

SHIRLEY CABIGUEN AND ISLAND RESORT GROUP (LEISURE) CORPORATION, PETITIONERS, VS. HEIRS OF CELESTINO TABI REPRESENTED BY ANGELINA TABLAZON AND ATTY. KISSAK BATONG GABAEN, REGIONA...

Ponente: SORONGON, E.D., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8d4379be698b/>

SORONGON, E.D., J.

This Petition for Certiorari[1] assails the Order[2] dated March 22, 2009 of the Regional Hearing Office-IV of the National Commission on Indigenous Peoples (NCIP) in Case No. 015-RIV-09.

The facts as found from the records are as follows:

The case takes its origin from a Complaint[3] for Recovery of Possession, Reconveyance and Cancellation of Special Land Uses Permit (SLUP), filed by the private respondents with the Regional Hearing Office (RHO) of NCIP. In the said complaint, the Heirs of Celestino Tabi averred that their ancestors had occupied, possessed, resided and cultivated as their ancestral land, the land subject of the case known as Ariara Island located in San Miguel, Linapacan, Palawan with a total land area of more or less fifty-two (52) hectares. However, sometime in the year 2006, petitioner Shirley Cabiguen, inveigled the relatives of the private respondents to convey to her a portion of such island consisting of more or less sixteen (16) hectares which she later sold to petitioner Island Resort Group (Leisure) Corporation.

In their Verified Answer[4], herein petitioners argued, among others, that the complaint must be dismissed since the same was not filed by the real party in interest and that the RHO of the NCIP has no jurisdiction over the case since the dispute does not involve an ancestral land.

During the hearing called at the RHO on February 17, 2010, petitioners insisted on the lack of jurisdiction of the RHO to hear and decide the case. The Department of Environment and Natural Resources or PENRO, submitted its Answer/Opposition to the complaint claiming that the area of Ariara Island is not within the ancestral domain occupied by cultural communities/indigenous peoples.[5]

On February 17, 2010, the RHO issued the assailed Order, the dispositive portion of which states:

“WHEREFORE, with the foregoing, the Regional Hearing Office of the NCIP-Region IV has jurisdiction over the subject matter of this case. Atty. Tagle is hereby allowed to withdraw as counsel for the plaintiffs with the advise that he explain his sudden withdrawal to the plaintiffs.

SO ORDERED.”

Petitioners are now before us alleging the following:

- I. THE NCIP-RHO DOES NOT HAVE JURISDICTION BECAUSE:
 - A. IT CANNOT MAKE A FINDING THAT THE SUBJECT PROPERTY IS ANCESTRAL LAND AND/OR PART OF ANCESTRAL DOMAIN WITHOUT COMPLYING WITH CHAPTER VIII OF THE IPRA.

B. THE AGENCY TO MAKE PROPER DETERMINATION OF WHETHER A PROPERTY IS ANCESTRAL LAND AND/OR PART OF ANCESTRAL DOMAIN IS THE ANCESTRAL DOMAINS OFFICE.

C. THE JURISDICTION OF THE NCIP-RHO PERTAINING TO "ACTIONS FOR REDEMPTION/RECONVEYANCE UNDER SECTION 8(B)" OF THE IPRA PRESUPPOSES A PRIOR DECLARATION THAT THE PROPERTY IS AN ANCESTRAL LAND AND/OR PART OF ANCESTRAL DOMAIN. NCIP-RHO HAS NO JURISDICTION OVER THE CASE SINCE NO ANCESTRAL DOMAIN OR LAND IS INVOLVED.

II. THE COMPLAINT WAS NOT FILED BY THE REAL PARTY IN INTEREST.

In fine, two crucial issues are raised by the petitioners and these are: (a) that NCIP has no jurisdiction over the case; and (b) that the complaint was not filed by the real party-in-interest.

Preliminarily, it is worth noting that Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" or the IPRA is a testament to the government's own recognition of the existence of the indigenous cultural communities or indigenous peoples (ICCs/IPs) as a distinct sector in Philippine society. It grants these people the ownership and possession of their ancestral domains and ancestral lands, and defines the extent of these lands and domains.[6] The ownership given is the indigenous concept of ownership under customary law which traces its origin to native title.[7]

In the case of *The City Government of Baguio City vs. Atty. Brain Masweng, et al.*, [8] the Supreme Court discussed the jurisdiction of NCIP and its RHO. We quote the pertinent portion of the decision, thus:

The NCIP is the primary government agency responsible for the formulation and implementation of policies, plans and programs to protect and promote the rights and well-being of indigenous cultural communities/indigenous peoples (ICCs/IPs) and the recognition of their ancestral domains as well as their rights thereto. In order to fully effectuate its mandate, the NCIP is vested with jurisdiction over all claims and disputes involving the rights of ICCs/IPs. The only condition precedent to the NCIP's assumption of jurisdiction over such disputes is that the parties thereto shall have exhausted all remedies provided under their customary laws and have obtained a certification from the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved.

In addition, NCIP Administrative Circular No. 1-03 dated April 9, 2003, known as the Rules on Pleadings, Practice and Procedure before the NCIP, reiterates the jurisdiction of the NCIP over claims and disputes involving ancestral lands and enumerates the actions that may be brought before the commission. Sec. 5, Rule III thereof provides: Sec. 5. Jurisdiction of the NCIP.—The NCIP through its Regional Hearing Offices shall exercise jurisdiction over all claims and disputes involving rights of ICCs/IPs and all cases pertaining to the implementation, enforcement, and interpretation of R.A. 8371, including but not limited to the following:

(1) Original and Exclusive Jurisdiction of the Regional Hearing Office (RHO):

- a. Cases involving disputes and controversies over ancestral lands/domains of ICCs/IPs;
- b. Cases involving violations of the requirement of free and prior and informed consent of ICCs/IPs;
- c. Actions for enforcement of decisions of ICCs/IPs involving violations of customary laws or desecration of ceremonial sites, sacred places, or rituals;
- d. Actions for redemption/reconveyance under Section 8(b) of R.A. 8371; and
- e. Such other cases analogous to the foregoing.

(2) Original Jurisdiction of the Regional Hearing Officer:

- a. Cases affecting property rights, claims of ownership, hereditary succession, and settlement of land disputes, between and among ICCs/IPs that have not been settled under customary laws; and
- b. Actions for damages arising out of any violation of Republic Act No. 8371.

(3) Exclusive and Original Jurisdiction of the Commission:

a. Petition for cancellation of Certificate of Ancestral Domain Titles/Certificate of Ancestral Land Titles (CADTs/CALTs) alleged to have been fraudulently acquired by, and issued to, any person or community as provided for under Section 54 of R.A. 8371. Provided that such action is filed within one (1) year from the date of registration.

The Supreme Court in the aforementioned case also ruled that in order to determine whether the NCIP or the RHO has jurisdiction over a particular dispute, it is necessary to examine the allegations in the complaint filed with the said government office. In fine, the allegations in the petition axiomatically determines the nature of the action and the jurisdiction of a particular tribunal.

Basic as a hornbook principle is that jurisdiction over the subject matter of a case is conferred by law and determined by the allegations in the complaint which comprise a concise statement of the ultimate facts constituting the plaintiff's cause of action. The nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein. The averments in the complaint and the character of the relief sought are the ones to be consulted. Once vested by the allegations in the complaint, jurisdiction also remains vested irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.[9]

In the present case, private respondents' complaint narrates that: (1) they and their ancestors have occupied, possessed, resided and cultivated as their ancestral land, the property subject of this case; (2) sometime in the year 2006, petitioner Shirley Cabiguen duped the relatives of the private respondents to convey to her a portion of such island consisting of more or less sixteen (16) hectares and later sold it to petitioner Island Resort Group (Leisure) Corporation; (3) they are members of the Tagbanua Indigenous Cultural Communities; and (4) they filed the complaint to protect their rights over their land and in order that the portion of their ancestral land be reconveyed to them among others.

From the complaint, private respondents assert their property rights and claim ownership over the subject property by virtue of their being members of ICCs/IPs. Petitioners, however, countered that the RHO has no jurisdiction over the case because the disputed property does not involve land belonging to the ancestral domain. Petitioners argued too that before a member of the ICC/IP can institute a case with the NCIP, it must first be shown that the land subject of the case had already been delineated, classified or identified as an ancestral domain.

Our initial examination of the law reveals that prior delineation, classification or identification of a particular parcel of land is not jurisdictional insofar as the filing of a dispute with the NCIP is concerned. Nonetheless, we shall defer the full discussion of this particular issue as the same is premature pursuant to the doctrine of primary jurisdiction which holds that if a case is such that its determination requires the expertise, specialized training and knowledge of an administrative body, relief must first be obtained in an administrative proceeding before resort to the courts is had even if the matter may well be within their proper jurisdiction.[10] We note that the instant case is still pending with the NCIP-RHO which has yet to issue a decision on the matter. Thus, as the said decision may be possibly brought before this Court via a petition for review, we will let the NCIP resolve this matter on its turf. Addressing that issue here will only tie the hands of the NCIP from issuing its own determination on the matter. At any rate, now that the jurisdiction of the RHO-NCIP to hear and decide the case has already been determined, the best interest of justice and the proper order of procedure dictate that this case should run its normal course within the administrative level.

Anent the locus standi of private respondent Angelina Tablazon, we are of the view that her being a member of the Tagbanua Indigenous Community clothes her with the right to bring to NCIP any issue involving the ownership of the land over which they lay an ancestral claim to. Rule 3, Section 2 of the Revised Rules of Court

provides that a real party-in-interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Jurisprudence teaches that the true meaning of real party-in-interest may be summarized as follows: An action shall be prosecuted in the name of the party who, by the substantive law, has the right sought to be enforced.[11]

On the basis of the foregoing discussions, We affirm the assailed Order of the RHO-IV asserting its jurisdiction over the instant case.

WHEREFORE, the Petition for Certiorari is hereby DISMISSED.

SO ORDERED.

Reyes, Jr., A.B., Chairperson, and Rosario, R.R., JJ., concur.

[1] Rollo, pages 3-28.

[2] Rollo, page 30.

[3] Rollo, pages 31-36.

[4] Rollo, pages 44-60.

[5] Rollo, pages 113-116.

[6] Separate Opinion of Mr. Justice Puno in Puno vs. Secretary of Environment and Natural Resources, et al., G.R. No. 135385, December 6, 2000.

[7] Ibid.,

[8] G.R. No. 180206, February 4, 2009.

[9] Fort Bonifacio Development Corporation v. Domingo, G.R. No. 180765, February 27, 2009, 580 SCRA 397, 404.

[10] G.R. No. 148106, July 17, 2006.

[11] Republic of the Philippines vs. CoalBrine International Philippines, Inc., G.R. No. 161838, April 7, 2010.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.