

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
(DENR), REGION VIII, TACLOBAN CITY, REPRESENTED BY REGIONAL
EXECUTIVE DIRECTOR ISRAEL C. GADDI, PETITIONER, VS.
GREGORIO DARAMAN,...**

G.R. No. 125797. February 15, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Under the Revised Forestry Code of the Philippines, particularly Section 68-A, the Department of Environment and Natural Resources secretary or a duly authorized representative may order the confiscation in favor of the government of, among others, the vehicles used in the commission of offenses punishable by the said Code.

The Case

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the December 6, 1995 Decision[1] and the June 3, 1996 Order[2] of the Regional Trial Court (RTC) of Calbayog City (Branch 32) in Criminal Case No. 1958. The assailed Decision disposed as follows:

“WHEREFORE, for insufficiency of evidence, the Court hereby declares accused GREGORIO DARAMAN and NARCISO LUCENECIO acquitted of the crime charged, with costs de [o]ficio.

“The bond of the accused is hereby cancelled.

“The court hereby orders the CENR Officer of Samar, or any DENR employee who is taking custody of the Holy Cross Funeral Services vehicle ‘St. Jude’, with Plate No. HAJ-848, to return the said vehicle to the owner thereof.”[3]

The assailed Order denied the Motion for Reconsideration challenging the last paragraph of the Decision regarding the return of the subject vehicle to herein respondents.

The Facts

In the assailed Decision, the trial court summarized the facts of this case as follows:

“The accused herein Gregorio Daraman and Narciso Lucenecio are charged [with] violation of Section 68 of Presidential Decree No. 705 as amended by Executive Order No. 277 in an information which is quoted herein below:

‘That on or about the 30[th] day of November, 1993, at about 1:00 o’clock in the afternoon, at Barangay Bulao, Municipality of San Jorge, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, did then and there wilfully, unlawfully and feloniously gather, collect and possess seventy two (72) pieces of assorted sizes of lumber, with a total volume of 72.93 board feet valued at SEVEN HUNDRED TWENTY NINE PESOS (P729.30) and THIRTY CENTAVOS, without first securing and obtaining any permit or license therefor from the proper authorities, thus Violating Section 68 of Presidential Decree No. 705, as amended and

further Amended by Executive Order No. 277, series of 1989.

‘CONTRARY TO LAW.’

“Assisted by their counsels, the accused were arraigned and they entered the plea of not guilty.

“Thereafter trial was conducted.

“The prosecution presented Pablo Opinion who testified as follows:

“That he is an employee of the Department of Environment and Natural Resources as a Forest Ranger. On November 30, 1993 at about 1:00 o’clock in the afternoon, while he was in his house in Brgy. Bulao, San Jorge, Samar, a vehicle named ‘St. Jude’ with Plate No. HAJ-848 coming from barangay Blanca Aurora passed by. He stopped the said vehicle and found some lumber of assorted sizes [and] wood shavings inside. The lumber consisted of 62 pieces of 1” x 2” x 4”, 16 pieces of 1” x 24” x 2.3” and 1 piece of 1” x 2” x 4.” In his estimate at the price of P10.00 per board foot the total value of the lumber would be P729.30. He asked the driver for [the] owner of the lumber and he was informed that it was a certain Asan of Brgy. Blanca Aurora. The driver also informed him that the vehicle was owned by his employer, Narciso Lucenecio of the Holy Cross Funeral Services in Calbayog City. He then took hold of the vehicle and the assorted lumber and, thereafter, he issued a Seizure Receipt marked as Exhs. ‘B’ and series. He also took photographs of the lumber which are now marked as Exhs. ‘C’ and series. Besides, he signed a Joint Affidavit with Oligario Mabansag, also a Forest Ranger. When he asked the driver Gregorio Daraman for some papers for the assorted lumber, the latter replied that he had none because they were not his. Daraman further told him that [they] went to Brgy. Blanca Aurora to secure some wood shavings from the furniture shop owned by Asan and Asan merely asked him a favor of loading his assorted lumbers in the vehicle of the Holy Cross Funeral Services to be brought to his (Asan’s) house in Barangay Abrero, Calbayog City.

“The prosecution has still another witness in the person of Oligario Mabansag, but both the prosecution and the defense agreed to dispense with his testimony considering that the case would be merely corroborative [of] those already offered by Pablo Opinion. The prosecution rested its case with the admission of Exhs. ‘A’ and ‘B’ and their series. Its Exhs. ‘C’ and series were rejected because the photographer who took them did not testify to identify [them].

“For the defense, only accused Gregorio Daraman testified because his co-accused would merely offer corroborative testimony. From his testimony, the following facts have been established:

“That on November 30, 1993 in the afternoon his employer Baby Lucenecio instructed him to procure some wood shavings (‘sinapyo’) in San Jorge, Samar. He used the service vehicle of the Holy Cross Funeral Services. His companion[s] were Melio Bedoya, Fanny Fiel and Ragi Mabutol. They went to barangay Blanca Aurora, San Jorge, Samar and thereat, they got some wood shavings from the furniture shop owned by a certain Asan Abing. They loaded 20 sacks of wood shavings, each sack measuring 22 inches in height by 32 1/2 inches in circumference as he demonstrated in court. The wood shavings [were] being used by the Holy Cross Funeral Services as cushions in the coffin. After the 20 sacks of wood shavings were loaded, Asan Abing asked him a favor to bring his (Asan) assorted lumber to his house in Brgy. Obrero, Calbayog City where the Holy Cross Funeral Services [was] also located. Asan himself personally loaded his assorted lumber into the vehicle. The subject assorted lumber were already in the furniture shop where they got the wood shavings. On their way home as they passed by Brgy. Bulao, Pablo Opinion stopped him and took the wood shavings. Opinion also inquired about the assorted lumber and he told him that they were owned by Asan, owner of the furniture shop in Brgy. Blanca Aurora, who loaded them in his vehicle to be brought to his (Asan’s) house in Barangay Obrero, Calbayog

City. He told Opinion also that Asan advised him that if somebody would [ask] about his lumber, just to tell the person that Asan had the papers for the lumber with him in his furniture shop at Brgy. Blanca Aurora, San Jorge, Samar. Pablo Opinion, however, did not take his word and he instead impounded the vehicle together with the assorted lumber. At about 5:00 o'clock in the afternoon, the vehicle was still not returned to him and so Gregorio Daraman left and returned to his employer at Brgy. Obrero, Calbayog City and told the latter about what happened.”[4]

After trial, the RTC acquitted both accused and ordered the return of the disputed vehicle to Lucenecio.

Prior to these court proceedings, the Department of Environment and Natural Resources-Community and Environment and Natural Resources Office (DENR-CENRO) of Catbalogan, Samar conducted administrative confiscation proceedings on the seized lumber and vehicle in the presence of private respondents.[5] The two failed to present documents to show the legality of their possession and transportation of the lumber seized. Hence, CENRO Officer Marciano T. Talavera recommended to the Regional Executive Director (RED) the final confiscation of the seized lumber and conveyance.[6] Atty. Pastor C. Salazar filed a Memorandum dated January 26, 1994, concurring with the recommendation to forfeit the lumber and the vehicle seized from private respondents. The Memorandum was approved by RED Augustus L. Momongan and Atty. Fiel I. Marmita, chief of the Legal Division of the DENR, Region VIII, Tacloban City.[7]

Atty. Rogelio G. Bato Jr. of DENR, Region 8, Tacloban City, moved for the reconsideration of the assailed Decision, only insofar as it ordered the “return of the said vehicle to the owner thereof.”[8] He contended that the vehicle had already been administratively confiscated by the DENR on December 2, 1993, and that the RED approved its forfeiture on January 26, 1994.[9] He further claimed that the DENR had exclusive jurisdiction over the conveyance, which had been used in violation of the Revised Forestry Code pursuant to Section 68-A of PD 705, as amended by EO 277.

The trial court denied the Motion via the assailed Order.

Ruling of the Trial Court

The trial court acquitted private respondents for insufficiency of evidence. The un rebutted testimony of Respondent Daraman was that, in exchange for the wood shavings from Asan, the former agreed to take the lumber to the latter’s house in Calbayog City, where the Holy Cross Funeral Services office was also located. Asan advised Daraman to reply, when asked, that the papers showing the authorization for the lumber were in the former’s shop in Barangay Blanca Aurora. Finding the evidence against Respondent Lucenecio to be likewise insufficient, the RTC considered the vehicle as an effect of the crime and ordered its delivery to him.

In the challenged Order, the trial court ruled that the Motion for Reconsideration was untenable on procedural and substantive grounds. Since Assistant Provincial Prosecutor Feliciano Aguilar did not sign the Motion, the RTC deemed his silence a sign of his disapproval of the Motion.

Substantively, the trial court ruled:

“x x x [T]he Court finds the motion still wanting in merits considering that as found by the Court the owner of the vehicle in question, ‘St. Jude,’ which is the Holy Cross Funeral Parlor owned by accused Narciso Lucenecio, did not commit any violation of P.D. 705. Likewise, the prosecution failed to sufficiently establish that accused Gregorio Daraman had taken or kept control of the lumber subject of the motion which would thereby demonstrate that he had x x x possession of the subject forest products. Instead, as established by the evidence it was a certain Asan who owned the subject lumber. xxx.

xxx xxx xxx

“The decision of the Court has never been brought on appeal, thereby the same has long become final and executory.

“Again, as shown by the evidence in the alleged confiscation proceedings conducted by the OIC DENR Officer Marciano Talavera of Samar on December 2, 1992, the lumber in question [was] found to be owned by Asan Abing. But notwithstanding this fact, for reasons not known to the Court, the said Asan Abing was never made an accused in the present case.

“Sec. 68-1 of P.D. 705 contemplates a situation where the owner of the vehicle is himself a violator of P.D. 705 or has been found to have conspired with any other persons who committed the violation of Sec. 68 of P.D. 705 or consented to the use of his vehicle in violating the said law. In the present case as shown by the evidence, neither the Holy Cross Funeral Parlor or its owner accused Narciso Lucenecio has committed a violation of P.D. 705 as already declared by the Court in its decision of December 6, 1995 nor the driver, accused Gregorio Daraman. In fact both were declared acquitted of the violation charged, and the decision has not been appealed.”[10]

Hence, this Petition.[11]

Issues

In its Memorandum, petitioner raises the following issues for the Court’s consideration:

“(A)

Regional Trial Courts have no jurisdiction and/or authority to order x x x the return of property already owned by the government.

(B)

Respondent judge utterly disregarded and/or misinterpreted the provisions of Presidential Decree No. 705, as amended by Executive Order No. 277, otherwise known as the Revised Forestry Code of the Philippines.

(C)

The government is not estopped from protecting its interest by reason of mistake, error or failure of its officers to perform their duties.”[12]

Stated simply, the issues are: (1) whether the RTC had jurisdiction to release the confiscated vehicle; (2) whether the trial court misconstrued PD 705, as amended; and (3) whether, as a result of its filing of the criminal action, petitioner is estopped from confiscating the vehicle administratively.

The Court’s Ruling

The Petition is meritorious.

First Issue:

Jurisdiction to Order Return of Vehicle

Petitioner contends that the RTC overstepped its jurisdiction when it ordered the return of the disputed vehicle, because the vehicle had already become government property by virtue of the forfeiture Order issued by DENR on January 26, 1994. The DENR secretary or his duly authorized representative, under Section 68-A of PD 705 as amended by EO 277, may order the confiscation and disposition of all conveyances -- by land, water or air -- used

in illegally cutting, gathering, removing, possessing or abandoning forest products.

We agree. Jurisdiction is conferred by substantive law.[13] A comparison of the provisions of the two relevant sections of PD 705, as amended, shows that the jurisdiction of the RTC covers the confiscation of the timber or forest products as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found; it is the DENR that has jurisdiction over the confiscation of forest products and, to stress, all conveyances used in the commission of the offense. Section 68 reads:

“Section 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: x x x.

“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.”[14]

Section 68-A, in contrast, provides:

“SEC. 68-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation. -- In all cases of violations of this Code or other forest laws rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.”[15]

If a statute is clear, plain and free from ambiguity, it must be understood in its literal meaning and applied without resort to interpretation, on the presumption that its wording correctly expresses its intent or will. The courts may not construe it differently.[16]

Machinery is a collective term for machines and appliances used in the industrial arts;[17] equipment covers physical facilities available for production, including buildings, machineries and tools;[18] and implements pertains to whatever may supply a want, especially an instrument, tool or utensil.[19] These terms do not include conveyances that are specifically covered by Section 68-A. The implementing guidelines of Section 68-A define conveyance in a manner that includes “any type or class of vehicle, craft, whether motorized or not, used either in land, water or air, or a combination thereof or any mode of transport used in the movement of any forest product.”[20]

Hence, the original and exclusive jurisdiction over the confiscation of “all conveyances used either by land, water or air in the commission of the offense and to dispose of the same” is vested in the Department of Environment and Natural Resources (DENR) secretary or a duly authorized representative. The DENR secretary has supervision and control over the enforcement of forestry, reforestation, parks, game and wildlife laws, rules and regulations.[21]

To implement Section 68-A, DENR promulgated Administrative Order (AO) No. 54-93, amending Department Administrative Order (DAO) No. 59-90. AO 54-93 provides the guidelines for the confiscation, forfeiture and disposition of conveyances used in violation of forestry laws, rules and regulations.

Even the Information filed in Criminal Case No. 1958 limited the acts attributed to private respondents to “willfully, unlawfully and feloniously gather, collect and possess seventy two (72) pieces of assorted sizes of lumber, x x x without first securing and obtaining any permit or license therefor from the proper authorities, x x

x.” The Information did not contain any allegation pertaining to the transportation or conveyance of illegally cut, gathered, possessed or abandoned lumber in violation of Section 68-A of PD 705, as amended.

Confiscation Without Due Process

Private respondents’ main defense is that the Order of Forfeiture (Annex “C”) is a “false, falsified and perjurious document.” The Order was attached to and made part of the record only when petitioner filed its Motion for Reconsideration dated February 6, 1996, or only after the trial court rendered the assailed Decision. Petitioner made it appear, according to the private respondents, that RED Momongan had approved the Memorandum on January 26, 1994. This does not appear to be true because Atty. Marmita, officer-in-charge (OIC) of the DENR Legal Division of Tacloban City, signed the Memorandum recommending approval only on January 31, 1994.

Further, on April 6, 1995, Judge Rosales of the RTC of Calbayog City (Branch 32) ordered the provincial environment and natural resources officer to transfer the confiscated vehicle and pieces of lumber in connection with the prosecution of Criminal Case 1958.[22] Reynaldo R. Villafuerte, OIC of the Provincial Environment and Natural Resources Office (PENRO), replied that his office could not deliver the vehicle because it was not in running condition.[23]

We are not persuaded. The validity and legality of the Order of Forfeiture falls outside the ambit of the review of the assailed Decision and Order. The basis for the assailed Order to release the vehicle was private respondents’ acquittal of the charge of violating Section 68. On the other hand, the forfeiture Order issued by the DENR was based on Section 68-A, which involved a distinct and separate matter cognizable by it. Petitioner is questioning only the RTC’s jurisdiction over the assailed Order to release the confiscated vehicle. Private respondents have not appealed the DENR’s Order of Forfeiture, the validity of which can thus be presumed.[24] The genuineness of the Order and its proper service upon them are factual issues that will not be dwelt upon by this Court, which is not a trier of facts.[25]

The jurisdiction of this Court, under Rule 45 of the 1997 Rules of Court, is in the main limited to reviewing legal errors committed by a lower court.[26] Under PD 705, the actions and the decisions of the DENR are reviewable by the courts only through special civil actions for certiorari or prohibition.[27]

Second Issue:

Construing PD 705, as Amended

Petitioner alleges that the RTC misinterpreted the law when it held that Section 68-A, PD 705 contemplated a situation in which the very owner of the vehicle was the violator or was a conspirator with other violators of that law. Department Order No. 54, Series of 1993, provides that the proceedings for the confiscation and the forfeiture of the conveyance shall be directed against its owner, and that lack of knowledge of its illegal use shall not bar its forfeiture.

In the present Petition, the trial court ruled in the assailed Order that Section 68-A of PD 705 contemplated a situation in which the very owner of the vehicle violated this law or conspired with other persons who violated it or consented to the use of his or her vehicle in violating it. Respondents Lucenecio and Daraman were not shown to have violated PD 705, and their acquittals were not appealed.

We side with petitioner. The guilt or the innocence of the accused in the criminal case is immaterial, because what is punished under Section 68 is the transportation, movement or conveyance of forest products without legal documents. The DENR secretary or the authorized representatives do not possess criminal jurisdiction; thus, they are not capable of making such a ruling, which is properly a function of the courts. Even Section 68-A of PD 705, as amended, does not clothe petitioner with that authority.

Conversely, the same law takes out of the general jurisdiction of the regional trial courts the confiscation of conveyances used in violation of forestry laws. Hence, we cannot expect the DENR to rule on the criminal liability of the accused before it impounds such vehicles. Section 68-A covers only the movement of lumber or forest products without proper documents. Where the language of a statute is clear and unambiguous, the law is applied according to its express terms, and interpretation is resorted to only where a literal interpretation would lead to either an absurdity or an injustice.[28]

We also uphold petitioner's argument that the release of the vehicle to private respondents would defeat the purpose and undermine the implementation of forestry laws. The preamble of the amendment in EO 277 underscores the urgency to conserve the remaining forest resources of the country for the benefit of the present and future generations. Our forest resources may be effectively conserved and protected only through the vigilant enforcement and implementation of our forestry laws.[29] Strong paramount public policy should not be degraded by narrow constructions of the law that frustrate its clear intent or unreasonably restrict its scope.[30]

Third Issue:
Estoppel

In view of the foregoing, it becomes unnecessary for this Court to resolve petitioner's third issue. It is no longer material to rule on whether it was erroneous for the RTC to hold that the assistant provincial prosecutor's failure to comment on petitioner's Motion for Reconsideration was an implied disapproval thereof. The public prosecutor's disapproval does not vest in the trial court the jurisdiction or authority to release the vehicle to private respondents.

WHEREFORE, the Petition is GRANTED and the assailed Decision and Order are REVERSED and SET ASIDE. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Sandoval-Gutierrez, and Carpio, JJ., concur.

[1] Penned by Judge Clemente C. Rosales; rollo, pp. 39-47.

[2] Rollo, pp. 53-54.

[3] Rollo, p. 47.

[4] RTC Decision, pp. 1-5; rollo, pp. 39-42.

[5] Rollo, pp. 33-35.

[6] Rollo, p. 35.

[7] Order of Forfeiture; rollo, p. 147.

[8] Motion for Reconsideration, pp. 1-4; rollo, pp. 48-51.

[9] Memorandum dated January 26, 1994, Annex "C," rollo, p. 38; Annex "11," rollo, p. 147; and Annex "H," rollo, p. 177.

[10] Rollo, pp. 53-54.

[11] The case was deemed submitted for resolution upon this Court's receipt of the Memorandum for private respondents on January 30, 2001. The resolution of this case was delayed by private respondents' failure/refusal

to file their pleadings on time. The Court had to issue two separate Orders of Arrest and Commitment against private respondents on April 20, 1998, for their failure to submit their Comment on the Petition (rollo, pp. 71-72) and against Atty. Sisenando Fiel Jr. on November 20, 2000 for his failure to file the Memorandum for private respondents (rollo, pp. 258-259).

[12] Rollo, p. 228. The Memorandum for Petitioner was signed by Attys. Fiel I. Marmita and Chona S. Apostol-Octa.

[13] Office of the Court Administrator v. Matas, 247 SCRA 9, 18, August 2, 1995; Department of Health v. National Labor Relations Commission, 251 SCRA 700, 707, December 29, 1995.

[14] 111 VLD 74.

[15] Ibid, p. 75.

[16] Globe-Mackay Cable & Radio Corp. v. National Labor Relations Commission, 206 SCRA 701, March 3, 1992.

[17] Federico B. Moreno, Philippine Law Dictionary, 2nd ed., p. 371, citing Kolambugan Lumber & Development Co. v. Yia, 56 Phil 201, 203, October 15, 1931.

[18] Ibid, p. 211, citing Lu Do & Lu Ym Corp. v. Central Bank of the Philippines, 108 Phil. 566, 572, May 31, 1960.

[19] Id., p. 290, citing Central Azucarera de la Carlota v. Coscolluela, 44 Phil. 527, 531, February 20, 1923.

[20] § 1, DENR Administrative Order 54-93.

[21] §§5 and 7 of PD 705 (25 YLD 6-7).

[22] April 6, 1995 Order; rollo, p. 151.

[23] Letter dated May 10, 1995; rollo, p. 152.

[24] §5 (m) and (n), Rule 131, Rules on Evidence.

[25] San Miguel Foods, Inc. -Cebu B-Meg Feed Plant v. Laguesma, 263 SCRA 68, 84, October 10, 1996.

[26] De Guzman v. Court of Appeals, 260 SCRA 389, 393, August 7, 1996; Tañedo v. Court of Appeals, 252 SCRA 80, 86, January 22, 1996.

[27] §9, PD 705.

[28] Ramirez v. Court of Appeals, 248 SCRA 590, 596, September 28, 1995; Land Bank of the Philippines v. Court of Appeals, 258 SCRA 404, 407, July 5, 1996.

[29] 111 VLD 73.

[30] Republic v. Sandiganbayan, 240 SCRA 376, 472, January 23, 1995.

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