

FIRST DIVISION

[G.R. No. 165448, July 27, 2009]

**ERNESTO AQUINO, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

Before the Court is a petition for review^[1] assailing the 5 June 1997 Decision^[2] and 24 September 2004 Resolution^[3] of the Court of Appeals in CA-G.R. CR No. 17534.

The Antecedent Facts

On behalf of Teachers' Camp, Sergio Guzman filed with the Department of Environment and Natural Resources (DENR) an application to cut down 14 dead Benguet pine trees within the Teachers' Camp in Baguio City. The trees, which had a total volume of 13.37 cubic meters, were to be used for the repairs of Teachers' Camp.

On 19 May 1993, before the issuance of the permit, a team composed of members from the Community Environment and Natural Resources Office (CENRO) and Michael Cuteng (Cuteng), a forest ranger of the Forest Section of the Office of the City Architect and Parks Superintendent of Baguio City, conducted an inspection of the trees to be cut.

Thereafter, Sabado T. Batcagan, Executive Director of the DENR, issued a permit allowing the cutting of 14 trees under the following terms and conditions:

2. That the cut timber shall be utilized as lumber and fuel-wood by the permittee;
3. As replacement, the permittee shall plant one hundred forty (140) pine seedlings in an appropriate place within the area. In the absence of plantable area in the property, the same is required to plant within forest area duly designated by CENRO concerned which shall be properly maintained and protected to ensure/enhance growth and development of the planted seedlings;
4. Violation of any of the conditions set hereof is punishable under Section 68 of PD 705 as amended by E.O. No. 277, Series of 1987;

and

5. That non-compliance with any of the above conditions or violations of forestry laws and regulations shall render this permit null and void without prejudice to the imposition of penalties in accordance with existing laws and regulations.

This PERMIT is non-transferable and shall expire ten (10) days from issuance hereof or as soon as the herein authorized volume is exhausted whichever comes first.^[4]

On 23 July 1993, Forest Rangers Ramil Windo, Moises Sobrepeña, Daniel Salamo, Pablo Guinawan, Antonio Abellera, and Forester Paul Apilis received information that pine trees were being cut at Teachers' Camp without proper authority. They proceeded to the site where they found Ernesto Aquino (petitioner), a forest ranger from CENRO, and Cuteng supervising the cutting of the trees. They also found sawyers Benedicto Santiago (Santiago) and Mike Masing (Masing) on the site, together with Clemente Salinas (Salinas) and Andrew Nacatab (Nacatab), who were also supervising the cutting of the trees. The forest rangers found 23 tree stumps, out of which only 12 were covered by the permit. The volume of the trees cut with permit was 13.58 cubic meters while the volume of the trees cut without permit was 16.55 cubic meters. The market value of the trees cut without permit was P182,447.20, and the forest charges were P11,833.25.

An Information for violation of Section 68 of Presidential Decree No. 705^[5] (PD 705) was filed against petitioner, Cuteng, Nacatab, Masing, and Santiago, as follows:

That on or about the 23rd day of July, 1993, and subsequent thereto, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding one another, and without any authority, license or permit, did then and there willfully, unlawfully and feloniously cut nine (9) pine trees with a total volume and market price as P182,447.20 (Volume 16.55 M³ 424 bd. ft./M³ and unit price - P26.00 bd. ft.) and with a total forest charge of P11,833.25 or having a total sum of P194,280.45 at Teachers Camp, Baguio City, without the legal documents as required under existing forest laws and regulations, particularly the Department of Environment and Natural Resources Circular No. 05, Series of 1989, in violation of the aforecited law.^[6]

Masing alleged that he was not aware of the limitations on the permit as he was not given a copy of the permit. Masing stated that he cut 10 pine trees under the supervision of petitioner who claimed to be in possession of the necessary permit. He stated that three of the trees were stumps about four or five feet high and were not fit for lumber. He stated that while he was cutting trees, petitioner and Salinas were present.

Santiago testified that he cut trees under petitioner's supervision. He stated that

petitioner was in possession of the permit. He stated that he cut 10 trees, six of which were cut into lumber while two were stumps and two were rotten.

Salinas testified that Masing and Santiago were merely hired as sawyers and they merely followed petitioner's instructions.

Cuteng testified that he was part of the team that inspected the trees to be cut before the permit was issued. He stated that the trees cut by Santiago were covered by the permit.

Nacatab testified that he only went to Teachers' Camp on 13 July 1993 and he saw Santiago and Masing cutting down the trees in petitioner's presence.

Petitioner alleged that he was sent to supervise the cutting of trees at Teachers' Camp. He allegedly informed his superior, Paul Apilis, that he was not aware of the trees covered by the permit. However, he still supervised the cutting of trees without procuring a copy of the vicinity map used in the inspection of the trees to be cut. He claimed that he could not prevent the overcutting of trees because he was just alone while Cuteng and Santiago were accompanied by three other men.

The Decision of the Trial Court

In its 26 May 1994 Decision,^[7] the Regional Trial Court of Baguio City, Branch 5 (trial court), ruled as follows:

WHEREFORE, the Court finds and declares the accused ERNESTO AQUINO y ESTIPULAR, MICHAEL CUTENG y LESCAO and BENEDICTO SANTIAGO y DOCLES guilty beyond reasonable doubt of the crime charged and hereby sentences EACH of them to suffer an indeterminate penalty of SIX (6) YEARS of prision correccional, as minimum, to TWENTY (20) YEARS of reclusion temporal, as maximum; to indemnify, jointly and severally, the Government in the amounts of P182,477.20 and P11,833.25, representing the market value of and forest charges on the Benguet pine trees cut without permit; and to pay their proportionate shares in the costs.

The chainsaw confiscated from the accused Santiago is hereby declared forfeited in favor of the Government.

On the other hand, the accused ANDREW NACATAB y DODOY and MIKE MASING y GANAS are acquitted on reasonable doubt, with costs de oficio, and the cash bonds they deposited for their provisional liberty in the amount of P7,500.00 each under O.R. Nos. 139605 and 139646, dated February 4, 1996 and February 23, 1994, respectively, are ordered released to them upon proper receipt therefor.

SO ORDERED.^[8]

The trial court ruled that the trees cut exceeded the allowed number of the trees