



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

GABRIEL B. DICLAS, ANTONIA S. DIANSON, CARLOS ANSIS, JOSEPH A. SOYPAAN, CORAZON SOYPAAN, RITA BIADOR, MERTO SALDET, IMELDA INGOSAN, MYRNA BASANES, GRACE SOLANO, MARCELO CATANES, VALENTINO C. SEC-OPEN, DIXSON S. ANCHES, CARLOS ANCHES, JR. AND FRANCIS QUE, JR.,

G.R. No. 209691

Present:

Petitioners,

LEONEN, J., *Chairperson*,  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR.\* , *JJ*.

Petitioners,

-versus-

MAXIMO BUGNAY, SR.,  
Respondent.

Promulgated:

JAN 16 2023

X-----X

DECISION

LEONEN, J.:

Factual findings of administrative agencies are accorded great weight and respect by this Court absent any clear showing of arbitrariness or manifest misapprehension of the facts that would warrant a different resolution of the case.

\* On leave.

This resolves a Petition for Review on Certiorari<sup>1</sup> filed by Gabriel Diclas, Antonia Dianson, Carlos Ansis (Carlos), Joseph A. Soytaan, Corazon Soytaan, Rita Biador, Merto Saldet, Imelda Ingosan (Imelda), Myrna Basanes (Myrna), Grace Solano (Grace), Marcelo Catanes, Valentino Sec-Open, Dixson Anches, Carlos Anches, Jr., and Francis Que, Jr. (Diclas et al.), challenging the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals that upheld the ruling of the National Commission on Indigenous Peoples. The Commission earlier denied the Petition for Cancellation filed against Maximo Bugnay, Sr.'s (Bugnay, Sr.) in relation to his certificates of ancestral land title.<sup>4</sup>

Diclas et al. are indigenous peoples from the Ibaloi and Kankana-ey tribes of Benguet Province.<sup>5</sup> They claim to be the owners and long-time possessors of the ancestral lands covered by certificates of ancestral land title issued in favor of Bugnay, Sr.

Imelda, Myrna, and Grace, all from the Ibaloi tribe, allege that they are the descendants of a certain Bilag, a member of one of the pioneer *Ibaloi* families.<sup>6</sup> Bilag was a claimant of ancestral lands located in Baguio City. This claim was eventually recognized by President Carlos P. Garcia through Proclamation No. 401,<sup>7</sup> which excluded certain parcels of land from the operation of the Baguio Townsite Reservation.<sup>8</sup>

According to them, their mother Gertude Bilag Ingosan, the matriarch of the Bilag clan, inherited portions of the disputed parcels of land from Bilag. They insist that the Bilag clan has occupied and possessed these parcels of land since time immemorial.<sup>9</sup>

The rest of Diclas et al. from the Kankana-ey tribe also trace their ownership over the disputed parcels of land from Bilag. They aver that Bilag invited members of their tribe, namely the Laguyo and Angluben brothers, who in turn asked their relatives to help him work on his land. As a result of their loyalty and hard work, Bilag subdivided his land and donated portions of it to the Kankana-ey tribe. They have since utilized and cultivated the land. They claim that they have permanently stayed in the land given to them by Bilag and have openly claimed it as their own. They have erected their houses on the land and buried their ancestors in tombs beside these houses. They also

---

<sup>1</sup> *Rollo*, pp. 28-100.

<sup>2</sup> *Id.* at 9-21. The April 16, 2013 Decision in CA-G.R. SP No. 113323 was penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla (a former member of this Court) of the Eight Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 23-25. The October 11, 2013 Resolution in CA-G.R. SP No. 113323 was penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla (a former member of this Court) of the Eight Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 12.

<sup>5</sup> *Id.* at 344.

<sup>6</sup> *Id.*

<sup>7</sup> Proclamation No. 401 (1957).

<sup>8</sup> *Rollo*, p. 344.

<sup>9</sup> *Id.*



allege that notwithstanding their long occupation of the land, they failed to secure a certificate of title due to the declaration of Baguio City as a townsite reservation.<sup>10</sup>

Diclas et al. claim that prior to the regime of the Indigenous People's Rights Act of 1997,<sup>11</sup> paper title over ancestral lands in Baguio City may only be acquired through the filing of a townsite sales application. As such, they filed their townsite sales applications before the Department of Environment and Natural Resources. After investigation and evaluation, the Administrative Order No. 504 Committee of the Department of Environment and Natural Resources Cordillera Administrative Region issued preclearance profiles,<sup>12</sup> certifying that the lands applied for by them were outside any ancestral land claims.<sup>13</sup> By virtue of these certifications, orders of award were issued to some of them over the lots they respectively applied for.<sup>14</sup> Others had bid for their applied lots and paid the bid price.<sup>15</sup>

In 2007, Diclas et al. found out that the National Commission on Indigenous Peoples issued four certificates of ancestral land title<sup>16</sup> in favor of Bugnay, Sr. These certificates were later converted into four original certificates of title,<sup>17</sup> covering almost 77,585 square meters of land located in Pinsao, Baguio City.<sup>18</sup>

Claiming to be the actual possessors of the parcels of land, Diclas et al. sought the cancellation of the certificates of ancestral land title through the filing of a Petition for Cancellation before the National Commission on Indigenous Peoples. In their Petition, they alleged that the titles issued to Bugnay, Sr. are void for having been obtained through fraud and stealth and in violation of their right to due process. They claimed that Bugnay, Sr. failed to comply "with the mandatory requirements for the delineation and recognition of ancestral lands laid down by law."<sup>19</sup>

To prove their long-time possession and occupation, Diclas et al. submitted copies of the following pieces of evidence, namely: (1) photos of the improvement they have constructed, their residential houses, and tombs of their predecessors-in-interest; (2) tax declarations; (3) townsite sales application; (4) orders of award; (5) original certificate of title of Carlos; and (6) affidavits of several individuals.<sup>20</sup>

---

<sup>10</sup> Id. at 344-346.

<sup>11</sup> Republic Act No. 8371 (1997).

<sup>12</sup> *Rollo*, pp. 346-347.

<sup>13</sup> Id. at 10.

<sup>14</sup> Id. at 347.

<sup>15</sup> Id. at 10.

<sup>16</sup> These include CAR-BAG-0707-000161, CAR-BAG-0707-000162, CAR-BAG-0707-000162, and CAR-BAG-0707-000164.

<sup>17</sup> These refer to Original Certificates of Title Nos. O-CALT-1, O-CALT-2, O-CALT-3, and O-CALT-4.

<sup>18</sup> *Rollo*, p. 349.

<sup>19</sup> Id. at 350.

<sup>20</sup> Id. at 347-348.

Diclas et al. filed a Supplemental Petition, wherein they attached a sketch plan of the disputed area that allegedly shows that they have acquired a vested right over the land. They also submitted a special power of attorney executed in July 2008 by Bugnay, Sr. in favor of Maximo Bugnay, Jr. (Bugnay, Jr.) and a copy of a joint venture agreement in October 2008 between Bugnay, Jr. and Bi-Centennial Development, Inc.<sup>21</sup> They claim that the execution of both the special power of attorney and joint venture agreement and their annotation to the original certificates of title of Bugnay, Sr. constitute a violation of the rule against transfer of ancestral lands to a nonmember of indigenous peoples.<sup>22</sup>

In his defense, Bugnay, Sr. claimed longtime possession and occupation of the subject parcels of land. He traced his ancestral lineage from his great grandfather Belting, an Ibaloi from Baguio City. He maintained that the parcels of land are part of a wide tract of land possessed and occupied by his family. In 1963, he even caused the survey of the land, which yielded to the five separate survey plans.<sup>23</sup>

According to Bugnay, Sr., he had filed an application with the Special Task Force on Ancestral Lands in 1990 for the recognition of their ancestral domain. He followed up his application in 1996 but was not immediately acted upon due to the enactment of the Indigenous Peoples' Rights Act. The Department of Environment and Natural Resources advised him to withdraw his application since jurisdiction over his claim was transferred to the National Commission on Indigenous Peoples.<sup>24</sup>

Bugnay, Sr. alleged that upon the withdrawal of his application, Diclas et al. filed their townsite sales applications with the Administrative Order No. 504 Committee against which he filed protests. He likewise filed complaints with the barangay and the Anti-Squatting and Anti-Illegal Structures Committee upon discovering that Diclas et al. were constructing illegal structures on his land. After several hearings, the Committee issued a recommendation or notice of demolition of the structures illegally constructed by Diclas et al.<sup>25</sup>

In its Decision, the National Commission on Indigenous Peoples denied the Petition for Cancellation filed by Diclas et al.<sup>26</sup> It held that they failed to prove that they have acquired vested rights over the parcels of land. It further noted that since Baguio City is a townsite reservation, Diclas et al. must apply

---

<sup>21</sup> Id. at 11.

<sup>22</sup> Id. at 338-340.

<sup>23</sup> Id. at 417-418. These survey plans were Psu-220964, Psu-220965, Psu-220966, Psu-220967, and Psu-220968.

<sup>24</sup> Id. at 418.

<sup>25</sup> Id. at 418-420.

<sup>26</sup> Id. at 12.

for a townsite sales application to obtain title. However, records did not show that they have complied with all the requirements for the approval of a townsite sales application. It also held that their long-time possession was insufficient to vest them with ownership “and establish in their favor a paramount right to the property.”<sup>27</sup>

Diclas et al. filed a Motion for Reconsideration, which was denied on February 22, 2010.<sup>28</sup>

Dissatisfied with the Decision, Diclas et al. filed a Petition for Review before the Court of Appeals.<sup>29</sup>

In a Resolution, the Court of Appeals dismissed their Petition due to procedural infirmities. Diclas et al. then filed a Motion for Reconsideration, attaching therewith their Amended Petition for Review. The Court of Appeals resolved to grant their Motion and admitted their Amended Petition for Review in the interest of justice.<sup>30</sup>

In their amended Petition, Diclas et al. raised that: (1) they have acquired vested rights over the parcels of land by reason of their open, continuous, exclusive, and notorious occupation and possession and (2) their right to due process was violated when the procedural requirements under the Indigenous Peoples’ Rights Act were not strictly complied with by Bugnay, Sr.<sup>31</sup>

For his part, Bugnay, Sr. contended that he had complied with the procedure for the issuance of his certificates of ancestral land title. He likewise claimed that the contentions of Diclas et al. contradict those alleged by them in their original Petition filed with the National Commission on Indigenous Peoples.<sup>32</sup>

In its Decision,<sup>33</sup> the Court of Appeals denied the Petition for Review filed by Diclas et al.

The Court of Appeals accorded great weight to the factual findings of the National Commission on Indigenous Peoples, noting that it possesses expertise over issues falling within its jurisdiction.<sup>34</sup> Accordingly, it affirmed its finding that Diclas et al. failed to prove their vested rights over the parcels of land as further demonstrated by their failure to comply with the

---

<sup>27</sup> Id. at 14.

<sup>28</sup> Id. at 12.

<sup>29</sup> Id. at 35.

<sup>30</sup> Id. at 12.

<sup>31</sup> Id. at 13.

<sup>32</sup> Id.

<sup>33</sup> Id. at 9–21.

<sup>34</sup> Id. at 20–21.

requirements for a townsite sales application. It also observed that unlike the application of Bugnay, Sr. for the recognition of his ancestral land filed as early as 1990, the townsite sales applications of Diclas et al. were only lodged between 1995 and 2003. It explained that these circumstances, coupled with the issuance of the certificates of ancestral land title in favor of Bugnay, Sr., confirm that the latter has a better right over the disputed properties.<sup>35</sup>

As to the alleged noncompliance with the procedural requirements, the Court of Appeals found that Bugnay, Sr. had substantially complied with the requirements for the issuance of his certificates of ancestral land title. It noted that Bugnay, Sr. submitted the correct application form; that his application was accompanied by supporting documents, such as pictures and the required genealogical verification survey; and that ocular inspections were conducted before his application was submitted to the director of the National Commission on Indigenous Peoples for evaluation. It also emphasized that the withdrawal and repudiation of the affidavits of two disinterested persons submitted by Bugnay, Sr. had no effect on the findings of the Commission since the procedural requirements have been substantially complied with.<sup>36</sup>

Finally, the Court of Appeals rejected the argument of denial of due process. It ruled that the publication of the application of Bugnay, Sr. in the *Junction*, a newspaper of general circulation, constitutes substantial compliance with the procedural requirements. It considered the purpose of the publication requirement, which is “to require all persons concerned, who may have any rights or interests in the property applied for, to appear in court at a certain date and time to show cause why the application should not be granted.”<sup>37</sup>

The Motion for Reconsideration filed by Diclas et al. was denied on October 11, 2013.<sup>38</sup>

Aggrieved, Diclas et al. filed this present Petition for Review.

Petitioners contend that compliance with the requirements for a townsite sale application is not a condition *sine qua non* before the National Commission on Indigenous Peoples may recognize their vested rights and native title over their ancestral land. They further claim that since their native title is characterized as preconquest rights to their lands, their ancestral lands are excluded from the Baguio Townsite Reservation.<sup>39</sup>

As evidence of their long time possession and occupation, petitioners

---

<sup>35</sup> Id. at 13–16.

<sup>36</sup> Id. at 20.

<sup>37</sup> Id.

<sup>38</sup> Id. at 23–25.

<sup>39</sup> Id. at 362–376.

allegedly submitted before the Court of Appeals: (1) pictures of their improvements, tombs of their predecessors-in-interest, and residential houses; (2) copies of their tax declarations; (3) copies of clearance profiles issued by the Department of Environment and Natural Resources; (4) copies of their townsite sales applications; (5) copies of orders of award issued to them; and (6) affidavits of petitioners and several other individuals.<sup>40</sup>

Petitioners also allege that respondent committed fraud in securing his certificates of ancestral land title.<sup>41</sup> To buttress this claim, they recount how they inherited the subject parcels of land from their predecessors-in-interest, who occupied the same in the concept of an owner. They describe the improvements appearing on the land consisting of residential houses, plantations, and greenhouses, among others. They likewise stress that the tombs of their ancestors were in the subject property, which corroborates their claim of long-time possession.<sup>42</sup> They assert that respondent failed to refute their narration as to how their ancestors passed down to them the ancestral lands subject of this case.<sup>43</sup>

That respondent is guilty of fraud is further demonstrated by his alleged conflicting representations in his applications. Petitioners note that in respondent's application for recognition of ancestral lands filed in 1990, he applied as "Maximo Edwin" and stated that (1) he has no coheirs, family, and clan members; (2) the land is used for residential purposes; and (3) he was representing the Bugnay Clan. However, in his 1996 application, respondent allegedly applied as "Maximo Bugnay," named his siblings as living coheirs, described the land as being used for agricultural purposes, and stated that he was representing the Biray Clan.<sup>44</sup>

Petitioners maintain that respondent invoked the Bugnay Clan claim because Proclamation No. 401 named Edwin Bugnay as one of the Igorot claimants. However, Edwin Bugnay's claim was identified as Lots 1 and 2 with an area of 12,061 square meters and covered by Survey Plan PSU 148058. Meanwhile, respondent's applications encompassed an area of 112,165 square meters and supported by survey plan PSU-220964-220968.<sup>45</sup>

Petitioners further aver that the residents of Benin (Balite), Barangay Pinsao Proper, Baguio City know that the ancestral claim of the Bugnay Clan was located at the Irisan side of Baguio City and in Buat, Pinsao, Baguio City.<sup>46</sup>

---

<sup>40</sup> Id. at 378--380.

<sup>41</sup> Id. at 351.

<sup>42</sup> Id. at 381-389.

<sup>43</sup> Id. at 380.

<sup>44</sup> Id. at 390.

<sup>45</sup> Id. at 391.

<sup>46</sup> Id.

Petitioners similarly argue that the Court of Appeals erred in ruling that publication alone constitutes substantial compliance, considering that Section 53 of Indigenous Peoples' Rights Act deems both posting and publication as mandatory and jurisdictional requirements that must be complied with.<sup>47</sup>

According to petitioners, respondent's failure to comply with the posting requirement violates their right to due process and results in the nonacquisition of jurisdiction of the Commission over his application. To prove that the posting requirement has not been complied with, petitioners allegedly submitted a certificate issued by the punong barangay of Pinsao, Baguio City, confirming that respondent's application had not been posted in any area of the disputed properties. They add that neither the publication requirement was strictly complied with as only the Petition for the Identification, Delineation, and Recognition of Ancestral Land Claim was published in the *Junction*.<sup>48</sup>

Petitioners also insist that the documents supporting respondent's application were insufficient as he failed to submit the testimony under oath of elders of the community attesting to his long-time possession or occupation of the claimed ancestral lands. They claim that during the investigation conducted by the Ancestral Domains Office, it was discovered that there are third parties occupying the subject parcels of land. They maintain that had the investigation team conducted further inquiry, they would have discovered that the occupants are opposing claimants.<sup>49</sup>

Finally, petitioners aver that the Commission failed to send a notice of inspection to the adjoining lot owners and to conduct parcellary survey in violation of the implementing rules and regulations of the Indigenous Peoples' Rights Act.<sup>50</sup>

For his part, respondent countered that petitioners' allegation of ancestral land claim is a belated assertion not indicated in their Petition for Cancellation filed before the Commission. He maintains that petitioners' initial position, as alleged in their Petition, was that they acquired vested right by virtue of the Administrative Order No. 504 Committee's notations in their townsite sales applications stating that the lands they were applying for are outside any ancestral land claims. He stresses that it was only in their Motion for Reconsideration wherein they specified their alleged ancestral land claim and named Bilag as the source of their right.<sup>51</sup>

Respondent further contends that despite petitioners' allegation of ancestral land claim, they failed to prove the same by presenting evidence,

---

<sup>47</sup> Id. at 352-354.

<sup>48</sup> Id. at 352-362.

<sup>49</sup> Id. at 399-400.

<sup>50</sup> Id. at 402-403.

<sup>51</sup> Id. at 437-440.



such as “approved plans, title[,] or Ancestral Land Application[.]”<sup>52</sup> He also notes that the alleged land claim of Bilag does not appear to be recognized, verified, and delineated by the Commission.<sup>53</sup> This is further demonstrated by the acts of one of Bilag clan’s patriarch, Benjamin Bilag Dimas (Benjamin), who affirmed respondent’s ownership when he assisted the investigators and officers of the Commission during their inspection in the disputed land. Benjamin’s confirmation of respondent’s ownership is not affected by Benjamin’s subsequent execution of an affidavit allegedly recanting his previous affidavit.<sup>54</sup>

Respondent likewise opposes petitioners’ reliance on the Administrative Order No. 504 Committee’s notations. He contends that these notations have been revoked by the Committee’s subsequent issuance of a certification that provides that the lands applied for by petitioners are within the lands covered by respondent’s certificates of ancestral land titles.<sup>55</sup>

He also contends that petitioners’ filing of a townsite sales application implies that they consider the land as public.<sup>56</sup>

As for the alleged noncompliance with Indigenous Peoples’ Rights Act’s requirements, respondent maintains that he was subjected to rigorous processes of interviews and investigation before his certificates of ancestral land titles were issued. He submitted pieces of evidence to establish his genealogy and claim on the property. Additionally, the task force of the National Commission on Indigenous Peoples conducted actual inspection of the area and interviewed people in the locality and adjoining lot owners to verify his ancestral land claim.<sup>57</sup>

He stresses that the reports prepared by the assigned officials and divisions of the National Commission on Indigenous Peoples reveal that he was able to prove his rights over the lands claimed.<sup>58</sup>

Lastly, he adds that he complied with both the posting and publication requirements of the Indigenous Peoples’ Rights Act. According to him, his application was posted at the bulletin board of the offices of the National Commission on Indigenous Peoples and the barangay hall where the lands applied for are situated. His application and the technical description of the lands were likewise published in the *Junction* for two consecutive weeks.<sup>59</sup>

---

<sup>52</sup> Id. at 440.

<sup>53</sup> Id. at 441, 445.

<sup>54</sup> Id. at 444.

<sup>55</sup> Id. at 441.

<sup>56</sup> Id. at 442.

<sup>57</sup> Id. at 423–425.

<sup>58</sup> Id. at 429–434.

<sup>59</sup> Id. at 434.

For this Court's resolution are the following issues:

first, whether or not respondent Maximo Bugnay, Sr. committed fraud in securing his certificates of ancestral land title;

second, whether or not the Court of Appeals erred in ruling that petitioners failed to establish that they have acquired a vested right over the parcels of land subject of this case;

third, whether or not publication alone suffices to vest the National Commission on Indigenous Peoples jurisdiction over respondent's application for the recognition of his ancestral land claim; and

finally, whether or not respondent failed to comply with the mandatory requirements for delineation and recognition of ancestral lands resulting in a violation of petitioners' right to due process.

The Petition has no merit.

## I

This Court notes that the allegations raised by petitioners constitute factual controversies beyond the ambit of a petition for review under Rule 45 of the Rules of Court. The determination of whether respondent committed fraud in securing the certificates of ancestral land title is a factual issue requiring an examination of facts and a review of the evidence involved.<sup>60</sup>

Settled is the rule that only questions of law may be raised in a Rule 45 petition.<sup>61</sup> As “[t]his Court is not a trier of facts,”<sup>62</sup> it will not entertain questions of fact and will accord great weight and respect to the factual findings of administrative bodies, which are recognized as experts in their respective fields.<sup>63</sup>

Absent any showing that these administrative bodies disregarded or misinterpreted significant details or circumstances, we will not disturb their

---

<sup>60</sup> *Taur v. Lawan*, 820 Phil. 26, 59 (2017) [Per J. Leonen, Third Division].

<sup>61</sup> RULES OF COURT, rule 45, sec. 1.

SECTION 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

<sup>62</sup> *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].

<sup>63</sup> *Cabral v. Heirs of Adolfo*, 815 Phil. 243, 256 (2017) [Per J. Tijam, Third Division].

assessment of facts.<sup>64</sup> *Department of Justice v. Nuqui*<sup>65</sup> teaches:

Under the doctrine of conclusiveness of administrative findings of fact, factual findings of quasi-judicial and administrative bodies, when supported by substantial evidence, are accorded great respect and even finality by the courts. The rationale behind this doctrine is that administrative bodies are considered as specialists in their respective fields and can thus resolve the cases before them with dispatch. Absent any clear showing of abuse, arbitrariness, or capriciousness committed on the part of the lower tribunal, its findings of facts are binding and conclusive upon the courts.<sup>66</sup> (Citations omitted.)

Likewise, we explained in *Family Planning Organization of the Philippines, Inc. v. National Labor Relations Commission*:<sup>67</sup>

Well-settled is the rule that the factual findings of administrative bodies are entitled to great weight and these findings are accorded not only respect but even finality when supported by substantial evidence . . . Stated differently, the truth or the falsehood of alleged facts is not for this Court now to re-examine. The probative value of the evidence presented by the litigants or any of them may no longer be inquired into. However, when the inference made or the conclusion arrived at on the basis of a certain state of facts is manifestly mistaken, this Court definitely should step in and exercise its power of review.<sup>68</sup> (Citations omitted.)

There are recognized exceptions to this rule:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record.<sup>69</sup> (Citations omitted.)

Petitioners invoke the last exception and argue that both the National Commission on Indigenous Peoples and the Court of Appeals committed

---

<sup>64</sup> *Lumayna v. Commission on Audit*, 616 Phil. 929, 940 (2009) [Per J. Del Castillo, En Banc].

<sup>65</sup> G.R. No. 237521, November 10, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68016>> [Per J. Leonen, Third Division].

<sup>66</sup> *Id.*

<sup>67</sup> G.R. No. 75907, March 23, 1992 [Per J. Medialdea, First Division].

<sup>68</sup> *Id.*

<sup>69</sup> *Medina v. Asistio, Jr.*, 269 Phil. 225, 232 (1990) [Per J. Bidin, Third Division].

grave abuse of discretion in making factual findings contrary to the evidence on record.<sup>70</sup>

A review of the records reveals that the National Commission on Indigenous Peoples, as affirmed by the Court of Appeals, committed no error in denying petitioners' Petition.

It has been held that “[t]he application for issuance of a Certificate of Ancestral Land Title pending before the National Commission on Indigenous Peoples is akin to a registration proceeding.”<sup>71</sup> Both proceedings have for their purpose the official recognition of a person's ownership over a particular land. The issuance of a certificate of ancestral land title does not equate to an adjudication of ownership but constitutes a recognition of the applicant's vested right over the land “by virtue of [their] and [their] predecessor-in-interest's possession of the property since time immemorial.”<sup>72</sup>

Being analogous to a registration proceeding, the grant of a certificate of ancestral land title may be reviewed or reopened when it was obtained through actual and extrinsic fraud.<sup>73</sup>

*Republic v. Guerrero*<sup>74</sup> elucidates on the definition of actual and extrinsic fraud and distinguishes it from other kinds of fraud:

Fraud is of two kinds: *actual or constructive*. Actual or positive fraud proceeds from an intentional deception practiced by means of the misrepresentation or concealment of a material fact. Constructive fraud is construed as a fraud because of its detrimental effect upon public interests and public or private confidence, even though the act is not done with an actual design to commit positive fraud or injury upon other persons.

Fraud may also be either *extrinsic or intrinsic*. Fraud is regarded as intrinsic where the fraudulent acts pertain to an issue involved in the original action, or where the acts constituting the fraud were or could have been litigated therein. The fraud is extrinsic if it is employed to deprive parties of their day in court and thus prevent them from asserting their right to the property registered in the name of the applicant.

The distinctions assume significance because only actual and extrinsic fraud had been accepted and is contemplated by the law as a ground to review or reopen a decree of registration. Thus, relief is granted to a party deprived of [their] interest in land where the fraud consists in a deliberate misrepresentation that the lots are not contested when in fact they are; or in willfully misrepresenting that there are no other claims; or in deliberately failing to notify the party entitled to notice; or in inducing [them] not to oppose an application; or in misrepresenting about the identity of the lot to

---

<sup>70</sup> *Rollo*, p. 32.

<sup>71</sup> *Lamsis v. Dong-e*, 648 Phil. 372, 393 (2010) [Per J. Del Castillo, First Division].

<sup>72</sup> *Id.* at 394.

<sup>73</sup> *Republic v. Guerrero*, 520 Phil. 296, 309 (2006) [Per J. Garcia, Second Division].

<sup>74</sup> *Id.*

the true owner by the applicant causing the former to withdraw [their] application. In all these examples, the overriding consideration is that the fraudulent scheme of the prevailing litigant prevented a party from having [their] day in court or from presenting [their] case. The fraud, therefore, is one that affects and goes into the jurisdiction of the court.<sup>75</sup> (Emphasis in the original, citations omitted.)

As the party alleging the existence of fraud, petitioners bear the burden of proving that respondent committed actual and extrinsic fraud in obtaining the certificates of ancestral land titles.<sup>76</sup> Petitioners failed to discharge this burden. Other than their bare allegations, they submitted no evidence before this Court in support of their contentions. They failed to convince this Court that they have been the long-time occupants and possessors of the disputed properties, and that respondent made conflicting representations in his application.

While petitioners allegedly presented before the Commission and the Court of Appeals numerous documents to support their allegation of fraud, these documents were not attached in their Petition before this Court.

It must be stressed that “[f]raud cannot be presumed[.]” It must be proven as a matter of fact.<sup>77</sup> Bare allegations, unsubstantiated by any evidence, documentary or otherwise, are insufficient to countenance a review of the factual findings of the National Commission on Indigenous Peoples, as affirmed by the Court of Appeals.<sup>78</sup>

## II

Petitioners likewise failed to prove their vested rights over the disputed parcels of land.

A right or interest over a property is considered vested when it “has become fixed or established, and is no longer open to doubt or controversy[.]”<sup>79</sup>

As expounded in *Benguet Consolidated Mining Co. v. Pineda*:<sup>80</sup>

“Vested right is ‘some right or interest in the property which has become fixed and established, and is no longer open to doubt or controversy.’”

---

<sup>75</sup> Id. at 309.

<sup>76</sup> Id.

<sup>77</sup> Id. at 310.

<sup>78</sup> *LNS International Manpower Services v. Padua, Jr.*, 628 Phil. 223, 228–229 (2010) [Per J. Del Castillo, Second Division].

<sup>79</sup> *Buyco v. Philippine National Bank*, 112 Phil. 588, 591 (1961) [Per J. Paredes, En Banc].

<sup>80</sup> 98 Phil. 711 (1956) [Per J. Reyes, J. B. L., Second Division].

“A ‘vested’ right is defined to be an immediate fixed right of present or future enjoyment, and rights are ‘vested’ in contradistinction to being expectant or contingent”

In Corpus Juris Secundum we find:

“Rights are vested when the right to enjoyment, present or prospective, has become the property of some particular person or persons as a present interest. The right must be absolute, complete, and unconditional, independent of a contingency, and a mere expectancy of future benefit, or a contingent interest in property founded on anticipated continuance of existing laws, does not constitute a vested right. So, inchoate rights which have not been acted on are not vested.”<sup>81</sup> (Citations omitted.)

In this case, petitioners relied on the notation made by the Administrative Order No. 504 Committee on their townsite sales application in insisting that they have acquired vested rights over the disputed property. However, this recommendation, as correctly argued by respondent, was deemed withdrawn by the committee’s subsequent issuance of a certification, which states that the parcels of land applied for are covered by respondent’s certificates of ancestral land titles.<sup>82</sup>

In rejecting petitioners’ claim of vested rights, the National Commission on Indigenous Peoples also observed the following:

The dearth of evidence submitted in this petition utterly fails to convince this Commission that petitioners have acquired vested rights over the subject properties prior to the issuance of the subject titles. These evidence fail to prove that petitioners Myrna Basanes, Grace Solano, Wilma Solano, Joseph Soypan[,], and Gabriel Dielas have complied with all the requirements for the approval of the TSA. None of them have [completed] payment of the bid price, or have shown completion of the conditions of the award. Worse, others have not even shown any proof of bidding and their participation therein, and most of the twenty (20) petitioners did not submit a single document or evidence to their credit. On the other hand, respondents aver that petitioners’ houses and shanties were erected without their authority and that they have initiated complaints before the Baguio City Legal Office for their demolition. Under the circumstances, petitioners’ rights cannot be characterized as fixed, established[,], and no longer open to doubt or controversy.<sup>83</sup>

Neither can they rely on their alleged native title.

The Indigenous Peoples’ Rights Act defines native title as “pre-conquest rights to lands and domains which, as far back as memory reaches,

---

<sup>81</sup> Id. at 722.

<sup>82</sup> *Rollo*, pp. 419, 424.

<sup>83</sup> Id. at 14.

have been held under a claim of private ownership by [indigenous cultural communities and indigenous peoples], have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest.”<sup>84</sup>

Native title recognizes the rights of indigenous cultural communities and indigenous peoples over their ancestral lands and acknowledges that these lands were held by them under a claim of ownership since time immemorial and thus have never to been part of the public domain.<sup>85</sup>

Native title is not a novel concept. It has been recognized in Philippine jurisprudence since the landmark case of *Cariño v. Insular Government*.<sup>86</sup>

*Cariño* tells the story of Mateo Cariño, an Igorot who sought the registration in his name of a land located in the Province of Benguet. To prove his claim, he presented a possessory title and narrated how his ancestors have owned and cultivated the land since long before the Treaty of Paris.<sup>87</sup>

In granting his petition, the United States Supreme Court recognized that lands that have been held by individuals under a claim of private ownership since before Spanish conquest are deemed to have never been part of the public domain:

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. 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 attitude 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.”<sup>88</sup>

*Cariño* did not only recognize the constitutionally protected native title of indigenous groups. It also introduced the notion that “based on native custom and long association, there exists a legal foundation that the ancestral

<sup>84</sup> Republic Act No. 8371 (1997), sec. 3(1).

<sup>85</sup> J. Puno, Separate Opinion in *Cruz v. Secretary of Environment and Natural Resources*, 400 Phil. 904, 971 (2000) [Per Curiam, En Banc]

<sup>86</sup> 41 Phil. 935 (1909) [Per J. Holmes, En Banc].

<sup>87</sup> Id.

<sup>88</sup> Id. at 941.

lands of some native groups within the Philippine archipelago are owned pursuant to private, communal title.”<sup>89</sup>

Indigenous peoples have a distinct understanding of the concept ownership.<sup>90</sup> They consider their lands as communal, which can be utilized by any recognized member of the tribal group:

“Ownership” to the indigenous peoples of the Philippines has been described as the “tribal right to use the land or to territorial control.” Ownership in this sense is equivalent to work. Ceasing to work means losing one’s claim to ownership. In this paradigm, individuals are considered as mere “secondary owners” or “stewards of the land.” Only beings of the spirit world may be the “true and primary or reciprocal owners of the land.” On the other hand, “property” refers to things which require the application of labor or those “produced from labor.”

Indigenous peoples view their lands as communal, which means that it can be used by anybody who is a recognized member of the group. It is regarded as “a collective right to freely use the particular territory.” Indigenous peoples also view land in the “concept of “trusteeship.”” They believed that it is “not only the present generation, but also the future ones, which possess the right to the land.”<sup>91</sup> (Citations omitted.)

In this case, while petitioners assert a better right than respondent, they submitted no evidence before this Court to prove their claim of long-time occupation and possession. The supporting documents that they allegedly submitted before the National Commission on Indigenous Peoples to prove their claim were not attached to their Petition for Review. Additionally, while they represent to be Bilag’s descendants, no proof confirming this allegation was presented. Even the National Commission on Indigenous Peoples declined to resolve the issue:

Petitioners’ claim that their right emanated from the Native Title of Bilag is a new allegation averred for the first time in their motion for reconsideration. Relying basely on mere allegation, the Commission cannot be expected to grant it weight in considering its earlier pronouncement.<sup>92</sup>

Respondent also correctly argued that Bilag’s claim has never been verified. Proclamation No. 401 relied upon by them merely identifies Iloc Bilag as a claimant of a portion of the Baguio Townsite Reservation. It does

---

<sup>89</sup> J. Leonen, Separate Opinion in *Sama y Hinupas v. People*, G.R. No. 224469, January 5, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67108>> [Per J. Lazaro-Javier, En Banc], citing Owen James Lynch, Jr., *Native Title, Private Right and Tribal Land Law: An Introductory Survey*, 57 PHIL. L. J. 268, 279 (1982).

<sup>90</sup> *Republic v. Sadca*, G.R. No. 218640, November 29, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68059>> [Per J. Leonen, Third Division].

<sup>91</sup> J. Leonen, Separate Opinion in *Sama y Hinupas v. People*, G.R. No. 224469, January 5, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67108>> [Per J. Lazaro-Javier, En Banc], citing Owen James Lynch, Jr., *Native Title, Private Right and Tribal Land Law: An Introductory Survey*, 57 PHIL. L. J. 268, 279 (1982).

<sup>92</sup> *Rollo*, p. 441.



not categorically acknowledge any vested right over the disputed parcels of land. Bilag's claim will still be subjected to delineation and verification pursuant to the Indigenous Peoples' Rights Act.

Accordingly, petitioners failed to prove that they have acquired vested right over the parcels of land.

### III

With the third and fourth issues being interrelated and factual in nature, this Court shall discuss them simultaneously.

The Indigenous Peoples' Rights Act was enacted to redress "the 'centuries-old neglect of the Philippine indigenous peoples.' It is considered as 'the principal piece of legislation that would govern with respect to most of the demands of indigenous peoples through their various organizations.'"<sup>93</sup>

The Indigenous Peoples' Rights Act provides for the mechanisms through which the constitutionally protected rights of the indigenous peoples are carried out.

Article XII, Section 5 of the 1987 Constitution states:

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.

On the other hand, the Indigenous Peoples' Rights Act considers as one of its declared policies the protection of the rights of indigenous cultural communities and indigenous peoples over their ancestral domains.<sup>94</sup>

To effectuate this mandate, the law laid down the procedure for the

---

<sup>93</sup> J. Leonen, Separate Opinion in *Sama y Hinupas v. People*, G.R. No. 224469, January 5, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67108>> [Per J. Lazaro-Javier, En Banc], citing Owen James Lynch, Jr., *Native Title, Private Right and Tribal Land Law: An Introductory Survey*, 57 PHIL. L.J. 268, 279 (1982).

<sup>94</sup> Republic Act No. 8371 (1997), sec. 2(b) provides:  
SECTION 2. Declaration of State Policies. — The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:  
b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

identification, delineation, and certification of ancestral lands.

Section 53 of the Indigenous Peoples' Rights Act states that upon the filing of an application for the recognition of ancestral land, the application and its supporting documents shall be posted by the Ancestral Domains Office in a prominent place in the locality for 15 days. The application and supporting documents shall also be published in a newspaper of general circulation once a week for two consecutive weeks. Should there be no newspapers existing in that place, broadcasting in a radio station constitutes a valid substitute. If there are no newspapers and radio stations, mere posting shall be deemed sufficient:

Section 53. Identification, Delineation and Certification of Ancestral Lands.

- a. The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;
- b. Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;
- c. Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 52 (d) of this act, including tax declarations and proofs of payment of taxes;
- d. The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;
- e. Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: Provided, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: Provided, further, That mere posting shall be deemed sufficient if both newspapers and radio station are not available;
- f. Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious,

shall cause a parcellary survey of the area being claimed. The Ancestral Domains office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individual or indigenous corporate claimants, the Ancestral domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and

g. The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate the report submitted. If the NCIP finds such claim meritorious, it shall issue a certificate of ancestral land, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

The implementing rules and regulations<sup>95</sup> of the Indigenous Peoples' Rights Act's provides for a more detailed procedure:

SECTION 7. Delineation of Ancestral Lands. — The procedures for delineation of ancestral lands shall be undertaken by the NCIP Service Center where the land is located, in accordance with the following procedures:

a. Identification of Ancestral Lands within Ancestral Domains. The ICCs/IPs, through their POs and/or Council of Elders, shall be responsible for identifying and establishing ancestral lands within their respective ancestral domains based on their own customs and traditions. With the free and prior informed consent of its members, the community may also allocate portions of the ancestral domain to individuals, families or clans in accordance with their customary laws and traditional practices.

b. Application for Issuance of Certificate of Ancestral Land Title (CALT) over Ancestral Lands within Ancestral Domains. Individuals, families or clans belonging to the concerned ICCs/IPs within certified ancestral domains may apply for Certificate of Ancestral Land Titles over their identified ancestral lands, without going through the formal delineation process and in spite of the issuance of any tenorial instrument issued over the same area before the effectivity of the Act by filling up the appropriate NCIP Form and filing it with the NCIP Service Center.

c. Application for Issuance of Certificate of Ancestral Land Title of Ancestral Lands Outside Ancestral Domains. Claimants of ancestral lands located outside certified ancestral domains may have such ancestral lands officially established by filling up the appropriate NCIP Form and filing it with the NCIP Service Center which has jurisdiction over the land. It shall be accompanied by a testimony under oath of the elders of the ICC/IP who are knowledgeable of such claim and any other documentary proof showing


---

<sup>95</sup> NCIP Administrative Order No. 01-98 (1998), sec. 7.

continuous occupation, utilization or possession of the area since time immemorial which shall be any of the following:

- 1) Written accounts of the ICCs/IPs customs and traditions;
- 2) Written accounts of the ICCs/IPs political structure and institutions;
- 3) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- 4) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
- 5) Survey plans and sketch maps;
- 6) Anthropological data;
- 7) Genealogical surveys;
- 8) Pictures and descriptive histories of traditional communal forests and hunting grounds;
- 9) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
- 10) Write-ups of names and places derived from the native dialect of the community.

d. Notice and Publication. Upon receipt of the application the NCIP Service Center shall cause the publication of such application in accordance with the following procedure:

- 1) The NCIP Service Center shall prepare a copy of the petition and survey or sketch plans, these being the basic documents of the ancestral land claim, including a translation thereof in the native language of the ICCs/IPs concerned;
  - 2) These documents shall be posted in a conspicuous or prominent place within the ancestral land which may be, but not limited to, the tribal hall, the market place or places of worship and the Service Center, Provincial and Regional Offices of the NCIP for at least fifteen (15) days;
  - 3) Whenever available, the basic documents shall also be published in a newspaper of general circulation in the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication; and
  - 4) In areas where no newspapers exist, broadcasting in a radio station could be a valid substitute for publication. In case of broadcast, the same shall be made twice in a week and any opposition may be filed within 15 days from date of last broadcast. If both newspaper and radio station are not available, the mere posting of the basic documents as in stated in sub-paragraph (b) above shall be deemed sufficient and any opposition thereto must be
- 

filed within 15 days from last day of posting.

e. Ocular Inspection and Appreciation of Proof. Within fifteen (15) days after such publication, the NCIP Service Center shall conduct an ocular inspection and investigation thereof. Notices shall be sent to the applicant and owners of adjoining properties at least five days before the scheduled date of ocular inspection.

If the NCIP Service Center finds the same meritorious, it shall request the NCIP Regional Office, for a technical survey of the area. However, it may reject any application for CALT which it finds patently false or fraudulent upon investigation and shall give the applicant due notice of the action taken including the grounds for the denial. Such denial is appealable to the NCIP in accordance with the procedure prescribed herein.

f. Resolution of Conflicting Claims. — In case of conflicting claims, the NCIP Service Center shall refer the same to the Council of Elders/Leaders in the community for settlement. In case of failure of settlement thereat, the NCIP Service Center shall endeavor to cause the contending parties to meet and help them come up with a preliminary resolution of the conflict. Upon the exhaustion of all possible remedies, the same conflict may however be submitted for full adjudication under Section 62 of the Act, in which the Director of Lands may take part to represent the interest of the Republic of the Philippines.

g. Parcellary Survey. — Upon the recommendation of the NCIP Service Center, through the NCIP Provincial Office, the Surveys Division of the NCIP Regional Office shall conduct a parcellary survey of the area. Upon the completion of the survey and approval thereof, the survey returns and the approved survey plan shall be returned to the NCIP Service Center through the Provincial Office.

h. Report of Investigation. — The NCIP Service Center shall prepare a report of its findings, together with the record and the approved survey plan and submit the same to the NCIP Provincial Office. In case of insufficient proof, additional evidences may be required from the applicant.

i. Review by the NCIP Provincial Office. — Upon review by the NCIP Provincial Office and finding the application to be sufficiently proved, the same shall be endorsed to the NCIP Ancestral Domains Office through the NCIP Regional Office.

j. Issuance of Certificate of Ancestral Land Title (CALT). — The ADO shall, within fifteen (15) days from receipt thereof, submit all records of the application to the NCIP which shall in turn, evaluate the application and report submitted, and if it finds the application to be meritorious, issue the corresponding CALT.

To reiterate, a proceeding for the issuance of a certificate of ancestral land title is similar to a land registration proceeding. It is an action that seeks to officially recognize one's claim over an ancestral land.<sup>96</sup> It is an *in rem* proceeding,<sup>97</sup> “the object [of which] is to bar indifferently all who might be

<sup>96</sup> *Lamsis v. Dong-e*, 648 Phil. 372, 393 (2010) [Per J. Del Castillo, First Division].

<sup>97</sup> *Id.*

mind to make an objection of any sort against the right sought to be established.”<sup>98</sup>

Being an action *in rem*, “jurisdiction over the person of the defendant is not a prerequisite to confer” on a tribunal<sup>99</sup> the power and authority to decide the case,<sup>100</sup> provided that it acquires jurisdiction over the *res* or the thing being litigated.<sup>101</sup>

Jurisdiction over the *res* is acquired “by actually or constructively seizing or placing the thing under the [tribunal’s] custody,”<sup>102</sup> which may be effected through the posting and publication of the application<sup>103</sup> for certificate of ancestral land title.

In this case, there is no dispute that respondent’s application was published in the *Junction*, a newspaper of general circulation.<sup>104</sup> However, petitioners argue that respondent’s application was never posted as mandated by the Indigenous Peoples’ Rights Act. Respondent counters that his application was posted at the offices of the National Commission on Indigenous Peoples and the barangay hall of the parcels of land covered by his application.<sup>105</sup>

“Basic is the rule in evidence that the burden of proof lies upon [them] who [assert an allegation], not upon [them who deny], since, by the nature of things, [they who deny] a fact cannot produce any proof of it.”<sup>106</sup>

Being the party who alleges noncompliance with the posting requirement and the nonsubmission of necessary documents, petitioners have the burden to prove their allegations.

However, petitioners again failed to submit before this Court any evidence to support their contentions. They attached no evidence, documentary or otherwise, to prove respondent’s noncompliance and nonsubmission. Such being the case, this Court has no means to ascertain the truthfulness of their claims.

---

<sup>98</sup> *Ang Lam v. Rosillosa*, 86 Phil. 447, 451 (1950) [Per J. Ozaeta, Second Division].

<sup>99</sup> *San Pedro v. Ong*, 590 Phil. 781, 795 (2008) [Per J. Chico-Nazario, Third Division].

<sup>100</sup> *Mitsubishi Motors Phils. Corp. v. Bureau of Customs*, 760 Phil. 954, 960 (2015) [Per J. Perlas-Bernabe, First Division].

<sup>101</sup> *San Pedro v. Ong*, 590 Phil. 781, 795 (2008) [Per J. Chico-Nazario, Third Division]. See also *De Pedro v. Romasan Development Corp.*, 748 Phil. 706 (2014) [Per J. Leonen, Second Division].

<sup>102</sup> *De Pedro v. Romasan Development Corp.*, 748 Phil. 706, 724 (2014) [Per J. Leonen, Second Division].

<sup>103</sup> *Heirs of Lopez v. De Castro*, 381 Phil. 591, 612–613 (2000) [Per J. Ynares-Santiago, First Division].

<sup>104</sup> *Rollo*, p. 20.

<sup>105</sup> *Id.* at 434.

<sup>106</sup> *MOF Co., Inc. v. Shin Yang Brokerage Corp.*, 623 Phil. 424, 436 (2009) [Per J. Del Castillo, Second Division].

This Court emphasizes that the posting of the application for recognition of ancestral land claim and its supporting documents is a jurisdictional requirement that must be complied with.

In this case, no evidence was submitted to support petitioners' contention of noncompliance. We are constrained to rely on the factual findings of the Court of Appeals that respondent had substantially complied with the requirements of the Indigenous Peoples' Rights Act, negating any violation of petitioners' right to due process.

**ACCORDINGLY**, the Petition is **DENIED**. The April 16, 2013 Decision and October 11, 2013 Resolution of the Court of Appeals in CA-G.R. SP No. 113323 are **AFFIRMED**.

**SO ORDERED.**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

WE CONCUR:



**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice

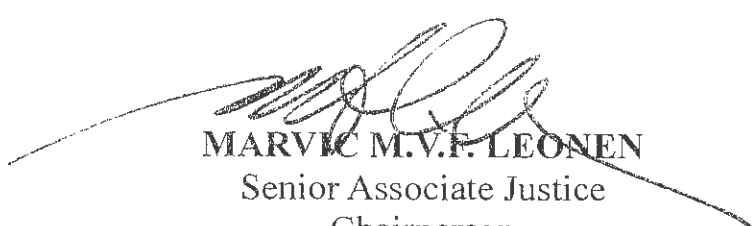


**JHOSEP V. LOPEZ**  
Associate Justice

**On leave**  
**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

I attest 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's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice