

THIRD DIVISION

[G.R. No. 223434, July 03, 2019]

SUSAN GALANG AND BERNADETH ALBINO, IN REPRESENTATION FOR BRENDA FAGYAN, EDMUND FAGYAN, MARJORIE CADAWENG, AND THEIR SUCCESSORS-IN-INTEREST: VENUS ALBINO, ERICKSON GALANG, MICHELLE GALANG, PABLO PADAWIL, GRACE LILIBETH YANZON, JEFFERSON DUPING, SPS. JONATHAN JAVIER AND DOMINGA JAVIER, CELINE WAKAT, DUSTIN LICNACHAN, MARTHA PODES, LUCIA PANGKET, SPS. MARK SIBAYAN AND BELINDA SIBAYAN, SPS. ANTONIO SO HU AND SOLEDAD SO HU, AND SPS. EDUARDO CALIXTO AND PHOEBE CALIXTO, PETITIONERS, VS. VERONICA WALLIS, NELSON INAGCONG SUMERWE, MANUEL KADATAR, FELINO EUGENIO, VICTORIA S. CERDON, JOANNA MARIE F. CASANDRA, APOLINARIO D. MORENO, SPOUSES LARRY AND MARITES EDADES, EVANGELINE B. CAPPLEMAN, PILAR T. QUILACIO, MARLON SIBAYAN, DAISY MAE RIVER, ROSITA AGASEN, JOAN CIRIACO, FLORABEL N. FLODELIS, SPOUSES THEODORE UY AND JHOANNA UY, SPOUSES WILBER NGAY-OS AND CRISTINA NGAY-OS, AND ALL PERSONS ACTING UNDER THEIR AUTHORITY AND DIRECTION, THE MUNICIPAL ASSESSOR'S OFFICE OF ITOGON, THE PROVINCIAL ASSESSOR'S OFFICE OF BENGUET, AND DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before the Court is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court assailing the Order^[2] dated August 27, 2015 and the Order^[3] dated February 8, 2016 of the Regional Trial Court (RTQ, First Judicial Region, Branch 10, La Trinidad, Benguet, dismissing the case for lack of jurisdiction.

The antecedent facts are as follows.

On May 4, 2015, petitioners Susan Galang and Bernadeth Albino, in representation for Brenda Fagyan, Edmund Fagyan, Marjorie Cadaweng, and their successors-in-interest: Venus Albino, Erickson Galang, Michelle Galang, Pablo Padawil, Grace Lilibeth Yanzon, Jefferson Duping, spouses Jonathan Javier and Dominga Javier, Celine Wakat, Dustin Licnachan, Martha Podes, Lucia Pangket, spouses Mark Sibayan and Belinda Sibayan, spouses Antonio So Hu and Soledad So Hu, and spouses Eduardo Calixto and Phoebe Calixto, filed a Complaint^[4] for *Accion Reivindicatoria*, Declaration of Nullity of PSU No. 203172, Annulment of Tax Declaration, Injunction with Prayer for Temporary Restraining Order (*TRO*) and Damages, claiming to be the lawful owners of parcels of land located at Ampucao, Itogon, Benguet. In said

complaint, they traced the provenance of their title to a certain Wasiwas Bermor, the *Teñiente Del Bario* of Ampucao Itogon, Benguet, who occupied the land as early as 1908 and registered the same in his name in 1961. Then, by virtue of a Deed of Absolute Sale dated September 13, 1973, petitioner Brenda Fagyan acquired the land from Wasiwas Bermor and, subsequently, divided and transferred portions thereof to the rest, of the petitioners. According to petitioners, moreover, despite the fact that they legally acquired the subject lands as evidenced by the Deeds of Absolute Sale they presented, respondents Veronica Wallis, Nelson Inagcong Sumerwe, Manuel Kadatar, Felino Eugenio, Victoria S. Cerdon, Joanna Marie F. Casandra, Apolinario D. Moreno, spouses Larry and Marites Edades, Evangeline B. Cappleman, Pilar T. Quilacio, Marlon Sibayan, Daisy Mae River, Rosita Agasen, Joan Ciriaco, Florabel N. Flordelis, spouses Theodore Uy and Jhoanna Uy, and spouses Wilber Ngay-os and Cristina Ngay-os have been intruding into their land in bad faith and without any color of title. They assert that the documents being used by respondents to justify their intrusion, particularly Tax Declaration No. 2010-01-09-02350 and PSU No. 203172, were fraudulently acquired and are patent nullities. As such, petitioners prayed that the RTC: (1) declare them as the true and absolute owners of the subject lands; (2) issue a TRO restraining respondents from pursuing any more improvements and excavations thereon; (3) order respondents to vacate the portions of the lands that they are unlawfully occupying; (4) restore them of their lawful possession of the same; (5) declare as null and void the documents of ownership being used by respondents; and (6) order respondents to pay them damages and costs of the suit.

In their Answer and Motion to Dismiss incorporated in their Opposition, the respondents alleged that the RTC had no jurisdiction over the subject matter of the case because of the fact that the land subject of the controversy is an ancestral land and that said controversy is among members of indigenous peoples' groups. As such, the case falls within the exclusive jurisdiction of the Hearing Officer of the National Commission on Indigenous Peoples (NCIP). In support of their claim, respondents submitted a Resolution dated August 30, 1998, issued by the Community Special Task Force on Ancestral Lands, granting the application for recognition of ancestral land in favor of the Heirs of Toato Bugnay, represented by respondent Veronica Wallis. In addition, respondents further alleged that petitioners have no cause of action against them as the latter have no right over the subject land and that even assuming that they had such right, they already waived the same to third persons.^[5]

In its Order dated August 27, 2015, the RTC dismissed the complaint on the finding that it is bereft of jurisdiction to hear and decide the case. The trial court used as its basis Section 66 of Republic Act (R.A.) No. 8371, otherwise known as *The Indigenous Peoples' Rights Act of 1997 (IPRA)*, which provides that "[t]he NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights" of Indigenous Cultural Communities (ICC)/Indigenous Peoples (IP), as well as Section 5, Rule III of NCIP Administrative Circular No. 1-03 dated April 9, 2003, known as the *Rules on Pleadings, Practice and Procedure before the NCIP*, reiterating the exclusive jurisdiction of the NCIP over claims and disputes involving ancestral lands. Thus, since the case involves a dispute or controversy of property rights over an ancestral land between members of the IP, jurisdiction properly pertains with the NCIP. The RTC held further that even if it subscribes to the contention that both the trial courts and the NCIP have jurisdiction over the present action, still jurisdiction should pertain to the latter under the doctrine of primary

jurisdiction.^[6]

In another Order^[7] dated February 8, 2016, the RTC denied the Motion for Reconsideration of the petitioners and ruled that the parties may litigate before the NCIP. Aggrieved by such denial, petitioners filed the instant petition on April 4, 2016, invoking the following argument:

THE REGIONAL TRIAL COURT DECIDED A QUESTION OF SUBSTANCE WHICH IS NOT IN ACCORDANCE WITH THE LAW AND THE APPLICABLE DECISIONS OF THE SUPREME COURT.^[8]

In their petition, petitioners raise the sole question of whether the NCIP has jurisdiction over their complaint such that it precludes the RTC from taking cognizance of the case. According to the petitioners, the RTC wrongfully ruled that it has no jurisdiction over the case on the ground that the same falls within the exclusive jurisdiction of the NCIP. This is because on the basis of the Court's pronouncement in *Unduran, et al. v. Aberasturi, et al.*,^[9] the jurisdiction of the NCIP covers only disputes between and among members of the same ICC/IP involving their rights under the IPRA. But in the instant case, the parties do not belong to the same ICC/IP and most are not even ICC/IP at all. Neither does the case involve a dispute over an ancestral land of a particular ICC/IP. On the contrary, petitioners assert that their complaint is an *accion reivindicatoria*, a civil action involving an interest in a real property with an assessed value of more than P20,000.00, which is well within the jurisdiction of the RTC. Besides, as the ruling in *Lamsis, et al. v. Dong-E*^[10] dictates, an action for ancestral land registration is not a bar for an *accion reivindicatoria* as the same does not constitute *litis pendentia* or *res judicata*.^[11]

The petition is impressed with merit.

The bone of contention in the present case has already been extensively discussed in our pronouncement in *Unduran, et al. v. Aberasturi, et al.*^[12] There, the Court unequivocally declared that pursuant to Section 66^[13] of the IPRA, the NCIP shall have jurisdiction over claims and disputes involving rights of ICC/IP only when they arise between or among parties belonging to the same ICC/IP group. When such claims and disputes arise between or among parties who do not belong to the same ICC/IP group, the case shall fall under the jurisdiction of the regular courts, instead of the NCIP. Thus, even if the real issue involves a dispute over a land which appears to be located within the ancestral domain of the ICC/IP, it is not the NCIP, but the RTC, which has the power to hear, try and decide the case.^[14] In no uncertain terms, the Court explained:

As held in the main decision, the **NCIP shall have jurisdiction over claims and disputes involving rights of ICCs/IPs only when they arise between or among parties belonging to the same ICC/IP group because of the qualifying provision under Section 66 of the IPRA that "no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws."** Bearing in mind that the primary purpose of a proviso is to limit or restrict the general language or operation of the statute, and that what determines whether a clause is a proviso is the

legislative intent, the Court stated that said qualifying provision requires the presence of two conditions before such claims and disputes may be brought before the NCIP, i.e., exhaustion of all remedies provided under customary laws, and the Certification issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved. **The Court thus noted that the two conditions cannot be complied with if the parties to a case either (1) belong to different ICCs/IP groups which are recognized to have their own separate and distinct customary laws, or (2) if one of such parties was a non-ICC/IP member who is neither bound by customary laws or a Council of Elders/Leaders, for it would be contrary to the principles of fair play and due process for parties who do not belong to the same ICC/IP group to be subjected to its own distinct customary laws and Council of Elders/Leaders.** In which case, the Court ruled that the regular courts shall have jurisdiction, and that the NCIP's quasi-judicial jurisdiction is, in effect, limited to cases where the opposing parties belong to the same ICC/IP group.^[15] (Emphases supplied; citations omitted.)

This is precisely the case in the present controversy. As the RTC pointed out and likewise alleged by respondents, the parties herein are members of indigenous groups and that the case involves a dispute among groups of indigenous people.^[16] They do not, however, belong to the same ICC/IP group. Thus, applying the doctrine in *Unduran*, it is the RTC, and not the NCIP, which has jurisdiction over the instant case. This is so even if it was also found that the subject land appears to be classified as ancestral land. We, therefore, find that the RTC should not have dismissed the complaint as it actually had jurisdiction over the same.

Besides, it bears emphasis that as in *Unduran*, the allegations in petitioners' complaint neither alleged that the parties are members of ICC/IP nor that the case involves a dispute or controversy over ancestral lands/domains of ICC/IP. Rather, the allegations in their complaint make up for an *accion reivindicatoria*, a civil action involving an interest in a real property with an assessed value of more than P20,000.00. Thus, similar to the finding of the Court in *Unduran*, the complaint of petitioners herein is well within the jurisdiction of the RTC. Indeed, jurisdiction over the subject matter is conferred by the Constitution or by law. A court of general jurisdiction has the power or authority to hear and decide cases whose subject matter does not fall within the exclusive original jurisdiction of any court, tribunal or body exercising judicial or quasi-judicial function. In contrast, a court of limited jurisdiction, or a court acting under special powers, has only the jurisdiction expressly delegated. An administrative agency, acting in its quasi-judicial capacity, is a tribunal of limited jurisdiction which could wield only such powers that are specifically granted to it by the enabling statutes. Limited or special jurisdiction is that which is confined to particular causes or which can be exercised only under limitations and circumstances prescribed by the statute.^[17]

With respect to the finding of the RTC on primary and concurrent jurisdiction of the regular courts and the NCIP, moreover, the Court pronounced in *Unduran* that there is nothing in the provisions of the entire IPRA that expressly or impliedly confer concurrent jurisdiction to the NCIP and the regular courts over claims and disputes involving rights of ICC/IP between and among parties belonging to the same ICC/IP