

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLE, VS. WILSON B. QUE, ACCUSED-APPELLANT.

G.R. No. 120365. December 17, 1996

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-120365/>

PUNO, J.:

Accused-appellant Wilson B. Que appeals from his conviction for violation of Section 68 of Presidential Decree (P.D.) 705[1] as amended by Executive Order (E.O.) 277.[2]

The facts show that two weeks before March 8, 1994, SPO1 Dexter Corpuz, a member of the Provincial Task Force on Illegal Logging, received an information that a ten-wheeler truck bearing plate number PAD-548 loaded with illegally cut lumber will pass through Ilocos Norte. Acting on said information, members of the Provincial Task Force went on patrol several times within the vicinity of General Segundo Avenue in Laoag City.[3]

On March 8, 1994, SPO1 Corpuz, together with SPO1 Zaldy Asuncion and SPO1 Elmer Patoc went on patrol around the area. At about 1:00 in the morning, they posted themselves at the corner of General Segundo Avenue and Rizal Street. Thirty minutes later, they saw a ten-wheeler truck with plate number PAD-548 pass by. They followed the truck and apprehended it at the Marcos Bridge.[4]

There were three persons on board the truck: driver Wilfredo Cacao, accused-appellant Wilson Que, and an unnamed person. The driver identified accused-appellant as the owner of the truck and the cargo.[5]

SPO1 Corpuz checked the cargo and found that it contained coconut slabs. When interviewed, accused-appellant told SPO1 Corpuz that there were sawn lumber inserted in between the coconut slabs.[6]

SPO1 Corpuz asked accused-appellant for the Cargo's supporting documents, specifically: (1) certificate of lumber origin, (2) certificate of transport agreement, (3) auxiliary invoice, (4) receipt from the DENR, and (5) certification from the forest ranger regarding the origin of the coconut slabs. Accused-appellant failed to present any of these documents. All he could show was a certification[7] from the Community Environment and Natural Resources Office (CENRO), Sanchez Mira, Cagayan that he legally acquired the coconut slabs. The certification was issued to facilitate transport of the slabs from Sanchez Mira, Cagayan to San Vicente, Urdaneta, Pangasinan.[8]

SPO1 Corpuz brought accused-appellant to the office of the Provincial Task Force at the provincial capitol. Again, accused-appellant admitted to the members of the Provincial Task Force that there were sawn lumber under the coconut slabs.[9]

At 10:00 o'clock in the morning, the members of the Provincial Task Force, together with three CENRO personnel examined the cargo. The examination confirmed that the cargo consisted of coconut slabs and sawn tanguile lumber. The coconut slabs were piled at the sides of the truck, concealing the tanguile lumber.[10] When the CENRO personnel inventoried and scaled the seized forest products, they counted two hundred fifty eight (258) pieces of tanguile lumber with a total volume of 3,729.3 board feet (8.79 cubic meters) and total assessed

value of P93,232.50.[11]

On June 23, 1994, accused-appellant was charged before the Regional Trial Court of Laoag with violation of Section 68 of P.D. 705 as amended by E.O. 277. The Information alleged:

That on or about the 8th day of March, 1994, in the City of Laoag, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the owner of an I(s)uzu Ten Wheeler Truck bearing Plate No. PAD-548, with intent of gain, did then and there willfully, unlawfully and feloniously have in possession, control and custody 258 pieces of various sizes of Forest Products Chainsawn lumber (Species of Tanguile) with a total volume of 3,729.3 bd. ft. or equivalent to 8.79 cubic meters valued in the total amount of P93,232.50 at P25.00/bd. ft., necessary permit, license or authority to do so from the proper authorities, thus violating the aforecited provision of the law, to the damage and prejudice of the government.

CONTRARY TO LAW.[12]

Accused-appellant denied the charge against him. He claimed that he acquired the 258 pieces of tanguile lumber from a legal source. During the trial, he presented the private land timber permits (PLTP) issued by the Department of Environment and Natural Resources (DENR) to Enrica Cayosa[13] and Elpidio Sabal.[14] The PLTP authorizes its holder to cut, gather and dispose timber from the forest area covered by the permit. He alleged that the tanguile lumber came from the forest area covered by the PLTP's of Cayosa and Sabal and that they were given to him by Cayosa and Sabal as payment for his hauling services.[15]

Accused-appellant also objected to the admission of the 258 pieces of lumber as evidence against him. He contended that they were fruits of an illegal search and seizure and of an uncounselled extrajudicial admission.

The trial court found accused-appellant guilty and sentenced him to reclusion perpetua. It also ordered the confiscation of the seized lumber and the ten-wheeler truck owned by accused-appellant. The dispositive portion of the Decision[16] states:

WHEREFORE, judgment is hereby rendered declaring accused Wilson B. Que guilty beyond reasonable doubt of the violation of Section 68 of PD 705, as amended by Executive Order No. 277 and he is sentenced to suffer the penalty of RECLUSION PERPETUA, plus all the accessory penalties provided by law. The bail bond filed for the provisional liberty of the accused is CANCELLED.

The two hundred fifty-eight (258) pieces of lumber (tanguile specie) and the ten-wheeler truck bearing plate No. PAD-548 which was used in the commission of the crime are hereby ordered confiscated in favor of the government to be disposed of in accordance with law.

Costs against the accused.

SO ORDERED.[17]

Appellant now comes before us with the following assignment of errors:[18]

1. It was error for the Court to convict accused under Section 68, PD705 as amended by EO 277 for possessing timber or other forest products without the legal documents as required under existing forest laws and regulations on the ground that since it is only in EO No. 277 where for the first time mere possession of timber was criminalized, there are no existing forest laws and regulations which required certain legal documents for possession of timber and other forest products.
2. The Court erred in allowing evidence secured in violation of the constitutional rights of accused against unlawful searches and seizures.
3. The Court erred in allowing evidence secured in violation of the constitutional rights of accused under

custodial investigation.

On the first assignment of error, appellant argues that he cannot be convicted for violation of Section 68 of P.D. 705 because E.O. 277 which amended Section 68 to penalize the possession of timber or other forest products without the proper legal documents did not indicate the particular documents necessary to make the possession legal. Neither did the other forest laws and regulations existing at the time of its enactment.

Appellant's argument deserves scant consideration. Section 68 of P.D. 705 provides:

Sec. 68. Cutting, Gathering and/or Collecting Timber, or other Forest Products Without License. - Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found. (emphasis supplied)

Appellant interprets the phrase "existing forest laws and regulations" to refer to those laws and regulations which were already in effect at the time of the enactment of E. O. 277. The suggested interpretation is strained and would render the law inutile. Statutory construction should not kill but give life to the law. The phrase should be construed to refer to laws and regulations existing at the time of possession of timber or other forest products. DENR Administrative Order No. 59 series of 1993 specifies the documents required for the transport of timber and other forest products. Section 3 of the Administrative Order provides:

Section 3. Documents Required.

Consistent with the policy stated above, the movement of logs, lumber, plywood, veneer, non-timber forest products and wood-based or nonwood-based products/commodities shall be covered with appropriate Certificates of Origin, issued by authorized DENR officials, as specified in the succeeding sections.

xxx

3.3 Lumber. Unless otherwise herein provided, the transport of lumber shall be accompanied by a CERTIFICATE OF LUMBER ORIGIN (CLO) issued by the CENRO or his duly authorized representative which has jurisdiction over the processing plant producing the said lumber or the lumber firm authorized to deal in such commodities. In order to be valid, the CLO must be supported by the company tally sheet or delivery receipt, and in case of sale, a lumber sales invoice.

xxx

When apprehended on March 8, 1994, accused-appellant failed to present any certificate of origin of the 258 pieces of tanguile lumber. The trial court found:

xxx

xxx When apprehended by the police officers, the accused admittedly could not present a single document to justify his possession of the subject lumber. xxx

Significantly, at the time the accused was apprehended by the police offices, he readily showed documents to justify his possession of the coconut slabs. Thus, he showed a certification issued by Remigio B. Rosario, Forest Ranger, of the DENR, CENRO, Sanchez Mira, Cagayan (Exhibit "E") and a xerox copy of the original

certificate of title covering the parcel of land where the coconut slabs were cut. (Exhibit "F")

It is worthy to note that the certification dated March 7, 1994 states:

"THIS IS TO CERTIFY that the one (1) truckload of coconut slabs to be transported by Mr. Wilson Que on board truck bearing Plate No. PAD 548 were derived from matured coconut palms gathered inside the private land of Miss Bonifacia Collado under OCT No. P-11614 (8) located at Nagrangtayan, Sanchez Mira, Cagayan.

This certification is being issued upon the request of Mr. Wilson Que for the purpose of facilitating the transportation of said coconut slabs from Sanchez Mira, Cagayan to San Vicente, Urdaneta, Pangasinan and is valid up to March 11, 1994 or upon discharge of its cargoes at its final destination, whichever comes first."

It is crystal clear, therefore, that the accused was given permit by the DENR to transport one (1) truckload of coconut slabs only between March 7 to 11, 1994. The accused was apprehended on March 8, 1994 aboard his truck bearing plate number PAD-548 which was loaded not only with coconut slabs but with chainsawn lumber as well. Admittedly, the lumber could not be seen from the outside. The lumber were placed in the middle and not visible unless the coconut slabs which were placed on the top, sides and rear of the truck were removed.

Under these circumstances, the Court has no doubt that the accused was very much aware that he needed documents to possess and transport the lumber (b)ut could not secure one and, therefore, concealed the lumber by placing the same in such a manner that they could not be seen by police authorities by merely looking at the cargo.

In this regard, the Court cannot give credence to his alleged letter dated March 3, 1994 addressed to the OIC CENRO Officer, CENRO, Sanchez Mira, Cagayan informing the CENRO that he would be transporting the subject lumber on March 7, 1994 from Sanchez Mira, Cagayan to Sto. Domingo, Ilocos Sur but was returned to him for the reason that he did not need a permit to transport the subject lumber. (Exhibit "8", "8-A")

While it is true that the letter indicates that it was received by CENRO on March 4, 1994, the court has doubts that this was duly filed with the concerned office. According to the accused, he filed the letter in the morning of March 4 and returned in the afternoon of the same day. He was then informed by an employee of the CENRO whom he did not identify that he did not need a permit to transport the lumber because the lumber would be for personal used (sic) and "x x came from PLTP." (Ibid) The letter-request was returned to him.

The fact that the letter-request was returned to him creates doubts on the stance of the accused. Documents or other papers, i.e., letter-request of this kind filed with a government agency are not returned. Hence, when a person files or submits any document to a government agency, the agency gets the original copy. The filer only gets a duplicate copy to show that he has filed such document with the agency. Moreover, his avoidance as regards the identity of the employee of the CENRO who allegedly returned the letter-request to him also creates doubts on his stance. Thus, on cross-examination, the accused, when asked about the identity of the employee of the CENRO who returned the letter-request to him answered that he could recognize the person "x x but they were already reshuffled." (TSN, February 8, 1995, p. 104) At one point, the accused also said that he did not know if that person was an employee of the DENR. (Ibid, p. 105)

Be that as it may, the Court finds significance in the last paragraph of this letter-request, to wit:

"x x x

Please consider this as my Certificate of Transport Agreement in view of the fact that I am hauling and transporting my own lumber for my own needs."

Thus, the accused through this letter considered the same as his certificate of transport agreement. Why then, if he was telling the truth, did he not take this letter with him when he transported the lumber on March 7, 1994?

All these circumstances clearly show that the letter comes from a polluted source.[19]

xxx

Accused-appellant's possession of the subject lumber without any documentation clearly constitutes an offense under Section 68 of P.D. 705.

We also reject appellant's argument that the law only penalizes possession of illegal forest products and that the possessor cannot be held liable if he proves that the cutting, gathering, collecting or removal of such forest products is legal. There are two (2) distinct and separate offenses punished under Section 68 of P.D. 705, to wit:

(1) Cutting, gathering, collecting and removing timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land without any authority; and

(2) Possession of timber or other forest products without the legal documents required under existing forest laws and regulations.

In the first offense, one can raise as a defense the legality of the acts of cutting, gathering, collecting or removing timber or other forest products by presenting the authorization issued by the DENR. In the second offense, however, it is immaterial whether the cutting, gathering, collecting and removal of the forest products is legal or not. Mere possession of forest products without the proper documents consummates the crime. Whether or not the lumber comes from a legal source is immaterial because E.O. 277 considers the mere possession of timber or other forest products without the proper legal documents as *malum prohibitum*.

On the second and third assignment of error, appellant contends that the seized lumber are inadmissible in evidence for being "fruits of a poisonous tree". Appellant avers that these pieces of lumber were obtained in violation of his constitutional right against unlawful searches and seizures as well as his right to counsel.

We do not agree.

The rule on warrantless search and seizure of a moving vehicle was summarized by this court in *People vs. Bagista*,[20] thus:

The general rule regarding searches and seizures can be stated in this manner: no person shall be subjected to a search of his person, personal effects or belongings, or his residence except by virtue of a search warrant or on the occasion of a lawful arrest. The basis for the rule can be found in Article III, Section 2 of the 1987 Constitution, which states:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose, shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and witnesses he may produce, and particularly describing the place to be searched, and the person or things to be seized.

Article III, Section 3 (2) further ordains that any evidence obtained in violation of the aforementioned right shall, among others, "be inadmissible for any purpose in any proceeding."

The Constitutional proscription against warrantless searches and seizures admits of certain exceptions. Aside from a search incident to a lawful arrest, a warrantless search had been upheld in cases of moving vehicles, and the seizure of evidence in plain view.

With regard to the search of moving vehicles, this had been justified on the ground that the mobility of motor vehicles makes it possible for the vehicle to be searched to move out of the locality or jurisdiction in which the warrant must be sought.

This in no way, however, gives the police officers unlimited discretion to conduct warrantless searches of automobiles in the absence of probable cause. When a vehicle is stopped and subjected to an extensive search, such a warrantless search has been held to be valid as long as the officers conducting the search have reasonable or probable cause to believe before search that they will find the instrumentality or evidence pertaining to a crime, in the vehicle to be searched. (citations omitted; emphasis supplied)

As in *Bagista*, the police officers in the case at bar had probable cause to search appellant's truck. A member of the Provincial Task Force on Illegal Logging received a reliable information that a ten-wheeler truck bearing plate number PAD-548 loaded with illegal lumber would pass through Ilocos Norte. Two weeks later, while members of the Provincial Task Force were patrolling along General Segundo Avenue, they saw the ten-wheeler truck described by the informant. When they apprehended it at the Marcos Bridge, accused-appellant, the owner of the truck and the cargo, admitted that there were sawn lumber in between the coconut slabs. When the police officers asked for the lumber's supporting documents, accused-appellant could not present any. The foregoing circumstances are sufficient to prove the existence of probable cause which justified the extensive search of appellant's truck even without a warrant. Thus, the 258 pieces of tanguile lumber were lawfully seized and were thus properly admitted as evidence to prove the guilt of accused-appellant.

The foregoing disquisition renders unnecessary the issue of whether appellant's right to counsel under custodial investigation was violated. The Resolution of the issue will not affect the finding of guilt of appellant.

IN VIEW WHEREOF, the instant appeal is DISMISSED. The decision appealed from is AFFIRMED. Costs Against appellant.

SO ORDERED.

Regalado (Chairman), Romero, Mendoza, and Torres, Jr., JJ., concur.

[1] Revised Forestry Code.

[2] Amending Section 68 of Presidential Decree (P.D.) No. 705, as Amended, Otherwise Known as the Revised Forestry Code of the Philippines, For the Purpose of Penalizing Possession of Timber or Other Forest Products Without the Legal Documents Required By Existing Forest Laws, Authorizing the Confiscation of Illegally Cut, Gathered, Removed and Possessed Forest Products, and Granting Rewards to Informers of Violations of Forestry Laws, Rules and Regulations.

[3] TSN, December 2, 1994, pp. 3-4.

[4] TSN, December 2, 1994, pp. 4-5; TSN, December 8, 1994, pp. 39-41.

[5] TSN, December 2, 1994, p. 6.

[6] TSN, December 2, 1994, pp. 7-8.

[7] Exhibits "E" and "E-1".

[8] TSN, December 8, 1994, p. 43.

[9] TSN, December 2, 1994, p. 7.

[10] TSN, December 8, 1994, p. 44; Exhibits "D", "D-1", "D-2" and "D-3".

[11] Inventory and Scale Sheet of Seized Lumber Loaded on Isuzu Ten Wheeler Truck Bearing Plate No.

PAD-548 prepared and signed by Aurelio E. Macugay, Forest Protection Officer, Clemente A. Visco, Jr., Scaler, and Maissee A. Bartolome, Forest Ranger (Exhibits "G", "G-1" and "G-2").

[12] Original Records, p. 1.

[13] Exhibit "4".

[14] Exhibit "5".

[15] TSN, February 8, 1995, pp. 91-93.

[16] Penned by Judge Perla B. Querubin.

[17] Rollo, p. 33.

[18] Appellant's Brief, Rollo, p. 57.

[19] Rollo, pp. 28-31.

[20] 214 SCRA 63 (1992).

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.