the value of said 11,603.95 cu. m. of logs at P2,000,000.00. Agusmin claimed that only 60% thereof was exportable at \$28.50 per cu. m., while the rest were sawmill or plywood lumber valued at P30.00 per cu. m. [CA Decision, pp. 3-9; Rollo, pp. 127-133].

On these facts, the trial court rendered judgment for private respondents, the dispositive portion of which reads:

WHEREFORE, the writ is hereby granted and the letter-decision rendered by respondent Asst. Executive Secretary Gilberto M. Duavit on May 7, 1968, in DANR Case No. 3093 is declared null and void, and another one entered, upholding the award of the contested area to the petitioners by the respondent Secretary of Agriculture and Natural Resources in his decision of May 17, 1967, as perfectly valid and in accordance with law, and respondents Director of Forestry and Agus-Min Promotional Enterprises, Inc.. are hereby ordered to return the possession of the contested area of 2,500 hectares to the petitioners, the sum of P2,000,000.00, as consequential damages, the sum of P50,000.00 as attorney's fees, and the costs of these proceedings.

The writ of preliminary injunction heretofore issued on January 10, 1969, is hereby made permanent. [CA Decision, pp. 1-2; Rollo, pp. 125-126].

On appeal, the Court of Appeals upheld the trial court but modified the award of damages to P632,000.00 as actual and consequential damages and P10,000.00 as attorney's fees.

In this petition to review the decision of the Court of Appeals, petitioners assigned the following errors:

I

THE RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT THE OFFICE OF THE PRESIDENT (THRU PETITIONERS EXECUTIVE AND ASSISTANT EXECUTIVE SECRETARIES) EXCEEDED ITS JURISDICTION IN RENDERING THE DECISION DATED MAY 7, 1968.

II

THE RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT PETITIONERS EXECUTIVE AND ASSISTANT EXECUTIVE SECRETARIES COMMITTED GRAVE ABUSE OF DISCRETION WHEN THEY RENDERED ON MAY 7, 1968, BY AUTHORITY OF THE PRESIDENT, THEIR JOINT DECISION IN DANR CASES NOS. 3093 AND 3093-A, WITHOUT RESOLVING THE TWO MOTIONS (TO DISMISS APPEAL, FILED ON JULY 21, 1967 AND THAT FOR THE EXTENSION OF TIME TO REPLY TO THE APPELLANTS APPEAL MEMORANDUM, FILED ON JULY 24, 1967) FILED BY

PRIVATE RESPONDENT PEDRO DE JESUS WITH THE OFFICE OF THE PRESIDENT AFTER IT GAVE DUE COURSE TO THE APPEAL IN SAID ADMINISTRATIVE CASES.

III

THE RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT THE DEPARTMENTAL DECISION DATED MAY 17, 1967 IS FINAL AND EXECUTORY IN CHARACTER.

IV

THE RESPONDENT COURT OF APPEALS ERRED IN EVALUATING ANEW THE EVIDENCE ALREADY PASSED UPON IN THE ADMINISTRATIVE PROCEEDINGS.

V

THE RESPONDENT COURT OF APPEALS ERRED IN AWARDING DAMAGES IN THE INSTANT SPECIAL CIVIL ACTION (FOR CERTIORARI, PROHIBITION AND MANDAMUS) WHEN THE WRIT OF MANDAMUS WAS NOT GRANTED.

VI

THE RESPONDENT COURT OF APPEALS ERRED IN ORDERING PETITIONER AGUSMIN TO PAY THE SUM OF P642,000.00 IN DAMAGES BY VIRTUE OF A MERE TECHNICALITY INVOLVING A QUESTIONABLE TEN-DAYS LATE PAYMENT OF AN APPEAL FEE IN THE SMALL SUM OF P20.00 IN AN ADMINISTRATIVE APPEAL TO THE OFFICE OF THE PRESIDENT UNDER EXECUTIVE ORDER NO. 19, SERIES OF 1966.

VII

THE RESPONDENT COURT OF APPEALS ERRED IN AWARDING DAMAGES WHICH IS CONTRARY TO THE EXPRESS PROVISIONS ON DAMAGES OF THE CIVIL CODE.

VIII

THE RESPONDENT COURT OF APPEALS ERRED IN AWARDING DAMAGES TO THE PRIVATE RESPONDENTS DESPITE THE FINDINGS OF FACTS OF THE OFFICE OF THE PRESIDENT IN ITS DECISION OF MAY 7, 1968 THAT RESPONDENT PEDRO B. DE JESUS ACTED IN BAD FAITH WHEN HE APPLIED FOR THE CONTESTED FOREST AREA.

IX

THE RESPONDENT COURT OF APPEALS ERRED WHEN IT HELD THAT PETITIONER AGUSMIN ACTED IN BAD FAITH WHEN IT ALLEGEDLY LOGGED IN THE CONTESTED FOREST AREA.

X

THE RESPONDENT COURT OF APPEALS ERRED IN AWARDING DAMAGES IN THE SUM OF P642,000.00 BASED ON SPECULATION, CONJECTURE AND GUESSWORK.

XI

THE RESPONDENT COURT OF APPEALS ERRED IN AWARDING ATTORNEY'S FEES IN FAVOR OF PRIVATE RESPONDENTS. [Petitioners' Brief, pp. 2-4].

However, on February 28, 1974, while the instant petition was pending, the President issued Letter of Instruction No. 172 directed to the Secretary of Agriculture and Natural Resources which affirmed the cancellation or termination of the licenses of some thirty-three (33) licensees, including petitioner Agusmin.

As so presented in their brief, petitioners' assignment of errors may be divided into two categories, those relating to the perfection of the appeal to the Office of the President and the proceedings therein, and those relating to the award of damages.

1. In connection with the issue of the perfection of the appeal of the decision of the Secretary of Agriculture and

Natural Resources to the Office of the President in DANR Cases Nos. 3093 and 3093-A, the Court had already resolved the issue in an earlier case where petitioner and private respondent P.B. De Jesus & Co., Inc. were among the opposing parties.

In *Agusmin Promotional Enterprises, Inc. v. Court of Appeals*, [G.R. No. L-48478, September 30, 1982, 117 SCRA 369], the Court said:

The petitioner excepts to the findings of the trial court that AGUSMIN had not perfected its appeal from the adverse decision of the Secretary of Agriculture and Natural Resources to the Office of the President for its failure to pay the correct amount of the appeal fee within the period prescribed by Executive Order No. 19, series of 1966; and that the right to procedural due process was violated by the Executive Secretary when he rendered the disputed letter-decisions without first resolving the motion to dismiss and the motion for extension of time within which to file a reply pending resolution of the said motion to dismiss; and argues that the failure of the appellant to pay the correct amount of the appeal fee at the time of the filing of the Notice of Appeal does not constitute a ground for the dismissal of the appeal; rather, it is the failure of the appellant to pay the appeal fee within the time required of him by the Office where the appeal is taken that constitutes sufficient cause for the dismissal of his appeal; and that there is no violation of procedural due process since *Guiang and Licalde* (P.B. De Jesus & Co., Inc.'s co-respondents in DANR Case No. 3093-A) were given the opportunity to file a reply to the petitioner's appeal memorandum but they filed a motion to dismiss instead.

While there may be some merit in the arguments of the petitioner since the rule is that "in deciding administrative questions, technical rules of procedure are not strictly enforced and due process of law in the strict judicial sense is not indispensable," little, if any, useful purpose could be gained in further discussing these issues because Letter of Instruction No. 172, which ordered the cancellation of the timber license issued to AGUSMIN, in effect, reversed and set aside the said decisions of the Executive Secretary before the same became final and enforceable. In the words of the Court of Appeals, the said decisions "did not acquire any finality" (*Italic supplied.*)

In view of the foregoing, resolution of the issue of whether or not petitioner Agusmin's appeal to the Office of the President was perfected has been rendered moot and academic.

2. Petitioner contends that the Court of Appeals erred when it awarded damages in the special civil action for certiorari, prohibition and mandamus even if the writ of mandamus was not issued.

Petitioner takes issue with the Court of Appeals which sustained the jurisdiction of the trial court to award damages:

It is, therefore, clear that the issue of damages was raised in the court a quo and that Agus-Min had ample opportunity to defend itself. Indeed, it is an independent cause of action which was joined with the certiorari, prohibition and mandamus without objection on the part of Agus-Min. The fact that the question of damages was thus raised in the same petition for certiorari, prohibition and mandamus is now immaterial. Under Section 6, Rule 135 of the Revised Rules of Court, once jurisdiction is granted to a court and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by the Rules of Court, any suitable process or mode of proceeding may be adopted which appears conformable to the spirit of said law and rules; and this is what the court a quo did. in order to avoid multiplicity of suits and, at the same time, to assist the parties in obtaining a just, speedy and inexpensive determination of their controversy. (Sec. 2, Rule 1, Revised Rules of Court.) The objection of the appellants is based on a pure technicality which does not square with the administration of justice; instead, it obstructs the same. [CA Decision, pp. 34-35; Rollo, pp. 158-159].

In arguing that the Court of Appeals erred in sustaining the award of damages when the writ of mandamus did not issue, petitioners apparently rely upon the rule on award of damages in special civil actions for mandamus:

Sec. 3. Petition for mandamus. — When any tribunal, corporation, board or person unlawfully neglects the

performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station, or unlawfully excludes another from the use or enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court alleging the facts with certainty and praying that judgment be rendered commanding the defendant, immediately or at some other specified time, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the defendant. [Rule 65, Revised Rules of Court; *Italics supplied.*]

Petitioners' argument, however, springs from a mistaken premise. In the action instituted by private respondents below, mandamus was sought to compel the Executive Secretary, the Secretary of Agriculture and Natural Resources and the Director of Forestry to issue a timber license covering the disputed area in favor of private respondents. The writ was not sought against Agusmin, as the latter did not have a ministerial duty towards private respondent that may be compelled by mandamus. The award of damages to private respondents was not pursuant to the provisions of Rule 65 above-quoted; rather, it was in connection with the loss of the logs cut by Agusmin from the disputed area.

As correctly pointed out by the Court of Appeals, the issue of damages for the loss of the logs cut by Agusmin in contravention of its undertaking not to cut them was raised in the pleadings and in the proceedings before the trial court where evidence was presented by private respondents and Agusmin was given the opportunity to rebut the same. The issue of damages was therefore totally distinct and separate from the issue of whether or not mandamus will issue. Therefore, the trial court and the Court of Appeals did not act beyond their jurisdiction when they awarded damages to the private respondent for the loss of the logs cut by petitioner Agusmin from the disputed area.

As to the award of damages itself, the Court finds itself unable to agree with petitioners that the award was not supported by the record.

An elementary rule in the review of decisions of the Court of Appeals is that its findings of fact are entitled to great respect and will not ordinarily be disturbed by this Court, the jurisdiction of the latter being limited to the review of errors of law [Chan v. Court of Appeals, G.R. No. L-27488, June 30, 1970; 33 SCRA 737, reiterating a long line of decisions] No special circumstances have been shown in this case to warrant deviation from the rule.

Both the trial court and the Court of Appeals have found that, in contravention of its undertaking not to do so during the pendency of its appeal in the Office of the President, Agusmin cut logs from the disputed area, which logs were subsequently lost when they were washed away by floods. Having acted in bad faith, Agusmin cannot escape liability for the loss of the logs by alleging force majeure. This was precisely the basis for the award of damages.

The allegation that damages should not have been awarded since private respondents have been found by the Executive Secretary to have acted in bad faith in applying for a license to log the contested area deserves scant consideration as it clearly has no bearing and is totally irrelevant to the award of damages for the lost logs.

Neither may it be said that the amount of the award was based on speculation and guesswork. Far from it, the Court of Appeals, after reviewing the amount awarded by the trial court, decided to reduce it considerably in order to conform with actual figures presented in evidence:

However, We cannot accept the figure of 11,603.95 cubic meters and the price of \$31.90 per cubic meter which the court a quo used as basis for awarding P2,000,000.00 as consequential damages to petitioners (private respondents herein), because it is speculative. As for the price, Pedro de Jesus himself declared on the witness stand that the export price of logs was \$28.50 per cubic meter. Rather, We should take as basis the testimony of

Bermoy regarding the volume (3,693.10 meters) of the logs which he found inside the disputed area during his inspection and scaling of the logs. It is advantageous to Agus-Min, for it is less onerous and is founded on actual count; besides, it seems to be fair and just. Account should be taken of the fact that, before the logs are sold or exported, the producer incurs a lot of expenses, such as the cost of logging operation, transportation, taxes, — not to mention a few items. The difference between the estimate of Team Leader Anastacio N. Sison which is 8,006.75 cubic meters (net volume) and 3,693.10 cubic meters as reported by Bermoy — not counting one-third which is not included, not being scaled — would be sufficient to cover said expenses and other deductible items. On the basis of \$28.50 at the exchange rate of P6.00 to the dollar, the value of 3,693.10 cubic meters is P631,520.10 or roughly P632,000.00. [CA Decision, p. 31; Roth, P- 75.]

Anent the award of attorney's fees, such cannot be considered excessive. The Court of Appeals in fact reduced the latter to P10,000.00 from the P50,000.00 awarded by the trial court. This Court agrees that such an amount is fair and just considering the surrounding circumstances.

WHEREFORE, the petition is hereby DENIED for lack of merit. This decision is immediately executory.

SO ORDERED.

Fernan (Chairman), Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

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.