

SECOND DIVISION

[G.R. No. 208480, September 25, 2019]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. NATIONAL COMMISSION ON INDIGENOUS PEOPLES, REGISTER OF DEEDS OF BAGUIO CITY, LAND REGISTRATION AUTHORITY, HEIRS OF COSEN PIRASO, REPRESENTED BY RICHARD A. ACOP, HEIRS OF JOSEPHINE MOLINTAS ABANAG, REPRESENTED BY ISAIAS M. ABANAG, MARION T. POOL, JOAN L. GORIO, AND VIRGINIA C. GAO-AN, RESPONDENTS.

DECISION

CARPIO, ACTING C.J.:

The Case

Before this Court is a Petition for Review^[1] under Rule 45 of the Rules of Court assailing the Decision^[2] and Resolution^[3] of the Court of Appeals in CA-G.R. SP No. 126498 dated 15 January 2013 and 22 July 2013, respectively. The Decision dismissed the Petition for *Certiorari*, Prohibition and Mandamus with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction filed by petitioner Republic of the Philippines (Republic) against public respondent National Commission on Indigenous Peoples (NCIP). The NCIP issued Certificates of Ancestral Land Title (CALTs) in favor of private respondents, the heirs of Cosen Piraso (Pirasos) and private respondents, the heirs of Josephine Molintas Abanag (Abanags) through Resolution Nos. 107-2010-AL^[4] and 108-2010-AL^[5] both dated 10 November 2010. Subsequently, public respondent Land Registration Authority (LRA) issued the corresponding Transfer Certificates of Title (TCTs) covering the said properties.^[6]

The Antecedent Facts

Below are the facts of the case according to the Decision^[7] of the Court of Appeals:

In Resolution No. 107-2010-AL, the petitioners are the heirs of Co[s]en "Sarah" Piraso, the daughter of Piraso, otherwise known as Kapitan Piraso, an Ibaloi, who occupied an ancestral land located at what is known as Session Road, Baguio City. Aside from having five (5) children, Kapitan Piraso also adopted, in accordance with the Ibaloi tradition, a son in the name of Nimer. Nimer and his family, in turn, [have] been planting and harvesting vegetables and fruit-bearing trees on several portions of the ancestral land.

Thereafter, the petitioners as represented by Richard A. Acop filed an application for the identification, delineation and recognition of the ancestral land initially before Baguio NCIP City Office pursuant to the

provisions of R.A. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (IPRA). The petitioners alleged that the subject ancestral land has been occupied, possessed, and utilized by them and their [predecessors]-in-interest for so many years. Subsequently, the NCIP recognized the petitioners' rights over the subject parcels of ancestral land after finding that the genealogy of the petitioners shows an unbroken line of generations starting from Piraso who have never left the subject ancestral land for the last 120 years.

In view of said findings, the NCIP ordered the issuance of eight (8) Certificates of Ancestral Land Titles (CALTs) under the petitioners' names as well as that of Nimer.

With respect to Resolution No. 108-2010-AL, the petitioners are the heirs of Josephine Molintas Abanag, who in turn was a descendant of an Ibaloi native named Menchi. Menchi originally owned several parcels of ancestral land located in various parts of what is now known as Baguio City and these parcels were subsequently inherited by his descendants.

Consequently, the petitioners as represented by Isaias M. Abanag and Marion T. Pool filed a petition for the identification, delineation and recognition of their ancestral lands in Baguio City pursuant to R.A. 8371. Thereafter, an ocular inspection was conducted which revealed the coverage of the ancestral lands of the Molintas. In addition, the petitioners therein also submitted numerous pieces of documentary evidence such as the narrative of customs and traditions of the Ibaloi community in Baguio City, Assessment of Real Property, Tax receipts, photographs of improvements, rituals, and members of the Molintas family led by Josephine Molintas Abanag. In the end, the NCIP granted the petition and ordered the issuance of twenty-eight (28) CALTs covering the same number of parcels of ancestral land in the name of the petitioners and Joan L. Gorio, a transferee of ten (10) parcels of land from the heirs of Josephine Molintas Abanag.

Almost two (2) years after, here now comes the Republic of the Philippines as represented by the Office of the Solicitor General (OSG) seeking to annul, reverse and set aside the assailed Resolutions of the NCIP through this instant petition x x x.^[8]

The Resolutions of the NCIP

In its Resolution No. 107-2010-AL^[9] and Resolution No. 108-2010-AL^[10] dated 10 November 2010, the NCIP held that private respondents Pirasos and Abanags have vested rights over their ancestral lands on the basis of a native title and as mandated by Article XII, Section 5 of the 1987 Constitution and Republic Act No. 8371 (RA 8371), otherwise known as "The Indigenous Peoples' Rights Act of 1997."

The NCIP described native title as "the interests and rights of indigenous inhabitants in land, whether communal, group or individual, possessed under the traditional laws acknowledged by, and the traditional customs observed by, the indigenous

inhabitants."^[11] It "has its origin in and is given its content by the traditional laws acknowledged by and the traditional customs observed by the indigenous inhabitants of a territory. The nature and incidents of native title must be ascertained as a matter of fact by reference to those laws and customs."^[12] The NCIP held that the Pirasos and Abanags' entitlement to the land is mandated by Article XII, Section 5 of the 1987 Constitution which provides that "[t]he State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being."

The said Resolutions granted both Petitions and directed the Ancestral Domains Office, through the Director, to prepare the necessary CALTs for each respective parcel of land described. The NCIP ruled in both Resolutions that the Pirasos and the Abanags are guaranteed the right to their ancestral lands provided for under Section 8,^[13] RA 8371, and such other rights granted by law.

The dispositive portion of Resolution No. 107-2010-AL provides:

WHEREFORE, premises considered, Petition is hereby GRANTED and the Ancestral Domains Office, through the Director is directed to prepare eight (8) Certificate of Ancestral Land Titles (CALTs) for each of the respective parcel of land described in the technical descriptions hereto attached, bearing CALT number as follows:

1. CALT NO. CAR-BAG-1110-000268 for Parcel Lot 1
2. CALT NO. CAR-BAG-1110-000269 for Parcel Lot 2
3. CALT NO. CAR-BAG-1110-000270 for Parcel Lot 3
4. CALT NO. CAR-BAG-1110-000271 for Parcel Lot 4
5. CALT NO. CAR-BAG-1110-000272 for Parcel Lot 5
6. CALT NO. CAR-BAG-1110-000273 for Parcel Lot 6
7. CALT NO. CAR-BAG-1110-000274 for Parcel Lot 7 and
8. CALT NO. CAR-BAG-1110-000275 for Parcel Lot 8

Lot No. 1 shall be in the name of Manuel Nimer, of legal age, married, Filipino citizen, and with residence and postal address at Upper Session Road, Baguio City while Lot Nos. 2, 3 and 4 shall be in the name of the Heirs of Cosen Piraso represented by Richard A. Acop, of legal age, married, Filipino citizen, and with residence and postal address at Acop, Tublay, Benguet Province and Lot Nos. 3, 5, 6, 7 and 8 shall be in the name of Joan L. Gorio of legal age, single, Filipino citizen, and with residence and postal address at Romulo Drive, Pacdal, Baguio City.

Petitioners are guaranteed the right to ancestral lands provided for under Section 8, R.A. 8371 and such other rights granted by law.

SO ORDERED.^[14]

The dispositive portion of Resolution No. 108-2010-AL provides:

WHEREFORE, premises considered, Petition is hereby GRANTED and the Ancestral Domains Office, through the Director, is directed to prepare

Certificate of Ancestral Land Titles (CALTs) for each of the respective parcel of ancestral land described in the technical descriptions, bearing CALT number as follows:

1. CALT NO. CAR-BAG-1110-000276 for Parcel Lot 1
2. CALT NO. CAR-BAG-1110-000277 for Parcel Lot 2
3. CALT NO. CAR-BAG-1110-000278 for Parcel Lot 3
4. CALT NO. CAR-BAG-1110-000279 for Parcel Lot 4
5. CALT NO. CAR-BAG-1110-000280 for Parcel Lot 5
6. CALT NO. CAR-BAG-1110-000281 for Parcel Lot 6
7. CALT NO. CAR-BAG-1110-000282 for Parcel Lot 7
8. CALT NO. CAR-BAG-1110-000283 for Parcel Lot 8
9. CALT NO. CAR-BAG-1110-000284 for Parcel Lot 9
10. CALT NO. CAR-BAG-1110-000285 for Parcel Lot 10
11. CALT NO. CAR-BAG-1110-000286 for Parcel Lot 11
12. CALT NO. CAR-BAG-1110-000287 for Parcel Lot 12
13. CALT NO. CAR-BAG-1110-000288 for Parcel Lot 13
14. CALT NO. CAR-BAG-1110-000289 for Parcel Lot 14
15. CALT NO. CAR-BAG-1110-000290 for Parcel Lot 15
16. CALT NO. CAR-BAG-1110-000291 for Parcel Lot 16
17. CALT NO. CAR-BAG-1110-000292 for Parcel Lot 17
18. CALT NO. CAR-BAG-1110-000293 for Parcel Lot 18
19. CALT NO. CAR-BAG-1110-000294 for Parcel Lot 19
20. CALT NO. CAR-BAG-1110-000295 for Parcel Lot 20
21. CALT NO. CAR-BAG-1110-000296 for Parcel Lot 21
22. CALT NO. CAR-BAG-1110-000297 for Parcel Lot 22
23. CALT NO. CAR-BAG-1110-000298 for Parcel Lot 23
24. CALT NO. CAR-BAG-1110-000299 for Parcel Lot 24
25. CALT NO. CAR-BAG-1110-000300 for Parcel Lot 25
26. CALT NO. CAR-BAG-1110-000301 for Parcel Lot 26
27. CALT NO. CAR-BAG-1110-000302 for Parcel Lot 27
28. CALT NO. CAR-BAG-1110-000303 for Parcel Lot 28

Lots 1, 2, 4, 5, 6, 8, 10, 14, 15, 16, 18, and 21 will each be issued Certificates of Ancestral Land Title in the name of the Heirs of Josephine Abanag and Heirs of Mercedes A. Tabon, represented by Isaias Abanag, of legal age, single, Filipino, and with residence and postal address at No. 1 Gibraltar Road, Pacdal, Baguio City and Marion T. Pool, of legal age, widow, Filipino, and with residence and postal address at No. 1 Gibraltar Road, Pacdal, Baguio City[.]

Lots 11, 12, 13, 19, 22, 23, 25, 26, 27, and 30 will each be issued Certificates of Ancestral Land Title in the name of Joan L. Gorio, of legal age, single, Filipino citizen and with residence and postal address at Romulo Drive, Pacdal, Baguio City[.]

Lots 3, 7, 9, 20, 24, 29, 31 ad 32 will each be issued Certificates of Ancestral Land Title in the name of Virginia C. Gao-an, of legal age, single, Filipino citizen, and with residence and postal address at Justice Village, Baguio City.

Lot 17 will be issued a Certificate of Ancestral Land Title in the name of Virginia C. Gao-an, of legal age, single, Filipino citizen, and with residence and postal address at Justice Village, Baguio City and the 600 sq.m. portion thereof will be in the name of Isaias Abanag, of legal age, single, Filipino citizen, and with residence and postal address at No. 1 Gibraltar Road, Baguio City.

Lot 28 will be in the name of Virginia C. Gao-an, of legal age, single, Filipino citizen, and with residence and postal address at Justice Village, Baguio City and the 1,000 sq.m. in the name of Isaias Abanag, of legal age, single, Filipino citizen, and with residence and postal address at No. 1 Gibraltar Road, Baguio City.

There was a Deed of Undertaking by the Petitioners supporting their claim. Petitioners are guaranteed the right to ancestral lands provided for under Section 8, R.A. 8371 and such other rights granted by law.

SO ORDERED.^[15]

The Ruling of the Court of Appeals

In its Decision^[16] promulgated on 15 January 2013, the Court of Appeals "agrees with the finding of the NCIP that Baguio City is no different from any part of the Philippines and that there is no sensible difference that merits the city's exclusion from the coverage of the IPRA x x x."^[17] The dispositive portion of the ruling provides:

WHEREFORE, premises considered, the instant Petition for Certiorari, Prohibition and Mandamus is DENIED for lack of merit, the Prayer for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction are DENIED for being moot and academic and the assailed Resolution Nos. 107-2010-AL and 108-2010-AL both dated 10 November 2010 and both rendered by the National Commission on Indigenous Peoples are hereby AFFIRMED.

SO ORDERED.^[18]

The Issues

In this Petition, the Republic of the Philippines seeks a reversal of the decision of the Court of Appeals and raises the following arguments:

A. THE HONORABLE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR WHEN IT DECLARED THAT LANDS WITHIN BAGUIO CITY AND THE BAGUIO TOWNSITE RESERVATION ARE COVERED BY IPRA, CONTRARY TO LAW AND JURISPRUDENCE COROLLARY FOR THE FOLLOWING REASONS:

1. THE BAGUIO TOWNSITE RESERVATION, WITH THE EXCEPTION OF EXISTING PROPERTY RIGHTS RECOGNIZED