



Republic of the Philippines
Supreme Court
Manila

EN BANC

REPUBLIC OF THE G.R. No. 209449
PHILIPPINES, Petitioner, Present:

-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.

GESMUNDO, *Chief Justice*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

July 30, 2024

X-----X

[Signature]

RESOLUTION

LEONEN, J.:

Baguio City is exempted from the coverage of the Indigenous Peoples' Rights Act¹ (IPRA) except for native title to land, that is, ownership since time

¹ Republic Act No. 8371 (1997).

immemorial where the indigenous peoples are still in actual possession of the land.

This resolves the Motions for Reconsideration² of this Court's July 11, 2023 Decision³ granting the Petition for Review on *Certiorari* and setting aside the Decision⁴ and Resolution⁵ of the Court of Appeals. In granting the petition, this Court ruled that Certificates of Ancestral Land Titles cannot be issued in favor of the heirs of Lauro Carantes (heirs of Carantes).

In the July 11, 2023 Decision,⁶ this Court held that Baguio City is exempted from the coverage of the IPRA as Section 78 of the law provides that Baguio City is governed by its own charter.⁷ Consequently, the claim of the heirs of Carantes over properties within Baguio City may not be recognized under IPRA.⁸ However, the Court also held that "the law does not overturn the doctrine laid down in *Cariño v. Insular Government* which recognizes the ownership of land occupied and possessed since time immemorial."⁹

The dispositive portion of the Decision reads:

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.¹⁰ (Emphasis in the original)

Respondents National Commission on Indigenous Peoples¹¹, Heirs of Lauro Carantes and Joan L. Gorio,¹² and Other Heirs of Lauro Carantes¹³ have since filed their respective Motions for Reconsideration which raised substantially the same arguments.

² Rollo, pp. 909-914, 994-1027, 1060-1077.

³ *Republic of the Philippines v. National Commission on Indigenous Peoples*, G.R. No. 209449, July 11, 2023 [Per J. Leonen, *En Banc*].

⁴ Rollo, pp. 63-75. The January 30, 2013 Decision in CA-G.R. SP No. 118259 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Hakim S. Abdulwahid and Marlene Gonzales-Sison of the Court of Appeals, Sixth Division, Manila.

⁵ *Id.* at 77-78. The September 10, 2013 Resolution in CA-G.R. SP No. 118259 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Hakim S. Abdulwahid and Marlene Gonzales-Sison of the Court of Appeals, Sixth Division, Manila.

⁶ *Id.* at 844-890.

⁷ *Id.* at 844.

⁸ *Id.* at 885.

⁹ *Id.* at 844-845.

¹⁰ *Id.* at 888.

¹¹ *Id.* at 1060-1077.

¹² *Id.* at 909-914.

¹³ *Id.* at 994-1029.

Respondents insist that petitioner was not deprived of due process since the Petition for Recognition and Delineation of Ancestral Land Claim of the heirs of Carantes was duly published¹⁴ and petitioner was represented by the Department of Environment and Natural Resources in the proceedings.¹⁵ Respondents maintain that Section 78 does not exclude Baguio City from the coverage of IPRA,¹⁶ and that the heirs of Carantes sufficiently established their occupation and possession over the ancestral land since time immemorial.¹⁷

The Court finds no compelling reason to overturn its July 11, 2023 Decision. The issues raised by respondents have already been duly considered and passed upon by the Court in its assailed Decision.

Nevertheless, it bears stressing that Baguio City is exempted from the coverage of IPRA except for native title, that is, ownership since time immemorial where the indigenous peoples are in open, continuous, and actual possession of the land up to the present.

Native title as defined in IPRA refers to “pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by [indigenous cultural communities/indigenous peoples], have never been public lands[,] and are thus indisputably presumed to have been held that way since before the Spanish Conquest.”¹⁸

In *Federation of Coron, Busuanga, Palawan Farmer’s Association, Inc. v. Secretary of the Department of Environment and Natural Resources*,¹⁹ this Court clarified that the concept of native title is an exception to the Regalian Doctrine:

Pursuant to the Regalian Doctrine (*Jura Regalia*), a legal concept first introduced into the country from the West by Spain through the Laws of the Indies and the Royal Cédulas, all lands of the public domain belong to the State. This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.

....

¹⁴ *Id.* at 1071.

¹⁵ *Id.* at 1023–1024, 1070–1072.

¹⁶ *Id.* at 1010–1012, 1061.

¹⁷ *Id.* at 911–912, 1012–1016, 1065–1070.

¹⁸ IPRA, sec. 3 (1).

¹⁹ 884 Phil. 564 (2020) [Per J. Gesmundo, *En Banc*].

The only exception in the Regalian Doctrine is native title to land, or ownership of land by Filipinos by virtue of a claim of ownership since time immemorial and independent of any grant from the Spanish Crown. In *Cariño v. Insular Government*, the United States Supreme Court at that time held that:

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.²⁰ (Citations omitted)

Although the Court in *Federation of Coron* recognized the validity of native title, it held that petitioners therein still failed to prove actual possession and ownership of the land:

In this case, aside from their bare assertion that they are recipients of the distribution of the lands in Sitio Dipangan and Langka, Brgy. Bintuan, Coron, and Brgy. Sto. Nino, Busuanga, Palawan under the [Comprehensive Agrarian Reform Program], petitioners failed to substantiate their claim of ownership and possession over the same. As properly pointed out by respondents, petitioners have not presented any evidence to prove that they actually occupy the lands much less that the lands are alienable and disposable.²¹ (Citation omitted)

Similarly here, the heirs of Carantes failed to prove the element of occupation and possession of the claimed ancestral land since time immemorial. This was discussed in the assailed Decision as follows:

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.²²

²⁰ *Id.* at 582–583.

²¹ *Id.* at 581.

²² *Rollo*, p. 888.

As this Court stated in the assailed judgment, “indigenous people may establish their ownership over their lands by proving occupation and possession since time immemorial”²³ in accordance with *Cariño v. Insular Government*.²⁴ **Moreover, it is important to note that what is needed for a claim of native title to prevail is proof that the indigenous peoples are in open, continuous, and actual possession of the land up to the present.** The source of right is a vested property right. Therefore, the application for the title is not through the IPRA but through the usual land titling process.

Clearly in this case, the heirs of Carantes are not currently in actual possession of the claimed ancestral lands given that it has been occupied by other individuals with vested property rights, such as Camp John Hay, Baguio Country Club, and Baguio Water District.²⁵

ACCORDINGLY, the Motions for Reconsideration are **DENIED with FINALITY**. The Decision of the Court dated July 11, 2023 is **AFFIRMED**.

No further pleadings or motions shall be entertained in this case.

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

²³ *Id.* at 887.

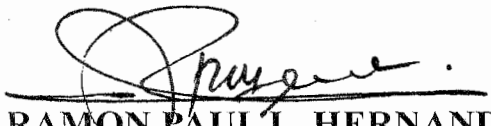
²⁴ 41 Phil. 935 (1909) [Per J. Holmes].

²⁵ *Rollo*, p. 888.


WE CONCUR:

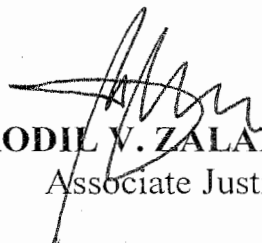

ALEXANDER G. GESMUNDO
Chief Justice

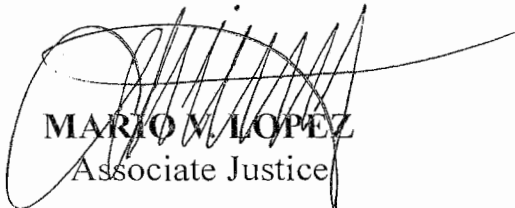

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

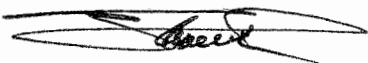

RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice


MARIO N. LOPEZ
Associate Justice

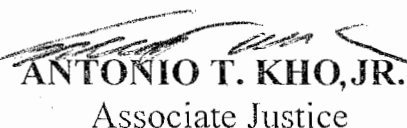

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP N. LOPEZ
Associate Justice


JAFAR B. DIMAAMPAO
Associate Justice

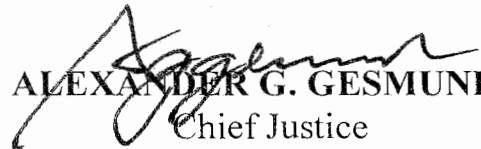

JOSE MIDAS P. MARQUEZ
Associate Justice


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 Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the court.


ALEXANDER G. GESMUNDO
Chief Justice