

CRISOSTOMO VILLARIN AND ANIANO LATAYADA, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 175289. August 31, 2011

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-175289/>

DEL CASTILLO, J.:

Mere possession of timber without the legal documents required under forest laws and regulations makes one automatically liable of violation of Section 68, Presidential Decree (P.D.) No. 705,[1] as amended. Lack of criminal intent is not a valid defense.

This petition for review on certiorari seeks to reverse the June 28, 2005 Decision[2] of the Court of Appeals (CA) in CA-G.R. CR No. 26720 which affirmed in all respects the Judgment[3] of the Regional Trial Court (RTC), Branch 38, Cagayan De Oro City, finding petitioners guilty beyond reasonable doubt of violation of Section 68, P.D. No. 705, as amended. Likewise assailed in this petition is the September 22, 2006 Resolution[4] denying petitioners' Motion for Reconsideration.[5]

Factual Antecedents

In a Criminal Complaint[6] filed before the Municipal Trial Court in Cities, Branch 4, Cagayan de Oro City by Marcelino B. Pioquinto (Pioquinto), Chief of the Forest Protection and Law Enforcement Unit under the TL Strike Force Team of Department of Environment and Natural Resources (DENR), petitioner Aniano Latayada (Latayada) and three others namely, Barangay Captain Camilo Sudaria (Sudaria) of Tagpangi, Cagayan de Oro City, Marlon Baillo (Baillo) and Cipriano Boyatac (Boyatac), were charged with violation of Section 68, P.D. No. 705 as amended by Executive Order No. 277.[7]

Subsequently, however, the Office of the City Prosecutor of Cagayan de Oro City issued a Resolution[8] dated March 13, 1996 recommending the filing of an Information for the aforesaid charge not only against Latayada, Baillo and Boyatac but also against petitioner Crisostomo Villarin (Villarin), then Barangay Captain of Pagalungan, Cagayan de Oro City. The dismissal of the complaint against Sudaria was likewise recommended. Said Resolution was then approved by the Office of the Ombudsman-Mindanao through a Resolution[9] dated May 9, 1996 ordering the filing of the Information in the RTC of Cagayan de Oro City.

Thus, on October 29, 1996, an Information[10] was filed against petitioners Villarin and Latayada and their co-accused Baillo and Boyatac, for violation of Section 68, P.D. No. 705 as follows:

That on or about January 13, 1996, in Pagalungan, Cagayan de Oro City, Philippines, and within the jurisdiction of this Honorable Court, pursuant to RA 7975, the accused, Crisostomo Villarin, a public officer being the Barangay Captain of Pagalungan, this City, with salary grade below 27, taking advantage of his official position and committing the offense in relation to his office, and the other above-named accused, all private individuals, namely: Marlon Baillo, Cipriano Boyatac, and Aniano Latayada, confederating and mutually helping one another did then and there, willfully, unlawfully and feloniously gather and possess sixty-three (63) pieces flitches of varying sizes belonging to the Apitong specie with a total volume of Four

Thousand Three Hundred Twenty Six (4,326) board feet valued at P108,150.00, without any authority and supporting documents as required under existing forest laws and regulation to the damage and prejudice of the government.

CONTRARY TO LAW.[11]

On January 14, 1997, Villarin, Boyatac and Baillo, filed a Motion for Reinvestigation.[12] They alleged that the Joint Affidavit[13] of the personnel of the DENR which became one of the bases in filing the Information never mentioned Villarin as one of the perpetrators of the crime while the accusations against Baillo and Boyatac were not based on the personal knowledge of the affiants. They also asserted that their indictment was based on polluted sources, consisting of the sworn statements of witnesses like Latayada and Sudaria, who both appeared to have participated in the commission of the crime charged.

Instead of resolving the Motion for Reinvestigation, the RTC, in its Order[14] dated January 27, 1997, directed Villarin, Boyatac, and Baillo to file their Motion for Reinvestigation with the Office of the Ombudsman-Mindanao, it being the entity which filed the Information in Court. On March 31, 1997, only Villarin filed a Petition for Reinvestigation[15] but same was, however, denied by the Office of the Ombudsman-Mindanao in an Order[16] dated May 15, 1997 because the grounds relied upon were not based on newly discovered evidence or errors of fact, law or irregularities that are prejudicial to the interest of the movants, pursuant to Administrative Order No. 07 or the Rules of Procedure of the Office of the Ombudsman in Criminal Cases. The Office of the Ombudsman-Mindanao likewise opined that Villarin was directly implicated by Latayada, his co-accused.

The RTC thus proceeded with the arraignment of the accused who entered separate pleas of not guilty.[17] Thereafter, trial ensued.

The Version of the Prosecution

On December 31, 1995, at around five o'clock in the afternoon, prosecution witness Roland Granada (Granada) noticed that a public utility jeep loaded with timber stopped near his house. The driver, petitioner Latayada, was accompanied by four to five other persons, one of whom was Boyatac while the rest could not be identified by Granada.[18] They alighted from the jeep and unloaded the timber 10 to 15 meters away from the Batinay bridge at Barangay Pagalungan, Cagayan De Oro City. Another prosecution witness, Pastor Pansacala (Pansacala), also noticed the jeep with plate number MBB 226 and owned by Sudaria, loaded with timber.[19] Being then the president of a community-based organization which serves as a watchdog of illegal cutting of trees,[20] Pansacala even ordered a certain Mario Bael to count the timber.[21]

At six o'clock in the evening of the same day, Barangay Captain Angeles Alarcon (Alarcon)[22] noticed that the pile of timber was already placed near the bridge. Since she had no knowledge of any scheduled repair of the Batinay bridge she was surprised to discover that the timber would be used for the repair. After inquiring from the people living near the bridge, she learned that Latayada and Boyatac delivered the timber.[23]

Another prosecution witness, Ariel Palanga (Palanga), testified that at seven o'clock in the morning of January 1, 1996, Boyatac bought a stick of cigarette from his store and requested him to cover the pile of timber near the bridge for a fee. Palanga acceded and covered the pile with coconut leaves.[24]

On January 13, 1996, at around ten o'clock in the morning, prosecution witness Juan Casenas (Casenas), a radio and TV personality of RMN-TV8, took footages of the timber[25] hidden and covered by coconut leaves. Casenas also took footages of more logs inside a bodega at the other side of the bridge. In the following evening, the footages were shown in a news program on television.

On the same day, members of the DENR Region 10 Strike Force Team measured the timber which consisted of 63 pieces of Apitong flitches and determined that it totaled 4,326 board feet[26] and subsequently entrusted the same to Alarcon for safekeeping.

Upon further investigation, it was learned that the timber was requisitioned by Villarin, who was then Barangay Captain of Pagulungan, Cagayan de Oro City. Villarin gave Sudaria the specifications for the requisitioned timber. Thereafter, Boyatac informed Villarin that the timber was already delivered on December 31, 1995.[27]

On January 18, 1996, Felix Vera Cruz (Vera Cruz), a security guard at the DENR Region 10 Office, received and signed for the confiscated timber since the property custodian at that time was not around.

The filing of the aforestated Information followed.

The Version of the Defense

In response to the clamor of the residents of Barangays Tampangan, Pigsag-an, Tuburan and Taglinao, all in Cagayan De Oro City, Villarin, decided to repair the impassable Batinay bridge. The project was allegedly with the concurrence of the Barangay Council.

Pressured to immediately commence the needed repairs, Villarin commissioned Boyatac to inquire from Sudaria about the availability of timber without first informing the City Engineer. Sudaria asked for the specifications which Villarin gave. Villarin then asked Baillo and Boyatac to attend to the same. When the timber was already available, it was transported from Tagpangi to Batinay. However, the timber flitches were seized by the DENR Strike Force Team and taken to its office where they were received by Vera Cruz, the security guard on duty.

Ruling of the Regional Trial Court

In its Memorandum filed before the trial court, the defense notified the court of Boyatac's demise.[28] However, the trial court did not act on such notice. Instead, it proceeded to rule on the culpability of Boyatac. Thus, in its Judgment, the trial court found herein petitioners and the deceased Boyatac guilty as charged. On the other hand, it found the evidence against Baillo insufficient. The dispositive portion of the Judgment reads:

WHEREFORE, in view of the foregoing findings, judgment is hereby rendered finding the accused Crisostomo Villarin, Cipriano Boyatac and Aniano Latayada guilty beyond reasonable doubt of violating Section 68 of Presidential Decree No. 705 as amended, and hereby sentences each of them to suffer an indeterminate sentence of twelve (12) years of prision mayor as minimum to seventeen (17) years of reclusion temporal as maximum.

Accused Marlon Baillo is hereby acquitted for lack of evidence.

SO ORDERED.[29]

In reaching said conclusions, the RTC noted that:

Without an iota of doubt, accused Crisostomo Villarin, being then a Barangay Captain of Pagalungan, Cagayan de Oro City, was the one who procured the subject flitches, while accused Aniano Latayada and Cipriano Boyatac mutually helped him and each other by transporting the flitches from Sitio Batinay to the Pagalungan Bridge. The accused would like to impress upon the Court that the subject flitches were intended for the repair of the Pagalungan Bridge and were acquired by virtue of Barangay Resolution No. 110 of Barangay Pagalungan. The Court is not impressed by this lame excuse. There is no dispute that the flitches were intended for the repair of the bridge. The Court finds it a laudable motive. The fact remains though that the said forest products were obtained without the necessary authority and legal documents required under existing forest laws and regulations.[30]

Petitioners filed a Motion for Reconsideration[31] which was denied by the RTC in its Order[32] dated August 20, 2002.

Ruling of the Court of Appeals

Petitioners filed an appeal which was denied by the CA in its Decision dated June 28, 2005. The dispositive portion of which reads:

WHEREFORE, in view of all the foregoing, the judgment of the court a quo finding [d]efendant-[a]ppellants Crisostomo Villarin, Cipriano Boyatac and Aniano Latayada GUILTY beyond reasonable doubt for violating Sec. 68 of Presidential Decree 705 is hereby AFFIRMED in toto. No pronouncement as to cost.

SO ORDERED.[33]

Petitioners filed a Motion for Reconsideration[34] which the appellate court denied for lack of merit in its Resolution[35] promulgated on September 22, 2006.

Issues

Undeterred, petitioners filed the instant petition raising the following issues:

- WHETHER X X X THE COURT OF APPEALS[,] ON [THE] MATTER OF PRELIMINARY INVESTIGATION[,] DECIDED NOT IN ACCORD WITH JURISPRUDENCE OF THE SUPREME COURT;
- WHETHER X X X THE COURT OF APPEALS DEPARTED FROM WHAT THE SUPREME COURT HAS ALWAYS BEEN SAYING, THAT, TO CONVICT AN ACCUSED ALL ELEMENTS OF THE CRIME MUST BE PROVEN BEYOND REASONABLE DOUBT and;
- WHETHER X X X THE COURT OF APPEALS[,] IN AFFIRMING THE PENALTY IMPOSED BY THE COURT A QUO[,] DEPARTED FROM JURISPRUDENCE THAT EVEN IN CRIMES [INVOLVING] VIOLATION OF SPECIAL LAWS[,] SPECIAL CONSIDERATION SHOULD BE GIVEN TO CIRCUMSTANCES THAT [CAN BE CONSIDERED AS MITIGATING HAD THE VIOLATION BEEN PENALIZED UNDER THE REVISED PENAL CODE, IN ORDER TO REDUCE PENALTY].[36]

Petitioners argue that the refusal of the Ombudsman to conduct a reinvestigation is tantamount to a denial of the right to due process. As Villarin was indicted in the Information despite his not being included in the criminal complaint filed by Pioquinto of the TL Strike Force Team of the DENR, they claim that he was not afforded a preliminary investigation. They also bewail the fact that persons who appear to be equally guilty, such as Sudaria, have not been included in the Information. Hence, they argue that the Ombudsman acted with grave abuse of discretion in denying their petition for reinvestigation because it deprived Villarin of his right to preliminary investigation and in refusing to equally prosecute the guilty. They contend that the Ombudsman should not have relied on the prosecutor's Certification[37] contained in the Information to the effect that a preliminary investigation was conducted in the case.

Moreover, petitioners contend that the evidence was insufficient to prove their guilt beyond reasonable doubt since they had no intention to possess the timber and dispose of it for personal gain. They likewise claim that there was failure on the part of the prosecution to present the timber, which were the object of the offense.

Our Ruling

The petition is unmeritorious.

Villarin was properly afforded his right

to due process.

Records show that the investigating prosecutor received a criminal complaint charging Sudaria, Latayada, Baillo and Boyatac with violation of Section 68 of P.D. No. 705, as amended.[38] The said complaint did not state the known addresses of the accused. Neither was the notarized joint-affidavit of the complainants attached thereto. The subpoena issued to the accused and the copy of their counter-affidavits were also not part of the record. Moreover, the complaint did not include Villarín as a respondent. However, said infirmities do not constitute denial of due process particularly on the part of Villarín.

It is evidently clear from the Resolution dated March 13, 1996 of the Office of the City Prosecutor that Villarín and all the accused participated in the scheduled preliminary investigation that was conducted prior to the filing of the criminal case.[39] They knew about the filing of the complaint and even denied any involvement in the illegal cutting of timber. They were also given the opportunity to submit countervailing evidence to convince the investigating prosecutor of their innocence.

Foregoing findings considered, there is no factual basis to the assertion that Villarín was not afforded a preliminary investigation. Accordingly, we find no grave abuse of discretion on the part of the Office of the Ombudsman-Mindanao in denying Villarín's motion for reconsideration. It validly relied on the certification contained in the Information that a preliminary investigation was properly conducted in this case. The certification was made under oath by no less than the public prosecutor, a public officer who is presumed to have regularly performed his official duty.[40] Besides, it aptly noted that "Villarín was implicated by x x x Latayada in his affidavit dated January 22, 1996 before Marcelino B. Pioquinto, Chief, Forest Protection and Law Enforcement Unit. The denial of Villarín cannot prevail over the declaration of witnesses." [41]

Moreover, the absence of a proper preliminary investigation must be timely raised and must not have been waived. This is to allow the trial court to hold the case in abeyance and conduct its own investigation or require the prosecutor to hold a reinvestigation, which, necessarily "involves a re-examination and re-evaluation of the evidence already submitted by the complainant and the accused, as well as the initial finding of probable cause which led to the filing of the Informations after the requisite preliminary investigation." [42]

Here, it is conceded that Villarín raised the issue of lack of a preliminary investigation in his Motion for Reinvestigation. However, when the Ombudsman denied the motion, he never raised this issue again. He accepted the Ombudsman's verdict, entered a plea of not guilty during his arraignment and actively participated in the trial on the merits by attending the scheduled hearings, conducting cross-examinations and testifying on his own behalf. It was only after the trial court rendered judgment against him that he once again assailed the conduct of the preliminary investigation in the Motion for Reconsideration.[43] Whatever argument Villarín may have regarding the alleged absence of a preliminary investigation has therefore been mooted. By entering his plea, and actively participating in the trial, he is deemed to have waived his right to preliminary investigation.

Petitioners also contend that Sudaria should also have been included as a principal in the commission of the offense. However, whether Sudaria should or should not be included as co-accused can no longer be raised on appeal. Any right that the petitioners may have in questioning the non-inclusion of Sudaria in the Information should have been raised in a motion for reconsideration of the March 13, 1996 Resolution of the Office of the City Prosecutor which recommended the dismissal of the complaint against Sudaria.[44] Having failed to avail of the proper procedural remedy, they are now estopped from assailing his non-inclusion.

Two Offenses Penalized Under Sec. 68
of Presidential Decree No. 705.

Section 68 of P.D. No. 705, as amended, provides:

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 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.

"There are two distinct and separate offenses punished under Section 68 of P.D. No. 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 authorization; and
- (2) Possession of timber or other forest products without the legal documents required under existing forest laws and regulations."

The Information charged petitioners with the second offense which is consummated by the mere possession of forest products without the proper documents.

We reviewed the records and hold that the prosecution had discharged the

burden of proving all the elements of the offense charged. The evidence of the prosecution proved beyond reasonable doubt that petitioners were in custody of timber without the necessary legal documents. Incidentally, we note that several transcripts of stenographic notes (TSNs) were not submitted by the trial court. No explanation was provided for these missing TSNs. Notwithstanding the incomplete TSNs, we still find that the prosecution was able to prove beyond reasonable doubt petitioners' culpability.

The prosecution adduced several documents to prove that timber was confiscated from petitioners. It presented a Tally Sheet[46] to prove that the DENR Strike Force Team examined the seized timber on January 13, 1996. The number, volume and appraised value of said timber were also noted in the Tally Sheet. Seizure receipts were also presented to prove that the confiscated timber were placed in the custody of Alarcon[47] and eventually taken to the DENR Office.[48] There was a photograph of the timber taken by the television crew led by Casenas.[49]

The prosecution likewise presented in evidence the testimonies of eyewitnesses Granada and Pansacala who testified that Latayada and Boyatac were the ones who delivered the timber.[50]

More significantly, Villarín admitted that he was the one who commissioned the procurement of the timber[51] for the repair of the Batinay bridge. He even deputized Boyatac to negotiate with Sudaria and gave Latayada P2,000.00 to transport the logs. Boyatac later informed him of the delivery of timber. However, he could not present any document to show that his possession thereof was legal and pursuant to existing forest laws and regulations.

Relevant portions of the testimony of Villarín are as follows:

Q

As Barangay Captain of Pagalungan, of course, you heard reports prior to the incident on December 31, 1995 that Barangay Captain Camilo Sudaria was also engaged in supplying forest products like forest lumber?

A

Yes, because I always go to Cagayan de Oro and I can always ride on his jeepney.

Q

And you were sure that information of yours was received by you and not only by one but several persons from Barangay Tagpangi even up to Barangay Pagalungan?

A

That's true because he even has a record with the police.

Q

And you learned [this] prior to January 1995?

A

Yes, Sir.

Q

And your information was even to the effect that Sudaria was supplying illegally cut lumber regularly?

A

What I have noticed because I always ride on his jeep wherein lumber was being loaded, the lumber will be taken when it arrived in Lumbia, kilometer 5.

Q

Even if there were already raids being conducted to the person of Camilo Sudaria, still he continued to load illegally cut lumber?

A

He slowed down after several arrest because maybe he was ashamed because he was the Barangay Captain of Tagpangi.

Q

And his arrest and the slackening of his activities of illegally cut lumber occurred prior to June 1995?

A

Yes, sir.

Q

[In spite] of your knowledge that he is engaged [in] illegally cut[ting] forest products, you as Barangay Captain of Pagalungan transacted with him for the purpose of acquiring lumber [for] the bridge at Pagalungan?

A

As we rode together in his jeep, he informed me that he has some lumber to be used to build his house and he told me he will sell it for the repair of the bridge in Pagalungan.

Q

And because of that, in addition, you sent him the specifications of materials for the repair of the bridge in Pagalungan?

A

I let Boyatac go to him and [inquire] from him if he has those specifications.

Q

And he communicated to you that he has available lumber of those specification?

A

Yes, because he sent to Boyatac some requirements of the specifications and he let me sign it.

Q

And after that, you closed the [deal] with Sudaria?

A

Yes, because I sent somebody to him and we did not talk anymore.

Q

And thereafter on December 31, 1995, according to your testimony before, Aniano Latayada delivered the lumber flitches you ordered on board the passenger jeep of Camilo Sudaria?

A

When the specifications were given, we were informed that the lumber were already there. So, it was delivered.

Q

Who informed you that the lumber were already delivered?

A

Boyatac.

Q

And he is referring to those lumber placed alongside the Batinay Bridge.

A

Yes, Sir.

Q

And even without personally inspecting it, you immediately paid Latayada the compensation for the delivery of those lumber?

A

There was already an advance payment for his delivery.

Q

To whom did you give the advance?

A

To Latayada.

Q

You have not given the amount to Camilo Sudaria?

A

No, Sir.

Q

In fact, the money that you paid to Latayada was specifically for the transportation of the lumber from Tagpangi to Batinay bridge?

A

Yes, Sir.

PROS. GALARRITA:

Q

And at that time, you paid Latayada P2,000 as payment of the lumber?

A

Yes, Sir.

COURT:

Q

Did you pay Latayada?

A

Yes, Sir.

Q

How much?

A

P2,000.

Q

And you gave this to the conductor?

A

Yes, Sir.

Q

You told the conductor to pay the money to Latayada?

A

Yes, sir.

Q

What did the conductor say?

A

The conductor said that the money was for the payment for the transporting of lumber from Tagpangi.[52]
(Underscoring ours.)

Violation of Sec. 68 of Presidential Decree
No. 705, as amended, is
malum prohibitum.

As a special law, the nature of the offense is malum prohibitum and as such, criminal intent is not an essential element. "However, the prosecution must prove that petitioners had the intent to possess (animus possidendi)" the timber.[53] "Possession, under the law, includes not only actual possession, but also constructive possession. Actual possession exists when the [object of the crime] is in the immediate physical control of the accused. On the other hand, constructive possession exists when the [object of the crime] is under the dominion and control of the accused or when he has the right to exercise dominion and control over the place where it is found." [54]

There is no dispute that petitioners were in constructive possession of the timber without the requisite legal documents. Villarín and Latayada were personally involved in its procurement, delivery and storage without any license or permit issued by any competent authority. Given these and considering that the offense is malum prohibitum, petitioners' contention that the possession of the illegally cut timber was not for personal gain but for the repair of said bridge is, therefore, inconsequential.

Corpus Delicti is the Fact of the
Commission of the Crime

Petitioners argue that their convictions were improper because the corpus delicti had not been established. They assert that the failure to present the confiscated timber in court was fatal to the cause of the prosecution.

We disagree. "[C]orpus delicti refers to the fact of the commission of the crime charged or to the body or substance of the crime. In its legal sense, it does not refer to the ransom money in the crime of kidnapping for ransom or to the body of the person murdered" [55] or, in this case, to the seized timber. "Since the corpus delicti is the fact of the commission of the crime, this Court has ruled that even a single witness' uncorroborated testimony, if credible, may suffice to prove it and warrant a conviction therefor. Corpus delicti may even be established by circumstantial evidence." [56]

Here, the trial court and the CA held that the corpus delicti was established by the documentary and testimonial evidence on record. The Tally Sheet, Seizure Receipts issued by the DENR and photograph proved the existence of the timber and its confiscation. The testimonies of the petitioners themselves stating in no uncertain terms the manner in which they consummated the offense they were charged with were likewise crucial to their conviction.

We find no reason to deviate from these findings since it has been established that factual findings of a trial court are binding on us, absent any showing that it overlooked or misinterpreted facts or circumstances of weight and substance.[57] The legal precept applies to this case in which the trial court's findings were affirmed by the appellate court.[58]

The Proper Penalty

Violation of Section 68 of P.D. No. 705, as amended, is penalized as qualified theft under Article 310 in relation

to Article 309 of the Revised Penal Code (RPC). The pertinent portions of these provisions read:

Art. 310. Qualified Theft - The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of the plantation or fish taken from a fishpond or fishery, or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any calamity, vehicular accident or civil disturbance.

Art. 309. Penalties. - Any person guilty of theft shall be punished by:

1. The penalty of prision mayor in its minimum and medium periods, if the value of the thing stolen is more than 12,000 pesos but does not exceed 22,000 pesos; but if the value of the thing stolen exceeds the latter amount, the penalty shall be the maximum period of the one prescribed in this paragraph, and one year for each additional ten thousand pesos, but the total of the penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prision mayor or reclusion temporal, as the case may be. x x x

The Information filed against the petitioners alleged that the 63 pieces of timber without the requisite legal documents measuring 4,326 board feet were valued at P108,150.00. To prove this allegation, the prosecution presented Pioquinto to testify, among others, on this amount. Tally Sheets and Seizure Receipts were also presented to corroborate said amount. With the value of the timber exceeding P22,000.00, the basic penalty is prision mayor in its minimum and medium periods to be imposed in its maximum, the range of which is eight (8) years, eight (8) months and one (1) day to ten (10) years. Since none of the qualifying circumstances in Article 310 of the RPC was alleged in the Information, the penalty cannot be increased two degrees higher.

In determining the additional years of imprisonment, P22,000.00 is to be deducted from P108,150.00, which results to P86,150.00. This remainder must be divided by P10,000.00, disregarding any amount less than P10,000.00. Consequently, eight (8) years must be added to the basic penalty. Thus the maximum imposable penalty ranges from sixteen (16) years, eight (8) months and one (1) day to eighteen (18) years of reclusion temporal.

Applying the Indeterminate Sentence Law, the minimum imposable penalty should be taken anywhere within the range of the penalty next lower in degree, without considering the modifying circumstances. The penalty one degree lower from prision mayor in its minimum and medium periods is prision correccional in its medium and maximum periods, the range of which is from two (2) years, four (4) months and one (1) day to six (6) years. Thus, the RTC, as affirmed by the CA, erroneously fixed the minimum period of the penalty at twelve (12) years of prision mayor.

Finally, the case against Boyatac must be dismissed considering his demise even before the RTC rendered its Judgment.

WHEREFORE, the petition is DENIED. The assailed Decision dated June 28, 2005 and the Resolution dated September 22, 2006 in CA-G.R. CR No. 26720 are AFFIRMED with the modificationS that petitioners Crisostomo Villarin and Aniano Latayada are each sentenced to suffer imprisonment of two (2) years, four (4) months, and one (1) day of prision correccional, as minimum, to sixteen (16) years, eight (8) months, and one (1) day of reclusion temporal, as maximum. The complaint against Cipriano Boyatac is hereby DISMISSED.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Revised Forestry Code of the Philippines.

[2] CA rollo, pp. 135-148; penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Arturo G. Tayag and Rodrigo F. Lim, Jr.

[3] Records, pp. 162-173; penned by Judge Maximo G.W. Paderanga.

[4] CA rollo, pp. 158-159; penned by Associate Justice Rodrigo F. Lim, Jr. and concurred in by Associate Justices Teresita Dy-Liacco Flores and Mario V. Lopez.

[5] Id. at 149-156.

[6] Records, p. 4.

[7] Dated July 25, 1987 and is entitled as "Amending Section 68 Of Presidential Decree 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".

Section 1 thereof reads:

Section 1. Section 68 of Presidential Decree No. 705, as amended, is hereby amended to read as follows:

"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: 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."

[8] Records, pp. 7-10.

[9] Id. at 5-6.

[10] Id. at 2-3.

[11] Id. at 2.

[12] Id. at 30-31.

[13] Folder of Exhibits, p. 4; executed by Laurence Amiscaray, Roy Cabaraban, Pedro Morales, Jr. and Arthur Roda, to the effect that their investigation revealed that the cutting of trees was done under the supervision of Boyatac and Baillo.

[14] Records, p. 34-A.

[15] Id. at 2.

[16] Id. at 75-76.

[17] Id. at 53 and 56.

[18] TSN, October 14, 1997, pp. 3-10.

[19] TSN, October 16, 1997, p. 51.

[20] Id. at 44.

[21] Id. at 55.

[22] She was a Barangay Kagawad of Barangay Pagalungan, Cagayan de Oro City at the time of the commission of the crime subject of this case. She later succeeded petitioner Villarin as Barangay Captain.

[23] TSN, October 16, 1997, pp. 13-14.

[24] TSN, October 14, 1997, p. 25.

[25] TSN, January 20, 1998, p. 6.

[26] Joint Affidavit; supra note 13.

[27] TSN, June 2, 1998, pp. 8-9.

[28] Records, pp. 140, 145.

[29] Id. at 173.

[30] Id. at 172-173.

[31] Id. at 181-186

[32] Id. at 205-206.

[33] CA rollo, p. 147.

[34] Supra note 5.

[35] Supra note 4.

[36] Rollo, pp. 17-18.

[37] Records, p. 3.

[38] Id at 4.

[39] Id. at 9.

[40] RULES OF COURT, Rule 131, Section 3(m).

[41] Records, p. 75

[42] Corpuz v. Sandiganbayan, 484 Phil. 899, 923 (2004).

[43] Records, pp. 181-197.

- [44] Aquino v. Hon. Mariano, 214 Phil. 470, 474. (1984)
- [45] Aquino v. People, G.R. No. 165448, July 27, 2009, 594 SCRA 50, 58.
- [46] Exhibit "A", Folder of Exhibits, p. 1.
- [47] Exhibit "B", id. at 2.
- [48] Exhibit "C", id. at 3.
- [49] Exhibit "J", id. at 11.
- [50] TSN, October 14, 1997, pp. 4-7; TSN, October 16, 1997, pp. 41-42.
- [51] See Reply to People's Comment, pp. 2-3; rollo, pp. 125-126.
- [52] TSN, June 2, 1998, pp. 4-12.
- [53] People v. Gutierrez, G.R. No. 177777, December 4, 2009, 607 SCRA 377, 391, citing People v. Tira, G.R. No. 139615, May 28, 2004, 430 SCRA 134.
- [54] Id.
- [55] Rimorin, Sr. v. People, 450 Phil. 465, 474 (2003).
- [56] Id. at 475.
- [57] Id. at 477.
- [58] Id.

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.