

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 often (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 OR VESTED BEFORE THE EFFECTIVITY OF THE IPRA, IS EXEMPT FROM THE COVERAGE OF SAID LAW AS PROVIDED IN SECTION 78 THEREOF.
 2. THE NCIP HAS NO JURISDICTION TO ISSUE CALTS OVER LANDS WITHIN BAGUIO CITY AND THE BAGUIO TOWNSITE RESERVATION, OUTSIDE OF THOSE OVER WHICH PRIOR LAND RIGHTS AND TITLES HAVE BEEN EARLIER RECOGNIZED BY JUDICIAL, ADMINISTRATIVE, OR OTHER PROCESSES BEFORE THE EFFECTIVITY OF THE IPRA.
- B. THE HONORABLE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR WHEN IT RULED THAT THE ASSAILED NCIP RESOLUTIONS ARE VALID, CONTRARY TO THE CONSTITUTION AND APPLICABLE LAWS AND JURISPRUDENCE.
- C. ASSUMING ARGUENDO THAT THE SUBJECT CERTIFICATES OF ANCESTRAL LAND TITLES ARE VALID, THE HONORABLE COURT OF APPEALS COMMITTED REVERSIBLE ERROR WHEN IT UPHELD THE ISSUANCE OF TCT BASED ON THE CALTS. THERE IS NO LAW WHICH ALLOWS THEIR CONVERSION INTO TORRENS CERTIFICATES OF TITLE.^[19]

The Republic seeks the issuance of a writ of preliminary prohibitory injunction, and a permanent injunction to restrain and enjoin the NCIP from further issuing Certificates of Ancestral Domain Title (CADT) and CALTs in Baguio City. The subject

CALTs cover almost one-fifth (1/5) of the 57.49 square kilometers that comprise Baguio City.

The Ruling of this Court

We grant the petition.

Under the facts, the NCIP has no legal authority to issue CALTs or CADTs in favor of the subject properties included as Townsite Reservation areas in Baguio City.

Republic Act No. 8371 (RA 8371) or the "Indigenous Peoples' Rights Act of 1997" (IPRA) expressly excludes the City of Baguio from the application of the general provisions of the IPRA. Section 78 of RA 8371 provides that "[t]he City of Baguio shall remain to be governed by its Charter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation." Section 78 of RA 8371 states:

SECTION 78. Special Provision. — The City of Baguio shall remain to be governed by its Charter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation: Provided, That prior land rights and titles recognized and/or acquired through any judicial, administrative or other processes before the effectivity of this Act shall remain valid: Provided, further, That this provision shall not apply to any territory which becomes part of the City of Baguio after the effectivity of this Act. (Emphasis supplied)

Section 78 is a special provision in the IPRA which clearly mandates that (1) the City of Baguio shall **not be subject to provisions of the IPRA but shall still be governed by its own charter;** (2) all lands previously proclaimed **as part of the City of Baguio's Townsite Reservation shall remain as such;** (3) the reclassification of properties within the Townsite Reservation of the City of Baguio **can only be made through a law passed by Congress;** (4) prior land rights and titles recognized and acquired through any judicial, administrative or other process **before the effectivity of the IPRA shall remain valid;** and (5) territories which became part of the City of Baguio after effectivity of the IPRA are exempted. Thus, RA 8371 is clear that, for properties part of the townsite reservation of Baguio City before the passage of the IPRA, no new CALT or CADT can be issued by the NCIP. **Under RA 8371, the NCIP is devoid of any power to re-classify lands previously included as part of the Townsite Reservation of Baguio City before RA 8371 was enacted. The said power to re-classify these properties is solely vested in Congress and can only be exercised by Congress through the enactment of a new law.** Such prohibition to reclassify is reiterated in the Implementing Rules of the IPRA. Rule XIII, Section 1 of the IPRA law provides:

Section 1. Special Provision. The provisions of the Act relating to the civil, political, social and human rights and those pertaining to the identification, delineation, recognition, and titling of ancestral lands and domains are applicable throughout the country; Provided; **That lands within the Baguio Townsite Reservation shall not be reclassified except through appropriate legislation** x x x. (Emphasis supplied)

Section 78 of the IPRA is clear that the Charter of Baguio City shall govern the determination of land rights within Baguio City and not the IPRA. The said declaration by Congress is conclusive. In fact, a review of the Congressional Deliberations on both the House and Senate bills which gave birth to the IPRA reveal that the clear intent of the framers is to **exempt Baguio City's land areas particularly the Baguio City's Townsite Reservation** from the coverage of the IPRA. House Bill No. 9125 was sponsored by Abra Rep. Jeremias Zapata, then Chairman of the Committee on Cultural Communities. The said House bill was originally authored and subsequently presented and defended on the floor by Rep. Gregorio Andolana of North Cotabato. During the Congressional Debates, House Bill No. 9125 contained a special provision on Baguio City. The particular provision, Section 86 was amended during the House Deliberations thereon, as follows:

MR: AVILA: One last amendment, Mr. Speaker. On page 35, line 25 (27), after the phrase, "**This Act shall not apply to lands of the City of Baguio which shall remain to be covered by its charter and its townsite reservation status**," the phrase "NOTHING IN THIS ACT SHALL BE READ TO MEAN A DIMINUTION OF PREVIOUS OR EXISTING RIGHTS," subject to style, Mr. Speaker.

MR. ZAPATA: The Committee accepts subject to style, Mr. Speaker.

THE DEPUTY SPEAKER (Mr. Perez, H.) Is there any objection? (Silence)
The Chair hears none; amendment is approved.^[20] (Emphasis supplied)

Consequently, Section 86 was amended to read:

The City of Baguio shall remain to be governed by its Charter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation: Provided, That prior land rights and titles recognized and/or acquired through any judicial, administrative or other processes before the effectiveness of this Act shall remain valid: Provided, further, That this provision shall not apply to any territory which becomes part of the City of Baguio after the effectiveness of this Act.^[21]

The amended version of Section 86, House Bill No. 9125 was eventually adopted in whole as Section 78 of Senate Bill No. 1728. Senate Bill No. 1728, sponsored by Senator Juan Flavier, passed into law as Republic Act No. 8371 or the IPRA in 1997. **The clear legislative intent is that, despite the enactment of the IPRA, Baguio City shall remain to be governed by its charter and that all lands proclaimed as part of Baguio City's Townsite Reservation shall remain to be**

a part of the Townsite Reservation unless reclassified by Congress. The NCIP cannot transgress this clear legislative intent. The IPRA expressly excludes land proclaimed to be part of the Baguio Townsite Reservation. Absent legislation passed by Congress, the Baguio Townsite Reservation shall belong to the public and exclusively for public purpose. The Wright Park, the Secretary's Cottage, the Senate President's Cottage, the Mansion House, and the public roads therein which are all covered by the assailed CALTs shall remain to exist for the benefit and enjoyment of the public. These subject lands comprise of historical heritage and belong⁹ to the State. Article 420 of the Civil Code provides:

Art. 420. The following things are property of public dominion:

- (1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;
- (2) **Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.** (Emphasis supplied)

While the IPRA does not generally authorize the NCIP to issue ancestral land titles within Baguio City, there are also recognized exceptions under Section 78. These refer to (1) prior land rights and titles recognized and acquired through any judicial, administrative or other process before the effectivity of the IPRA; and (2) territories which became part of Baguio after the effectivity of the IPRA. For prior land rights, the remedy afforded to indigenous cultural communities is Act No. 926.^[22] Section 32 of Act No. 926 provides:

CHAPTER IV FREE PATENTS TO NATIVE SETTLERS

Sec. 32. Any native of the Philippine Islands now as occupant and cultivator of unreserved, unappropriated agricultural public land, as defined by the Act of Congress of July first, nineteen hundred and two, who has continuously occupied and cultivated such land, either by himself or through his ancestors, since August first, eighteen hundred and ninety; or who prior to August first, eighteen hundred and ninety eight continuously occupied and cultivated such land for three years immediately prior to said date, and who has been continuously since July fourth, nineteen hundred and two, until the date of the taking effect of this Act, an occupier and cultivator of such land, shall be entitled to have a patent issued to him without compensation for such tract of land, not exceeding sixteen hectares, as hereinafter in this chapter provided.

On 1 September 1909, Baguio City was incorporated by the Philippine Assembly. On 12 April 1912, the Baguio Townsite Reservation was established. Upon the establishment of the Baguio Townsite Reservation, there remained a question as to

what portions of the reservation were public and private. If declared private, such lands were registrable under Act No. 496 or the Land Registration Act, as provided for by Act No. 926 or the Public Land Act. In 1912, Civil Reservation Case No. 1, General Land Registration Office (GLRO) Reservation Record No. 211 was filed with the Court of Land Registration to resolve which lands were declared public and private. Section 62 of Act No. 926 provides:

Sec. 62. Whenever any lands in the Philippine Islands are set apart as town sites, under the provisions of chapter five of this Act, it shall be lawful for the Chief of the Bureau of Public Lands, with the approval of the Secretary of the Interior, to notify the judge of the Court of Land Registration that such lands have been reserved as a town site and that all private lands or interests therein within the limits described forthwith to be brought within the operation of the Land Registration Act, and to become registered land within the meaning of said Registration Act. It shall be the duty of the judge of said court to issue a notice thereof, stating that claims for **all private lands of interests therein within the limits described must be presented for registration under the Land Registration Act in the manner provided in Act Numbered six hundred and twenty seven** entitled "An Act to bring immediately under the operation of the land Registration Act all lands lying within the boundaries lawfully set apart for military reservations, and all land[s] desired to be purchased by the Government of the United [S]tates for military purposes." The procedure for the purpose of this section and the legal effects thereof shall thereupon be in all respect as provided in sections three, four, five, and six of said Act numbered six hundred and twenty seven. (Emphasis supplied)

Under Act No. 627, any landowner affected by the declaration of military reservations must register their titles within the period stated in the Land Registration Act. Otherwise, such land rights would be considered barred.²³ Pursuant to Section 62, the Court of First Instance (CFI) of Benguet issued a notice on 22 July 1915 requiring all persons claiming lots inside the Baguio Townsite Reservation to file within six months from the date of the notice petitions for the registration of their titles under Act No. 496. On 14 June 1922, the General Land Registration Office submitted to the CFI a report on the applications for registration and the case was duly heard. On 13 November 1922, the CFI of Benguet, in resolving Civil Reservation Case No. 1, held that all claims for private lands by all persons not presented for registration within the period in Act No. 627 are barred forever. Notwithstanding the CFI decision, several native residents of Baguio City sought the exclusion of lands occupied by them from the Baguio Townsite Reservation. Thus, on 16 August 1954, President Ramon Magsaysay issued Administrative Order No. 55,24 series of 1954. The said Order authorized the formation of a committee to study the claims of the inhabitants, with a view of determining whether it was in public interest that the said landholdings be **segregated** from the Baguio Townsite Reservation and opened to *disposition* under the Public Land Act. Forty-eight (48) Igorot claimants originally filed claims under the said administrative order. Two hundred eighty-five (285) others later filed

additional claims.^[25] **Respondents were not among the original and additional claimants.** Finally, in *Republic v. Fañgonil*,^[26] this Court laid to rest claims within the Baguio Townsite Reservation, to wit:

This case is about the registration of lots located within the Baguio Townsite Reservation. As background, it should be noted that in 1912 a petition was filed in the Court of Land Registration regarding the Baguio Townsite Reservation, Expediente de Reserva No. 1, GLRO Reservation Record No. 211. In 1914, when the Land Registration Court was abolished, the record was transferred to the Court of First Instance of Benguet.

The purpose of Case No. 211 was to determine once and for all what portions of the Baguio Townsite Reservation were private and registerable under Act No. 496 as provided in section 62 of Act No. 926. Once so determined, no further registration proceeding would be allowed (Sees. 3 and 4, Act No. 627).

The court on *July 22, 1915* issued a notice requiring all persons claiming lots inside the reservation to file within six months from the date of the notice petitions for the registration of their titles under Act No. 496. On June 13, 1922, the General Land Registration Office submitted to the court a report regarding the applications for registration. The case was duly heard.

Judge C. M. Villareal in a decision dated *November 13, 1922* held that all lands within the Reservation are public lands with the exception of (1) lands reserved for specified public uses and (2) lands claimed and adjudicated as *private property*. He ruled that claims for private lands by all persons not presented for registration within the period fixed in Act No. 627, in relation to the first Public Land Law, Act No. 926, were *barred forever*. (Sees. 3 and 4, Act No. 627.)

That 1922 decision established the rule that lots of the Baguio Townsite Reservation, being public domain, are not registerable under Act No. 496. As held by Judge Belmonte in a 1973 case, the Baguio Court of First Instance "has no Jurisdiction to entertain any laijd registration proceedings" under Act No. 496 and the Public Land Law, covering any lot within the Baguio Townsite Reservation which was terminated in 1922 (*Camdas vs. Director of Lands*, L-37782, Resolution of this Court of March 8, 1974, dismissing petition for review of Judge Belmonte's ruling).

In the instant case, *after more than half a century* from the 1922 decision declaring the townsite public domain, or during the years 1972 to 1976, Modesta Paris, Lagya Paris, Samuel Baliwan, Pablo Ramos, Jr., Josephine Abanag, Menita T. Victor, Emiliano Bautista and Odi Dianson filed with the Court of First Instance of Baguio applications for the registration of lots

(with considerable areas) inside the Baguio Townsite Reservation.

Alternatively, they allege that in case the lots are not registerable under Act No. 496, then section 48 (b) and (c) of the Public Land Law should be applied because they and their predecessors have been in possession of the lots for more than thirty years.

The Director of Lands opposed the applications. He filed motions to dismiss on the grounds of lack of jurisdiction, prescription and *res judicata*. He relied on the decision in the first registration case, a proceeding *in rem*, which barred all subsequent registrations of the Baguio Townsite lots. He contended that the disposition of said lots should be made by the Director of Lands under Chapter 11 of the Public Land Law regarding Townsite Reservations. (See Cojuangco vs. Marcos, 82 SCRA 156).

The trial judge admits that section 48 cannot be invoked by the applicants because it applies only to disposable agricultural lands situated *outside the reservation*. *He concedes that lands within the Baguio Townsite Reservation may not be acquired by long possession for over thirty years subsequent to Case No. 211* (p. 195, Rollo).

But he refused to dismiss the application[s] because in his opinion "there is a necessity [for] the presentation of satisfactory evidence in a regular hearing as to the presence or absence of complete service of notice" so that the court can determine whether the applications are barred by *res judicata*. He relies on the isolated case of *Zarate vs. Director of Lands*, 58 Phil. 156.

The Solicitor General assailed by certiorari that order denying the motions to dismiss.

Sections 3 and 4 of Act No. 627, the law governing military reservations, contemplate notification to two classes of persons, namely, (1) those who are living upon or in visible possession of any part of the military reservation and (2) persons who are not living upon or in visible possession but are absentees.

A distinction is made between these two classes of persons as to the manner in which service of the notice shall be made. Service is complete as to absentees when publication of the notice in the newspaper is completed and duly fixed upon the four corners of the premises. The six-month period commences to run from that time.

On the other hand, as to those who are living upon or in visible possession of the lands, service is not complete, and the six-month period does not begin to run until the *notice is served upon them personally*. Their rights relative to the period within which they must respond are

determined by the date of the personal service.

Their notice was a personal notice given by personal service. Only such notice could set the running of the six-month period against them. (Lagariza, Saba and Garcia vs. Commanding General, 22 Phil. 297, 302; Zarate vs. Director of Lands, 58 Phil. 156,159-160.)

As already noted, the fact is that the notice in Case No. 211 was issued on July 22,1915. The clerk of court certified that 134 persons living upon or in visible possession of any part of the reservation were personally served with notice of the reservation. Section 3 of Act No. 627 provides that the certificate of the clerk of court is "conclusive proof of service". (Zarate case, pp. 158,162.)

In the Zarate case, the applications for registration of lots within the Baguio Townsite Reservation were filed in 1930 and 1931 or more than eight years after the decision was rendered in 1922.

The Zarate case is truly an exceptional case because the applicants were able to prove that in 1915 they were in visible occupation of their lots and the clerk of court did not serve personal notice upon them. The expediente of Case No. 211 was *then still existing*. The Zarate case cannot be a precedent at this late hour.

The situation in the Zarate case has not been duplicated since 1933. Judge Fangonil seeks to apply the ruling therein to the instant eight cases. We find that his order is unwarranted or unreasonable. It would reopen Case No. 211. It would give way to baseless litigations intended to be foreclosed by that 1912 case.

Private claimants to lands within the Baguio Townsite Reservation were given a chance to register their lands in Case No. 211. The provisions of Act No. 627, allowing them to do so, are in harmony with the 1909 epochal decision of Justice Holmes in Cariño vs. Insular Government, 212 U.S. 449,41 Phil. 935. The two Igorots named Zarate and those who were allowed to register their lots in Case No. 211, like Mateo Cariño, the Igorot involved in the Cariño case, inherited their lands from their ancestors. They had possession of the lands since time immemorial. The Igorots were allowed to avail themselves of registration under Act No. 496.

Here, the eight applicants do not base their applications under Act No. 496 on any purchase or grant from the State nor on possession since time immemorial. That is why Act No. 496 cannot apply to them. (See Manila Electric Company vs. Castro-Bartolome, L- 49623, June 29, 1982, 114 SCRA 799.) They are not "Igorot claimants" (See p. 35, Memo of Solicitor General).

Moreover, Annex I of the petition for *certiorari* shows that the previous attempts of some applicants and their predecessors to reopen Case No. 211 were dismissed as shown below:

	<i>Name</i>	<i>Date Filed</i>	<i>Date Dismissed</i>
1)	Samuel Baliwan	Dec. 27, 1968	Aug. 15, 1970
2)	Tommy Banguillas, predecessor of Pablo Ramos, Jr.	May 6, 1965	June 19, 1967
3)	Josephine Abanag	Jan. 9, 1961	July 9, 1963
4)	Sergio Molintas, predecessor of Josephine Abanag	Dec. 26, 1968	Oct. 31, 1974
5)	Josephine Abanag	April 26, 1966	Nov. 12, 1974
6)	Lagya Paris	Oct. 15, 1965	Nov. 13, 1974

In the case of Abanag, she succeeded to two lots claimed by Sumay and Molintas for which Torrens titles were issued in *Case No. 211 on October 21, 1919* (Annexes J and K of Petition). The lots, which Abanag now seeks to register, were not previously claimed by her predecessors in Case No. 211 (p. 33, Sol. Gen.'s Memo).

We hold that the trial court erred in requiring the presentation of evidence as to the notice required under Act No. 627. Such evidence cannot be produced at this time because the *court record of Case No. 211 was completely destroyed during the last war*.

Anyway, the applicants have the burden of proving that their predecessors were living upon or in visible possession of the lands in 1915 and were not served any notice. If they have such evidence, *apart from unreliable oral testimony*, they should have produced it during the hearing on the motions to dismiss.

To support his motions to dismiss, the Solicitor General introduced evidence proving that after Case No. 211 it has always been necessary to issue Presidential proclamations for the disposition of portions of the Baguio Townsite Reservation (Annex E of Petition).

The period of more than fifty years completely bars the applicants from securing relief due to the alleged lack of personal notice to their predecessors. The law helps the vigilant but not those who sleep on their rights. "For time is a means of destroying obligations and *actions*,

because time runs against the slothful and contemners of their own rights."

WHEREFORE, the order denying the motions to dismiss is reversed and set aside. The applications for registration are hereby dismissed. No costs.

SO ORDERED. [27] (Boldfacing supplied, italicization in the original)

In *Fañgonil*, the alleged claims were not previously claimed by the predecessors-in-interest and, therefore, the Court declared that the said properties were not susceptible of registration. Since the claimants did not base their applications under Act No. 496 or any purchase from the State, the Court held that the said claims were not considered valid native claims. Under *Fañgonil*, 134 persons living upon or in visible possession were personally served with the notice of reservation. Section 3 of Act No. 627 provides that the certification by the clerk of court is "conclusive proof of service" of the said notice. Since respondents in the present case claim possession since time immemorial, their predecessors were necessarily given notice of the reservation and, hence, should have filed their claims within the stated period. **However, no such claim was filed. In fact, the said lots in the present case were not shown to be part of any ancestral land prior to the effectivity of the IPRA. To stress, private respondents' rights over the subject properties located in the Townsite Reservation in Baguio City were never recognized in any administrative or judicial proceedings prior to the effectivity of the IPRA law. The CALTs and CADTs issued by the NCIP to respondents are thus void.**

WHEREFORE, the Court **GRANTS** the petition. The Court **REVERSES** the Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 126498. The National Commission on Indigenous Peoples Resolution Nos. 107-2010-AL and 108-2010-AL; O-CALT Nos. 129 and 130 including corresponding TCT Nos. with CALT Nos.:

CALT NO. CAR-BAG-1110-000268 for Parcel Lot 1
CALT NO. CAR-BAG-1110-000269 for Parcel Lot 2
CALT NO. CAR-BAG-1110-000270 for Parcel Lot 3
CALT NO. CAR-BAG-1110-000271 for Parcel Lot 4
CALT NO. CAR-BAG-1110-000272 for Parcel Lot 5
CALT NO. CAR-BAG-1110-000273 for Parcel Lot 6
CALT NO. CAR-BAG-1110-000274 for Parcel Lot 7
CALT NO. CAR-BAG-1110-000275 for Parcel Lot 8
CALT NO. CAR-BAG-1110-000276 for Parcel Lot 1
CALT NO. CAR-BAG-1110-000277 for Parcel Lot 2
CALT NO. CAR-BAG-1110-000278 for Parcel Lot 3
CALT NO. CAR-BAG-1110-000279 for Parcel Lot 4
CALT NO. CAR-BAG-1110-000280 for Parcel Lot 5
CALT NO. CAR-BAG-1110-000281 for Parcel Lot 6
CALT NO. CAR-BAG-1110-000282 for Parcel Lot 7
CALT NO. CAR-BAG-1110-000283 for Parcel Lot 8

CALT NO. CAR-BAG-1110-000284 for Parcel Lot 9
CALT NO. CAR-BAG-1110-000285 for Parcel Lot 10
CALT NO. CAR-BAG-1110-000286 for Parcel Lot 11
CALT NO. CAR-BAG-1110-000287 for Parcel Lot 12
CALT NO. CAR-BAG-1110-000288 for Parcel Lot 13
CALT NO. CAR-BAG-1110-000289 for Parcel Lot 14
CALT NO. CAR-BAG-1110-000290 for Parcel Lot 15
CALT NO. CAR-BAG-1110-000291 for Parcel Lot 16
CALT NO. CAR-BAG-1110-000292 for Parcel Lot 17
CALT NO. CAR-BAG-1110-000293 for Parcel Lot 18
CALT NO. CAR-BAG-1110-000294 for Parcel Lot 19
CALT NO. CAR-BAG-1110-000295 for Parcel Lot 20
CALT NO. CAR-BAG-1110-000296 for Parcel Lot 21
CALT NO. CAR-BAG-1110-000297 for Parcel Lot 22
CALT NO. CAR-BAG-1110-000298 for Parcel Lot 23
CALT NO. CAR-BAG-1110-000299 for Parcel Lot 24
CALT NO. CAR-BAG-1110-000300 for Parcel Lot 25
CALT NO. CAR-BAG-1110-000301 for Parcel Lot 26
CALT NO. CAR-BAG-1110-000302 for Parcel Lot 27
CALT NO. CAR-BAG-1110-000303 for Parcel Lot 28

and all derivative titles thereto issued subsequent to the filing of the petition are declared **NULL** and **VOID**.

SO ORDERED.

Caguioa, Reyes, Jr., Lazaro-Javier, and Zalameda, JJ., concur.

[1] *Rollo*, pp. 10-56.

[2] Id. at 212-225. Penned by Associate Justice Marlene Gonzales-Sison, with Associate Justices Hakim S. Abdulwahid and Edwin D. Sorongan concurring.

[3] Id. at 209-211.

[4] Id. at 58-67.

[5] Id. at 68-79.

[6] Id. at 135-174.

[7] Id. at 212-225.

[8] Id. at 216-217.

[9] Id. at 58-67. Signed by Commissioners Rizalino G. Segundo, Noel K. Felongco, Miguel Imbing Sia Apostol, and Roque N. Agton, Jr.

[10] Id. at 68-79. Signed by Commissioners Rizalino G. Segundo, Noel K. Felongco, Miguel Imbing Sia Apostol, and Roque N. Agton, Jr.

[11] Id. at 63.

[12] Id.

[13] Section 8, RA 8371 states:

SECTION 8. *Right to Ancestral Lands.* - The right of ownership and possession of the ICCs/IPs

[Indigenous Cultural Communities/Indigenous Peoples] to their ancestral lands shall be recognized and protected.

a) Right to transfer land/property. - Such right shall include the right to transfer land or property rights to/among members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned. xxxx

[14] Id. at 65-66.

[15] Id. at 76-78.

[16] Id. at 212-225.

[17] Id. at 221.

[18] Id. at 224.

[19] Id. at 22-23.

[20] Id. at 25-26. Citing Section 86, House Bill No. 9125. See deliberations on individual amendments, p. 83, House of Representatives Legislative Archives, 4 September 1997.

[21] Id. at 26. Citing Bicameral Deliberations on the Indigenous Peoples' Rights Act, 9 October 1997, pp. 3- 6.

[22] ACT NO. 926 - AN ACT PRESCRIBING RULES AND REGULATIONS GOVERNING THE HOMESTEADING, SELLING, AND LEASING OF PORTIONS OF THE PUBLIC DOMAIN OF THE PHILIPPINE ISLANDS, PRESCRIBING TERMS AND CONDITIONS TO ENABLE PERSONS TO PERFECT FOR THE ISSUANCE OF PATENTS WITHOUT

COMPENSATION TO CERTAIN NATIVE SETTLERS UPON THE PUBLIC LANDS, PROVIDING FOR THE ESTABLISHMENT OF TOWN SITES AND SALES OF LOTS THEREIN, AND PROVIDING FOR A HEARING AND DECISION BY THE COURT OF LAND REGISTRATION OF ALL APPLICATIONS FOR THE COMPLETION AND CONFIRMATION OF ALL IMPERFECT AND INCOMPLETE SPANISH CONCESSIONS AND GRANTS IN SAID ISLANDS, AS AUTHORIZED BY SECTIONS THIRTEEN, FOURTEEN AND FIFTEEN OF THE ACT OF CONGRESS OF JULY FIRST NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TEMPORARILY TO PROVIDE FOR THE ADMINISTRATION OF THE AFFAIRS OF CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES."

[23] *Archbishop of Manila v. Barrio of Santo Cristo*, 39 Phil. 1 (1918).

[24] *Rollo*, pp. 96-97.

[25] Id. at 98-108.

[26] 218 Phil. 484 (1984).

[27] Id. at 486-491.



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