SPP Guiding Case No. 234: Litigation Supervision Case: a Villagers' Group of Village A v. a County People's Government and a Municipal People's Government of Hunan Province (Forest Land Ownership Administrative Ruling and Administrative Reconsideration)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Decided at the 46th meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on February 8, 2025; issued on March 21, 2025.

Keywords

Supervision of legally effective administrative judgments / administrative ruling / forest land ownership / investigation and verification / new evidence / protest

Holding

When handling an administrative litigation supervision case concerning a forest land ownership dispute, the people's procuratorate shall examine whether the forest land ownership evidence submitted by the disputing parties is sufficient to support their respective claims. Where an administrative ruling on forest land ownership made by a people's government is unclear in its determination of facts and insufficient in evidence, and a legally effective judgment of the people's court affirms that administrative ruling, the people's procuratorate shall carry out investigation and verification in accordance with law. Where new evidence proves that the effective judgment is genuinely erroneous, the people's procuratorate shall supervise in accordance with law.

Basic Facts

In November 2015, villagers' groups 1–4 of Village A (hereinafter referred to as "Village A"), villagers' groups 3–6, 10 and 11 of Village B (hereinafter referred to as "Village B"), and villagers' groups 1–19 of Village C (hereinafter referred to as "Village C") each filed an application with a county people's government of Hunan Province for confirmation of forest land ownership in a dispute, and each submitted corresponding vouchers such as forest rights certificates. Village A stated that the disputed forest land for which it sought confirmation of ownership was part of the village's "enclave" (land belonging to Village A but not adjoining Village A), and submitted the county's current land use map marked "Village A (enclave)", contracts leasing the disputed forest land to outsiders, and other materials proving its management and operation of the disputed forest land, but the county people's government did not accept them. On August 1, 2016, the county people's government made an administrative ruling on the forest land ownership in the case, confirming the disputed forest land as jointly owned by Village B and Village C. Village A, dissatisfied, applied to a municipal people's government for administrative reconsideration, and the municipal people's government made a reconsideration decision affirming it. Village A then filed an administrative lawsuit requesting the revocation of the administrative ruling and the reconsideration decision in the case and a judgment confirming the disputed forest land as owned by Village A. On May 11, 2017, the Intermediate People's Court of a city rendered a first-instance judgment rejecting the litigation claims of Village A, on the grounds that: the forest rights certificates No. 57, No. 116, No. 114 and No. 95 of 1982 provided by Village B and Village C were complete in their elements and had been issued in accordance with law and could serve as the basis for confirmation of ownership; Village B and Village C provided the Land Ownership Dispute Document, the Dispute Sketch and the Land Ownership Confirmation Document and Sketch of both parties, from which it could be seen that the disputed forest land was not on the side of Village A, and Village B and

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Village C had signed a Supplementary Agreement voluntarily agreeing to jointly own the disputed forest land involved in the case; although the 1982 forest rights certificate provided by Village A covered the disputed forest land, that certificate had no number, was not signed by the person filling it out or stamped by the certifying organ, and the copy to be issued to the forest rights holder and the stub copy were both kept in the archives and had not been issued to Village A, so the certificate had not been lawfully issued by the county people's government and was an invalid forest rights certificate. The administrative ruling made by the county people's government was clear in its facts and conclusive in its evidence, and the municipal people's government's reconsideration affirming it was not improper. Village A's appeal and retrial application were both rejected by the people's courts on the same grounds.

Procuratorate Performance of Duties

Case source. Village A, dissatisfied with the legally effective judgment of the people's court, applied to the People's Procuratorate of Hunan Province for supervision. Upon examination, the Hunan Provincial People's Procuratorate submitted the case to the Supreme People's Procuratorate for protest on July 19, 2021.

Investigation and verification. Focusing on the disputed focal points, the procuratorial organ carried out investigation and verification work in accordance with law, reviewing the court trial files and law enforcement files, consulting the 1982 forest rights certificate archives of the county at the county archives bureau, conducting on-site survey, visiting the parties to the case, and writing to the natural resources department requesting assistance in investigating the ownership status of the "enclave" involved in the case. It was ascertained that: (1) the filling-out organ of forest rights certificate No. 114 of Village B was not stamped, and the copy of forest rights certificate No. 95 of Village C to be issued to the forest rights holder was still kept at the county archives bureau; all the forest rights certificates involved in the case were photocopied from the county archives bureau, and none of the disputing parties could provide the originals. (2) The forest rights certificates made by the county in 1982 generally had defects such as no number, no person filling them out, the copy to be issued to the forest ownership unit not torn off, and blank certificates stamped by the commune and county government, and there was a situation where blank forest rights certificates already stamped by the people's government and the commune were first distributed to each village and then filled out by the villages themselves. (3) The Land Ownership Dispute Document, the Dispute Sketch and the Land Ownership Confirmation Document and Sketch were made by a township people's government. The Supplementary Agreement reached between Village B and Village C was reached after the dispute arose and without the consent of Village A. (4) The cadastral data of the first national land survey (1984–2009) and the second national land survey (2009–2018) recorded that the right holder of the "enclave" involved in the case was Village A. (5) The former land and resources bureau of the county made the Enclave Area Notice on September 19, 2004, and the former land and resources bureau of the city made the Enclave Ownership and Area Confirmation Notice on October 25, 2004, both delivered to Village A and Village C for stamped confirmation. In December 2004, the county people's government made the collective land ownership certificates for the "enclave" involved in the case and for Village B and Village C, but none were issued. The county's 2019 current land use map marked a plot of land as "Village A (enclave)". (6) Village A had built two single-story houses on the disputed forest land, one built in the 1950s and then used for raising cattle, and the other built around 2000 and leased to an outsider for raising cattle from 2006 to 2012. The area, shape and location of the "enclave" involved in the case recorded in the aforesaid relevant evidence corroborated one another and overlapped with the disputed forest land in this case.

The procuratorial organ lawfully obtained the evidence materials involved in the above ascertained facts, such as some of the 1982 forest rights certificates, the county's current land use map, the cadastral data of the land surveys, the Enclave Area Notice and the collective land ownership certificates.

Supervision opinions. Upon examination, the Supreme People's Procuratorate held: First, the main evidence for the fact-finding in the original effective judgment was insufficient. According to the relevant provisions of the Measures for the Handling of Forest and Forest Land Ownership Disputes, the mediation and handling of

forest rights disputes shall respect historical and actual circumstances. In this case, there was no evidence proving that the forest rights certificates held by Village B and Village C had all been lawfully delivered, and with respect to forest rights certificates likewise having incomplete elements or not having been issued, the people's court determined the forest rights certificates of Village B and Village C in the case to be lawful and lawfully issued, while denying the validity of the forest rights certificate of Village A, ignoring the objective historical circumstances of certificate-making and issuance in the county during the period of the 1982 "three determinations of forestry" (stabilizing mountain and forest rights, delimiting private hills, and determining the forestry production responsibility system). The Land Ownership Dispute Document, the Dispute Sketch and the Land Ownership Confirmation Document and Sketch were made by a township government that did not have the authority to handle them; the making subject was unlawful, they had no legal effect, and they were unrelated to the confirmation of the ownership of the "enclave" forest land. Second, the evidence lawfully obtained by the procuratorial organ was sufficient to overturn the original effective judgment. Evidence such as the county's current land use map, the cadastral data of the national land surveys, the relevant vouchers of the "enclave", the ownership certificates and attached maps of the "enclave", and the land ownership certificates and attached maps of Village B and Village C showed that the "enclave" involved in the case was consistent in area, shape, location and right holder, and that most of the disputed forest land was within the "enclave". The natural resources bureau of the county also held that although the collective land ownership certificate made in 2004 could not serve as the ownership basis for independent confirmation, the boundary markers and area registered therein could serve as reference materials for confirmation. The evidence provided by Village A could also prove its management and operation of part of the disputed forest land, while Village B and Village C failed to provide evidence of management and operation. On November 24, 2021, the Supreme People's Procuratorate filed a protest with the Supreme People's Court.

Supervision results. On June 28, 2022, the Supreme People's Court directed the Higher People's Court of Hunan Province to retry. On February 9, 2023, the retrial court adopted the protest opinions of the procuratorial organ and rendered a retrial judgment, pointing out that the county people's government's confirmation of the disputed forest land as owned by Village B and Village C lacked sufficient basis, that the municipal people's government's reconsideration affirming it was improper, and ruling to revoke the original first-instance and second-instance judgments, revoke the ownership dispute handling decision involved in the case, and order the county people's government to make a new handling decision within six months from the effective date of the judgment. On December 5, 2023, under the joint promotion of the Higher People's Court of Hunan Province and the Hunan Provincial People's Procuratorate, the county people's government made a new forest land ownership dispute handling decision, confirming 304 mu of the disputed forest land close to Village B and Village C as jointly owned by Village B and Village C, and the remaining approximately 405 mu as owned by Village A, and none of the villages raised further objections.

Urging the administrative organ to perform its duties in accordance with law. In response to the problems reflected in this case of irregular certificate-making and issuance of forest land ownership certificates in the county, the procuratorial organ held discussions with the county people's government and put forward a procuratorial suggestion, urging it to clean up the ownership certificates that had been made but not issued, and to issue certificates after confirming ownership in accordance with law for those still in dispute, so as to reduce the occurrence of forest land ownership disputes at the source. The county people's government adopted the procuratorial suggestion, verified matters one by one, and cleaned up the problems existing in the making and issuance of forest rights certificates.

Guiding Significance

When handling a supervision case concerning a legally effective administrative judgment in a forest land ownership dispute, where the forest land ownership evidence submitted by the disputing parties is insufficient to support their respective claims, the administrative ruling is unclear in its determination of facts and insufficient in evidence, and the people's court affirms the administrative ruling, the people's

procuratorate shall investigate and verify in accordance with law; where new evidence is sufficient to overturn the original judgment or ruling, it shall supervise in accordance with law. In a supervision case concerning a legally effective administrative judgment in a forest land ownership dispute, where the forest rights certificates and other evidence provided by the disputing parties that have defects due to historical reasons, such as not having been lawfully delivered or having incomplete elements, are insufficient to prove the ownership of the disputed forest land, and the administrative ruling is unclear in its determination of facts and insufficient in evidence, the people's procuratorate shall investigate and verify in accordance with law, and may ascertain the changes in the utilization, management and operation of the disputed forest land by obtaining the ownership materials made and formed by the people's government in various historical periods with respect to the disputed forest land, such as during land reform, the "four fixings", the "three determinations of forestry" and the forestry reform. Where the new evidence obtained through investigation can confirm that the administrative ruling is inconsistent with the facts and is sufficient to determine that the original effective judgment is erroneous, the people's procuratorate shall lawfully file a protest or a procuratorial suggestion for retrial. Where, in handling a supervision case concerning a legally effective administrative judgment, the people's procuratorate discovers that an administrative organ illegally exercises or fails to exercise its powers, it may, by issuing a procuratorial suggestion, urge the administrative organ to strictly and standardize law enforcement, so as to contribute to the construction of a law-based government.

Relevant Legal Provisions

Article 91 of the Administrative Litigation Law of the People's Republic of China.

Articles 58, 59 and 60 of the Rules on Supervision of Administrative Litigation by the People's Procuratorates.

Article 63 of the Provisions of the Supreme People's Court on Several Issues Concerning Evidence in Administrative Litigation.

Articles 1, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of the Measures for the Handling of Forest and Forest Land Ownership Disputes (Order No. 10 of the Ministry of Forestry of the People's Republic of China, October 14, 1996).

Articles 2 and 21 of the Measures for the Investigation and Handling of Land Ownership Disputes (Order No. 17 of the Ministry of Land and Resources of the People's Republic of China, January 3, 2003) (currently Articles 2 and 21 of the 2010 Amendment).

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