Republic of the Philippines
Supreme Court
Manila

EN BANC

REPUBLIC OF THE PHILIPPINES, Petitioner, -versus- **NATIONAL COMMISSION ON INDIGENOUS PEOPLES, REGISTER OF DEEDS – BAGUIO CITY, LAND REGISTRATION AUTHORITY, HEIRS OF LAURO CARANTES, DIMSON MANILA, INC., JOAN L. GORIO, AND CERTAIN JANE DOES AND JOHN DOES,** Respondents.	**G.R. No. 209449** Present: GESMUNDO, *CJ,* LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, LOPEZ, M., GAERLAN, ROSARIO, LOPEZ, J., DIMAAMPAO, MARQUEZ, KHO, JR., and SINGH, *JJ.* **Promulgated:** July 11, 2023

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DECISION

LEONEN, *J.:*

The Indigenous Peoples' Rights Act exempts Baguio City from its coverage. The text of Section 78 is categorical that Baguio City is governed by its own charter. Thus, no ancestral title under the Indigenous Peoples' Rights Act may be issued in favor of claimants within Baguio City. However, the law does not overturn the doctrine laid down in *Cariño v.*

Insular Government[1] which recognizes ownership of land occupied and possessed since time immemorial.

This resolves a Petition for Review assailing the Decision[2] and Resolution[3] of the Court of Appeals in CA-G.R. SP No. 118259. The Court of Appeals upheld the decision of the National Commission on Indigenous Peoples, which granted the issuance of Certificates of Ancestral Land Titles to the heirs of Lauro Carantes.

In 1990, the heirs of Lauro Carantes (heirs of Carantes), represented by Lauro's son, Antino Carantes (Antino), filed an ancestral claim before the Department of Environment and Natural Resources. They alleged that they have ancestral rights over five parcels of land in Baguio City, with an aggregated area of 254,600 square meters.[4]

The heirs of Carantes belong to the indigenous cultural community of Ibaloi in Baguio City and claimed to hold a 457-hectare land as far back as 1380. They are the descendants of Mateo Carantes, cousin of Mateo Cariño.[5]

They submit that sometime in 1924, they were driven out of the area when it was declared as Forbes I and II reservations by virtue of Proclamation No. 10, dated February 9, 1924.[6]

Subsequently, the claim was transferred to the National Commission on Indigenous Peoples as a continuation of the proceedings pursuant to Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (IPRA).[7] A Petition for the Issuance of Certificate of Ancestral Land Title was filed as a follow up to the long pending application with the Department of Environment and Natural Resources in 1990.[8]

To support their claim, the heirs of Carantes presented the following documentary evidence:

1. An old survey map prepared for Mateo Carantes in 1901, covering a wide track of land located at Pacdal, Baguio City;

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1 *Cariño v. Insular Government of the Philippine Islands*, 41 Phil. 935 (1909) [Per J. Holmes].
2 *Rollo*, pp. 63–75. The Decision dated January 30, 2013 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justice Hakim S. Abdulwahid and Associate Justice Marlene Gonzales-Sison of the Court of Appeals, Sixth Division, Manila.
3 *Id.* at 77–78. The Resolution dated September 10, 2013 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justice Hakim S. Abdulwahid and Associate Justice Marlene Gonzales-Sison of the Court of Appeals, Sixth Division, Manila.
4 *Rollo*, pp. 65, 84, 351.
5 *Id.* at 65, 84.
6 *Id.* at 84, 145–147.
7 *Id.* at 352.
8 *Id.*

2. A document denominated as "Promise to Sell" dated May 8, 1902, executed by Mateo Carantes;
3. A handwritten note, executed by WR Gleason in 1902, canceling his contract with Mateo Carantes as a result of a failed negotiation;
4. Affidavit of Ownership;
5. Joint Affidavit of Timoteo Simsim and Telia Palque;
6. Joint Affidavit of Two Disinterested Persons;
7. Joint Affidavit of Surviving Heirs;
8. Joint Affidavit of Surviving Heirs and representatives of Deceased Heirs;
9. Customs and traditions of the early Carantes Clan;
10. Pictures of the site and improvements;
11. Historical background of Carantes ancestry; and
12. Genealogical records bearing the ancestry of the heirs.[9]

In 1999, National Commission on Indigenous People – Cordillera Administrative Region endorsed the issuance of a Certificate of Ancestral Land Title to the heirs of Carantes.[10]

In 2007, Antino entered into an Agreement with Dimson Manila, Inc. (Dimson) wherein he assigned portions of the land along South Drive Baguio City to Dimson in consideration of PHP 1,500,000.00.[11] Prior to the death of Antino in 2009, he issued a Manifestation in favor of his assignees and other interested parties, including Dimson, which was registered at the Register of Deeds.[12]

The application remained dormant. Thus, in 2008, a formal petition was filed by the heirs of Carantes before the National Commission on Indigenous Peoples for the issuance of the Certificates of Ancestral Land Titles, in view of the prolonged approval of their application.[13]

In 2008, the National Commission on Indigenous Peoples issued a Resolution[14] granting the application and directing the issuance of the Certificate of Ancestral Land Titles Nos. 26, 27, 28, and 29. Thus:

> WHEREFORE, in view of the foregoing, WE declare to grant this application. Let the Certificates of Ancestral Land Titles be issued to the HEIRS OF LAURO CARANTES represented by Mr. Antino Carrantes

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9 *Id.* at 84.
10 *Id.* at 85, 352, 374–375.
11 *Id.* at 352.
12 *Id.* at 353.
13 *Id.* at 352.
14 *Id.* at 79–99. Resolution No. 048-2008-AL dated November 2, 2010 was issued by Presiding Commissioner Felecito L. Masagnay, Commissioner Rizalino G. Segundo, Commissioner Rolando M. Rivera, Commissioner Noel K. Felongco, Commissioner Miguel Imbing Sia Apostol, and Commissioner Jannette Serrano-Reisland of the National Commission on Indigenous Peoples, Quezon City.

> (sic) corresponding to five (5) parcels of ancestral lands located at South Drive, Baguio City, herein described as follows:
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> . . . .
>
> Resolved, further, that the Ancestral Domains Office is hereby ordered to secure the necessary certifications from the Department of [Environment and] Natural Resources (DENR), Department of Agrarian Reform (DAR) and the Land Registration Authority (LRA) that the above parcels of land do not overlap with any titled properties. Finally, the Ancestral Domains Office is hereby authorized to make the necessary corrections or adjustments in the technical descriptions of the above parcels of land to conform with any findings of overlapping with titled properties, if there are any, as may be certified by the above government agencies.[15]

The National Commission on Indigenous Peoples ruled that the rights of the heirs of Carantes were not extinguished when the parcels of land were proclaimed as government reservation.[16] It explained that the rights of Indigenous People/Indigenous Cultural Communities over their ancestral land are vested long before the proclamation.[17]

The Indigenous People's possession of the land since time immemorial is not merely an inchoate right of ownership, but a true right of ownership, which is now enshrined under IPRA. Thus, the heirs of Carantes' ancestral land never formed part of the lands under public domain and therefore, it could not have been the subject of a proclamation as government reservation.[18]

Pursuant to the Certificate of Ancestral Land Titles, the Land Registration Authority issued Transfer Certificates of Titles in favor of the heirs of Carantes.[19]

Subsequently, an Investigating Committee was formed by the Department of Environment and Natural Resources - Cordillera Administrative Region to investigate the issuance of the ancestral titles covering the Forbes Forest Reservation.[20] The Investigating Committee found that the Forbes Forest Reservation is not alienable and disposable because it is a forest reservation.[21] It was also pointed out that the lands were not traditionally occupied by the heirs of Carantes but are presently occupied by other individuals with vested property rights, such as the Camp

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15 *Id.* at 93–98.
16 *Id.* at 89–90.
17 *Id.* at 90.
18 *Id.*
19 *Id.* at 100–143, Transfer Certificate of Title Nos. T-99949, T-99950, T-99951, T-99952, T-99953, T-99954, T-99955, T-99626, and T-99627 were issued pursuant to Certificate of Ancestral Land Titles Nos. 26, 27, 28, and 29.
20 *Id.* at 188–212.
21 *Id.* at 191–192.

John Hay and Baguio Country Club, prior to the enactment of IPRA.[22]

Further, the reference points of the ancestral titles issued to the heirs of Carantes were erroneously plotted, which resulted to overlapping with other areas.[23] The Investigating Committee likewise questioned the immediate approval of the survey plan in two days from the conduct of the survey.[24]

The Republic, through the Office of the Solicitor General, filed a Petition for *Certiorari*, Prohibition and Mandamus.[25] The Solicitor General mainly argued that the National Commission on Indigenous Peoples gravely abused its discretion in granting the application of the heirs of Carantes. It alleged that the Baguio Townsite Reservation and Forbes Forest Reservation are exempt from the coverage of IPRA and that the Commission has no jurisdiction to issue the Certificates of Ancestral Land Titles over the reservation.[26]

The Court of Appeals dismissed the petition,[27] thus:

> WHEREFORE, on the view above taken, this Petition for Certiorari, Prohibition and Mandamus is hereby DISMISSED. Accordingly, the resolution of the National Commission on Indigenous Peoples (NCIP) dated November 12, 2008 in Resolution No. 048-2008-AL is hereby declared to have attained FINALITY.
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> SO ORDERED.[28]

The appellate court held that the petition is marred by procedural infirmities. First, the *certiorari* petition cannot be used as a substitute for the lost appeal.[29] The Court of Appeals observed that the Republic failed to timely file a petition for review, which is the proper course of appeal in assailing the decision of the National Commission on Indigenous Peoples.[30]

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22 *Id.* at 208.
23 *Id.* at 191–197.
24 *Id.* at 202.
25 *Id.* at 66.
26 *Id.* at 66–67.
27 *Id.* at 63–74.
28 *Id.* at 74.
29 *Id.* at 67–68.
30 *Id.* at 67, citing Republic Act No. 8371 (1997), secs. 62 and 67, Indigenous Peoples' Rights Act (IPRA), which provides:
Section 62. Resolution of Conflicts. — In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which cannot be resolved, the NCIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: Provided, That if the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions: Provided, further, That any decision, order, award or ruling of the NCIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from receipt of a copy thereof.

Second, the *certiorari* petition was filed after more than two years from the promulgation of the decision, which is beyond the reglementary period of 60 days.[31] Third, no motion for reconsideration was filed before the *certiorari* petition.[32] Fourth, the Court of Appeals ruled that the Office of the Solicitor General could not be excused from following the reglementary period on the ground that it was never made party to the case because the application for a title is an *in rem* proceeding.[33]

The Court of Appeals further ruled that the petition must fail on substantive grounds. It rejected the Solicitor's General claim that Baguio City is exempt from the coverage of IPRA under Section 78.[34] Citing *City Government of Baguio v. Masweng*,[35] the appellate court held that the law itself "concedes the validity of prior land rights recognized or acquired through any process before its effectivity" and it mandates the recognition of ancestral rights and titles.[36] Thus, Section 78 does not bar the registration of Certificates of Ancestral Land Title within the Baguio Townsite Reservation.[37]

The Court of Appeals likewise did not give credence to the Solicitor General's claim that the land is deemed part of public land pursuant to the Civil Reservation Case No. 1 (*Expediente de Reserva No. 1*), General Land Registration Office[38] Record No. 211 (General Land case).[39] The General Land case held that "all lands within the Baguio Townsite Reservation are public lands, except for lands reserved for public purposes and lands adjudicated as private property". The appellate court reasoned that there is no *stare decisis* in this case considering that there is a subsequent law which benefits the claimants of ancestral lands.[40]

The Office of the Solicitor General moved for the reconsideration of the decision, but it was denied.[41]

The Republic, through the Office of the Solicitor General, filed a

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Section 67. Appeals to the Court of Appeals. — Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

31 *Id.* at 68.

32 *Id.*

33 *Id.* at 69.

34 *Id.* at 70, citing IPRA, sec. 78, which provides:
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.

35 *City Government of Baguio City v. Masweng*, 597 Phil. 668 (2009) [Per J. Tinga, Second Division].

36 *Id.* at 678.

37 *Id.*

38 Presently known as the Land Registration Authority; Land Registration Authority, *History of LRA*, https://www.lra.gov.ph/history.html (last visited February 18, 2020)

39 *Rollo*, p. 71.

40 *Id.*

41 *Id.* at 77–78.

Petition for Review on *Certiorari* with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction.[42]

This Court then required the respondents to file their Comment on the petition. It likewise issued a Temporary Restraining Order, enjoining the respondents "from entering into possession, making improvements upon, or otherwise transferring the [titles]."[43]

Respondents heirs of Carantes, as represented by Antino,[44] the other heirs of Carantes,[45] National Commission on Indigenous Peoples,[46] Land Registration Authority and Register of Deeds-Baguio City,[47] and Dimson Manila, Inc.[48] filed their respective Comments.

Baguio Country Club,[49] Hotel and Restaurant Association of Baguio, Inc.,[50] City Government of Baguio, Bishop Carlito J. Cenzon and Baguio Regreening Movement,[51] Baguio Water District,[52] and Baguio Flower Festival Foundation, Inc.[53] filed their respective motions for leave to intervene and petitions-in-intervention.

In several resolutions, this Court noted the motions, deferred action, and required the parties to comment.[54] Respondents NCIP, heirs of Carantes, and other heirs of Carantes filed their oppositions to the motions.

Petitioner argues that the Court of Appeals erred in dismissing its petition on procedural grounds. While IPRA states that the decision of the National Commission on Indigenous Peoples may be appealed to the Court of Appeals by way of Petition for Review, petitioner claims that it could not have availed of this remedy because it was not impleaded in the case.[55]

In the same vein, petitioner claims that it has no other plain, speedy, and adequate remedy because the Certificates of Ancestral Land Title were already issued to the heirs of Carantes without any opportunity for it to oppose the claim.[56]

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42 *Id.* at 11–60.
43 *Id.* at 221–222.
44 *Id.* at 242–255.
45 *Id.* at 371–385.
46 *Id.* at 260–287.
47 *Id.* at 336–341.
48 *Id.* at 351–361.
49 *Id.* at 395–408.
50 *Id.* at 435–447.
51 *Id.* at 492–507.
52 *Id.* at 535–546.
53 *Id.* at 565–575.
54 *Id.* at 421–422, 550–551, 655–656.
55 *Id.* at 18–19.
56 *Id.* at 17.

Petitioner contends that the Court of Appeals erred in relying on *Lamsis v. Dong-e*[57] in ruling that the application for the issuance of the title is a proceeding *in rem*.[58] Petitioner alleges that *Lamsis* is not applicable here because *Lamsis* is a case between private parties and it did not delve into the interpretation of Section 53 of IPRA.[59] Ultimately, *Lamsis* ruled on the jurisdiction of the lower court, which was belatedly contested by the losing party after participating in the trial. Contrarily, in this case, petitioner was never given an opportunity to oppose the application.[60]

Claiming that it is an indispensable party, petitioner maintains that its non-participation in the proceedings renders the decision void.[61] It follows that the reglementary period of 60 days within which to file the petition for *certiorari* does not apply.[62] Likewise, the filing of a motion for reconsideration is not required because the case falls under recognized exceptions; particularly, the order is a patent nullity and the proceedings in the lower court are a nullity for lack of due process.[63]

On the other hand, respondent heirs of Carantes argue that the registration of certificate of ancestral land titles are *in rem* in nature; thus, there was no violation of due process when petitioner was not impleaded in the proceedings. The essence of due process is notice. Petitioner had been notified, but it failed to raise its objections.[64]

Moreover, the respondent heirs aver that the petition for *certiorari* filed before the Court of Appeals should not be used as an alternative for the appeal lost.[65] Further, the unfavorable decision of the National Commission on Indigenous Peoples should have been assailed via petition for review pursuant to IPRA, and not via *certiorari* under Rule 65.[66]

Respondent National Commission on Indigenous Peoples reiterates that the petitioner was not deprived of due process because the proceedings for the issuance of Certificates of Ancestral Land Titles are *in rem* in nature.[67] The notice, which was published twice in this case, is sufficient to satisfy the requirement of due process.[68] In any case, petitioner is deemed part of the proceedings through the Department of Environment and Natural Resources.[69] The application before the National Commission on Indigenous Peoples was only a continuation of the proceedings before the

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57 *Lamsis v. Dong-e*, 648 Phil. 372 (2010) [Per J. Del Castillo, First Division].
58 *Rollo*, p. 19.
59 *Id.*
60 *Id.*
61 *Id.* at 20–21.
62 *Id.* at 21–22.
63 *Id.* at 22.
64 *Id.* at 246–247.
65 *Id.*
66 *Id.* at 247.
67 *Id.* at 280–281.
68 *Id.* at 281.
69 *Id.*

Department of Environment and Natural Resources, which was terminated when IPRA delegated the power of delineation to the National Commission on Indigenous Peoples.[70]

Moreover, the petition for *certiorari* was filed beyond the reglementary period of 60 days.[71] This period is non-extendible, and failure to timely file the petition is a cause for its outright dismissal.[72]

The other heirs of Carantes likewise dispute petitioner's allegation of violation of due process. They contend that petitioner actively participated in the proceedings through the Department of Environment and Natural Resources.[73]

With respect to substantive issues, petitioner mainly argues that the Baguio Townsite Reservation is exempted from the coverage of the IPRA pursuant to Section 78 and the ruling in the General Land case.[74] According to the General Land case, "all lands within the Baguio Townsite Reservation are declared public lands, with the exception of: (1) lands reserved for the specified public use; and (2) lands claimed and adjudicated as private property."[75] The claim of respondents heirs of Carantes, which were not presented within the six-month period pursuant to Act No. 627,[76] is deemed barred.[77] This bar on registration includes registration under the IPRA.[78]

While petitioner admits that there was a Special Task Force in 1993 which processed ancestral land claims in Baguio City, the certificates issued by the task force were only provisional. Petitioner reasons that the processing of the claims was under the assumption that Baguio City would be covered by the IPRA; thus, the certificates are not enforceable.[79] At best, they are merely registered claims.[80]

Citing Congressional Deliberations, petitioner further claims that it is the clear intent of the IPRA to exempt Baguio City from its coverage.[81] Petitioner refers to the original wording of Section 78, which states that the "[Indigenous Peoples' Rights Act] shall not apply to lands of the City of Baguio which shall remain to be covered by its charter and its townsite

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70 *Id.* at 282.
71 *Id.* at 283.
72 *Id.*
73 *Id.* at 380–381.
74 *Id.* at 31.
75 *Id.* at 31–32.
76 Act No. 627 (1903), otherwise known as "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 Lands Desired to be Purchased by the Government of the United States for Military Purposes."
77 *Rollo*, p. 32.
78 *Id.*
79 *Id.*
80 *Id.*
81 *Id.* at 33.

reservation status."[82]

Further, petitioner maintains that *City Government of Baguio v. Masweng* was misinterpreted by the Court of Appeals. Petitioner avers that there was no prior recognized land rights upheld in *Masweng.*[83] In fact, the Court ruled that the private respondents did not have a definite ancestral land right within Baguio City.[84] Petitioner contends that similar to *Masweng,* the heirs of Carantes' ancestral claim over the land were never recognized in any administrative or judicial proceedings.[85]

Petitioner argues that Proclamation No. 10, which declared the land as Forbes Forest Reservation, created a property right in favor of Baguio City prior to the effectivity of IPRA. Thus, under Section 78 and 56[86] of IPRA, the land claimed by the heirs of Carantes are exempt from the law's coverage.[87] Moreover, under Section 7(g), the heirs of Carantes cannot claim lands already reserved for public welfare. Forbes Forest, being a forest reservation, cannot be alienated and be subjected to the claims of private persons.[88]

Petitioner adds that the concept of native title cannot be a blanket authority to grant all ancestral claims.[89] While IPRA has codified the concept of native title, this must be read together with Section 56 which respects vested rights and Section 78 which exempts Baguio City from ancestral claims.[90]

Moreover, the issuance of ancestral titles violates Article XII, Sections 3[91] and 4[92] of the Constitution because the land claimed already became part

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82 *Id.*

83 *Id.* at 34.

84 *Id.*

85 *Id.*

86 *Id.*, citing IPRA, sec. 56, which provides:
Section 56. Existing Property Rights Regimes. — Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

87 *Id.* at 36.

88 *Id.* at 37.

89 *Id.*

90 *Id.* at 38.

91 *Id.*, citing CONST., art. XII, sec. 3, which provides:
Section 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant.
Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor.

92 *Id.*, citing CONST., art. XII, sec. 4, which provides:
Section 4. The Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The

of the public domain and they were not reclassified into agricultural land; therefore, the land is inalienable and indisposable.[93]

In their Comment,[94] Land Registration Authority and Register of Deeds of Baguio City agree with the petitioner that the Certificates of Ancestral Land Titles could not be issued because the land within the Baguio Townsite Reservations are no longer registrable.[95] However, they explained that they were constrained to allow the original registration of the Certificates of Ancestral Land Titles on the basis of a Department of Justice Resolution.[96] The Resolution opined that Section 78 of the IPRA does not bar the registration of the ancestral titles within the reservation.[97]

Nevertheless, even if the ancestral titles are registered, they argue that the titles should not be subsequently transferred or subdivided because there is no law yet which allows the conversion of ancestral titles into certificates of title under the Torrens system.[98] Thus, the recording of the ancestral titles was only for the purpose of notifying the public of the recognition by the National Commission on Indigenous Peoples. It does not result to a registration in the Torrens system under Presidential Decree No. 1529.[99] In fact, the Land Registration Authority issued a Memorandum[100] to prevent the erroneous registration of subsequent transactions affecting ancestral titles in various Registers of Deeds.[101]

On the other hand, the heirs of Carantes argue that Section 78 of the IPRA does not exempt lands in Baguio City from its coverage.[102] The provision merely acknowledges the existence of the lands within the townsite reservation.[103] The interpretation of Section 78 has long been settled in the case of *Masweng*, where this Court ruled that this provision concedes the validity of prior land rights recognized or acquired through any process prior to its effectivity.[104]

Congress shall provide, for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas.

93 *Id.* at 40–41.

94 *Id.* at 336–340.

95 *Id.* at 337–339.

96 *Id.* at 338, Department of Justice Resolution dated August 29, 2008.

97 *Id.*

98 *Id.*

99 *Id.*

100 *Id.* at 339, Memorandum dated September 20, 2010 provides:
In view of this, the concerned Registrars of Deeds are hereby directed to immediately stop the processing and/or registration of transactions pertaining to CADTs and CALTs until the necessary set of guidelines for such transactions is established.
All Registrars of Deeds who have previously allowed the registration of the above-mentioned transactions are further directed to submit a report within five (5) days from receipt of this Memorandum together with certified copies of all titles that have been issued.
For strict compliance.

101 *Id.*

102 *Id.* at 248.

103 *Id.*

104 *Id.* at 249.

The heirs of Carantes contend that the ruling in the General Land case has been modified by the 1987 Constitution[105] and the IPRA. Thus, the General Land case cannot be cited to defeat the purpose of Indigenous Peoples' Rights Act.[106]

The heirs of Carantes maintain that the ruling of this Court in *Cariño v. Insular Government* applies in this case.[107] Similar to *Cariño,* the heirs claim that their ownership over the ancestral land, which they never relinquished since time immemorial, must be recognized by the State.[108]

The National Commission on Indigenous People likewise claims that Section 78 of IPRA never foreclosed the rights of the indigenous peoples in Baguio City to avail of formal recognition of their ancestral claims.[109] This provision only means that Baguio City is governed by its City Charter, and the land rights and titles acquired prior to IPRA remain valid.[110] Section 78 merely recognized the existing rights, titles, and classifications of lands in Baguio City.[111]

It likewise cites *Masweng*, claiming that this Court already ruled that Baguio City is not exempted from the coverage of IPRA, because it merely concedes the validity of land rights recognized prior to its effectivity.[112]

Even assuming that Section 78 exempts Baguio City from the coverage of IPRA, this interpretation violates the right to equal protection of laws because there is no reasonable difference that sets Baguio City as a separate class to be exempted from the application of the law.[113]

The National Commission on Indigenous Peoples contends that Section 78 should be read in conjunction with Section 52, paragraphs (a) and (i)[114] and Section 7, paragraphs (a), (c), and (g).[115] These provisions

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105 *Id.*, citing CONST., art. XII, sec. 5 which provides:
Section 5. The 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 Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

106 *Id.* at 249–250.

107 *Id.* at 250.

108 *Id.* at 250–253.

109 *Id.* at 267.

110 *Id.* at 268.

111 *Id.* at 269.

112 *Id.*

113 *Id.* at 270.

114 *Id.*, citing IPRA, sec. 52 (a) and (i), which provides:
Section 52. Delineation Process.— The identification and delineation of ancestral domains shall be done in accordance with the following procedures:
a) Ancestral Domains Delineated Prior to this Act.— The provisions hereunder shall not apply to ancestral domains/lands already delineated according to DENR Administrative Order No. 2, series of 1993, nor to ancestral lands and domains delineated under any other community/ancestral domain program prior to the enactment of this law. ICCs/IPs whose ancestral lands/domains were officially delineated prior to the enactment of this law shall have the right to apply for the issuance of a

recognize the rights of the Indigenous Cultural Communities/Indigenous Peoples over ancestral lands and domains which were officially delineated before the enactment of IPRA, as well as their right to ownership and right to stay in their lands.[116]

Further, the Commission argues that the nature of native titles is contrary to the inclusion of ancestral lands in Baguio City as part of government reservations.[117] The rights of the Indigenous Cultural Communities/Indigenous Peoples to their ancestral lands are vested long before the proclamation of government reservations.[118] Thus, the denial of a Certificate of Ancestral Land Titles to the heirs of Carantes is tantamount to confiscation of the properties without due process.[119]

Ancestral lands are private properties of the Indigenous Cultural Communities/Indigenous Peoples, which have never been public lands. Thus, the claim of the heirs of Carantes is consistent with jurisprudence, which held that lands within reservations in Baguio City are public lands, except those reserved for specific public uses and lands claimed and determined as private property.[120]

Further, Dimson avers that there is nothing in Section 78 of the IPRA,

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Certificate of Ancestral Domain Title (CADT) over the area without going through the process outlined hereunder;

. . . .

i) Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies.— The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;

115 *Id.*, citing IPRA, sec. 7 (a), (c) and (g), which provides:
Section 7. Rights to Ancestral Domains.— The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:
a) Right of Ownership.— The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;

. . . .

c) Right to Stay in the Territories.— The right to stay in the territory and not to be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;

. . . .

g) Right to Claim Parts of Reservations.— The right to claim parts of the ancestral domains which have been reserved for various purposes, except those reserved and intended for common public welfare and service;

116 *Id.* at 270–271.

117 *Id.* at 273.

118 *Id.* at 275.

119 *Id.* at 276.

120 *Id.* at 277–278.

which excludes Baguio City from the ancestral lands' delineation.[121] It merely confirms the existence of lands and property rights within the townsite reservation.[122]

Dimson likewise contends that petitioner's interpretation of Section 78 is repugnant to the equal protection of the law considering that there is no reasonable difference, which sets Baguio City apart as a separate class.[123]

The other heirs of Carantes similarly argue that Section 78 does not exclude Baguio City from the coverage of IPRA.[124] They contend that it is explicitly stated in Section 2 of Proclamation No. 773[125] that portions of the Forbes Forest Reservation are excluded from the Baguio Townsite Reservation and from the operation of Proclamation Nos. 10 and 63.[126] Moreover, they cite *Masweng* wherein this Court ruled that Baguio City is not exempted from the operation of IPRA.[127]

On the question of jurisdiction to issue the ancestral titles, petitioner argues that without prior recognition and approval of the heirs of Carantes' claim under the General Land case, the National Commission on Indigenous Peoples has no jurisdiction to issue the titles over the Forbes Forest Reservation.[128]

Moreover, petitioner claims that the titles are fraudulently issued.[129] Petitioner cites the Investigation Report by the Department of Environment and Natural Resources – Cordillera Administrative Region, wherein several technical flaws were found on the titles. Petitioner highlights that the issued certificates describe properties different from those claimed.[130] According to petitioner, this raises a presumption that no actual survey was conducted by the National Commission on Indigenous Peoples.[131] It further questions the hurried approval of the survey plan in merely two days after the conduct of the survey, which supposedly covers all the plotting, computation, land verification, and finalization of the map.[132]

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121 *Id.* at 356.
122 *Id.*
123 *Id.* at 357.
124 *Id.* at 378.
125 *Id.* at 378–379.
126 *Id.* at 379. Proclamation No. 10 (1924), sec. 2 provides:
Section 2. Certain portions of land within Lots 1, 2, 3, 4, 5, and 6, all of Parcels I and II of the Forbes Forest Reservation are hereby declared excluded from the Baguio Townsite Reservation and from the operation of Proclamation No. 10 dated February 19, 1924 and Proclamation No. 63 dated August 6, 1925, which established the Forbes Forest Reservation and the Government Center Reservation respectively, in the City of Baguio, Island of Luzon.
127 *Id.* at 378–380.
128 *Id.* at 41–42.
129 *Id.* at 42.
130 *Id.* at 43.
131 *Id.*
132 *Id.* at 44–45.

Even assuming that the issued titles are valid, the Register of Deeds and the Land Registration Authority gravely abused their discretion in issuing the titles in favor of the heirs of Carantes because there is no law which allows for the conversion of the Certificate of Ancestral Land Titles into titles recognized under the Torrens system.[133]

Petitioner argues that the Land Registration Authority and the Register of Deeds are not authorized to issue Torrens titles to third persons based on Certificates of Ancestral Land Titles.[134] If a member of an Indigenous Cultural Community wishes to obtain a Torrens title instead of a Certificate of Ancestral Land Title, the proper remedy is to file a petition pursuant to Commonwealth Act No. 141 of 1936[135] or Act No. 496.[136]

On the other hand, the National Commission on Indigenous Peoples argues that it has the jurisdiction to process and issue the Certificates of Ancestral Land Titles.[137]

It denies the allegations that there was no actual land survey on the land.[138] The heirs of Carantes have identified the boundaries of the land they claim under the principle of self-delineation, which became the basis of the land survey.[139]

Further, the error referred to by petitioner is merely a typographical error, wherein the tie point "NOBLE" was erroneously replaced by station "BAGUIO."[140] National Commission on Indigenous Peoples claims that they can easily rectify this clerical error.[141] In any case, discrepancies discovered in the investigation are inconsequential and they do not affect the actual position of the land surveyed.[142] It further contends that the completion of the survey within two days can be explained by the advancement of technology in land surveying.[143]

Should there be any defect in the technical descriptions of the land, these are relied upon by the National Commission on Indigenous Peoples in good faith. Moreover, any error in the assessment of the documentary evidence, such as the survey, is merely an error of judgment, which cannot be corrected by *certiorari*.[144]

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133 *Id.* at 48.
134 *Id.*
135 *Id.* at 49–50. Commonwealth Act No. 141 (1936), Public Land Act.
136 *Id.* Act No. 496 (1902), Land Registration Act.
137 *Id.* at 267.
138 *Id.* at 278.
139 *Id.*
140 *Id.* at 279.
141 *Id.*
142 *Id.* at 278.
143 *Id.* at 279.
144 *Id.* at 280.

Respondent Dimson argues that there is no truth to petitioner's allegation that the application was approved in haste because it was merely a follow up to a long-pending application previously filed before the Department of Environment and Natural Resources.[145] Moreover, the presumption of regularity in the performance of duties applies in favor of the National Commission on Indigenous Peoples.[146]

Dimson further claims that it is a buyer in good faith and any irregularity which attended the issuance of the ancestral titles should not affect its rights.[147]

Meanwhile, Baguio Country Club alleges that it operates a golf course, part of which is covered by one of the Certificate of Ancestral Land Titles issued to the heirs of Carantes.[148] It claims that it has been in actual, open, continuous, and uninterrupted possession of the land since 1910, and its right of possession was conferred by the Philippine Commission under Commission Resolution No. 20.[149] It avers that being the lawful possessor, administrator, and occupant of the land, it would be affected by the result of the petition.[150]

Baguio Country Club contends that the lands do not have an ancestral character considering that the heirs of Carantes never occupied nor possessed them.[151] On the other hand, it claims that its property rights over the land were existing and vested prior to the enactment of IPRA.[152]

Baguio Country Club further argues that the issuance of the Certificate of Ancestral Land Titles was tainted with fraud, alleging that it was not given notice when the application was filed by the heirs of Carantes.[153] Baguio Country Club claims that as an adjacent landowner and the actual and legal possessor of the land, it should have been notified of the application and required to submit its evidence.[154]

Moreover, the land claimed cannot be alienated because it is already reserved as a public park and place of recreation.[155] Baguio Country Club avers that in *Masweng,* this Court ruled that declaration of the land into forest reservation precludes its conversion into private property.[156]

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145 *Id.* at 354.
146 *Id.* at 354–356.
147 *Id.* at 357–358.
148 *Id.* at 396.
149 *Id.* at 397.
150 *Id.* at 397–398.
151 *Id.* at 399–400.
152 *Id.* at 400.
153 *Id.* at 401.
154 *Id.* at 402.
155 *Id.* at 403–404.
156 *Id.* at 404.

Hotel and Restaurant Association of Baguio, Inc. (Hotel Association) seeks to safeguard the status of the land as forest reservation as to protect the air quality and water availability within Baguio City.[157]

Hotel Association argues that the lots claimed by the heirs of Carantes are beyond the scope of IPRA. It contends that this law should yield to Proclamation No. 10, which declared the Forbes Forest Reservation as a forest reserve.[158] Further, IPRA prohibits the issuance of ancestral titles over land declared as reservation.[159] Citing *Masweng,* Hotel Association likewise contends that this Court already settled that the declaration of the land as forest reservation precludes its conversion to private property.[160]

City Government of Baguio, Bishop Carlito J. Cenzon of the Roman Catholic Diocese of Baguio (Bishop Cenzon), and Baguio Regreening Movement claim that they have legal interest in the case. City Government of Baguio posits that it represents the collective rights and interest of the people over the Forbes Forest Reservation considering that the water availability in Baguio City depends on the reservation.[161] Bishop Cenzon anchors his interest in the case on the adverse effect of the illegal titling to his congregation,[162] while Baguio Regreening Movement seeks the protection of the Forbes Forest Reservation.[163] They assert that without their participation, there can be no final adjudication on the case.[164]

They claim that the Forbes Forest Reservation is indispensable to the survival of Baguio City residents because the reservation is a watershed providing water supply to nearby barangays. There are six pumping stations in the area, operated by the Baguio Water District.[165]

They argue that the National Commission on Indigenous Peoples gravely abused its discretion in issuing the ancestral titles.[166] Citing Sections 56 and 78 of the Indigenous Peoples' Rights Act, they aver that the ancestral delineation must yield to the prior declaration of the reservation.[167] Moreover, Congress intended to exclude Baguio City from the coverage of the law.[168]

Moreover, they maintain that the issuance of the ancestral titles is tainted with fraud because the Carantes have no legitimate ancestral claims

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157 *Id.* at 437.
158 *Id.* at 438.
159 *Id.* at 439, citing IPRA, sec. 7(g).
160 *Id.* at 440.
161 *Id.* at 493.
162 *Id.*
163 *Id.*
164 *Id.* at 493–494.
165 *Id.* at 493.
166 *Id.* at 494–495.
167 *Id.* at 495–496.
168 *Id.* at 497–498.

over the land.[169] They allege that the Department of Environment and Natural Resources issued a certification where neither the name of Lauro Carantes nor his heirs and assigns appear in the listing of 48 original Igorot claimants and other 285 land claimants in Baguio City.[170] Thus, there is no basis to award the ancestral titles in favor of the heirs of Carantes.[171]

While admitting that Baguio City is not exempted from IPRA, Section 78 provides a special rule with respect to Baguio City such that the townsite reservation shall remain a reservation unless reclassified through legislation, which is not present in this case.[172] In any case, the Forbes Forest Reservation is deemed excluded pursuant to Section 78, which respects the validity of prior land rights and titles.[173]

Baguio Water District seeks to join the petition in assailing the validity of the ancestral titles, considering that the groundwater source within the reservation is under threat with the issuance of the titles.[174] The Baguio Water District argues that the land covered by the Forbes Forest Reservation is beyond the scope of IPRA, pursuant to Section 78.[175] Proclamation No. 10 vested a land right in favor of Baguio City, which should prevent the issuance of any ancestral titles over any portion of the reservation.[176]

Citing *Masweng,* Baguio Water District likewise argues that the declaration of forest reservation precludes its conversion to private property under the IPRA.[177]

Lastly, Baguio Flower Festival Foundation (Festival Foundation), an organization of stakeholders of Baguio's Panagbenga Flower Festival, opposes the claim of the heirs over the land in order to preserve the air quality and water resources within the reservation.[178] Festival Foundation further argues the lands covered by the ancestral titles are beyond the scope of IPRA.[179]

On the other hand, the heirs of Carantes oppose the intervention of Baguio Country Club and City Government of Baguio, arguing that they are guilty of forum shopping.[180] The heirs claim that there is already a pending complaint for injunction before the Regional Trial Court in Baguio City

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169 *Id.* at 499–500.
170 *Id.* at 499.
171 *Id.*
172 *Id.* at 501.
173 *Id.*
174 *Id.* at 537, 541–543.
175 *Id.* at 538.
176 *Id.* at 539
177 *Id.* at 540.
178 *Id.* at 567.
179 *Id.* at 568.
180 *Id.* at 473, 721.

similar to this case.[181] In the injunction case, City Government of Baguio and Baguio Country Club sought to enjoin the Register of Deeds from processing transactions with respect to the ancestral land claimed by the heirs of Carantes.[182] Further, they maintain that the Baguio Country Club is merely a holder of possessory rights.[183]

With respect to Baguio Water District and Hotel Association, the heirs of Carantes likewise argue that they should not be allowed to intervene because this case is an action for reversion commenced on behalf of the State.[184] In any case, the intervention of these personalities is unnecessary because their interest is merely incidental and whatever interest they have is already covered and represented by petitioner. Their intervention will only cause undue delay on the resolution of the case.[185]

National Commission on Indigenous Peoples likewise opposes the motions for intervention. It alleges that the intervenors have no legal standing to participate in the proceedings[186] and this is an action for reversion of land as part of the public domain. This is inconsistent with the interest of Baguio Country Club, which only pertain to the possession of the land.[187] Similarly, the other heirs of Carantes oppose the motions for intervention, arguing that the intervenors do not have actual and material legal interest to participate in the case and the intervention would only result to undue delay.[188]

The issues for this Court's resolution are the following:

1) Whether or not the Court of Appeals erred in dismissing the petition for *certiorari* on procedural grounds. Subsumed under this issue are the following:

    a) Whether or not the petitioner is an indispensable party;
    b) Whether or not the petition for *certiorari* is the proper remedy of petitioner;

2) Whether or not the National Commission on Indigenous Peoples has the jurisdiction to issue the ancestral titles; Subsumed under this issue are the following:

    a) Whether or not Baguio City is exempt from the coverage of Indigenous Peoples' Rights Act, pursuant to Section 78;

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181 *Id.* at 473.
182 *Id.*
183 *Id.* at 478.
184 *Id.* at 723.
185 *Id.* at 479, 724.
186 *Id.* at 588, 642.
187 *Id.* at 588.
188 *Id.* at 663–664.

b) Whether or not the ancestral titles were fraudulently issued;
c) Whether or not the subsequent issuance of Torrens titles on the basis of the ancestral titles is valid.

I

Actions *in rem* are directed "against the thing itself."[189] Proceedings of this nature are binding upon the whole world. Hence, the courts do not need to acquire jurisdiction over parties in *in rem* actions.[190] In *Villagracia v. Fifth Shari'a District Court*,[191] we held:

> [J]urisdiction over the person is not necessary for a court to validly try and decide actions *in rem*. Actions *in rem* are "directed against the thing or property or status of a person and seek judgments with respect thereto as against the whole world." In actions *in rem*, the court trying the case must have jurisdiction over the *res*, or the thing under litigation, to validly try and decide the case. Jurisdiction over the *res* is acquired either "by the seizure of the property under legal process, whereby it is brought into actual custody of the law; or as a result of the institution of legal proceedings, in which the power of the court is recognized and made effective." In actions *in rem*, summons must still be served on the defendant but only to satisfy due process requirements.[192] (Citations omitted)

Nevertheless, to satisfy due process requirements, jurisdiction over the parties in actions *in rem* is required.[193] We explained in *De Pedro v. Romasan Development Corp.* that:

> Jurisdiction over the parties is required regardless of the type of action — whether the action is *in personam, in rem,* or *quasi in rem*.
>
> In actions *in personam*, the judgment is for or against a person directly. Jurisdiction over the parties is required in actions *in personam* because they seek to impose personal responsibility or liability upon a person.
>
> Courts need not acquire jurisdiction over parties on this basis in *in rem* and *quasi in rem* actions. Actions *in rem* or *quasi in rem* are not directed against the person based on his or her personal liability.
>
> Actions *in rem* are actions against the thing itself. They are binding upon the whole world. *Quasi in rem* actions are actions involving the status of a property over which a party has interest. *Quasi in rem* actions are not binding upon the whole world. The affect only the interests of the particular parties.

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189 *De Pedro v. Romasan Development Corp.*, 748 Phil. 706, 725 (2014) [Per J. Leonen, Second Division].
190 *Id.*
191 734 Phil. 239 (2014) [Per J. Leonen, Third Division].
192 *Id.* at 263.
193 *De Pedro v. Romasan Development Corp.*, 748 Phil. 706 (2014) [Per J. Leonen, Second Division].

> However, to satisfy the requirements of due process, jurisdiction over the parties in *in rem* and *quasi in rem* actions is required.
>
> The phrase, "against the thing," to describe *in rem* actions is a metaphor. It is not the "thing" that is the party to an *in rem* action; only legal or natural persons may be parties even in *in rem* actions. "Against the thing" means that resolution of the case affects interests of others whether direct or indirect. It also assumes that the interests — in the form of rights or duties — attach to the thing which is the subject matter of litigation. In actions *in rem*, our procedure assumes an active vinculum over those with interests to the thing subject of litigation.
>
> Due process requires that those with interest to the thing in litigation be notified and given an opportunity to defend those interests. Courts, as guardians of constitutional rights, cannot be expected to deny persons their due process rights while at the same time be considered as acting within their jurisdiction.
>
> Violation of due process rights is a jurisdictional defect. This court recognized this principle in *Aducayen v. Flores*. In the same case, this court further ruled that this jurisdictional defect is remedied by a petition for *certiorari*.[194] (Citations omitted)

Similarly, in *Civil Service Commission v. Rasuman*, we ruled that in an action *in rem*, such as petition for cancellation or correction of entries in the civil registry, summons must "be served not for the purpose of vesting the courts with jurisdiction, but to comply with the requirements of fair play and due process to afford the person concerned the opportunity to protect his interest if he so chooses."[195]

Thus, we held that the Civil Service Commission, who is an indispensable party, should have been impleaded in the case and sent a personal notice to comply with the requirements of fair play and due process. Failure to implead an indispensable party cannot be cured by notice through publication.; thus:

> While there may be cases where the Court held that the failure to implead and notify the affected or interested parties may be cured by the publication of the notice of hearing, such as earnest efforts were made by petitioners in bringing to court all possible interested parties, the interested parties themselves initiated the correction proceedings, there is no actual or presumptive awareness of the existence of the interested parties, or when a party is inadvertently left out, none of them applies in respondent's case.
>
> In this case, while respondent impleaded the BOC when he amended his petition for correction of entry, he did not implead the CSC. To stress, the CSC is the central personnel agency of the government and, as such, keeps and maintains the personal records of all officials and employees in the civil service. Notwithstanding that respondent knew that

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194 *Id.* at 725–726.

195 *Civil Service Commission v. Rasuman*, 853 Phil. 690, 699 (2019) [Per J. Peralta, Third Division].

> the correction of his date of birth would have an effect on the condition of his employment, he still did not exert earnest efforts in bringing to court the CSC, and there is no showing that the CSC was only inadvertently left out. We, therefore, find no basis for the CA's ruling that respondent's case falls under the exceptional circumstances where the failure to implead indispensable parties was excused.[196] (Citation omitted)

Indispensable parties are defined as "parties in interest without whom no final determination can be had of an action shall be joined as plaintiffs or defendants."[197] Failure to implead an indispensable party is sufficient basis to annul a judgment.[198]

An indispensable party is defined in *Philippine National Bank v. Heirs of Estanislao Militar and Deogracias Militar*, as follows:

> An indispensable party is one whose interest will be affected by the court's action in the litigation, and without whom no final determination of the case can be had. The party's interest in the subject matter of the suit and in the relief sought are so inextricably intertwined with the other parties' that his legal presence as a party to the proceeding is an absolute necessity. In his absence there cannot be a resolution of the dispute of the parties before the court which is effective, complete, or equitable.
>
> Conversely, a party is not indispensable to the suit if his interest in the controversy or subject matter is distinct and divisible from the interest of the other parties and will not necessarily be prejudiced by a judgment which does complete justice to the parties in court. He is not indispensable if his presence would merely permit complete relief between him and those already parties to the action or will simply avoid multiple litigation.
>
> There are two essential tests of an indispensable party: (1) can relief be afforded the plaintiff without the presence of the other party?; and (2) can the case be decided on the merits without prejudicing the rights of the other party? There is, however, no fixed formula for determining who is an indispensable party; this can only be determined in the context and by the facts of the particular suit or litigation.[199] (Citations omitted)

In this case, the Republic is an indispensable party and the failure to implead the Republic, through the Solicitor General, voids the decision of the National Commission on Indigenous Peoples. The outcome of the petition of the heirs of Carantes before the National Commission on Indigenous Peoples necessarily affects the status of the land as reservations. Moreover, the land claimed is previously declared as part of public domain. The State then has an interest in the resolution of the petition and its non-

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196 *Id.* at 703–704.

197 RULES OF COURT, Rule 3, sec. 7 provides:
Section 7. Compulsory joinder of indispensable parties. — Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants.

198 *Fernando v. Paguyo*, 836 Phil. 642, 652–653 (2019) [Per J. Caguioa, Second Division].

199 504 Phil. 634, 640–641 (2005) [Per J. Ynares-Santiago, First Division].

participation in the proceedings frustrates the demands of due process.

Further, the participation of the Department of Environment and Natural Resources in the prior application of the heirs of Carantes cannot be regarded as petitioner's participation in the proceedings. The Department of Environment and Natural Resources' role is confined to the processing of the application of ancestral claims. It is not a party which can contest the claim of the heirs. Moreover, the claim of the heirs was not fully assessed and completed before the Department of Environment and Natural Resources when the application was transferred to the National Commission on Indigenous Peoples.

While the petition for issuance of the ancestral titles is an *in rem* proceeding, due process requires that indispensable parties, such as the Republic, must be notified of the proceedings.

Here, there is no showing that petitioner was notified of the resolution of the National Commission on Indigenous Peoples. Thus, it was not given the opportunity to oppose and controvert the claim and evidence presented by the heirs of Carantes. It could not have moved for the reconsideration and appeal the decision of the National Commission on Indigenous Peoples.

II

Baguio City is home to the *Ibaloi* and *Kankanaey* indigenous cultural communities.[200] Throughout the years, the city became the subject of various proclamations, executive orders, and issuances, declaring parts of it into reservations.[201] Shortly after Baguio City was incorporated, the Baguio Townsite Reservation was established through Executive Order No. 37 (1907).[202] The creation of the reservation raised question on what portions of Baguio City were public and private.

To settle the issue, the Director of Lands filed a petition before the Court of Land Registration. This is the General Land case.[203]

The General Land case sought to resolve what portions of the Baguio Townsite Reservation were private and registrable under Act No. 496, otherwise known as the Land Registration Act, as provided for by Act No. 926 or the Public Land Act.[204] Section 62 of the law provides:

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200 *Rollo*, p. 260.
201 *Id.* at 261–263.
202 *Id.* at 262.
203 *Id.* at 263. *See Republic v. Fañgonil*, 218 Phil. 484 (1984) [Per J. Aquino, Second Division].
204 *Id.*

> Section 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 desired to be purchased by the Government of the United states 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.

Pursuant to this, a notice was issued by the Court in 1915 requiring all claimants of lots inside the reservation to file their claims within six months.[205] The case was then transferred to the Court of First Instance of Benguet when the Land Registration Court was abolished.[206]

In 1922, the Court of First Instance promulgated its decision in the General Land case, ruling that the Baguio Townsite Reservation is part of public domain. It held that "all lands within the [Baguio Townsite] Reservation are public lands with the exception of (1) lands reserved for specified public uses and (2) lands claimed and adjudicated as private property."[207] Claims which were not presented within the period were barred forever.[208]

In 1953, Republic Act No. 931[209] was enacted, granting the right to

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205 *Id.* at 264. See *Republic v. Fañgonil*, 218 Phil. 484 (1984) [Per J. Aquino, Second Division].

206 *Id.*

207 *Id.*

208 *Id.*

209 *Id.* Republic Act No. 931 (1953), otherwise known as "An Act to Authorize the Filing in The Proper Court, Under Certain Conditions, Of Certain Claims of Title to Parcels of Land That Have Been Declared Public Land, By Virtue of Judicial Decisions Rendered Within the Forty Years Next Preceding the Approval of This Act," sec. 1 provides:
Section 1. All persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this Act, are hereby granted the right within five years after the date on which this Act shall take effect, to petition for a reopening of the judicial proceedings under the provisions of Act Numbered Twenty-two hundred and fifty-nine, as amended, only with respect to such of said parcels of land as have not been alienated, reserved, leased, granted, or otherwise provisionally or permanently disposed of by the Government, and the competent Court of First Instance, upon receiving such petition, shall notify the Government, through the Solicitor General, and if after hearing the parties, said court shall find that all conditions herein established have been complied with, and that all taxes, interests and penalties thereof have been paid from the time

petition the reopening of the registration proceedings.[210] A petition was then filed seeking to reopen the General Land case and to register a parcel of land within the reservation.[211] The trial court of Baguio City granted the petition.

However, in the 1969 case of *Republic v. Marcos*, this Court set aside the order of the trial court for lack of jurisdiction to grant the reopening of the proceedings because the tract of land sought to be registered does not satisfy the requirements under Republic Act No. 931. In particular, the land was not previously a subject of cadastral proceedings as required by the law and it was already reserved for naval purposes.[212]

On the basis of *Republic v. Marcos*, Presidential Decree No. 1271[213] was issued, which declared that all titles issued as a result of the reopening of the General Land case are deemed void, subject to a few exceptions.[214]

The ruling in *Republic v. Marcos* resonated in subsequent cases.

In the 1984 case of *Republic v. Fañgonil*,[215] claimants filed an application for registration of lots within the Baguio Townsite Reservation pursuant to Act No. 496. In the alternative, they argue that if Act No. 496 is not applicable, then the Public Land Act should permit the registration because they and their predecessors have been in possession of the lots for more than 30 years. The Director of Lands opposed the application and filed motions to dismiss, arguing that the General Land case, which is a proceeding *in rem*, barred all subsequent registration of land within the Baguio Townsite Reservation.

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when land tax should have been collected until the day when the motion is presented, it shall order said judicial proceedings reopened as if no action has been taken on such parcels.

210 *Id.*

211 *Id.* at 264. *See Republic v. Marcos*, 152 Phil. 204 (1973) [Per J. Fernando, *En Banc*].

212 *Id.*

213 Presidential Decree No. 1271 (1977), otherwise known as "An Act Nullifying Decrees of Registration and Certificates of Title Covering Lands Within the Baguio Townsite Reservation issued in Civil Reservation Case No. 1, GLRO Record No. 211 Pursuant to Republic Act No. 931, As Amended, But Considering as Valid Certain Titles of Such Lands That Are Alienable and Disposable Under Certain Conditions and For Other Purposes."

214 *Id.* Presidential Decree No. 1271 (1977), sec. 1 provides:
Section 1. All orders and decisions issued by the Court of First Instance of Baguio and Benguet in connection with the proceedings for the reopening of Civil Reservation Case No. 1, GLRO Record No. 211, covering lands within the Baguio Townsite Reservation, and decreeing such lands in favor of private individuals or entities, are hereby declared null and void and without force and effect; PROVIDED, HOWEVER, that all certificates of titles issued on or before July 31, 1973 shall be considered valid and the lands covered by them shall be deemed to have been conveyed in fee simple to the registered owners upon a showing of, and compliance with, the following conditions:
a. The lands covered by the titles are not within any government, public or quasi-public reservation, forest, military or otherwise, as certified by appropriating government agencies;
b. Payment by the present title holder to the Republic of the Philippines of an amount equivalent to fifteen per centum (15%) of the assessed value of the land whose title is voided as of revision period 1973 (P.D. 76), the amount payable as follows: Within ninety (90) days of the effectivity of this Decree, the holders of the titles affected shall manifest their desire to avail of the benefits of this provision and shall pay ten per centum (10%) of the above amount and the balance in two equal installments, the first installment to be paid within the first year of the effectivity of this Decree and the second installment within a year thereafter.

215 *Republic v. Fañgonil*, 218 Phil. 484 (1984) [Per J. Aquino, Second Division].

The trial judge refused to dismiss the applications, explaining that there was a need to present evidence as to whether or not the applicants were served notice during the pendency of the General Land case.

In dismissing the applications, this Court ruled that the claimants to lands within the reservation were given the chance to register their lands in the General Land case pursuant to Act No. 496. The Court found that the applicants are not Igorot claimants because their applications were not filed on the basis of Act No. 496. Their claims were not anchored "on any purchase or grant from the State nor on possession since time immemorial."[216] Moreover, the Court ruled that a period of more than 50 years barred the applicants from securing relief due to alleged lack of personal notice to their predecessors.[217]

In the 1988 case of *Republic v. Sangalang*,[218] claimant Kiang filed an application for registration under Act No. 496. The application involving a land within the Baguio Townsite Reservation was then granted by the Court of First Instance of Baguio. Thereafter, the Republic assailed the decision of the lower court, contending that it had no jurisdiction over the subject matter.

In reversing the decision, this Court reiterated that the General Land case already settled that claims on lands within the Baguio Townsite Reservation were declared public lands and are no longer registrable under Act No. 496. Thus, the lower court had no jurisdiction to award the title to the applicant.[219]

After a decade of moratorium, Administrative Order No. 504, Series of 1986 was issued, lifting the suspension of award of lands in Baguio City.

The Department of Environment and Natural Resources likewise issued two Special Orders in relation to the issuances of appropriate land titles in the area. In 1990, it released Special Order No. 31, creating a Special Task Force authorized to accept, evaluate, and delineate ancestral land claims within the Cordillera Administrative Region, and to issue appropriate land titles.[220] In 1993, it issued Special Order No. 25, which created another Special Task Force for the identification, delineation, and recognition of ancestral land claims nationwide.[221]

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216 *Id.* at 490.

217 *Id.* at 491.

218 *Republic v. Sangalang*, 243 Phil. 46 (1988) [Per J. Yap, Second Division].

219 *Id.* at 51–52.

220 Department of Environment and Natural Resources, Special Order No. 31 (1990), Creation of a Special Task force on acceptance, identification, evaluation and delineation of ancestral land claims in the Cordillera Administrative Region.

221 Department of Environment and Natural Resources, Special Order No. 25 (1993), Creation of Special

Following these Special Orders, Certificates of Ancestral Domain Claim and Certificates of Ancestral Land Claim were issued by the Department of Environment and Natural Resources to cultural communities and individuals who have a claim over ancestral domains/lands.[222]

A total of 757 applications were filed before the Department of Environment and Natural Resources claiming ancestral lands in Baguio City.[223]

When IPRA was passed in 1997, ancestral land claimants still pursued their claims which were already processed by the Department of Environment and Natural Resources. The National Commission on Indigenous Peoples issued 138 Certificates of Ancestral Land Titles, confirming the claims earlier processed by the Department of Environment and Natural Resources.[224]

IPRA is the result of the State's recognition and promotion of the rights of the Indigenous Cultural Communities/Indigenous People within the framework of the Constitution.[225] Significant provisions with respect to the right to ancestral lands are laid down in our Constitution; thus:

> Article II
> Declaration of Principle and State Policies
>
> . . . .
>
> Section 22. The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.[226]
>
> . . . .
>
> Article XII
> National Economy and Patrimony
>
> . . . .
>
> Section 5. The 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.[227]
>
> . . . .
>
> Article XIII
> Social Justice and Human Rights
>
> . . . .
>
> Section 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the

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Task Forces provincial and community environment and natural resources offices for the identification, delineation and recognition of ancestral land claims nationwide

222 *Cutaran v. Department of Environment and Natural Resources*, 403 Phil. 654 (2001) [Per J. Gonzaga-Reyes, Third Division].

223 *Rollo*, p. 265.

224 *Id.* at 266.

225 IPRA, sec. 2.

226 CONST., art. II, sec. 22.

227 CONST., art. XII, sec. 5.

> disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.
>
> The State may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.[228]

Ancestral domain and ancestral land generally refer to the land and enveloping areas and natural resources claimed and held by Indigenous Cultural Communities/Indigenous Peoples since time immemorial. Section 3 of the IPRA defines ancestral domain and ancestral land; thus:

> a) Ancestral Domains — Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;
>
> b) Ancestral Lands — Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;

Indigenous ownership is anchored on cultural integrity and community ownership. It means that ancestral domains and lands are private and community property of the Indigenous Cultural Communities/Indigenous Peoples "which belongs to all generations and therefore cannot be sold, disposed, or destroyed."[229]

The Indigenous Peoples' right to ancestral domains includes, among

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228 CONST., art. XIII, sec. 6.

229 IPRA, sec. 5.

others, the right to claim part of reservation. Under Section 7(g) of the IPRA:

> Section 7. Rights to Ancestral Domains. — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:
>
> . . . .
>
> g) Right to Claim Parts of Reservations. — The right to claim parts of the ancestral domains which have been reserved for various purposes, except those reserved and intended for common public welfare and service.[230]

The Implementing Rules and Regulations of the law clarifies the application of this provision and declares that the dispossession of ancestral domains/lands by operation of law, executive fiat, or legislative action is a violation of due process. Section 7 lays down the procedure for the reclamation of ancestral domains/lands:

> Section 7. Right to Claim Parts of Reservations. — The dispossession of indigenous peoples from their ancestral domains/lands by operation of law, executive fiat or legislative action constitute a violation of the constitutional right to be free from the arbitrary deprivation of property. As such, ICCs/IPs have the right to claim ancestral domains, or parts thereof, which have been reserved for various purposes.
>
> a. Procedure for Reclaiming Ancestral Domains or Parts Thereof Proclaimed as Reservations.
>
> (1) For purposes of the enforcement of this right, the NCIP shall review all existing Executive Orders, Administrative Orders, Presidential Proclamations covering reservations within ancestral domains to determine the actual use thereof.
>
> (2) Thereafter, it shall take appropriate steps to cause the dis-establishment of the reservation or the segregation and reconveyance of ancestral domains or portions thereof to the concerned ICCs/IPs.
>
> b. Conditions for Continued Use of Ancestral Domains as Part of Reservations. ICCs/IPs communities whose ancestral domains or portions thereof continue to be used as part of reservations, have the right to negotiate the terms and conditions thereof in a Memorandum of Agreement. The ICC/IP community may negotiate for such use, including the grant of benefits such as, but not limited to, preferential use of facilities in the area and free access to basic services being dispensed therefrom, through appropriate IP desks to be established by the administrator of the reservation.[231]

The IPRA recognizes that ancestral domains/lands may have been declared part of reservations created under earlier legislations. The inclusion of an ancestral land as part of a reservation does not preclude the Indigenous

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[230] IPRA, sec. 7(g).

[231] NCIP Administrative Order No. 01-98, otherwise known as the Rules and Regulations Implementing Republic Act No. 8371, part II, sec. 7.

Peoples' right to reclaim the land.

However, these provisions should be read in conjunction with Section 78 of the law, which provides a special application with respect to Baguio City. The section reads:

> 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.[232]

The import of Section 78 was first discussed in the case of *Masweng*. There, the City Government of Baguio issued orders to demolish the illegal structures of private respondents within the Busol Watershed Reservation. Private respondents, however, claimed that their structures stand on ancestral lands and their ownership over the land has been recognized under Proclamation No. 15[233] and recommended by the Department of Environment and Natural Resources to be excluded from the coverage of Busol Forest Reservation.

The National Commission on Indigenous Peoples then issued temporary restraining orders against the demolition and, subsequently, a preliminary injunction in favor of the private respondents. The Court of Appeals upheld the action of National Commission on Indigenous Peoples and ruled that Baguio City is not exempt from the coverage of IPRA.

When the case reached this Court, City Government of Baguio argued that the Busol Forest Reservation is exempt from ancestral claims because it is needed for public welfare. On the other hand, private respondents argued that the reservation is subject to their ancestral land claims. They stress that Proclamation No. 15 which declared the area as forest reserve did not nullify their vested rights over the ancestral land.

In granting the petition, the Court ruled that Section 78 is clear that Baguio City is governed by its own charter. However, this provision "concedes the validity of prior land rights recognized or acquired through any process" before the effectivity of IPRA. The Court then proceeded to resolve whether or not the ancestral land claim was recognized by Proclamation No. 15.

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[232] IPRA, sec. 78.

[233] Proclamation No. 15 (1922), Establishing the Busol Forest Reservation in La Trinidad Township, Baguio City, Mountain Province.

This Court ruled that Proclamation No. 15 is not a definitive recognition of private respondents' ancestral land claim and in fact, it explicitly withdrew the Busol Forest Reservation from sale or settlement. Hence, the reservation is precluded from being converted into private property.

This ruling was reiterated in the subsequent case of *Baguio Regreening Movement v. Masweng*[234] which involved the same reservation. In that case, private respondents filed an action for preliminary injunction to prevent the fencing of the Busol Watershed Reservation. They claimed ancestral ownership of land within the reservation pursuant to Proclamation No. 15. The National Commission on Indigenous Peoples issued a writ of preliminary injunction against petitioners.

Upon appeal, the Court of Appeals upheld the decision of the National Commission on Indigenous Peoples, ruling that government reservations may be subject of ancestral domain claims. The Court of Appeals held that, in fact, Section 58 of IPRA mandates the full participation of Indigenous Cultural Communities/Indigenous Peoples in the maintenance, management, and development of ancestral domains or portions thereof that are necessary for critical watersheds.

In reversing the Court of Appeals' decision, this Court held that the ruling in *City Government of Baguio v. Masweng* applies. On the issue of Baguio City's exemption from IPRA, this Court ruled:

> On petitioners' argument that the City of Baguio is exempt from the provisions of the IPRA and, consequently, the jurisdiction of the NCIP, this Court ruled in [*City Government of Baguio v. Masweng*] that said exemption cannot *ipso facto* be deduced from Section 78 of the IPRA because the law concedes the validity of prior land rights recognized or acquired through any process before its effectivity.[235] (Citations omitted)

In the 2019 case of *Republic of the Philippines v. National Commission on Indigenous Peoples*,[236] the issue was raised again before this Court. Private respondents Pirasos and Abanags filed an application for identification, delineation, and recognition of ancestral land in Baguio City. The National Commission on Indigenous Peoples granted the application and issued Certificates of Ancestral Land Titles in their favor. Two years later, the Republic sought to annul the issuance of the ancestral titles. The Court of Appeals upheld the National Commission on Indigenous Peoples' decision, ruling that Baguio City is not exempt from the coverage of IPRA.

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234 *The Baguio Regreening Movement, Inc. v. Masweng*, 705 Phil. 103 (2013) [Per J. Leonardo-De Castro, First Division].

235 *Id.* at 117.

236 *Republic v. National Commission on Indigenous Peoples*, 863 Phil. 908 (2019) [Per Acting C.J., Carpio, Second Division].

Eventually, this Court reversed the resolution of the National Commission on Indigenous Peoples, and held that it has no legal authority to issue the ancestral titles with respect to land within the townsite reservation of Baguio City. The Court ruled in this wise:

> 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 re-classification 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.[237]

Further, this Court ruled that no ancestral titles may be issued with respect to claims within the Baguio Townsite Reservation before the passage of IPRA. The National Commission on Indigenous Peoples has no power to re-classify the lands previously declared as part of reservation before IPRA because this authority is lodged with the legislative and may only be done by the Congress through law.[238]

Citing the Congressional deliberations, the Court ruled that Section 78 intended that the Charter of Baguio City governs the determination of land rights within Baguio City and it is the intent of the legislators to exempt Baguio City, particularly, the Townsite Reservation, from the coverage of IPRA.

Nevertheless, the Court held that this general rule admits exceptions, in particular, (1) prior land rights and titles recognized and acquired through any judicial, administrative, or other process before the effectivity of the IPRA, as well as (2) territories, which became part of Baguio after the effectivity of the law.

Moreover, this Court ruled that the Pirasos and Abanags are not among the original and additional claimants under the General Land case. Based on the ruling in *Fañgonil*, the claimants' predecessors would have been notified of the reservation and thus, they should have filed their claims within the period.[239]

We reiterate this doctrine.

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[237] *Id.* at 919–920.
[238] *Id.* at 920.
[239] *Id.* at 929.

The text of Section 78 of IPRA is clear. Baguio City is exempted from the coverage of the law, and it must be governed by its City Charter.

As laid down by *Republic v. National Commission on Indigenous Peoples*, the IPRA exempts Baguio City from its coverage considering the proclamation of Baguio Townsite Reservation. The enactment of the law does not invalidate the proclamations and orders which vested property rights. It only covers territories which became part of the Baguio City after its effectivity.

It follows that the National Commission on Indigenous Peoples has no authority to issue ancestral titles over territories declared part of Baguio City prior to the enactment of IPRA. Only when Congress re-classifies these properties through law will the National Commission on Indigenous Peoples have the authority to issue ancestral titles over Baguio City.

Here, the ownership of the heirs of Carantes over the properties which are within Baguio City may not be recognized under IPRA. The heirs of Carantes claim parcels of land within the Baguio City prior to the enactment of the law. As laid down by jurisprudence, these ancestral claims within Baguio City may not be recognized under IPRA.

However, this limitation must be read together with this Court's pronouncement in *Cariño*, which remains an alternative option for registration of land.

In *Cariño*, Mateo Cariño sought for the registration of his land located in Baguio City. He claims that for more than 50 years before the Treaty of Paris, he and his ancestors had continuously held the land as owners. They lived within the land, fenced it, and cultivated it.

On the other hand, the Insular Government argued that Cariño has no rights over the land because Spain had title to all land in the Philippines except when it allowed private titles to be acquired through the decree of 1880. When Cariño failed to register his land within the period, the land he claimed as his is deemed public land. The United States succeeded to this title; hence, Cariño has no property rights which the government should acknowledge.

In granting the land registration in favor of Cariño, the Court held that the land never became public. When land has been held under private ownership, it is presumed to have been held in the same way from before the Spanish conquest. Hence, by proving occupation since time immemorial, the land is presumptively private and the burden of proof shifts to the government to show that the land was ceded to the State. Thus:

> [E]very presumption is and ought to be against the government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land. Certainly in a case like this, if there is doubt or ambiguity in the Spanish law, we ought to give the applicant the benefit of the doubt. Whether justice to the natives and the import of the Organic Act ought not to carry us beyond a subtle examination of ancient texts, or perhaps even beyond the attitudes of Spanish law, humane though it was, it is unnecessary to decide. If, in a tacit way, it was assumed that the wild tribes of the Philippines were to be dealt with as the power and inclination of the conqueror might dictate, Congress has not yet sanctioned the same course as the proper one "for the benefit of the inhabitants thereof."[240]

The Court further held that the purpose of the decree of 1880 was to require the registration "for the adjustment of royal lands wrongfully occupied by private individuals." In this case, it did not appear that the land was royal land or wrongfully occupied. Moreover, Cariño's lack of title under the decree of 1880 does not mean want of ownership. Title is only a proof of ownership. Since Cariño owned the land since time immemorial, the title must be registered.

> It is true that the language [of the decree of 1880] attributes title to those "who may prove" possession for the necessary time and we do not overlook the argument that this means may prove in registration proceedings. It may be that an English conveyancer would have recommended an application under the foregoing decree, but certainly it was not calculated to convey to the mind of an Igorot chief the notion that ancient family possessions were in danger, if he had read every word of it. The words "may prove" (*acrediten*), as well, or better, in view of the other provisions, might be taken to mean when called upon to do so in any litigation. **There are indications that registration was expected from all, but none sufficient to show that, for want of it, ownership actually gained would be lost. The effect of the proof, wherever made, was not to confer title, but simply to establish it, as already conferred by the decree, if not by earlier law. The royal decree of February 13, 1894, declaring forfeited titles that were capable of adjustment under decree of 1880, for which adjustment had not been sought, should not be construed as confiscation, but as the withdrawal of a privilege.** As a matter of fact, the applicant never was disturbed. This same decree is quoted by the court of land registration for another recognition of the common-law prescription of thirty years as still running against alienable Crown land.
>
> It will be perceived that the rights of the applicant under the Spanish law present a problem not without difficulties for courts of a different legal tradition. We have deemed it proper on that account to notice the possible effect of the change of sovereignty and the act of Congress establishing the fundamental principles now to be observed.

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[240] *Cariño v. Insular Government of the Philippine Islands*, 41 Phil. 935, 942 (1909) [Per J. Holmes].

> Upon a consideration of the whole case we are of opinion that law and justice require that the applicant should be granted what he seeks, and should not be deprived of what by the practice and belief of those among whom he lived, was his property, through a refined interpretation of an almost forgotten law of Spain.[241] (Emphasis supplied)

The acknowledgement of ownership over land with the character of immemorial possession is consistent with the demands of due process. Thus:

> The [Organic Act of July 1, 1902] made a bill of rights, embodying the safeguards of the Constitution, and, like the Constitution, extends those safeguards to all. It provides that "no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws." (Sec. 5) In the light of the declaration that we have quoted from section 12, it is hard to believe that the United States was ready to declare in the next breath that . . . it meant by "property" only that which had become such by ceremonies of which presumably a large part of the inhabitants never had heard, and that it proposed to treat as public land what they, by native custom and by long association — one of the profoundest factors in human thought — regarded as their own.
>
> ...
>
> Whatever the law upon these points may be, and we mean to go no further than the necessities of decision demand, every presumption is and ought to be against the government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.[242]

Cariño is often misunderstood to apply only to lands recently considered as part of indigenous cultural communities. However, a judicious reading of the case shows that there is nothing which limits the ruling to this kind of interpretation. Subsequent statutes allowing for the registration and completion of imperfect titles only manifest the effort to finally recognize these rights. These statutory tools should not be used to limit constitutionally conceded rights.

Hence, *Cariño* instructs that the indigenous people may establish their ownership over their lands by proving occupation and possession since time immemorial. This is distinct from the recognition of ancestral rights established under IPRA.

Thus, even if Baguio City is exempt from IPRA's operation, claimants may still pursue registration of title and prove their ownership in accordance

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[241] *Id.* at 943–944.
[242] *Id.* at 940–941.

with *Cariño*. IPRA, as well as the General Land case, is not a forfeiture of ownership of land held since time immemorial. Similar to the decree of 1880, laws and orders promulgated declaring property rights and requiring registration of land does not cede ownership to the State if the claimant successfully proves continuous occupation and possession.

In this case, the heirs of Carantes may file a petition for registration of title over their ancestral land by proving occupation and possession since time immemorial. However, we find that the heirs of Carantes failed to prove this element.

As discovered by the Department of Environment and Natural Resources, the land claimed has not been traditionally occupied by the heirs of Carantes and their ancestors. In fact, the land has been occupied by other individuals with vested property rights, such as the Camp John Hay, Baguio Country Club, and Baguio Water District. Moreover, the land has been declared and recognized as a forest park reservation.

Unlike the claimants in *Cariño*, the heirs of Carantes failed to show that they have been possessing and occupying the land since time immemorial. Hence, there is no presumption that the land is private and no ownership may be recognized in favor of the heirs of Carantes. Thus, given these circumstances, the Certificates of Ancestral Land Titles cannot be issued in favor of the heirs of Lauro Carantes.

ACCORDINGLY, the Petition for Review is **GRANTED.** The Decision and Resolution of the Court of Appeals dated January 30, 2013 and September 10, 2013 respectively in CA-G.R. SP No. 118259 are **SET ASIDE.**

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the court.

ALEXANDER G. GESMUNDO
Chief Justice