THIRD DIVISION

[G.R. No. 224804. September 21, 2016]

EFREN R. LEYNES, *petitioner, vs.* **PEOPLE OF THE PHILIPPINES,** *respondent.*

SYLLABUS

1. CRIMINAL LAW; REPUBLIC ACT NO. 8550 (THE PHILIPPINE FISHERIES CODE OF 1998); CONVERSION OF MANGROVE FOREST; ELEMENTS.— For an offense of conversion of mangrove forest to exist, the following elements must concur: "1. The site of the fishpond is a mangrove forest; 2. There was a conversion of the mangrove area into a fishpond; and 3. The appellant made the conversion."

2. ID.; ID.; ID.; ACTS OF CUTTING MANGROVE TREES, CONSTRUCTING A DIKE, INSTALLING AN OUTLET, AND EXCAVATING IN THE MANGROVE FOREST CONSTITUTE CONVERSION, PUNISHABLE BY SECTION 94.— The relevant provision is Section 94, R.A. No. 8550 x x x. [T]he law punishes "conversion" of mangrove forest into fishponds or for any other purposes. x x x The elementary rule of statutory construction provides that in construing words and phrases used in a statute, and in the absence of legislative intent to the contrary, these words and phrases should be given their plain, ordinary, and common usage meaning. Thus, absent any intent to the contrary, we apply the aforesaid principle in the case at bar. As defined, conversion means "the act or process of changing from one form, state, etc., to another." In the case at bar, Efren's acts of cutting mangrove trees, constructing a dike, installing an outlet *(prinsa*), and excavating in the mangrove forest constitute conversion because it altered the natural structure and form of the mangrove forest. Even if we consider Efren's defense that when he inherited the mangrove forest area from his grandfather it was already fishpond, such does not absolve him from liability. His continued introduction of improvements and continued use of the mangrove forest area as a fishpond, despite knowledge of the same being a mangrove forest area, impose upon him criminal liability. In any case, what the law prohibits is not only the conversion of

the mangrove forest into fishponds, but its conversion into any other purpose. Indeed, Efren may not have caused the conversion of the mangrove forest into a fishpond, but his acts of cutting mangrove trees, constructing a dike, installing an outlet *(prinsa),* and excavating in the mangrove forest altered the natural structure and form of the mangrove forest—an act punishable by Sec. 94 of R.A. No. 8550. x x x [M]angrove forests do not consist of the typical mangrove trees only. As defined, mangroves are "a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps." "[T]he word 'mangroves' refers to a group of plants which may actually belong to several families (species that distinctly belong to their own evolutionary group)." By cutting a tree in the mangrove forest, regardless of its species, Efren caused conversion of the same.

3. ID.; ID.; BEING A SPECIAL LAW, FAILURE TO COMPLY THEREWITH IS *MALUM PROHIBITUM*, AND INTENT TO COMMIT IT OR GOOD FAITH IS IMMATERIAL.— Anent his claim of good faith, this Court, as already held in our past pronouncements, cannot give credence to such defense. R.A. No. 8550 is a special law. It punishes conversion of mangrove forests into fishponds and for other purposes. As a special law, failure to comply with the same being *malum prohibitum,* intent to commit it or good faith is immaterial.

4. POLITICAL LAW; STATUTES; PRESIDENTIAL DECREE NO. 705; TAX DECLARATION ON REAL PROPERTY; THE ISSUANCE OF A TAX DECLARATION OF A LAND NOT CLASSIFIED AS ALIENABLE AND DISPOSABLE IS A CRIMINAL ACT, AND THE TAX DECLARATION ISSUED CANNOT ACT AS A SHIELD FROM CRIMINAL LIABILITY.— As regards Efren's defense that the mangrove forest area is covered by a tax declaration, we reiterate the findings of the lower court that the issuance of a tax declaration does not justify Efren's continued possession and introduction of improvements. In fact, pursuant to Section 75 of P.D. No. 705, the issuance of a tax declaration of a land not classified as alienable and disposable is a criminal act. The tax declaration issued in his favor cannot act as a shield from criminal liability.

5. CRIMINAL LAW; REPUBLIC ACT NO. 8550 (THE PHILIPPINE FISHERIES CODE OF 1998); CONVERSION

OF MANGROVE FOREST; ABSENT ANY FISHPOND AGREEMENT, THE ISSUANCE OF A CERTIFICATE OF NON COVERAGE DOES NOT EXEMPT COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS.— Efren also cannot invoke the Certificate of Non Coverage issued in his name as a permit to introduce improvements in the mangrove forest. As correctly held by the RTC: (1) "the issuance thereof shall not exempt the grantee from compliance with applicable environmental laws, rules and regulations, including the permitting requirements of other government agencies, and (2) only the granting of fishpond lease agreement pursuant to Sec. 45 of R.A. 8550 could exempt accused [Efren] from prosecution of Sec. 94 of the same law." A perusal of the records reveals that Efren is bereft of any fishpond lease agreement. Absent any fishpond lease agreement, Efren, despite the issuance of a Certificate of Non Coverage in his name, is not exempted from compliance with applicable environmental laws, rules and regulations, such as Sec. 94 of R.A. No. 8550.

6. REMEDIAL LAW; EVIDENCE; JUDICIAL ADMISSIONS; LEGALLY BINDING ON THE PARTY MAKING THE ADMISSIONS, AND TO CONTRADICT THE SAME HE MUST SHOW THAT THEY WERE MADE THROUGH PALPABLE MISTAKE OR THAT NO SUCH ADMISSIONS WERE MADE.— Efren is estopped from claiming that he did not convert the mangrove forest area. In his Letter of Appeal, Efren admitted that "he caused the cutting of number of trees inside the old fishpond", which is deemed as a judicial admission. A judicial admission, verbal or written, is made by a party in the course of the proceedings in the same case which does not require proof. To contradict one's own admission, the person who made the same must show that it was made through palpable mistake or that no such admission was made. Judicial admissions are legally binding on the party making the admissions. In the case at bar, no denial was made on the part of Efren that he cut a number of trees in the mangrove forest.

APPEARANCES OF COUNSEL

Espiritu and Saba Law Offices for petitioner.
Office of the Solicitor General for respondent.

R E S O L U T I O N

PEREZ, *J.*:

This is an appeal from the Decision[1] of the Court of Appeals (CA) dated 3 December 2015 in CA-G.R. CR No. 36638, which sentenced petitioner Efren R. Leynes to suffer the penalty of six (6) years and one (1) day, as minimum, up to twelve (12) years, as maximum, and a fine of Eighty Thousand Pesos (₱80,000.00), for the offense of conversion of mangroves as punishable under Section 94 of Republic Act (R.A.) No. 8550, otherwise known as the "Philippine Fisheries Code of 1998."

Facts

An Information for violation of Section 94, R.A. No. 8550 otherwise known as the "Philippine Fisheries Code of 1998" was filed against petitioner Efren R. Leynes, Alan Leynes, and Javier Leynes (collectively hereinafter referred to as "defendants") for cutting mangrove trees and for excavating, constructing a dike, and installing an outlet (*prinsa*) in the mangrove forest without a fishpond lease agreement. The Information reads:

> That on or about the 9th day of July 2009 and [for] sometime[s] prior thereto, at Sitio Bigyan, [Barangay] Sibulan, Municipality of Polillo, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above named-accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully, and feloniously enter, occupy, possess, and make fishpond one half (½) hectare, more or less, of the mangrove forest area, causing damage to the mangroves found therein, without any authority under a license agreement, lease, license, or permit from the proper government authority, to the damage and prejudice of the government of the Philippines.
>
> Contrary to law.[2]

---

[1] *Rollo*, pp. 51-66; penned by Associate Justice Marlene B. Gonzales-Sison with Associate Justices Ramon A. Cruz and Pedro B. Corales, concurring.

[2] *Id.* at 51-52.

During arraignment, petitioner Efren and Alan entered a plea of not guilty. While their co-accused, Javier, remained at large. After pre-trial, trial on the merits ensued.

The defendants denied the charge against them. The defendants contend that they cannot be convicted for improving and rehabilitating the mangrove forest because the act punishable under Section 94 of R.A. No. 8550 is "conversion." According to defendants, the construction of dikes and installation of an outlet (*prinsa*) do not amount to conversion, but a rehabilitation and improvement of the mangrove forest. Moreover, prior to Efren's introduction of improvements in the mangrove forest, it was already a fishpond since 1970. In fact, Efren was able to work in the aforesaid fishpond as a young man when it was still owned by his grandfather Emilio Leynes, who has a tax declaration issued in his name, showing ownership over the subject mangrove area. To support his claim of good faith, after his grandfather's death, Efren introduced improvements in the area by virtue of a Certificate of Non Coverage issued in his favor by the Department of Natural Resources.

On 25 April 2014, the Regional Trial Court (RTC) convicted petitioner Efren. However, the RTC dismissed the charge against Alan for failure of the prosecution to prove conspiracy between him and Efren and/or participation in the commission of the offense. On the other hand, the case against Javier was archived while he is still at large. The RTC resolved that the fact that Efren's grandfather was issued a tax declaration does not justify his continued possession and introduction of improvements. Besides, the issuance of a tax declaration of a land not classified as alienable and disposable is a criminal act under Section 75 of P.D. No. 705. As regards the Certificate of Non Coverage issued in favor of Efren, the RTC determined that: (1) "the issuance thereof shall not exempt the grantee from compliance with applicable environmental laws, rules and regulations, including the permitting requirements of other government agencies, and (2) only the granting of fishpond lease agreement pursuant to Sec. 45 of R.A. 8550 could exempt accused [Efren] from prosecution under Sec. 94 of the same law."

The pertinent portions of the RTC Decision read:

> IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered against accused Efren Leynes finding him guilty beyond reasonable doubt of the crime of violation of Sec. 94 of R.A. 8550 and applying the Indeterminate Sentence Law, this Court hereby imposes upon him the penalty of six (6) years and one (1) day, as minimum, up to twelve (12) years, as maximum, and to pay a fine of Eighty thousand pesos (Php80,000.00), to suffer all the accessory penalties and to pay the cost of the suit.
>
> With respect to accused Alan Leynes, the information for violation of Sec. 94 of R.A. 8550 filed against him is ordered DISMISSED.
>
> Likewise, the court is recommending for the prosecution of the concerned assessor's office/employee who may have issued a tax declaration over the area in question pursuant under Sec. 75 of P.D. 705, as amended.
>
> With respect to accused Javier Leynes, the fact that he (sic) having remained at large, accordingly, this case in so far as he is concerned is ordered consigned to the archive so as for it (sic) not to remain pending for an indefinite period of time and so as to unclog the docket of this court to be revived upon his apprehension.
>
> Issue alias warrant of arrest against him copy furnished all law enforcement agencies for their implementation.
>
> SO ORDERED.[3]

On appeal, the CA affirmed Efren's conviction. The CA considered Efren's Letter of Appeal, where he admitted to the destruction of the mangrove area, as a judicial admission. Absent any showing that the Letter of Appeal was made through palpable mistake, the same is conclusive against Efren.

Our Ruling

For an offense of conversion of mangrove forest to exist, the following elements must concur:

---

[3] *Id*. at 81.

1. The site of the fishpond is a mangrove forest;
2. There was a conversion of the mangrove area into a fishpond; and
3. The appellant made the conversion.

The presence of the first and third elements, *i.e.,* the site of the fishpond is a mangrove forest and the appellant made the conversion, are undisputed. Now, the discussion of whether or not there was a conversion of the mangrove forest into a fishpond.

The relevant provision is Section 94, R.A. No. 8550, to wit:

> It shall be unlawful for any person to convert mangroves into fishponds or for any other purposes.
>
> Violation of the provision of this section shall be punished by imprisonment of six (6) years and one (1) day to twelve (12) years and/or a fine of Eighty thousand pesos (₱80,000.00): Provided, That if the area requires rehabilitation or restoration as determined by the court, the offender should also be required to restore or compensate for the restoration of the damage.

As stated, the law punishes "conversion" of mangrove forest into fishponds or for any other purposes. Efren argues that he cannot be convicted of the offense because his act of introducing improvements and rehabilitating the mangrove forest area do not amount to conversion. Also, when he improved and rehabilitated the same, it was already a fishpond.

Efren's contention must fail.

The elementary rule of statutory construction provides that in construing words and phrases used in a statute, and in the absence of legislative intent to the contrary, these words and phrases should be given their plain, ordinary, and common usage meaning.[4] Thus, absent any intent to the contrary, we apply the aforesaid principle in the case at bar. As defined, conversion means "the act or process of changing from one form, state,

---

[4] *Secretary of Justice v. Koruga*, G.R. No. 166199, April 24, 2009, 586 SCRA 513, 523.

etc., to another."[5] In the case at bar, Efren's acts of cutting mangrove trees, constructing a dike, installing an outlet (*prinsa*), and excavating in the mangrove forest constitute conversion because it altered the natural structure and form of the mangrove forest. Even if we consider Efren's defense that when he inherited the mangrove forest area from his grandfather it was already fishpond, such does not absolve him from liability. His continued introduction of improvements and continued use of the mangrove forest area as a fishpond, despite knowledge of the same being a mangrove forest area, impose upon him criminal liability.

In any case, what the law prohibits is not only the conversion of the mangrove forest into fishponds, but its conversion into any other purpose. Indeed, Efren may not have caused the conversion of the mangrove forest into a fishpond, but his acts of cutting mangrove trees, constructing a dike, installing an outlet (*prinsa*), and excavating in the mangrove forest altered the natural structure and form of the mangrove forest—an act punishable by Sec. 94 of R.A. No. 8550.

Anent his claim of good faith, this Court, as already held in our past pronouncements, cannot give credence to such defense. R.A. No. 8550 is a special law. It punishes conversion of mangrove forests into fishponds and for other purposes. As a special law, failure to comply with the same being *malum prohibitum,* intent to commit it or good faith is immaterial.[6]

As regards Efren's defense that the mangrove forest area is covered by a tax declaration, we reiterate the findings of the lower court that the issuance of a tax declaration does not justify Efren's continued possession and introduction of improvements. In fact, pursuant to Section 75 of P.D. No. 705,[7]

---

[5] Retrieved on 15 September 2016: www.merriam-webster.com/dictionary/**conversion**.

[6] *Mendoza v. People*, 640 Phil. 661, 666 (2010).

[7] **Section 75.** *Tax declaration on real property*. Imprisonment for a period of not less than two (2) nor more than four (4) years and perpetual disqualification from holding an elective or appointive office, shall be imposed

the issuance of a tax declaration of a land not classified as alienable and disposable is a criminal act. The tax declaration issued in his favor cannot act as a shield from criminal liability.

Efren also cannot invoke the Certificate of Non Coverage issued in his name as a permit to introduce improvements in the mangrove forest. As correctly held by the RTC: (1) "the issuance thereof shall not exempt the grantee from compliance with applicable environmental laws, rules and regulations, including the permitting requirements of other government agencies, and (2) only the granting of fishpond lease agreement pursuant to Sec. 45 of R.A. 8550 could exempt accused [Efren] from prosecution of Sec. 94 of the same law." A perusal of the records reveals that Efren is bereft of any fishpond lease agreement. Absent any fishpond lease agreement, Efren, despite the issuance of a Certificate of Non Coverage in his name, is not exempted from compliance with applicable environmental laws, rules and regulations, such as Sec. 94 of R.A. No. 8550.

In any case, as correctly held by the lower court, Efren is estopped from claiming that he did not convert the mangrove forest area. In his Letter of Appeal, Efren admitted that "he caused the cutting of number of trees inside the old fishpond", which is deemed as a judicial admission. A judicial admission, verbal or written, is made by a party in the course of the proceedings in the same case which does not require proof.[8] To contradict one's own admission, the person who made the same must show that it was made through palpable mistake or that no such admission was made. Judicial admissions are legally binding on the party making the admissions. In the case at bar, no denial was made on the part of Efren that he cut a number

---

upon any public officer or employee who shall issue a tax declaration on real property without a certification from the Director of Forest Development and the Director of Lands or their duly designated representatives that the area declared for taxation is alienable and disposable lands, unless the property is titled or has been occupied and possessed by members of the national cultural minorities prior to July 4, 1955.

[8] Section 4, Rule 129, Rules of Evidence.

of trees in the mangrove forest.[9] As elucidated by this Court in *Alfelor v. Halasan*:[10]

> A party who judicially admits a fact cannot later challenge [the] fact as judicial admissions are a waiver of proof; production of evidence is dispensed with. A judicial admission also removes an admitted fact from the field of controversy. Consequently, an admission made in the pleadings cannot be controverted by the party making such admission and are conclusive as to such party, and all proofs to the contrary or inconsistent therewith should be ignored, whether objection is interposed by the party or not. The allegations, statements or admissions contained in a pleading are conclusive as against the pleader. A party cannot subsequently take a position contrary of or inconsistent with what was pleaded.[11]

Thus, Efren's judicial admission, in addition to the aforementioned grounds, is a sufficient ground to sustain a conviction.

It is high time, therefore, and to avoid confusion, that mangrove forests do not consist of the typical mangrove trees only. As defined, mangroves are "a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps."[12] Contrary to Efren's belief, "the word 'mangroves' refers to a group of plants which may actually belong to several families (species that distinctly belong to their own evolutionary group)."[13] By cutting a tree

---

[9] Efren admitted that he caused the "cutting of number of trees." the pertinent portion of the Letter of Appeal reads:

> Please understand that the undersigned have caused the cutting of number of trees inside the old fishpond as attested by the officers who inspected the area sometime last year. Likewise, they have observed that cutting was done selectively leaving the majority of the healthy trees to mature.

[10] 520 Phil. 982 (2006).

[11] *Id*. at 991.

[12] Section 4, paragraph 52, R.A. No. 8550.

[13] Retrieved on 15 September 2016: http://www.mangrovesgy.org/home/index.php/2014-04-27-16-39-08/types-of-mangroves.

in the mangrove forest, regardless of its species, Efren caused conversion of the same.

WHEREFORE, the Decision of the Honorable Court of Appeals dated 3 December 2015 in CA-G.R. CR No. 36638, which sentenced petitioner Efren R. Leynes to suffer the penalty of six (6) years and one (1) day, as minimum, up to twelve (12) years, as maximum, and a fine of Eighty Thousand Pesos (₱80,000.00), for the offense of conversion of mangroves as punishable under Section 94 of Republic Act No. 8550, otherwise known as the "Philippine Fisheries Code of 1998", is hereby **AFFIRMED** *in toto*.

SO ORDERED.

Velasco, Jr. (Chairperson), Peralta, Reyes, and *Jardeleza, JJ.,* concur.