

## SECOND DIVISION

[ G.R. No. 201273, August 14, 2019 ]

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, VS. 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 MONTO 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 AUTHORITY, REPRESENTED BY ITS ADMINISTRATOR, BENEDICTO B. ULEP; AND HONORABLE CLETO R. VILLACORTA III, PRESIDING JUDGE, BRANCH 6, REGIONAL TRIAL COURT, BAGUIO CITY, RESPONDENTS.

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.

### D E C I S I O N

**CAGUIOA, J.:[\*]**

Before the Court is a petition for review on *certiorari*<sup>[1]</sup> (Petition) under Rule 45 of the Rules of Court assailing the Decision<sup>[2]</sup> 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, 2010<sup>[3]</sup> and September 13, 2010<sup>[4]</sup> 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 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. CARTUB-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-37<sup>[5]</sup> 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 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.**<sup>[6]</sup>

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

#### 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.<sup>[8]</sup> 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 2009<sup>[9]</sup> (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 1997<sup>[10]</sup> (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.<sup>[11]</sup> For the CA, the NCIP and the RTC are co-equal bodies and the NCIP is therefore beyond the control of the RTC.<sup>[12]</sup>

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.<sup>[13]</sup> 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.<sup>[14]</sup> 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*.<sup>[15]</sup> 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.**<sup>[16]</sup>

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 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.<sup>[17]</sup>

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*<sup>[18]</sup> 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."<sup>[19]</sup>

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);<sup>[20]</sup> (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;<sup>[21]</sup> (c) OCT No. 0-CALT-37 was based on CALT No. CAR-BAG-0309-000207 issued by the NCIP to the Heirs of Ikang Paus;<sup>[22]</sup> (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;<sup>[23]</sup> and (e) Resolution No. 060-2009-AL granted CALT No. CAR-BAG-0309-000207 to the Heirs of Ikang Paus.<sup>[24]</sup>

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;<sup>[25]</sup>
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;<sup>[26]</sup>
3. the CALT was patently defective for failure to secure the signature and approval of all the NCIP commissioners;<sup>[27]</sup>
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;<sup>[28]</sup>
5. BSF is protected from ancestral domain or ancestral land claims following Section 7(g) of the IPRA;<sup>[29]</sup>
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,