

**IN THE HIGH COURT OF SOLOMON ISLANDS**

Civil Jurisdiction

**Civil Case No. 641 of 2020**

**BETWEEN: EDWIN TINO**

(Representing himself and members of Mauvo sub-tribe of  
Thogo tribe of East Guadalcanal)

**- Claimant**

**AND: GORDON TAPALIA**

**- First Defendant**

**AND: GBC INTEGRATED WOOD LIMITED**

**- Second Defendant**

**AND: WOODLAND ENTERPRISES LIMITED**

**- Third Defendant**

**Date of Hearing: 30<sup>th</sup> May 2025**

**Date of Judgment: 21<sup>st</sup> August 2025**

Mr. B. Upwe for the Claimant

Ms. Y. B. Samuel for all the Defendants

**JUDGMENT**

**AULANGA, PJ:**

1. The Claimant represents the Mauvo subtribe of the Thogo tribe of East Guadalcanal, which holds customary ownership over Tenamamala and/or Tenabulima (also referred to as Maniolo) lands. His standing in custom to represent his tribe in this proceeding is uncontested. He brings this claim against the First, Second, and Third Defendants for trespass arising from an unlawful logging operation conducted on Tenamamala and/or Tenabulima customary lands in 2020. The Claimant seeks consequential orders for assessment of damages for trespass and conversion of felled logs, with interest at 5% per

annum backdated to October 2020. Additionally, he seeks permanent restraining orders against all Defendants, their servants, agents, associates, invitees, and any persons acting under their authority, prohibiting entry onto Tenamamala and/or Tenabulima lands for logging operations.

2. The First Defendant is the proprietor and director of the Second Defendant. The Second Defendant holds Felling License A101747 (FL A101747) over the Bulake and Kalangali Ridge concession areas in East and East Central Guadalcanal. The concession areas under Bulake include Lobonitao, Vaturodo, Bosamate, Kuku, Soniaqarimate, Tautalu, Teavatha, Sanaleve, and Haupasamate.
3. Under Kalangali Ridge, the concession areas include Salupari, Sahaberi, Baleho Parapara, Bona, Votevoteri, Na Ngaji, Sakidiri, Banaponori, Koilo Mate, Choka Chokare, Sana Tabu/Malagiju, Togotogo Namate, Volo Volo Chichi Korokokari, Bulotivi, Sakosori, Kosori, Habusi, and Salamaka. Notably, Tenamamala and Tenabulima lands are not listed among these concession areas.
4. The Defendants deny any trespass into Tenamamala and/or Tenabulima/Maniolo lands, asserting that their logging operations were confined to the concession areas lawfully granted under FL A101747. They jointly dispute any liability for damages arising from alleged logging activities on the Claimant's customary lands.
5. Following the issuance of FL A101747, the First and Second Defendants invited the Third Defendant to undertake logging operations within the licensed concession areas. However, in October 2020, the Third Defendant entered Tenamamala and/or Tenabulima/Maniolo lands and conducted large-scale logging operations, despite these areas not being covered by the license. These actions were not authorized by the Claimant's Mauvo subtribe. The Claimant's customary ownership of the land is supported by decisions of the customary courts referenced in his sworn statements, and is not contested. This forms the basis of the present claim.

6. Among the issues agreed upon by the parties, I find the following to be clearly established by the evidence before the Court: first, no timber rights public hearing was conducted over Tenamamala and/or Tenabulima/Maniolo lands and second, FL A101747 does not include Tenamamala and/or Tenabulima/Maniolo as concession areas. I reached this conclusion on the basis that the Claimant's evidence on these points is overwhelming and unchallenged.
  
7. Unless the Defendants can provide contrary evidence to prove that there was a timber right hearing has been conducted over the Tenamamala and/or Tenabulima/Maniolo land pursuant to section 8(3) of the *Forest Resources and Timber Utilisation Act* (Cap 40) and more importantly, that these two customary lands have been covered under the FL A101747, the absence of such evidence must mean that those issues are nonissues for the Court to decide. In my view, the FL A101747 has clearly evidenced that these two customary lands were not concession areas for the purpose of the logging operations conducted by the Third Defendant. As such, it does not matter whether there were any timber rights hearing over those two lands since any customary land permitted to be a concession area for logging operation would normally be recorded in the felling license. The absence of it must mean the Tenamamala and/or Tenabulima/Maniolo land were not concession areas for the logging operation of the Third Defendant. Simply put, in the absence of any contrary evidence from the Defendants demonstrating that a timber rights hearing was held or that these lands were included in FL A101747, these issues are resolved in favour of the Claimant. The license itself confirms that Tenamamala and/or Tenabulima/ Maniolo were not designated concession areas. Therefore, any logging conducted there was unauthorized.
  
8. Furthermore, the question of whether Tenamamala and/or Tenabulima/Maniolo are distinct from the concession areas listed in FL A101747 is not in dispute. The Defendants have provided no evidence suggesting that these lands are known by alternative names listed in the license. In the absence of such evidence, this issue is also resolved in favour of the Claimant.

9. The remaining issues in my view for determination are whether the Defendants' logging operations trespassed onto Tenamamala and/or Tenabulima/Maniolo lands and whether damages should be awarded for trespass and conversion of logs.

**Whether the Defendants' logging operations trespassed onto Tenamamala and/or Tenabulima/Maniolo lands**

10. In *Levers Solomon Limited v Solomon Islands Electricity Authority* [2017] SBCA 3, the Court of Appeal, citing *Gesring Gabing Bob v Stettin Bay Lumber Company Limited* [2008] PGNC 120, outlined the elements of trespass that a Claimant needs to prove as follows:

- (a) That the defendant entered the land whether directly or indirectly;
- (b) That the defendant did so by some intentional act;
- (c) That the defendant had no lawful authority;
- (d) That the claimant was in lawful possession of the land; and
- (e) That the claimant's enjoyment of the land was interfered with.

11. It is undisputed that the Claimant's tribe owns the Tenamamala and/or Tenabulima/Maniolo lands. The central issue is whether the Defendants' logging operations constituted trespass.

12. The Field Assessment Report by Mathew Ata (annexed as ET-A2 in the Claimant's sworn statement, pages 70–77 of the Court Book) confirms that logging occurred within Tenamamala land. Paragraph 2.2.3 of the report states:

*"The sites that we visited during the day of assessment were located right inside the Tenamamala customary land which was situated on the western side of Aola River. It was confirmed from the Field Assessment that Woodland Enterprises Ltd under GBC has trespassed and carried out its logging operation unlawfully as claimed by Mr. Edwin Tina. The landowner who invited the company to log Tenamamala customary land under GBC Integrated Wood Ltd, Mr. Jack Ghaua was approached by Mr. Alfred Joel, who after their discussion directed Jack Ghaua to stop the company from further*

*intrusion in the land. The landmarks found on the logs at the log pond were also found on the logs at the landings, a confirmation of the landmarks (WA& RT) coming out from Tenamamala customary land.”*

13. The Defendants did not rebut the Claimant’s ownership or the evidence of trespass. The evidence of Tang Tung Siong merely asserts his belief that logging occurred within the licensed areas but fails to address the specific evidence of trespass. This omission amounts to an implied admission. As the Third Defendant acted under the authority of the First and Second Defendants, all three are vicariously liable for the tort of trespass. On the balance of probabilities, the Claimant has satisfied all elements of trespass as outlined in *Levers Solomon Limited v Solomon Islands Electricity Authority* (supra).

**Whether damages should be awarded for trespass and conversion of logs**

14. The Field Assessment Report also confirms that logs marked “WA & RT” were extracted from the Tenamamala land. Photographic evidence taken from the site inspection supports this finding. In the Report, Mathew Ata estimates that approximately 5,000 cubic meters of logs were felled and removed. Tang Tung Siong did not dispute this extraction, only confirming that a cargo of 8,437 cubic meters of logs valued at \$4,300,842.63 was received and transferred into a POB Account, with the funds held at the Central Bank. This supports the Claimant’s assertion of conversion and financial loss.

15. There is no doubt that the Claimant is entitled to an award of damages against all the Defendants for the unlawful conversion of trees from the Tenamamala land. However, the evidence presented regarding the quantity of logs extracted is inconclusive. Accordingly, I am of the view that a proper assessment is required to determine the quantum of damages, which must be based on reliable evidence reflecting the actual volume of logs removed from the Tenamamala land.

16. I understand that the First Defendant passed away prior to the commencement of trial. Consequently, no orders for costs or damages shall be made against the First Defendant

at this stage. The Claimant may consider the status of the claim against the First Defendant at the returnable date of this matter.

17. In light of the foregoing, it is my considered view that the assessment of damages for the conversion of logs be conducted at a future hearing. The issue of costs for this trial shall be reserved and will be determined at the hearing for the assessment of damages.

**Orders of the Court**

- 1. The Third Defendant upon the instructions of the First and Second Defendant unlawfully entered Tenamamala customary land through logging operations thereby committing trespass.**
- 2. Damages in relation to the trespass and conversion of logs extracted from the Tenamamala customary land to be assessed.**
- 3. Permanent injunction is granted against all the Defendants, their servants, agents, associates, invitees and relatives from further entry by way of logging activities on the Tenamamala and/or Tenabulima/Maniolo customary land.**
- 4. Costs of this proceeding are reserved and will be determined at the hearing of assessment of damages in due course.**



**Hon. Justice Augustine S. Aulanga**

**PUISNE JUDGE**