

The Case

The Case

This Petition for Review on *Certiorari*^[1] assails the following dispositions of the Court of Appeals in CA-G.R. CR No. 33906:

a) Decision^[2] dated May 29, 2015 affirming the conviction of petitioners Diosdado Sama y Hinupas and Bandy Masanglay y Aceveda and their co-accused Demetrio Masanglay y Aceveda for violation of Section 77 of Presidential Decree 705 (PD 705) or the *Revised Forestry Code of the Philippines*: and

b) Resolution^[3] dated April 11, 2016 denying their motion for reconsideration.

Proceedings before the Trial Court

By Information^[4] dated May 27, 2005, petitioners and Demetrio were charged, as follows:^[5]

“

INFORMATION

The undersigned Prosecutor, under oath, accuses DIOSDADO SAMA y HINUPAS, DEMETRIO MASANGLAY y ACEVEDA, BANDY MASANGLAY y ACEVEDA, residents of Barangay Baras, Baco, Oriental Mindoro with the crime of Violation of Presidential Decree No. 705 as amended, committed as follows:

That on or about the 15th day of March 2005, at Barangay Calangatan, Municipality of San Teodoro, Province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any authority as required under existing forest laws and regulations and for unlawful purpose, conspiring, confederating and mutually helping one another did and then and there willfully, unlawfully, feloniously and knowingly cut with the use of unregistered power chainsaw, a *Dita* tree, a forest product, with an aggregate volume of 500 board feet and with a corresponding value of TWENTY THOUSAND (Php20,000.00) PESOS, Philippine Currency.

Contrary to law.

The case was raffled to the Regional Trial Court (RTC)- Branch 39, Calapan City, Oriental Mindoro.^[6]

On arraignment, all three (3) accused pleaded not guilty.^[7] Thereafter, they filed a Motion to Quash Information^[8] dated July 31, 2007, alleging among others, that they are members of the Iraya-Mangyan tribe, and as such, are governed by Republic Act No. 8371 (RA 8371), *The Indigenous Peoples Rights Act of 1997* (IPRA). By Order^[9] dated August 23, 2007, the motion was denied for being a mere scrap of paper. Trial followed.

The Prosecution's Version

PO3 Villamor D. Ranee (PO3 Ranee) testified that on March 15, 2005, his team comprised of police officers and representatives of the Department of Environment and Natural Resources (DENR) surveilled Barangay Calangatan, San Teodoro, Oriental Mindoro to address illegal logging operations in the area.^[10]

While patrolling the mountainous area of Barangay Calangatan, they heard the sound of a chainsaw and saw a tree slowly falling down. They immediately crossed the river and traced the source of the sound. In the area where the sound was coming from, they caught the accused in the ***act of cutting a dita tree***. They also saw a bolo stuck to the tree that had been cut.^[11]

The team inquired from the accused if they had a license to cut down the tree. The latter replied they had none. After informing the accused of their violation, the team invited them to the police station for further investigation. The team left the illegally cut tree in the area because it was too heavy. Pictures of the accused and the cut down tree were also taken.^[12]

The prosecution offered in evidence the Joint Affidavit of the apprehending officers, Apprehension Receipt dated March 5, 2005, and pictures.^[13]

The Defense's Version

Barangay Captain Rolando Aceveda (Barangay Captain Aceveda) of Baras, Baco, Oriental Mindoro testified that on March 15, 2005, he was resting at home when he noticed several police officers and DENR employees passing by. He inquired where they were headed. They told him they were on their way to Barangay Laylay in San Teodoro for surveillance on illegal loggers.

After two (2) or three (3) hours, the team returned. They had arrested and brought with them the accused who are **members of the Iraya-Mangyan indigenous peoples (IPs)**. The police officers told him they caught the accused cutting down a *dita* tree. He then asked the accused if the allegations against them were true. **They told him they cut the tree for the construction of the Iraya-Mangyan IPs' community toilet. He was aware of this construction and confirmed that the dita tree was planted within the ancestral domain of the Iraya-Mangyan IPs.**^[14]

The defense did not present any documentary evidence.^[15]