

FIRST DIVISION

[G.R. No. 192112, August 19, 2020]

ELIZABETH B. RAMOS, MANUEL F. TOCAO, JOSE F. TOCAO, LEYMIN CARINO, LONICITA MORILLA, GIL EDEJER, RODOLFO F. TOCAO, FLORENCIO O. SAPONG, VICENTE G. MAGDADARO, HEIRS OF OSMUNDO N. TOCAO, HEIRS OF MAXIMO CABONITA, HEIRS OF EVARISTO GUARIN, HEIRS OF GENARO ALCANTARA, HEIRS OF GENOVEVA SARONA, HEIRS OF LEO CABALLERO, HEIRS OF GAUDIOSO LASCUNA, HEIRS OF TOMAS F. TOCAO, HEIRS OF TEODOLFO N. TOCAO, HEIRS OF FIDELINA C. FERENAL, HEIRS OF FELICISIMO AQUINO, HEIRS OF ISAAC GEMPEROA, HEIRS OF EUSTAQUIO CELEN, HEIRS OF JUAN RESGONIA, HEIRS OF DIOSDADO FEROLIN, HEIRS OF DIONESIO MORILLA, HEIRS OF DOMINADOR MANINGO, HEIRS OF CRISTOBAL JABILLO, HEIRS OF CELSO BUCAYONG, HEIRS OF QUINTIN NORO, ALL REPRESENTED BY THEIR ATTORNEY-IN-FACT KORONADO B. APUZEN, PETITIONERS, VS. NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP), QUEEN ROSE T. CABIGAS, MEL ADRIAN T. CABIGAS, IRISH JOY T. CABIGAS, DYANNE GRACES T. CABIGAS, REPRESENTED BY THEIR MOTHER LEA T. CABIGAS; IRANN PAUL S. TENORIO, NOREEN S. TENORIO, PRINCE JOHN S. TENORIO, REPRESENTED BY THEIR PARENTS NELMAR B. TENORIO AND NORABEL S. TENORIO; JOAN MAE C. BUMA-AT, REPRESENTED BY HER PARENTS, JUN ANTHONY BUMA-AT; RONEL B. REGIDOR, GLENN S. ADLAWAN; REGINA B. PATRICK), AND BRIANIE T. PASANDALAN, RESPONDENTS.

D E C I S I O N

REYES, J. JR., J.:

The Court resolves this Petition for *Certiorari* and *Prohibition* with Prayer for the Issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction (WPI), imputing grave abuse of discretion on the part of the National Commission of Indigenous Peoples (NCIP) in issuing its Decision^[1] dated February 18, 2010 in NCIP Case No. 002-2009 (RXI-0020-09), entitled *Queen Rose T. Cabigas, et al. v. Maximo Estita, et al.* Said Decision reversed and set aside the Decision dated July 17, 2009 of the Regional Hearing Officer (RHO)-Region XI which dismissed the complaint for Injunction with Very Urgent Prayer for the Issuance of a TRO and/or WPI filed by herein respondents for forum-shopping and lack of jurisdiction.

Factual Antecedents

Subject of the present controversy is a land located at Malalag, Davao del Sur. On October 12, 2003, Bae Lolita Buma-at Tenorio (Bae Tenorio), filed with the NCIP an

application for the issuance of a Certificate of Ancestral Land Title (CALT) over the subject land as ancestral land of her grandparents Datu Egan and Princess Gubayan.^[2] On November 12, 2004, the NCIP issued CALT No. RI 1-MAL-1104-000045 in favor of the Egan-Gubayan clan, covering 845.5278 hectares. An amended CALT was later issued to exclude existing property rights from the coverage of any issued CALT pursuant to Section 56 of Republic Act (R.A.) No. 8371.^[3] On September 22, 2005, the Egan-Gubayan clan was issued CALT No. RII-MAL-0905-000049 covering the reduced area of 701.1459 hectares and later reduced further to 645 hectares.^[4]

Previous to this, or in the 1920s, the 716 hectares of land covered by the aforementioned CALT was the subject of a lease in favor of Orval Hughes (Hughes). After Hughes' death, his heirs filed individual sales application of the leased land, which was opposed before the Office of the President (OP) by a group of 133 persons. On August 20, 1957, the OP, in an Amended Decision, awarded 399 hectares to the 133 oppositors, while the remaining 317 hectares were to be divided among the Hughes heirs. After said Amended Decision became final and executory, the Hughes heirs instituted various actions in different courts to challenge the same or to delay its enforcement, with the fifth action becoming the subject of the Court's ruling in G.R. No. L-62664 (*Minister of Natural Resources v. Heirs of Orval Hughes*) promulgated on November 12, 1987, which ruled that the Hughes heirs were guilty of forum shopping.

The petitioners in the present case are among the 133 beneficiaries or the legitimate heirs of the said 133 beneficiaries of the 399 hectares of land awarded under the 1957 Amended Decision.

On the other hand, the 317 hectares awarded to the Hughes heirs became the subject of another dispute when Maximo Estita (Estita), et al., members of the Davao Del Sur Farmers Association (DASURFA) who claimed to be tenants of the Hughes heirs, filed a case for forcible entry, reinstatement, nullification of affidavits of quitclaims, relinquishment, waiver and any other documents on disposition of lands against, among others, the Hughes heirs, and Lapanday and/or L.S. Ventures, Inc. (Lapanday), before the Provincial Agrarian Reform Adjudication Board (PARAD) of Digos, Davao del Sur. The case eventually also reached the Court, docketed as G.R. No. 162109 (*Lapanday Agricultural & Development Corp. v. Estita*). In a Decision dated January 21, 2005, the Court denied Lapanday's petition for review on *certiorari* and upheld the jurisdiction of the Department of Agrarian Reform (DAR) over the 317 hectares of land owned by the Hughes heirs.

As a result of the denial of Lapanday's petition, the Court affirmed the Court of Appeals (CA), which in turn affirmed the Department of Agrarian Reform Adjudication Board's (DARAB) ruling in DARAB Case No. 8117 which ordered, among others: (1) the Hughes heirs to vacate the premises of the 399 hectares awarded to the 133 awardees and turn over the peaceful possession thereof to the said 133 awardees or their heirs; and (2) Lapanday and the Hughes heirs to restore Estita, et al., to their respective farm lots within the 317 hectares owned by the Hughes heirs. After the promulgation of the said Decision, the Heirs of Egan-Gubayan clan filed before the Court a Motion for Leave to Admit Attached Complaint/Comment-in-Intervention in said case but the motion was denied for late filing.^[5]

The present controversy arose when, on December 19, 2008, Atty. Roland Manalaysay, OIC-Executive Director of the DARAB Secretariat, issued a Writ of Execution in DARAB Case No. 8117. Pursuant to this Writ, DARAB Sheriff Buenaventura issued a Notice to Vacate Premises commanding the Heirs of Egan-Gubayan, and all agents, representatives, assigns, and all other persons acting in their behalf to do the following, to wit:

x x x to VACATE, within FIFTEEN (15) calendar days, the ENTIRE premises of the 399 hectares pertaining to the 133 awardees who were identified in the Order of the Natural Resources Minister dated September 17, 1981...

x x x to VACATE, within FIFTEEN (15) calendar days, the ENTIRE premises of the 317 hectares pertaining to MAXIMO ESTITA, ET. ALS. [sic], and to ALL the MEMBERS of the DAVAO DEL SUR FARMERS ASSOCIATION (DASURFA) and now MALALAG UNITED FARMERS MULTI-PURPOSE COOPERATIVE (MUFMPC) xxx.^[6]

On February 20, 2009, the private respondents, then minors who are members of the Egan-Gubayan clan of the Tagacaolo tribe of Malalag, Davao del Sur, filed a case for Injunction with Very Urgent Prayer for the Issuance of a TRO and/or WPI before the NCIP-RHO in order to enjoin the implementation of the Writ of Execution and Notice to Vacate issued by the DARAB, in representation of their generation and future generations.

Prior to the present controversy, the dispute over the land claimed by both petitioners and respondents also spawned other cases, as follows:

(1) On January 24, 2006, the Heirs of Egan-Gubayan clan filed before the Regional Trial Court (RTC) of Digos City, Davao del Sur, for Quieting of Title, Injunction/Prohibition, Specific Performance, Recognition of Ownership, Accounting, Damages, Attorney's Fees, with Very Urgent Prayer for Preliminary Injunction and Temporary Restraining Order (*Civil Case No. 4680*) against Estita, et al.^[7] On November 17, 2006, the RTC issued a Cease and Desist Order which directed the parties to refrain from doing acts which may tend to disturb the peace and tranquility of the area subject of the case. On March 26, 2007, the same RTC directed all defendants to refrain from further acting on the claims of the parties in the case, including the installation of any persons in the subject area claimed as ancestral land of the plaintiffs and confirmed by the NCIP to be so.^[8]

(2) On November 15, 2006, the NCIP, through Commissioner Felecito L. Masagnay (Commissioner Masagnay) filed with the CA a petition for prohibition, mandamus and injunction against the DAR/DARAB (*CA-G.R. SP. No. 01377*).^[9] Said petition sought to prohibit the DAR/DARAB from exercising its jurisdiction over the ancestral land of the Heirs of Egan-Gubayan clan and to comply with Section 52(i)^[10] of the IPRA.

(3) On July 31, 2007, the Heirs of Egan-Gubayan clan filed another case (*Civil Case No. 4818*) before the RTC of Digos City for the declaration of nullity of the Order dated July 31, 2007 of then DENR Secretary Angelo T. Reyes.^[11] The assailed Order recalled the Memorandum dated November 5, 2004 of former DENR Secretary

Michael T. Defensor which ordered the DENR to cease and desist from acting further on the claims of the 133 claimants to the 399 hectares on account of the Resolution^[12] of the NCIP dated October 5, 2004, declaring the 845 hectares of land as ancestral land of the Heirs of Egan-Gubayan clan.

Proceedings before the NCIP

On February 24, 2009, the RHO issued a TRO upon finding the complaint to be proper in form and substance. Subsequently, however, on July 17, 2009, the RHO dismissed the case on the ground of forum-shopping and on the ground that the NCIP had relinquished its jurisdiction over the controversy when it filed before the CA the petition for prohibition, mandamus and injunction against the DAR/DARAB in CA-G.R. SP. No. 01377.^[13]

Respondents then filed an appeal before the NCIP on July 22, 2009, with motion for the issuance of a TRO and WPI. On July 24, 2009, the NCIP issued a 20-day TRO.^[14] On August 14, 2009, the NCIP resolved to issue a WPI upon the posting of bond in the amount of P500,000.00, which the respondents filed in cash.^[15]

On January 21, 2010, the NCIP received a Manifestation from Commissioner Masagnay voluntarily inhibiting himself from further participation in the proceedings. Said inhibition was noted by the NCIP in its Order dated January 22, 2010.^[16]

In its assailed Decision dated February 18, 2010, the NCIP reversed the RHO and ruled as follows:

(1) Respondents did not commit forum-shopping as there is no identity of parties in the present case and Civil Case No. 4680. Respondents, as minors, should be accorded separate personality to sue distinct and separate from their elders, similar to the petitioners in *Oposa v. Factoran, Jr.*;^[17]

(2) The passage of the IPRA and the subsequent confirmation by the NCIP of the native title of the Heirs of Egan-Gubayan through the issuance of the CALT are supervening events which rendered the execution of the award in favor of the 133 awardees unenforceable;^[18]

(3) The NCIP cannot be said to have been ousted of its jurisdiction by filing the injunction case against the DAR/DARAB before the CA as it only performed its public function to compel the DAR to comply with Section 52(i) of the IPRA and require the latter to terminate its jurisdiction over the ancestral land of the Heirs of Egan-Gubayan;^[19]

(4) Respondents cannot be bound by the ruling in G.R. No. 162109 as they were not parties therein. The said ruling also did not confer vested rights upon petitioners over the land in question as it merely gave them preferential right over other applicants, subject to compliance with the requirements of possession and occupation and subsequent filing of their respective applications with the Bureau of Lands in accordance with the Public Land Act;^[20]

(5) Considering that the NCIP has jurisdiction over the case, it has the power to

issue an injunction under Section 69(d)^[21] of the IPRA. Section 55 of R.A. No. 6657,^[22] or the Comprehensive Agrarian Reform Law (CARL) of 1988, which prohibits courts in the Philippines from issuing any restraining order or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies, does not apply since the present case is not a case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of the CARL and other pertinent laws on agrarian reform.^[23]

The dispositive portion of the Decision reads:

WHEREFORE, IN VIEW OF THE FOREGOING, this Commission hereby renders judgment reversing and setting aside the Decision of NCIP-RHO RXI dated [July 17, 2009] and enters a new one declaring that there is no forum-shopping and that this Commission has jurisdiction over the petition and hereby issues a permanent injunction making the preliminary injunction permanent thereby forestalling permanently the undue and unlawful implementation of the DARAB Provincial Sheriffs Notice To Vacate Premises dated 23 January 2009 and/or of the DARAB Secretariat's Writ of Execution dated 19 December 2008 and such other writs that maybe issued by DAR or DENR in the future. It is likewise ordered that private respondents and the DAR/DARAB, DENR, their agents, representatives, assigns and all other persons acting in their behalf to cease and desist permanently from and all acts, preparatory and/or necessary to the implementation of the stated Notice and Writ and/or such other writs that maybe issued in the future. Finally, it is ordered that the [petitioners] to completely and perpetually cease and desist from actions that are or may be interpreted as prejudicial to or impairing the rights of the ICCs/IPs within their ancestral land and their peaceful and continuing ownership of their ancestral land, such as but not limited to entering into the land without the prior consent of the ICCs/IPs concerned, erecting of structure thereon and harvesting tree, or fruit found inside the ancestral land.

SO ORDERED.^[24]

Petitioners then sought direct recourse before the Court through this present Petition for *Certiorari* and *Prohibition*, imputing grave abuse of discretion on the part of respondent NCIP in issuing the assailed Decision, to wit:

- A.) THE NCIP COMMITTED GRAVE ABUSE OF DISCRETION IN HOLDING THAT RESPONDENTS ARE NOT GUILTY OF DELIBERATE FORUM SHOPPING;
- B.) THE NCIP ACTED BEYOND ITS JURISDICTION WHEN IT RULED THAT THE IPRA OF 1997 IS A SUPERVENING EVENT WHICH RENDERED INEFFECTIVE THE SUPREME COURT DECISION IN MINISTER OF NATURAL RESOURCES AND DIRECTOR OF LANDS v. HEIRS OF ORVAL HUGHES;
- C.) THE NCIP ACTED WITH MANIFEST ILLEGALITY WHEN IT MAINTAINED IT HAS JURISDICTION TO TAKE COGNIZANCE OF