

**\*\*Title:\*\*** Engineer Ben Y. Lim, et al. vs. Hon. Sulpicio G. Gamosa and Tagbanua Indigenous Cultural Community

**\*\*Facts:\*\***

1. Petitioners, Engr. Ben Y. Lim and various corporations (RBL Fishing, Palawan Aquaculture, and Peninsula Shipyard), were sued by the Tagbanua Indigenous Cultural Community of Coron, Palawan before the National Commission on Indigenous Peoples (NCIP) Regional Hearing Office (RHO) for allegedly violating their rights to Free Prior and Informed Consent (FPIC) and unauthorized intrusion into their ancestral domain.
2. On October 20, 2006, the NCIP issued an order to conduct a preliminary conference and inspect the site claimed by the respondents, leading to a motion by the petitioners to dismiss the case due to alleged lack of jurisdiction, improper service of summons, and lack of cause of action.
3. The NCIP, however, denied the petitioners' motion to dismiss, asserting jurisdiction over the case and noting that the matter of cause of action was premature to resolve at that stage.
4. Discontent with the NCIP's decision, petitioners elevated the matter to the Court of Appeals via a petition for certiorari, arguing NCIP's lack of jurisdiction as they, the respondents, are non-Indigenous Peoples/Cultural Communities.
5. The Court of Appeals denied the petitioners' certiorari, affirming NCIP's jurisdiction, based on Section 66 of the Indigenous Peoples Rights Act (IPRA), which allows NCIP to handle all claims involving ICCs/IPs rights.
6. Unyielding, the petitioners brought the matter to the Supreme Court.

**\*\*Issues:\*\***

1. Does the NCIP have jurisdiction over disputes involving ICCs/IPs even if one party is non-ICC/IP?
2. Did the NCIP properly acquire jurisdiction over the petitioners?
3. Did the respondents have a valid cause of action against the petitioners?

**\*\*Court's Decision:\*\***

1. **\*\*Jurisdiction Over Disputes:\*\***

The Court ruled that NCIP's jurisdiction, as per Section 66 of the IPRA, is limited to disputes

where both parties are members of ICCs/IPs. The Court clarified that NCIP does not possess primary, original, and exclusive jurisdiction over all claims when one party is a non-ICC/IP. The legislative intent was not to exclude regular courts' jurisdiction over disputes involving ICC/IP rights where non-ICC/IPs are involved. Hence, the NCIP does not have jurisdiction in this case as petitioners are non-ICC/IPs.

## 2. **Jurisdiction Over Persons:**

As the NCIP lacked subject matter jurisdiction from the start due to the mixed parties (ICC/IPs and non-ICC/IPs), the question of jurisdiction over the person of the petitioners became moot.

## 3. **Cause of Action:**

The Court did not resolve the issue of the respondents' cause of action due to its ruling on the NCIP's lack of jurisdiction. However, it suggested that the respondents lacked specific allegations to sufficiently establish their representative authority of Tagbanuas and the violations by the petitioners.

## **Doctrine:**

The Supreme Court settled that the NCIP's jurisdiction under Section 66 of IPRA applies to disputes solely among ICCs/IPs, where both parties have exhausted customary remedies. This limited jurisdiction does not extend to disputes involving non-ICCs/IPs, which remain under the purview of regular courts.

## **Class Notes:**

- **Jurisdiction:** Refers to the authority of a court to hear and decide a case. It must be granted by law and must be present from the commencement of proceedings.
- **Exhaustion of Customary Remedies:** As a condition precedent to invoking NCIP's jurisdiction, parties must have attempted resolution under their customary laws.
- **Section 66 of IPRA:** Limits NCIP's dispute resolution authority to ICCs/IPs parties.

## **Historical Background:**

This case is situated in the broader framework of the IPRA enacted to rectify historical injustices faced by Indigenous Peoples in the Philippines by recognizing their rights over ancestral domains. The NCIP was established as an agency to safeguard these rights. However, the jurisdiction of the NCIP vis-à-vis disputes involving non-ICCs/IPs was not clear, prompting this case, which sought to define the bounds of NCIP's adjudicatory powers.