

Proceedings before the Court of Appeals

Petitioners asserted anew their IP right to harvest the *dita* tree logs as part and parcel of the Iraya-Mangyan IPs' rights to cultural integrity and ancestral domain and lands. In particular, they claimed that: (1) pursuant to their cultural practices, they **followed the order of their indigenous community leaders** to log the *dita* tree to be used for the construction of **their communal toilet** ; and (2) the land where the *dita* tree was planted was **part of their ancestral domain and lands** under RA 8371 or the *Indigenous People's Rights Act of 1997 (IPRA)*, and thus, the Iraya-Mangyan IPs have **communal dominion** over the fruits and natural resources found therein; (3) PO3 Ranee did not actually witness their act of cutting the *dita* tree; and (4) the prosecution failed to prove they had conspired in cutting the tree.^[21]

The Office of the Solicitor General (OSG) countered that: (1) there is no justification for IPs who cut a *dita* tree or any other tree without a permit that is special and distinct from any justification available to our compatriots; (2) even if the logging of trees is deemed part of the IPs' rights to cultural integrity or their ancestral domain or lands, the Iraya-Mangyan IPs failed to prove that as for them, the logging of a *dita* tree for building a communal toilet was justified by these rights; (3) PO3 Ranee positively testified that the accused were the ones responsible in cutting down the *dita* tree; (4) it was not necessary for PO3 Ranee to actually witness the accused fell the tree as the chain of events before, during, and after the incident led to the conclusion beyond a shadow of doubt that they had committed the offense charged; (5) the accused already admitted they had logged the *dita* tree intending to use the logs for the construction of a communal toilet for the Iraya-Mangyan indigenous community; and (6) defense witness Barangay Captain Aceveda corroborated this admission.^[22]

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