

## FIRST DIVISION

[ G.R. No. 189852, August 17, 2016 ]

**THOMAS BEGNAEN, PETITIONER, VS. SPOUSES LEO CALIGTAN  
AND ELMACALIGTAN, RESPONDENTS.**

### D E C I S I O N

**SERENO, C.J.:**

The case at Bench is an opportunity for Us to reaffirm and reemphasize Our ruling in *Lim v Gamosa*<sup>[1]</sup> where We struck down as void an administrative rule that expanded the jurisdiction of the National Commission on Indigenous People (NCIP) beyond the boundaries of the Indigenous Peoples' Rights Act (IPRA). In the process, it likewise behooves Us to resolve a question of concurrent jurisdiction and determine the proper tribunal/body to take cognizance of the instant dispute.

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the Decision<sup>[2]</sup> and Resolution<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 104150. The CA reversed and set aside the Decision<sup>[4]</sup> and Order<sup>[5]</sup> rendered by the Regional Trial Court (RTC) of Bontoc, Mountain (Mt.) Province, and reinstated the Resolution<sup>[6]</sup> of the Municipal Circuit Trial Court (MCTC) of Bauko, Mt. Province. The case concerns an ancestral land dispute between members of an Indigenous Cultural Community (ICC), particularly the Kankanaey Tribe of Mt. Province.

The basic issue is whether or not the CA, in upholding the jurisdiction of the National Commission on Indigenous Peoples (NCIP) over the aforementioned dispute, to the exclusion of regular courts, committed reversible error.

### PROCEEDINGS BEFORE THE NCIP-RHO & MCTC

On 3 August 2006, petitioner Thomas Begnaen (Begnaen) filed a Complaint with Prayer for Preliminary Injunction against respondents Spouses Leo and Elma Caligtan (Sps. Caligtan) for "Land Dispute and Enforcement of Rights" before the Regional Hearing Office (RHO) of the NCIP at La Trinidad, Benguet.<sup>[7]</sup> The RHO thereafter issued an Order<sup>[8]</sup> dismissing the complaint based on respondents' argument that the case should have gone to the council of elders and not through the Barangay Lupon, as mandated by the Indigenous Peoples' Rights Act (IPRA).<sup>[9]</sup>

However, instead of abiding by the Order of the RHO, Begnaen filed against the Sps. Caligtan a Complaint for Forcible Entry with a Prayer for a Writ of Preliminary Mandatory Injunction<sup>[10]</sup> before the Municipal Circuit Trial Court (MCTC) of Bauko-Sabangan, Mt. Province.

Begnaen alleged that he was the owner of a 125 square meter parcel of land

situated in Supang, Sabangan, Mt. Province. He claimed that on two occasions,<sup>[11]</sup> respondents - by using force, intimidation, stealth, and threat -entered a portion of the subject property, hurriedly put up a chicken-wire fence, and started building a shack thereon without Begnaen's knowledge and consent.<sup>[12]</sup>

Meanwhile, respondents averred that they owned the area in question as part of the land they had purchased from a certain Leona Vicente in 1959 pursuant to age-old customs and traditions. They introduced improvements evidencing their prior physical possession.<sup>[13]</sup> Respondents further contended that when petitioner's father Alfonso Begnaen (Alfonso) was still alive, he had always respected their boundary wherein a "GIKAD" or old pine tree lumber was buried and recovered. The "GIKAD" established their boundary pursuant to age-old Igorot customs and traditions. To further mark their boundary, respondents also planted bushes and a mango tree, all of which Alfonso had likewise respected.<sup>[14]</sup>

### **MCTC RULING**

In its Resolution, the MCTC dismissed the ejectment complaint in favor of respondents. However, this was without prejudice to the filing of a case before the RHO of the NCIP, which the MCTC recognized had primary, original, and exclusive jurisdiction over the matter pursuant to the IfjRA. The MCTC further reasoned that the fact that petitioner initially filed a complaint with the NCIP-RHO shows that he recognized the primary jurisdiction of the NCIP.<sup>[16]</sup> Aggrieved, petitioner-appellant filed an appeal before Regional Trial Court Branch 35 of Bontoc, Mt. Province (RTC).

### **RTC RULING**

In a Decision<sup>[17]</sup> dated 11 March 2008, the RTC reversed and set aside the Resolution and Order of the MCTC, saying that it was the latter court that had jurisdiction over the case for forcible entry. The RTC reasoned that the provisions of the IPRA pertaining to jurisdiction do not espouse exclusivity and thus cannot divest the MCTC of its jurisdiction over forcible entry and unlawful detainer cases as provided by B.P. Big. 129. According to the RTC, IPRA must be read to harmonize with B.P. Big. 129.<sup>[18]</sup>

Respondent-appellees then moved for a reconsideration of the above Decision, but their motion was denied by the RTC in its Order<sup>[19]</sup> dated 29 May 2008. Undaunted, respondents appealed to the CA.

### **CA RULING**

In its Decision,<sup>[20]</sup> the CA reversed and set aside the RTC rulings and reinstated the Resolution of the MCTC. In upholding the jurisdiction of the NCIP over the present case, the CA ruled that the passage of the IPRA has divested regular courts of their jurisdiction when the parties involved are members of ICCs/IPs and the disputed property forms part of their ancestral land/domain.<sup>[21]</sup> Petitioner filed a Motion for Reconsideration, but it was denied by the CA in its questioned Resolution.<sup>[22]</sup>

Hence, this Petition.

## **RULING OF THE COURT**

***The NCIP Rule purporting to establish the jurisdiction of the NCIP-Regional Hearing Officer as original and exclusive has been declared VOID for expanding the law.***

In its assailed Decision, the CA reversed the RTC and held that jurisdiction properly lies with the NCIP, to the exclusion of the regular courts. Thus:

While admittedly forcible entry cases are cognizable by the regular courts pursuant to Section 1, rule 70 of the 1997 Rules of Court and B.P. Big. 129; nonetheless, with the passage of the IPRA Law (R.A. 8371), it is our considered view that the **regular courts are divested of their jurisdiction when the parties involved therein are the ICCs/IPs and the property in question is an ancestral land.** [23]

R.A. 8371 or the Indigenous Peoples' Rights Act of 1997, particularly Sections 65 and 66 thereof, provide:

**SECTION 65. *Primacy of Customary Laws and Practices*, — When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.**

**SECTION 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. (Emphasis supplied)

The IPRA confers jurisdiction on the NCIP over "all claims and disputes involving rights of ICCs/IPs," without qualification as to whether such jurisdiction is original and/or exclusive. However, Section 5, Rule III of NCIP Administrative Circular No. 1-03 dated 9 April 2003, known as "The Rules on Pleadings, Practice, and Procedure Before the NCIP" (NCIP Rules), went beyond the provisions of the IPRA to provide:

[24]

**Sec. 5. *Jurisdiction of the NCIP*.** — The NCIP through its Regional Hearing Offices shall exercise jurisdiction over all claims and disputes involving rights of ICCs/IPs and all cases pertaining to the implementation, enforcement, and interpretation of R.A. 8371, including but not limited to the following:

**(1) *Original and Exclusive Jurisdiction of the Regional Hearing Office (RHO):***

a. **Cases involving disputes and controversies over ancestral lands/domains of ICCs/IPs:**

x x x x

(2) **Original Jurisdiction** of the Regional Hearing Officer:

a. **Cases affecting property rights, claims of ownership, hereditary succession, and settlement of land disputes, between and among ICCs/IPs that have not been settled under customary laws; xxx.**  
(Emphases supplied)

During the pendency of these proceedings, the NCIP promulgated Administrative Circular No. 1, Series of 2014, known as "The 2014 Revised Rules of Procedure before the National Commission on Indigenous Peoples"<sup>[25]</sup> (NCIP Revised Rules). Section 1, Rule III of the NCIP Revised Rules continues to articulate the "original and exclusive" jurisdiction of the NCIP-RHO, thus:

Section 1. *Jurisdiction of the NCIP.* — The NCIP through its Regional Hearing Offices shall exercise jurisdiction over all claims and disputes involving rights of ICCs/IPs and all cases pertaining to the implementation, enforcement, and interpretation of R.A. 8371, including but not limited to the following:

(1) **Original and Exclusive Jurisdiction of the Regional Hearing Office (RHO):**

a. Cases involving disputes and controversies over ancestral lands/domains of ICCs/IPs;

x x x x. (Emphasis supplied)

We recently had occasion to scrutinize and categorically rule upon the validity of the foregoing provisions in Lim,<sup>[26]</sup> specifically "whether the NCIP's jurisdiction is limited to cases where both parties are ICCs/IPs or primary and concurrent with regular courts, and/or original and exclusive, to the exclusion of the regular courts, on all matters involving rights of ICCs/IPs." At the outset, We said:

(I)n *Unduran, et at. v. Aberasturi, et al*, we ruled that Section 66 of the IPRA does not endow the NCIP with primary and/or exclusive and original jurisdiction over all claims and disputes involving rights of ICCs/IPs. Based on the qualifying proviso, we held that the NCIP's jurisdiction over such claims and disputes occur only when they arise between or among parties belonging to the same ICC/IP. Since two of the defendants therein were not IPs/ICCs, the regular courts had jurisdiction over the complaint in that case.

In his concurring opinion in *Unduran* Justice Jose P. Perez submits that the jurisdiction of the NCIP ought to be definitively drawn to settle doubts that still linger due to the implicit affirmation done in *The City Government of Baguio City, et al. v. Atty. Masweng, et al.* of the NCIP's jurisdiction over cases where one of the parties are not ICCs/IPs.

In *Unduran* and as in this case, we are hard pressed to declare a primary and/or exclusive and original grant of jurisdiction to the NCIP over all claims and disputes involving rights of ICCs/IPs where there is no clear intendment by the legislature.

After a comprehensive analysis of the classes of jurisdiction, We held that **"the NCIP cannot be said to have even primary jurisdiction over all the ICC/IP cases x x x.** We do not find such specificity in the grant of jurisdiction to the NCIP in Section 66 of the IPRA. **Neither does the IPRA confer original and exclusive jurisdiction to the NCIP over all claims and disputes involving rights of ICCs/IPs."** Furthermore,

That NCIP Administrative Circular 44 expands the jurisdiction of the NCIP as original and exclusive in Sections 5 and 1, respectively of Rule III x x x is of no moment. The power of administrative officials to promulgate rules in the implementation of a statute is necessarily limited to what is provided for in the legislative enactment.

It ought to be stressed that the function of promulgating rules and regulations may be legitimately exercised only for the purpose of carrying out the provisions of the law into effect. The administrative regulation must be within the scope and purview of the law. **The implementing rules and regulations of a law cannot extend the law or expand its coverage, as the power to amend or repeal a statute is vested in the legislature. Indeed, administrative issuances must not override, but must remain consistent with the law they seek to apply and implement. They are intended to carry out, not to supplant or to modify, the law.**

x x x x

**Perforce, in this case, the NCIP's Administrative Circulars<sup>1</sup> classification of its RHO's jurisdiction as original and exclusive, supplants the general jurisdiction granted by Batas Pambansa Bilang 129 to the trial courts and ultimately, modifies and broadens the scope of the jurisdiction conferred by the IPRA on the NCIP. We cannot sustain such a classification.**

x x x x

**At best, the limited jurisdiction of the NCIP is concurrent with that of the regular trial courts in the exercise of the latter's general jurisdiction extending to all controversies brought before them within the legal bounds of rights and remedies.** (Emphases supplied)

Thus, We struck down as void the latest iteration of the NCIP rule purporting to confer original and exclusive jurisdiction upon the RHO, contrary to the provisions of the IPRA:

WHEREFORE, the appeal is GRANTED. The Decision of the Court of Appeals in CA-G.R. SPNo. 98268 dated 26 April 2010 and the Resolution