

LUIS I. SANTIAGO, PLAINTIFF AND APPELLEE, VS. BASILAN LUMBER COMPANY, DEFENDANT AND APPELLANT.

G.R. No. 15532. October 31, 1963

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal by the defendant Basilan Lumber Company from a decision of the Court of First Instance of Basilan City holding it liable for damages for trespass to property to plaintiff Luis I. Santiago.

The complaint filed with the Court of First Instance alleged, in substance, that sometime in November 1952 the Basilan Lumber Company, without the knowledge and consent or permission of the plaintiff, entered into one of the latter's titled land situated in Maluso, that city, conducted operations thereon, destroying, in the course thereof, a banca belonging to the plaintiff and at the same time causing damage to the said land.

Defendant's answer alleged, as special defenses, the following: that the land in question belongs to the Government and it is subject to the provisions of the Land Registration Law and the Public Land Law; that said land is not a private woodland in contemplation of law and as such for administrative purposes the same is part of the public forests subject to the forests laws and regulations promulgated for the purpose; that defendant conducts its logging operations in a lawful and legal manner under valid and subsisting timber licenses duly approved by the administrative agencies concerned; that all forestry charges due from the defendant have been fully paid and satisfied; that all cutting, gathering and removal of forest products by defendant from plaintiff's alleged titled land was lawful and legal; that the action of plaintiff, if any, is barred by the statute of limitations; and that the complaint states no cause of action. As counterclaim, defendant prayed that plaintiff be sentenced to pay P2,000 as attorney's fees and P500 as expenses of litigation; to pay P30,000 as compensatory, moral, exemplary and temperate damages.

Issues having been joined, the parties entered into and submitted to court the following "Stipulation of Facts."

"1. That defendant Basilan Lumber Company admits having cut on November 1962, from the land of plaintiff situated at Maluso, Basilan City, SIXTY SIX THOUSAND BOARD FEET (66,000) of timber without the previous knowledge and consent of plaintiff;

"2. That said land from which the 66,000 bd. ft. of timber was cut by defendant is a private registered land covered by Transfer Certificate of Title No. T-190 in the name of plaintiff, Luis I. Santiago;

"3. That plaintiff and defendant agree that in Transfer Certificate of Title No. T-190 there appears no reservation in said title to the effect that the title, ownership, or disposition of the timber in said land remains with the government;

"4 That plaintiff admits that the Basilan Lumber Company has a timber License to cut timber issued by the Bureau of Forestry during the month of November 1952;

"5. That defendant admits that plaintiff made due demands to plaintiff for the payment of the value of said

66,000 bd. ft. of timber cut from plaintiff's land;

"6. That it is agreed that the Land Covered by Transfer Certificate of Title No. T-190 has not been registered with the Bureau of Forestry as a private woodland."

Based upon the foregoing stipulation of facts and the memoranda submitted by the parties, the lower court, rendered judgment sentencing the defendant to pay the plaintiff the amounts of PP4,236 which represents the value of 66,000 board feet of timber cut from plaintiff's land after 'deducting 50% thereof corresponding to the cost paid for labor, premiums, interest and other charges which would have accrued against the defendant; P100 as the value of the banca destroyed; P1,000 as damages caused on the land of the plaintiff by the defendant during the logging operations made by the latter; and P 2,000 as attorney's fees, plus costs.

The defendant has appealed, claiming that it should not be held liable to the plaintiff because the timber which it cut and gathered on the land in question belongs to the government and not to the plaintiff, the latter having failed to comply with a requirement of law with respect to his property.

The provision of law referred to by appellant is a section of the Revised Administrative Code, as amended, which reads:

"Section 1829. Registration of title to private forest land.—Every private owner of land containing timber, firewood and other minor forest products shall register his title to the same with the Director of Forestry. A list of such owners, with a statement of the boundaries of their property, shall be furnished by said Director to the Collector of Internal Revenue, and the same shall be supplemented from time to time as occasion may require.

"Upon application of the Director of Forestry the fiscal of the province in which any such land lies shall render assistance in the examination of the title thereof with a view to its registration in the Bureau of Forestry."

In the above provision of law, there is no statement to the effect that non-compliance with the requirement would divest the owner of the land of his rights thereof and that said rights of ownership would be transferred to the Government. Of course, the land which had been registered or titled in the name of plaintiff under the Land Registration Act could no longer be the object of a forest license issued by the Director of Forestry because ownership of said land includes also ownership of everything found on its surface (Art 437, New Civil Code).

Obviously, the purpose of the registration required in Section 1829 of the Administrative Code is to exempt the titled owner of the land from the payment of forestry charge as provided for under Section 266 of the National Internal Revenue Code, to wit:

"Charge collectible on forest products cut, gathered and removed from unregistered private lands. The charges above prescribed shall be collected on all forest products cut, gathered and removed from any private land the title to which is not registered with the, Director of Forestry as required by the Forest Law; Provided, however, That in the absence of such registration, the owner who desires to cut, gather and remove timber and other forest products from such land shall secure a license from the Director of Forestry in accordance with the Forest Law and regulations. The cutting, gathering and removing of timber and other forest products from said private land without license shall be considered as unlawful cutting, gathering and removing of forest products from public forest and shall be subject to charges prescribed in such cases in this chapter."

In accordance with the above provision, the only consequence of plaintiff's failure to comply with the requisite of registering his title to his land with the Director of Forestry would be a charge collectible to the forest products gathered and removed therefrom. Parenthetically, although it is not now within our province to determine what and how much those charges are, which would accrue to the Government, it may be amiss to state here that somehow the authorities concerned may collect them for the purposes of effectively enforcing our laws. In this case, while it was not plaintiff himself, as owner of the land, who cut, gathered and removed timber and other

forest products from said land, inasmuch as he may recover the values of these products from the defendant, he is to be held liable for these charges. This is, however, a matter between the Government and the plaintiff himself.

On the other hand, while it is admitted that the plaintiff has failed to register the timber in his land as a private wood land in accordance with the oft-repeated provision of the Revised Administrative Code, he still retained his right of ownership, among which are his rights to the fruits of the land and to exclude any person from the enjoyment and disposal thereof (Art. 429, New Civil Code) the very rights violated by the defendant Basilan Lumber Company.

As to the amount of damages awarded as a consequence of this violation of plaintiff's rights, the lower court based its award from the allegations and prayer contained in the complaint. The defendant, however questions this award for the reason that, according to the defendant, the plaintiff, in moving for judgment on the pleadings, did not offer proof as to the truth of his own allegations with respect to the damages claimed by him, and gave no opportunity for the appellant to introduce evidence to refute his claims.

We find his objection without merit. It appears that when the plaintiff moved to have the case decided on the pleadings, the defendant interposed no objection and has practically assented thereto. The defendant, therefore, is deemed to have admitted the allegations of fact of the complaint, so that there was no necessity for the plaintiff to submit evidence of his claim.

In view of the foregoing, the decision appealed from is hereby affirmed. No costs, at this instance.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon and Makalintal, JJ., concur.

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