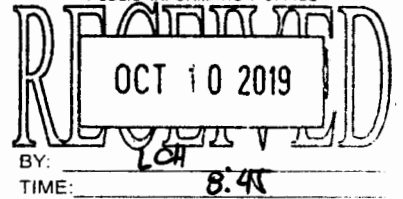




Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE



SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, represented by DR. RUBINA O. CRESENCIO, OFFICER-IN-CHARGE of the BUREAU OF ANIMAL INDUSTRY and MARILYN V. STA. CATALINA, OFFICER-IN-CHARGE, DEPARTMENT OF AGRICULTURE – REGIONAL FIELD UNIT – CORDILLERA ADMINISTRATIVE REGION (DA RFU-CAR),

Petitioner,

- versus -

G.R. No. 201273

Present:

CARPIO, J.,* *Chairperson,*
 CAGUIOA,**
 J. REYES, JR.,
 LAZARO-JAVIER, and
 ZALAMEDA, JJ.

Promulgated:

14 AUG 2019

**HEIRS OF IKANG PAUS, namely:
 (1) OLARTE A. PAUS, SR.,
 (2) HEIRS OF DAVID PAUS,
 represented by PETER PAUS,
 (3) JOSEPHINE BASIL,
 (4) HEIRS OF MACARIO A. PAUS,
 SR., represented by NORBERTO D.
 PAUS, (5) HEIRS OF MONTA
 PAUS, represented by ELIAS PAUS,
 SR., and (6) HEIRS OF FORBASCO
 PAUS, represented by DOLOR
 PAUS MALLARE; THE
 REGISTRY OF DEEDS OF
 BAGUIO CITY, represented by its
 REGISTRAR, ATTY. JUANITO K.
 AMPAGUEY; THE NATIONAL
 COMMISSION ON INDIGENOUS
 PEOPLES, represented by its
 CHAIRPERSON, ZENaida
 BRIGIDA HAMADA-PAWID; THE
 LAND REGISTRATION**

* On official leave.

** Designated Acting Chairperson per Special Order No. 2688 dated July 30, 2019.

**AUTHORITY, represented by its
ADMINISTRATOR, BENEDICTO
B. ULEP; AND HONORABLE
CLETO R. VILLACORTA III,
PRESIDING JUDGE, BRANCH 6,
REGIONAL TRIAL COURT,
BAGUIO CITY,**

Respondents.

X-----X

**HEIRS OF MATEO CARIÑO and
BAYOSA ORTEGA herein
represented by ANDRES
CARANTES, RUBY GIRON,
JOANNA K. CARIÑO, LEO
CAMILO, CECILIA H. CHAN, and
RONALD PEREZ,**

Petitioners-in-Intervention.

X-----X

DECISION

CAGUIOA, J.:

Before the Court is a petition for review on *certiorari*¹ (Petition) under Rule 45 of the Rules of Court assailing the Decision² dated February 13, 2012 of the Court of Appeals (CA) in C.A. G.R. SP No. 116926. The CA dismissed the petition for *certiorari* assailing the Orders dated August 12, 2010³ and September 13, 2010⁴ of the Regional Trial Court (RTC) of Baguio City, Branch 6 in Civil Case No. 7200-R, which dismissed the Complaint of the Republic of the Philippines (Republic) for reversion, annulment of documents and cancellation of titles with issuance of temporary restraining order and writ of preliminary injunction for lack of jurisdiction over the subject matter.

Facts

As summarized by the CA, the antecedents are as follows:

Private respondents, the Heirs of Ikang Paus (private respondents), represented by Elias Paus, filed a petition for identification, delineation and issuance of a Certificate of Ancestral Land Title (CALT) with respondent National Commission [on Indigenous Peoples] (NCIP). They sought confirmation of their right to the ancestral land at Section "J" Baguio City and Witig Suyo, Tuba, Benguet, with an area of 695,737 square meters. The

¹ *Rollo* (Vol. I), pp. 34-96, excluding Annexes.

² *Id.* at 97-115. Penned by Associate Justice Angelita A. Gacutan and concurred in by Associate Justices Magdangal M. De Leon and Francisco P. Acosta.

³ *Id.* at 408-414. Penned by Presiding Judge Cleto R. Villacorta III.

⁴ *Id.* at 429-449.

Heirs of Mateo Cariño opposed the petition, and prayed for its dismissal, cancellation and revocation.

After due proceedings, the NCIP issued Resolution No. 060-2009, viz.:

WHEREFORE, in view of the foregoing, this Commission hereby declares and certifies that the parcels of land described herein is an ancestral land belonging to the Heirs of Ikang Pau[s]. Let the two (2) Certificates of Ancestral Land Title (CALT) bearing CALT No. CAR-TUB-0309-000208 located at Barangay Poblacion, Municipality of Tuba, Province of Benguet be issued in the name of the Heirs of Ikang Paus as indicated in plan SWO-141102155703-D-A-NCIP.

The protest filed by the Heirs of Mateo Cariño, represented by Jacqueline Cariño and Judith Cariño is hereby dismissed for lack of merit.

UNANIMOUSLY APPROVED.

Quezon City, March 19, 2009.

Consequently, Original Certificate of Title (OCT) No. 0-CALT-37⁵ covering [a] 623,108[-]square meter lot in Baguio City, was issued in the name of private respondents on April 24, 2009.

The Heirs of Mateo Cariño filed a motion for reconsideration, but the NCIP denied it in its Resolution No. 099 dated September 24, 2009.

However, on June 10, 2010, the Republic, through the OSG, questioned OCT No. 0-CALT-37 in the name of private respondents, and filed a suit for *Reversion, Annulment of Documents and Cancellation of Title with Prayer for Issuance of Temporary Restraining Order (TRO) and Writ of Preliminary Injunction*. It pointed out several irregularities in the issuance of the CALT in favor of private respondents. x x x

x x x x

Private respondents answered the complaint denying all its material allegations. x x x As special and affirmative defenses, they averred lack of jurisdiction and lack of cause of action. They pointed out that the complaint assailed the CALT and the OCT issued on the basis of the CALT, which under the Indigenous [Peoples] Right[s] Act (IPRA), falls within the jurisdiction of the NCIP, and not of the regular courts. They asserted that the RTC has no jurisdiction over the subject matter of the complaint; hence, the complaint must be dismissed for lack of jurisdiction. x x x

On July 14, 2010, the RTC issued an Order directing the Republic to show cause why the complaint should not be dismissed for lack of jurisdiction.

In its Compliance, the Republic asserted that the RTC had jurisdiction over the complaint. Citing Chapter II of Batas Pambansa (B.P.) Blg. 129, it maintained that the RTC had jurisdiction over all civil actions which involve the title to, or possession of, real property, or any interest

⁵ Appearing as OCT No. O-CALT-37 in some parts of the records.



therein. The action[s] for reversion, annulment of documents and cancellation of titles are rights of actions or reliefs which are obviously neither within the exclusive nor concurrent jurisdiction of the NCIP. It further asserted that it was never made a party to NCIP En Banc Resolution No. 060-2009-AL (2009). Not being a party to the proceeding, it could not avail of the remedy of filing a petition for review with the CA. The Republic maintained that the CALT and the consequent OCT was null and void. As such, they can be attacked either directly [or] collaterally.

The RTC, however, was not at all persuaded by Republic's arguments and rendered the now challenged Order dismissing the complaint. It sustained private respondents that the RTC has no jurisdiction over the subject matter of the complaint. The RTC explained that the CALT and the corresponding OCT were issued on the basis of the Resolution 060-2009-AL of the NCIP. Thus, any challenge against the CALT and the OCT necessarily calls for a review of the NCIP Resolution which was made as basis for the issuance of the CALT. However, NCIP is a quasi-judicial body with a rank and stature equal to that of the RTC; hence, it cannot review the Resolution of the NCIP or any document that flows from its proceedings.

The RTC disposed, thus:

WHEREFORE, the instant case is **dismissed without prejudice** for lack of jurisdiction over the subject-matter of the complaint.

SO ORDERED.⁶

Petitioner filed a motion for reconsideration but the RTC denied this. Aggrieved, petitioner filed a petition for *certiorari* under Rule 65 with the CA.⁷

CA Decision

On the procedural issue, the CA ruled that petitioner availed itself of the correct remedy when it filed a Rule 65 petition to assail the RTC's dismissal without prejudice of the Complaint.⁸ The CA ruled that the Complaint assails the validity of OCT No. 0-CALT-37 as well as NCIP *En Banc* Resolution No. 060-2009-AL, Series of 2009⁹ (Resolution No. 060-2009-AL). Given this, the RTC does not have jurisdiction to review the NCIP Resolution as under the Indigenous Peoples Rights Act of 1997¹⁰ (IPRA), its Implementing Rules and Regulations (IRR), and even the NCIP Rules on Pleadings, Practice and Procedure all state that Decisions of the NCIP are reviewable by the CA.¹¹ For the CA, the NCIP and the RTC are co-equal bodies and the NCIP is therefore beyond the control of the RTC.¹²

⁶ *Rollo* (Vol. I), pp. 99-104.

⁷ *Id.* at 98, 105.

⁸ *Id.* at 107-108.

⁹ *Id.* at 150-163.

¹⁰ Republic Act No. 8371, entitled "AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES, CREATING A NATIONAL COMMISSION ON INDIGENOUS PEOPLES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES," October 29, 1997.

¹¹ *Rollo* (Vol. I), pp. 109-111.

¹² *Id.* at 111.

The CA also ruled that the record shows that the Republic was aware of Resolution No. 060-2009-AL as early as 2009 but it only filed the petition for *certiorari* on November 25, 2010. The Rules of Court is explicit that a petition under Rule 65 should be filed not later than 60 days from notice. When the Republic filed the petition for *certiorari* on November 25, 2010, the period to file a Rule 65 petition has already expired.¹³ The CA also ruled that for it to rule on the propriety of Resolution No. 060-2009-AL and the validity of the Certificate of Ancestral Land Title (CALT) and OCT, it would have to appreciate and calibrate evidence, which is not the function of a petition for *certiorari* under Rule 65.¹⁴ It found that it would be misplaced to attack and rule on the validity of the proceedings of the NCIP and on the CALT and OCT in a petition for *certiorari*.¹⁵ The dispositive portion of the CA Decision states:

WHEREFORE, the appeal is **DISMISSED**. The assailed Orders of the Regional Trial Court of Baguio City in Civil Case No. 7200-R are **AFFIRMED**.

SO ORDERED.¹⁶

Petitioner did not move for reconsideration; instead, it directly filed this Petition.

Issues

The issues raised in the Petition are as follows:

I

WHETHER THE [RTC], IN THE EXERCISE OF ITS ORIGINAL AND EXCLUSIVE JURISDICTION OVER TITLES TO PROPERTY[,] HAS THE POWER AND AUTHORITY TO EXAMINE THE DECISION OR RESOLUTION OF A CO-EQUAL BODY SUCH AS THE NCIP TO THE EXTENT THAT THEY ARE PATENTLY NULL AND VOID *AB INITIO* FOR THE PURPOSE OF ANNULING AN OCT ISSUED BASED ON SAID DECISION OR RESOLUTION.

II

WHETHER THE [RTC], IN THE EXERCISE OF ITS ORIGINAL AND EXCLUSIVE JURISDICTION OVER TITLES TO PROPERTY[,] MAY REFUSE TO RECOGNIZE THE VALIDITY OF A DECISION OR RESOLUTION OF A CO-EQUAL BODY IF IT FINDS THE SAME TO BE PATENTLY NULL AND VOID.

III

WHETHER A PETITION FOR CERTIORARI IS THE PROPER REMEDY TO ASSAIL THE NULL AND VOID NCIP RESOLUTION AND WHETHER OR NOT SAID REMEDY IS APPLICABLE IN

¹³ Id. at 113.

¹⁴ Id. at 114.

¹⁵ Id.

¹⁶ Id. at 114-115.



PETITIONER'S CASE WHERE IT IS NOT A PARTY TO THE PROCEEDINGS OF SAID RESOLUTION.

IV

WHETHER IT IS PROPER FOR [THE] COURT TO DECIDE ON THE SUBSTANTIVE MERITS OF THE NINE (9) CAUSES OF ACTION RAISED BY PETITIONER IN ITS COMPLAINT FILED BEFORE THE [RTC] ASSAILING NCIP *EN BANC* RESOLUTION NO. 060-2009-AL, SERIES OF 2009.¹⁷

Essentially, the issue for the Court's resolution is whether the RTC has jurisdiction over the Republic's Complaint.

The Court's Ruling

The Petition is partially granted.

RTC has jurisdiction over cases for reversion and cancellation of certificates of title.

The RTC and the CA both ruled that the RTC had no jurisdiction over the Complaint because it sought a review of Resolution No. 060-2009-AL. This is error.

The Court has held in *Republic v. Roman Catholic Archbishop of Manila*¹⁸ that “[i]t is axiomatic that the nature of an action and whether the tribunal has jurisdiction over such action are to be determined from the material allegations of the complaint, the law in force at the time the complaint is filed, and the character of the relief sought irrespective of whether the plaintiff is entitled to all or some of the claims averred. Jurisdiction is not affected by the pleas or the theories set up by defendant in an answer to the complaint or a motion to dismiss the same.”¹⁹

The Complaint alleged the following: (a) Baguio Stock Farm (BSF) is an agricultural land of the public domain comprising of Lots 1 and 2 covering 849,721 and 91,622 square meters, respectively, that has been withdrawn from sale or settlement and reserved for animal breeding purposes under the administration of the Bureau of Animal Industry, an agency under the Department of Agriculture, pursuant to Presidential Proclamation No. 603, Series of 1940 (Proclamation No. 603);²⁰ (b) sometime in June 2009, a person who identified himself as an heir of Ikang Paus delivered to BSF a photocopy of OCT No. 0-CALT-37 and claimed that the said title lies inside BSF;²¹ (c)

¹⁷ Id. at 56-57.

¹⁸ 698 Phil. 429 (2012).

¹⁹ Id. at 435.

²⁰ *Rollo* (Vol. I), p. 197.

²¹ Id. at 198.



OCT No. 0-CALT-37 was based on CALT No. CAR-BAG-0309-000207 issued by the NCIP to the Heirs of Ikang Paus;²² (d) the lot covered by OCT No. 0-CALT-37 is inside the property covered by Proclamation No. 603 as plotted by the DENR using the reconstructed and unapproved survey plan together with the technical description of Lot 1, SWO-14110215703-D-A-NCIP;²³ and (e) Resolution No. 060-2009-AL granted CALT No. CAR-BAG-0309-000207 to the Heirs of Ikang Paus.²⁴

The Complaint also states nine causes of action, as follows:

1. Resolution No. 060-2009-AL was null and void for failing to implead the Director of Lands following Section 53(f) of the IPRA;²⁵
2. the CALT was issued contrary to Section 12 of the IPRA as the application of the Heirs of Ikang Paus was opposed by other members of the Ibaloi tribe;²⁶
3. the CALT was patently defective for failure to secure the signature and approval of all the NCIP commissioners;²⁷
4. no Torrens title can be issued over BSF, a government reservation, which could only be covered by a Certificate of Ancestral Domain Title (CADT), and not a CALT;²⁸
5. BSF is protected from ancestral domain or ancestral land claims following Section 7(g) of the IPRA;²⁹
6. the issuance of the OCT/CALT was void because of the NCIP's failure to negotiate with the Republic following the NCIP's Administrative Order No. 1, Series of 1998;³⁰
7. the issuance of the CALT was defective because the adjacent owners were not notified;³¹
8. the Heirs of Ikang Paus, even assuming that they may be issued an OCT, failed to prove that they possessed and occupied the property

²² Id.

²³ Id. at 199.

²⁴ Id. at 200.

²⁵ Id. at 203-206.

²⁶ Id. at 206-208.

²⁷ Id. at 208-209.

²⁸ Id. at 209-213.

²⁹ Id. at 213-215.

³⁰ Id. at 215-218.

³¹ Id. at 218-221.

in the concept of owner since time immemorial or for a period of not less than 30 years;³² and

9. no CALT may be issued over the BSF as it is within the Baguio Townsite reservation.³³

The Complaint thus seeks the nullification and cancellation of (a) OCT No. 0-CALT-37 and any derivative title issued pursuant thereto; (b) CALT No. CAR-BAG-0309-000207; and (c) the reconstructed and unapproved survey plan together with the technical description of Lot 1, SWO-14110215703-D-A-NCIP.³⁴ Only the last two reliefs emanated from Resolution No. 060-2009-AL. The Complaint also impleaded the Register of Deeds of Baguio City, the NCIP, and the LRA.

To the mind of the Court, the case is not a review of the NCIP *En Banc* Resolution because a subsequent event occurred that gave rise to a cause of action for reversion and cancellation of a Torrens title, namely, the issuance of OCT No. 0-CALT-37. This is the reason the Republic has impleaded the Register of Deeds of Baguio City and the LRA.

In fact, the Republic alleges that OCT No. 0-CALT-37 should not have been issued since it is land of the public domain. This, in turn, requires a factual determination of whether the land is indeed of public domain and whether OCT No. 0-CALT-37 embraces land inside the BSF. This then raises the issue of whether a CALT may be issued over it, and whether an OCT may be issued arising from the CALT. This is therefore a complaint for the reversion of a land to the public domain and the cancellation of a Torrens title covering a public land, both matters being within the exclusive original jurisdiction of the RTC.

Under Batas Pambansa Blg. 129,³⁵ the RTC has jurisdiction over the following civil cases:

SEC. 19. *Jurisdiction in Civil Cases.* — Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the

³² Id. at 221-224.

³³ Id. at 224-225.

³⁴ Id. at 227.

³⁵ THE JUDICIARY REORGANIZATION ACT OF 1980.



Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

x x x x

(8) In all other cases in which the demand, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs or the value of the property in controversy exceeds One hundred thousand pesos (P100,000.00) or, in such other cases in Metro Manila, where the demand, exclusive of the abovementioned items exceeds Two hundred thousand pesos (P200,000.00).

In *Republic v. Roman Catholic Archbishop of Manila*,³⁶ the Court held that “[a]ctions for cancellation of title and reversion x x x belong to the class of cases that ‘involve the title to, or possession of, real property, or any interest therein’ and where the assessed value of the property exceeds ₱20,000.00, fall under the jurisdiction of the RTC.”³⁷

As the Court held in *Malabanan v. Republic*³⁸ “[i]n a reversion suit, we should emphasize, the attack is directed not against the judgment ordering the issuance of title, but against the title that is being sought to be cancelled either because the judgment was not validly rendered, or the title issued did not faithfully reflect the land referred to in the judgment, or because no judgment was rendered at all.”³⁹

The allegations of the Republic in the Complaint squarely assert a reversion suit as described above. It is attacking OCT No. 0-CALT-37 because it arose from Resolution No. 060-2009-AL, which the Republic claims was not validly rendered.

The Court is not unmindful that in ruling on the issue of the validity of OCT No. 0-CALT-37, the Court will necessarily rule on the validity of CALT No. CAR-BAG-0309-000207, and the reconstructed and unapproved survey plan together with the technical description of Lot 1, SWO-14110215703-D-A-NCIP, both of which were issued and approved in Resolution 060-2009-AL. This, however, does not remove the Complaint from the RTC's jurisdiction, and as described above, even confirms it. Again, the cause of action of the Republic is for the reversion to the public domain of the lot covered by OCT No. 0-CALT-37 and the cancellation of the title. In ruling on this issue, the RTC may dwell on the validity of the proceedings of the NCIP, which gave rise to the issuance of the Torrens title. The Court's ruling in *Republic v. Bacas*⁴⁰ (*Bacas*) is instructive:

The success of the annulment of title does not solely depend on the existence of actual and extrinsic fraud, but also on the fact that a judgment

³⁶ Supra note 18.

³⁷ Id. at 435-436.

³⁸ G.R. No. 201821, September 19, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocsfriendly/1/64605>>.

³⁹ Id.

⁴⁰ 721 Phil. 808 (2013).

decreasing registration is null and void. In *Collado v. Court of Appeals and the Republic*, the Court declared that any title to an inalienable public land is void *ab initio*. Any procedural infirmities attending the filing of the petition for annulment of judgment are immaterial since the LRC never acquired jurisdiction over the property. All proceedings of the LRC involving the property are null and void and, hence, did not create any legal effect. A judgment by a court without jurisdiction can never attain finality. In *Collado*, the Court made the following citation:

The **Land Registration Court has no jurisdiction over non-registrable properties**, such as public navigable rivers which are parts of the public domain, and cannot validly adjudge the registration of title in favor of private applicant. Hence, the judgment of the Court of First Instance of Pampanga as regards the Lot No. 2 of certificate of Title No. 15856 in the name of petitioners **may be attacked at any time**, either **directly or collaterally**, by the State which is **not bound by any prescriptive period** provided for by the Statute of Limitations.⁴¹ (Emphasis in the original)

In *Bacas*, the principal prayer for cancellation of the Torrens title entailed the nullification of a decision of the LRC, a co-equal body of the RTC. Here, similarly, as a result of the prayer for reversion and cancellation of title, the RTC will necessarily have to rule on the validity of Resolution No. 060-2009-AL. The RTC also has to rule on whether the Register of Deeds of Baguio City acted correctly in issuing OCT No. 0-CALT-37 based on CALT No. CAR-BAG-0309-000207.

Based on the foregoing, the Court finds that the RTC committed grave abuse of discretion when it dismissed the Republic's Complaint for lack of jurisdiction. As the Court ruled in *Heirs of Spouses Reterta v. Spouses Mores and Lopez*:⁴² "The term *grave abuse of discretion* connotes whimsical and capricious exercise of judgment as is equivalent to excess, or lack of jurisdiction. The abuse must be so patent and gross as to amount to an evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility."⁴³

The RTC's dismissal of the Complaint is a refusal to perform its duty enjoined by law as it is the court that has jurisdiction over the Complaint. The CA therefore committed reversible error in affirming the RTC's dismissal of the Complaint.

Nonetheless, the Court finds that the Republic's prayer that the Court rule on its nine causes of action as raised in its Complaint to be premature. A ruling on the nine causes of action requires the presentation and reception of evidence, a function the Court cannot discharge as it is not a trier of facts.

⁴¹ Id. at 828-829.

⁴² 671 Phil. 346 (2011).

⁴³ Id. at 364.



There being no trial on the merits yet, it is improper for the Court to rule on the nine causes of action in the Complaint.

NCIP does not have jurisdiction over the Republic's Complaint.

As further confirmation that the RTC has jurisdiction over the case is the fact that the NCIP does not have jurisdiction over issues involving non-Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs). The NCIP's jurisdiction is defined in Section 66 of the IPRA:

SEC. 66. *Jurisdiction of the NCIP.* — The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: *Provided, however,* That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

Interpreting this provision, the Court held in *Lim v. Gamosa*⁴⁴ that the NCIP has no power and authority to decide controversies involving non-ICCs/IPs even if it involves rights of ICCs/IPs, as these disputes should be brought before a court of general jurisdiction, thus:

Once again, the primacy of customs and customary law sets the parameters for the NCIP's limited and special jurisdiction and its consequent application in dispute resolution. Demonstrably, the proviso in Section 66 of the IPRA limits the jurisdiction of the NCIP to cases of claims and disputes involving rights of ICCs/IPs where both parties are ICCs/IPs because customs and customary law cannot be made to apply to non-ICCs/IPs within the parameters of the NCIP's limited and special jurisdiction.

Indeed, non-ICCs/IPs cannot be subjected to this special and limited jurisdiction of the NCIP even if the dispute involves rights of ICCs/IPs since the NCIP has no power and authority to decide on a controversy **involving, as well, rights of non-ICCs/IPs which may be brought before a court of general jurisdiction within the legal bounds of rights and remedies.** Even as a practical concern, non-IPs and non-members of ICCs ought to be excepted from the NCIP's competence since it cannot determine the right-duty correlative, and breach thereof, between opposing parties who are ICCs/IPs and non-ICCs/IPs, **the controversy necessarily contemplating application of other laws, not only customs and customary law of the ICCs/IPs.** In short, the NCIP is only vested with jurisdiction to determine the rights of ICCs/IPs based on customs and customary law in a given controversy against another ICC/IP, but not the applicable law for each and every kind of ICC/IP controversy even against an opposing non-ICC/IP.⁴⁵ (Additional emphasis and underscoring supplied)

⁴⁴ 774 Phil. 31 (2015).

⁴⁵ Id. at 61-62.



Here, although the dispute involves the rights of the Heirs of Ikang Paus, who claim to be members of the Ibaloi tribe, the Complaint involves non-ICCs/IPs such as the Republic, the Register of Deeds of Baguio, and even the LRA. The NCIP cannot rule on the rights of non-ICCs/IPs which should be brought before a court of general jurisdiction. Here, the dispute was validly lodged with the RTC as discussed above.

Further, given the special limited jurisdiction of the NCIP, only those cases over which the NCIP has jurisdiction may be appealed to the CA following Section 67 of the IPRA:

SEC. 67. Appeals to the Court of Appeals. – Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

It was therefore error for the RTC and the CA to treat the Complaint as an appeal from Resolution No. 060-2009-AL because based on the allegations of the Complaint, the NCIP could not have jurisdiction over it. And in fact, given that NCIP cases are limited to ICCs/IPs, it would even be legally impermissible for a non-ICC/IP to appeal a decision of the NCIP.

This further confirms that the RTC acted with grave abuse of discretion because if the RTC dismissal of the Complaint is not undone, the Republic will be denied any kind of remedy to protect its rights and interest over the property.⁴⁶

Petition-in-intervention lacks basis.

A Petition-in-Intervention⁴⁷ was filed by the Heirs of Mateo Cariño and Bayosa Ortega (Heirs of Cariño and Ortega). They admit that they were not parties to Civil Case No. 7200-R,⁴⁸ but claim that they have an interest in the property covered by OCT No. 0-CALT-37. In their Petition-in-Intervention, they seek to have Section 53⁴⁹ of the IPRA declared as unconstitutional as it failed to

⁴⁶ See *Heirs of Spouses Reterta v. Spouses Mores and Lopez*, supra note 42, at 364.

⁴⁷ *Rollo* (Vol. II), pp. 1078-1111.

⁴⁸ *Id.* at 1078.

⁴⁹ SEC. 53. *Identification, Delineation and Certification of Ancestral Lands:*

a) The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;

b) Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;

c) Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 52(d) of this Act, including tax declarations and proofs of payment of taxes;

d) The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;

provide sufficient standards to guide the assessment and approval of ancestral land claims, which allows an overreaching and unwarranted exercise of discretion on the part of the NCIP and the Ancestral Domains Office (ADO).⁵⁰

The intervention lacks basis.

The requisites for intervention of a non-party, as the Court ruled in *Asia's Emerging Dragon Corp. v. Department of Transportation and Communications*,⁵¹ are as follows:

1. Legal interest
 - (a) in the matter in controversy; or
 - (b) in the success of either of the parties; or
 - (c) against both parties; or
 - (d) person is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof;
2. Intervention will not unduly delay or prejudice the adjudication of rights of original parties;
3. Intervenor's rights may not be fully protected in a separate proceeding.⁵²

The Heirs of Cariño and Ortega failed to prove a legal interest in the controversy. The Petition raises whether the RTC, as affirmed by the CA, ruled correctly in dismissing the Republic's Complaint for reversion and annulment of judgment. The Heirs of Cariño and Ortega do not claim that they

e) Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: *Provided, further*, That mere posting shall be deemed sufficient if both newspapers and radio station are not available;

f) Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individual or indigenous corporate claimants, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and

g) The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP which shall, in turn, evaluate the report submitted. If the NCIP finds such claim meritorious, it shall issue a certificate of ancestral land, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

⁵⁰ *Rollo* (Vol. II), p. 1087.

⁵¹ 572 Phil. 523 (2008).

⁵² *Id.* at 527.



have any interest in the outcome of this case. Instead, they would like the Court to rule on the constitutionality of Section 53 of the IPRA. Based on their own allegations, therefore, intervention is improper.

Further, ruling on the constitutionality of Section 53 will delay the adjudication of the issue of whether the RTC has jurisdiction over the Republic's Complaint. More importantly, even if allowed to intervene, the issue on the constitutionality of Section 53 of the IPRA is not the very *lis mota* of this Petition of the Republic. As the Court held in *Spouses Mirasol v. Court of Appeals*:⁵³

Jurisprudence has laid down the following requisites for the exercise of this power: First, there must be before the Court an actual case calling for the exercise of judicial review. Second, the question before the Court must be ripe for adjudication. Third, the person challenging the validity of the act must have standing to challenge. Fourth, the question of constitutionality must have been raised at the earliest opportunity, and lastly, the issue of constitutionality must be the very *lis mota* of the case.

As a rule, the courts will not resolve the constitutionality of a law, if the controversy can be settled on other grounds. The policy of the courts is to avoid ruling on constitutional questions and to presume that the acts of the political departments are valid, absent a clear and unmistakable showing to the contrary. To doubt is to sustain. This presumption is based on the doctrine of separation of powers. This means that the measure had first been carefully studied by the legislative and executive departments and found to be in accord with the Constitution before it was finally enacted and approved.

The present case was instituted primarily for accounting and specific performance. The Court of Appeals correctly ruled that PNB's obligation to render an accounting is an issue, which can be determined, without having to rule on the constitutionality of P.D. No. 579. In fact there is nothing in P.D. No. 579, which is applicable to PNB's intransigence in refusing to give an accounting. The governing law should be the law on agency, it being undisputed that PNB acted as petitioners' agent. In other words, the requisite that the constitutionality of the law in question be the very *lis mota* of the case is absent. Thus we cannot rule on the constitutionality of P.D. No. 579.⁵⁴

Here, it is unnecessary to rule on the constitutionality of Section 53 of the IPRA in order to arrive at the conclusion that the RTC has jurisdiction over the Republic's Complaint.

WHEREFORE, premises considered, the Petition is **PARTLY GRANTED**. The Decision dated February 13, 2012 of the Court of Appeals in C.A. G.R. SP No. 116926 is **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Regional Trial Court of Baguio City, Branch 6 which is directed to proceed with dispatch with the trial on the merits as well as the resolution of Civil Case No. 7200-R.

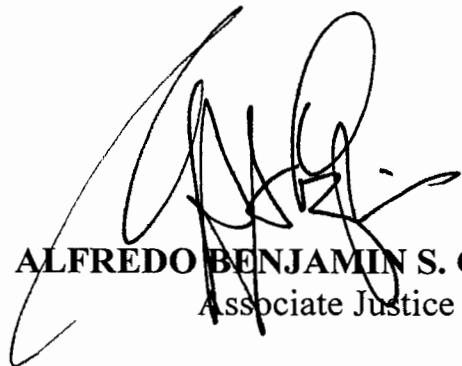
The Petition-in-Intervention of the Heirs of Mateo Cariño and Bayosa Ortega is **DENIED** for lack of merit.

⁵³ 403 Phil. 760 (2001).

⁵⁴ Id. at 773-774.



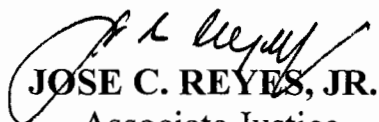
SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

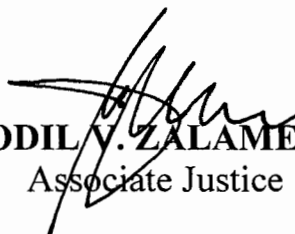
(On official leave)
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE C. REYES, JR.
Associate Justice



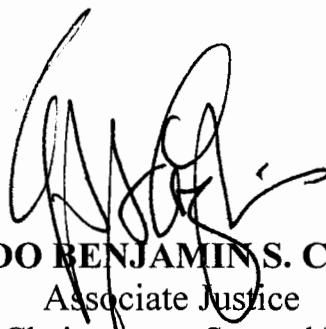
AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

ATTESTATION

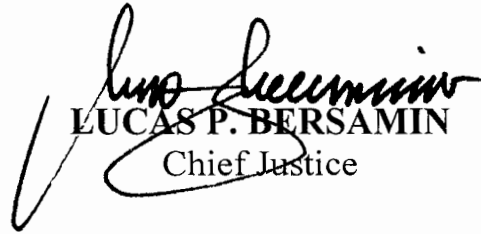
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


LUCAS P. BERSAMIN
Chief Justice

