

BIENVENIDO DELA CERNA (KALI APITONG), VIRGINIA DELA CERNA (BAE SENIGWELAS), ROLANDO DELA CERNA (DATU DAKIT), MARIBETH DELA CERNA (BAE APPLE), & ISAY DELA CERNA (BAE SUNFLOWER), ...

G.R. No. 276187, June 02, 2026

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

Republic Act No. 8371 or the Indigenous Peoples' Rights Act of 1997 preserves the right of indigenous people and cultural communities to use their commonly accepted justice systems and mechanisms. Nonetheless, jurisprudence^[1] has already clarified that the proper courts, instead of the National Commission on Indigenous Peoples (NCIP), shall take cognizance of cases where parties belong to different indigenous cultural communities or when one of the parties is not a member of an indigenous group.^[2]

This Court resolves a Petition for Mandamus with Prayer for Writ of Preliminary Injunction^[3] filed under Rule 65 of the Rules of Court, praying that Judge Joy B. Redoble (Judge Redoble) of Branch 77, Regional Trial Court; Carcar, Cebu be ordered to defer proceedings on Flexcon Manufacturing Corporation's (Flexcon) Petition for Injunction and resolve the Motion to Dismiss filed by Bienvenido Dela Cerna, Virginia Dela Cerna, Rolando Dela Cerna, Maribeth Dela Cerna, "Isay" Dela Cerna, and Jushuane Dela Cerna Alerta (collectively, the Dela Cernas) due to lack of jurisdiction.^[4]

The facts are as follows:

On November 11, 2020, Flexcon, a domestic corporation situated at Purok Tikarol, Barangay Balud, San Fernando, Cebu and represented by its President, Ricson P. Matanlas (Matanlas),^[5] entered into a five-year usufruct contract^[6] with Jocelyn DS. Seo over a 600-meter property in San Fernando, Cebu. Flexcon planned to use the property as its "office, plant, stockyard[,] and staff house."^[7]

Sometime in 2024, the Dela Cernas installed barbed wire barricades around Flexcon's compound, blocking the employees and delivery vehicles of Flexcon from entering and exiting the compound.^[8]

On July 24, 2024, Matanlas discovered that the electric meter inside Flexcon's plant was missing. He then went outside the plant to look for it and was shocked when Rolando Dela Cerna (Rolando) threw a coconut husk at him, almost hitting his head. Rolando also shouted at him: "Buhaon jud ko na and imong ulo ug magawas ka! (I'll axe your head if you go outside!)."^[9]

Two weeks later, Flexcon filed a Petition for Injunction against the Dela Cernas with the Regional Trial Court, praying that they be directed to: (1) remove the illegally installed barricades; (2) stop blocking the egress and ingress to its compound; (3) take down the tarpaulins; and (4) remove the CCTV cameras pointed inside Flexcon's premises.^[10]

In their Answer the Order,[11] the Dela Cernas claimed to be part of an indigenous cultural community/indigenous people (ICC/IP) as they are members of the KKK-Alimaong Higaonon Sugbo-anon tribe.[12] They asserted that their customary laws should be followed, and Flexcon's Petition for Injunction must be dismissed as the NCIP, not the Regional Trial Court, has jurisdiction over the case. The Dela Cernas also prayed for the transfer of the case to the Dadantulan Highest Tribal Court.[13]

On September 4, 2024, the Regional Trial Court granted Flexcon's application for a Temporary Restraining Order[14] and issued a writ of execution upon Flexcon's motion.[15] The pertinent portion of the Regional Trial Court's Order reads:

Respondents and all persons under their direct control and supervision are hereby directed to remove the installed barricades blocking the egress and ingress to and from the premises of petitioner for a non-extendible period of twenty days from today. Bond for the temporary restraining order is set at [PHP] 40,000.00.[16]

A few days later, the Regional Trial Court further ruled that the Dela Cernas failed to prove the juridical personality of KKK-Alimaong Higaonon Sugbo-anon tribe as an ICC/IP recognized under the NCIP. It stated that the NCIP's jurisdiction was limited to disputes involving rights of ICC/IP where both parties belonged to the same group, which was not the case in Flexcon's Petition for Injunction against the Dela Cernas.[17] The relevant portion of the Regional Trial Court's Order reads:

It appears that there is no evident proof of locus standi as to the juridical personality of KKK-Alimaong Higaonon being recognized as an Indigenous Political Structure (JPS) or being duly registered as an Indigenous Peoples' Organization (IPO) under the General Guidelines on the Confirmation of Indigenous Political Structures and the Registration of Indigenous Peoples' Organizations. Thus, absent the Certificate of Registration as an Indigenous Peoples' Organization (IPO) under the NCIP Administrative Order No. 2 Series of 2012, defendants' assertion that this should be brought first to their tribunal and not to the civil court has no merit. Moreover, the NCIP's jurisdiction under the IPRA Law is limited to disputes involving the rights of ICCs/IPs/ where both parties belong to the same ICC/IP and, clearly, such does not apply in this case.[18]

On October 4, 2024,[19] the Sheriff reported the due implementation of the writ of execution with the removal of the barricades from Flexcon's premises.

On October 11, 2024, the Dela Cernas filed the present Petition for Mandamus with Prayer for Writ of Preliminary Injunction[20] before the Court, asserting that the Higaonon Tribe and the Dadantulan Tribal Court has jurisdiction over the case. They also contend that they rightfully sought a Mandamus, given that the Regional Trial Court assumed jurisdiction despite lacking authority over the case.[21]

The Dela Cernas pray for the Court's issuance of a writ of preliminary injunction or preliminary mandatory injunction to defer the proceedings of the Regional Trial Court and order Judge Redoble to resolve the Motion to Dismiss or Set Aside the Temporary Restraining Order dated September 4, 2024.[22]

Meanwhile, the Regional Trial Court on April 23, 2025[23] issued a writ of preliminary injunction conditioned upon Flexcon's posting of an injunction bond. The dispositive portion of the Regional Trial Court's Order reads:

IN VIEW OF ALL THE FOREGOING, let the writ of preliminary injunction be issued upon the posting of an injunction bond in the amount of [PHP] 100,000.00.

Accordingly, respondents Bienvenido Dela Cerna, Virginia Dela Cerna, Rolando Dela Cerna, Maribeth Dela Cerna, Isay Dela Cerna, and Joshuane Dela Cerna Alerta, and all persons acting under their instructions, are hereby ordered to:

- Remove all barricades, fences, and obstructions blocking ingress and egress to the premises of Flexcon

Manufacturing Corporation; and

- Cease and desist from further installation of barricades, barriers, fences, or obstructions that would block the ingress and egress to the premises of Flexcon Manufacturing Corporation; and

- Refrain from harassing any employee of Flexcon[.]

The injunction bond shall answer for any damage that the respondents may suffer should it later be determined that petitioner was not entitled to the injunctive relief.

This writ shall remain in force during the pendency of the case, unless earlier modified or lifted in accordance with the Rules of Court.

Furnish parties and petitioner's counsel with copies of this Order.

SO ORDERED.[24]

Afterward, the Court directed respondents Ricson P. Matanlas, Jocelyn D. Seo, Chunggyong Seo, Marlon Velasquez, Romeo Satemora, and Eljie B. Matanlas (collectively, Matanlas et al.) to comment on the Petition.[25]

In their Joint Comment,[26] Matanlas et al. contend that the Dela Cernas' direct recourse to the Court violated the doctrine of hierarchy of courts.[27]

Second, Matanlas et al. assert that the Petition filed before the Court was not signed by either petitioners or a duly admitted member of the Philippine Bar, making it a mere scrap of paper.[28]

Third, Matanlas et al. point out that the Petition is incoherent and contained "inaccurate and misleading historical assertions"[29] that do not support the Dela Cernas' stated cause of action.[30]

Fourth, Matanlas et al. maintain that the Dela Cernas' prayer for the resolution of their Motion to Dismiss or Set Aside the September 4, 2024 Temporary Restraining Order had been rendered moot, with the Regional / Trial Court treating the Dela Cernas' Answer the Order as an unsigned pleading and striking the same off the records in its September 10, 2024 Order. Further, the expiration of the Temporary Restraining Order on October 23, 2024, or 20 calendar days upon removal of the barricades from Flexcon's premises, also led to the mootness of the Dela Cernas' prayer.[31]

Finally, Matanlas et al. claim that the Dela Cernas greatly erred in their insistence on the application of customary laws and the Indigenous Peoples' Rights Act of 1997 to deprive the Regional Trial Court of jurisdiction over the case, given that they failed to prove that KKK-Alimaong Higaonon Sugbo-anon tribe is a registered Indigenous Peoples' Organization or that the subject lot is part of their ancestral lands or domains.[32]

On September 26, 2025, the Dela Cernas filed their Answer to Notice[33] in compliance with the Court's Resolution dated April 2, 2025.

The two issues for this Court's resolution are: (1) whether the mandamus petition is the proper remedy to take considering the facts of the case; and (2) whether the Regional Trial Court erred in refusing to dismiss the case due to lack of jurisdiction.

I

Under Rule 65, Section 3 of the Rules of Court, a court may issue awrit of mandamus "[w]hen any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled[.]"

Here, petitioners failed to show that respondent Judge unlawfully neglected to perform a ministerial act mandated by law. Judge Redoble's act of issuing the September 4, 2024 Temporary Restraining Order. was not ministerial in nature, but discretionary, as it is related to her exercise of judicial power. In *Sy Ha v. Galang*:^[34]

[M]andamus will not issue to control the exercise of discretion of a public officer where the law imposes upon him the duty to exercise his judgment in reference to any matter in which he is required to act, because it is his judgment that is to be exercised and not that of the court.^[35]

Further, a petition for mandamus requires the presence of a clear legal right accruing to petitioners.^[36] Among the plethora of evidence presented by the parties, only private respondents (Jocelyn DS. Seo, Chunggyong Seo, Marlon Velasquez, Romeo M. Satemora, Eljie B. Matanlas, Grace N. Medalla, Victor N. Medalla, Jr., Atty. Dan Aldwin C. Pepito, Atty. Chris Lloyd Peter A. Buniel, and Atty. Akeem Niño V. Amistad) provided basis for their claim over the subject property. In contrast to the Deed of Absolute Sale and the Department of Agriculture's Certificate of Retention presented by private respondents, petitioners only cited historical treaties to support their claim that the ancestral domain of KKK-Alimaong covered 7,169 islands encompassing 31,804,621 hectares,^[37] effectively the entirety of the Philippines. Clearly, petitioners failed to establish a legal right over the subject property.

Petitioners' direct recourse to the Court also violated the doctrine of hierarchy of courts. While the Court has original jurisdiction over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus, *People v. Cuaresma*^[38] emphasized that the power to issue extraordinary writs of certiorari, prohibition, and mandamus does not exclusively pertain to this Court, but is shared with the Court of Appeals and the Regional Trial Courts.^[39] However, this "concurrence of jurisdiction" does not mean that the parties have full freedom as to the choice of forum.^[40] Rather, the hierarchy of courts must be respected to "ensure that every level of the judiciary performs its designated roles in an effective and efficient manner."^[41]

II

Petitioners' primary contention that the Regional Trial Court lacked jurisdiction over the case and that jurisdiction lay with the NCIP must also be denied.

The jurisdiction of the NCIP is provided under Section 66 of Republic Act No. 8371 or the Indigenous Peoples' Rights Act of 1997:

Sec. 66. Jurisdiction of the NCIP-The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: Provided, however, [t]hat no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/ Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

The NCIP's jurisdiction was also clarified in *Unduran v. Aberasturi*.^[42]

Respondents in *Unduran* claimed exclusive rights over 105.7 hectares of land within Barangay Miarayon, Talakag, Bukidnon, which was located within the ancestral domain of the Talaandig tribe. On the other hand, petitioners that were part of the Talaandig tribe claimed that the contested land formed part of its ancestral domain. Respondents, who were not ICC/IP, claimed lawful ownership and possession over the parcel of land and filed a complaint for recovery of ownership against petitioners.^[43]

The NCIP alleged in *Unduran* that the Regional Trial Court did not have jurisdiction over the complaint and moved to refer it to the Regional Hearing Office of the NCIP. The Regional Trial Court, however, denied the motion for referral and its denial was upheld by the Court of Appeals.^[44]

In upholding the rulings of the lower courts, the Court in *Unduran* explained that the NCIP's jurisdiction was limited to claims and disputes arising between parties belonging to the same ICC/IP:

[C]ontrary to petitioners' contention, the mere fact that this case involves members of ICCs/IPs and their ancestral land is not enough for it to fall under the jurisdiction of the NCIP under Section 66 of the IPRA, to wit:

....

A careful review of Section 66 shows that the NCIP shall have jurisdiction over claims and disputes involving rights of ICCs/IPs only when they arise between or among parties belonging to the same ICC/IP. This can be gathered from the qualifying provision that "no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP."

The qualifying provision requires two conditions before such disputes may be brought before the NCIP, namely: (1) exhaustion of remedies under customary laws of the parties, and (2) compliance with condition precedent through the said certification by the Council of Elders/Leaders. This is in recognition of the rights of ICCs/IPs to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities, as may be compatible with the national legal system and with internationally recognized human rights.[45] (Citations omitted)

Unduran recognized that the only way to meet the condition precedent before a case may be brought to the NCIP was if the parties belonged to the same tribe. It also explained that it would violate the tenets of fair play and due process if a tribe's customary laws, including the Council of Elders, are imposed on a non-tribe member, or if a non-ICC/IP member is governed by an ICC/IP's customary laws.[46]

A Concurring Opinion in *Unduran* further explained the limitation of the NCIP's jurisdiction as follows:

I

The NCIP does not have jurisdiction over cases where one of the parties does not belong to an indigenous cultural community.

Section 38 of the Act created the NCIP to carry out the policies set forth in the Indigenous Peoples Rights Act. Per Section 38, the NCIP "shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as their rights thereto." Section 39 provides for the NCIP's mandate to "protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions."

Chapter IX of the Indigenous Peoples' Rights Act pertains to the quasi-judicial powers of the NCIP. Thus, Section 69 expressly enables the NCIP to exercise powers that are necessary incidents of this quasi-judicial power: the promulgation of rules and regulations; the administration of oaths; the power to summon parties, issue subpoenas, and contempt power; and the power to issue writs of injunction. Section 68 enables the NCIP to issue writs of execution. Section 67 provides for the mode of appeal from decisions of the NCIP. Section 70 bars inferior courts from restraining proceedings in the NCIP. Section 65 establishes a framework for resolving disputes by recognizing the primacy of customary laws and practices.

Section 66 specifically provides for the jurisdiction of the NCIP: SEC. 66. Jurisdiction of the NCIP. — The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: Provided, however, That no such dispute shall be brought to the NCIP unless the parties have

exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

Section 66's grant of jurisdiction is ostensibly cast in absolute terms: "over all claims and disputes involving rights of ICCs/IPs."

However, further into Section 66 are two clauses that qualify the NCIP's jurisdiction. First is the proviso that "no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws." Second is that "a certification ...issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved ...shall be a condition precedent to the filing of a petition with the NCIP."

A cursory reading of these clauses shows that they state a procedural requirement (i.e., exhaustion of remedies under customary law) and a formal requirement (i.e., certification issued by the Council of Elders/Leaders) that must first be complied with before the NCIP may take cognizance of a case. However, these procedural and formal requirements are not all there is to the qualifying clauses of Section 66.

II

Attention must be drawn to the proviso's choice of words. To reiterate, the proviso reads: "Provided, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws."

The proviso uses the plural term "the parties." It also uses the plural "their," which is a possessive pronoun substituting for the noun phrase "the parties."

The use of the plural "the parties" necessarily means that the requirement of exhaustion of remedies provided under customary laws is a requirement that is not exclusive to a singular party.

The basic framework of adversarial litigation, as is the case in our jurisdiction, is one that entails two (2) parties: first, the one initiating or bringing the action (i.e., the plaintiff/complainant/claimant/petitioner); and the one against whom an action is initiated or brought (i.e., the defendant/respondent).

Thus, for Section 66 to say that "the parties" must exhaust all remedies is to say that both plaintiff/ complainant/ claimant/ petitioner, on one hand, and defendant/respondent, on the other, must comply. In a case brought by A against B, both A and B must comply with the requirement.

Had Section 66 intended that compliance with the requirement by only one party shall suffice, it should have used the singular "a party," similar language like "either party," or permissive language like "a/the party/ies." Had Section 66 intended that the requirement must be complied with by a specific party, it should have used specific language like "the petitioner."

One may point out that the plural "the parties" can be taken to mean two or more of several petitioners, or two or more of several respondents where there are multiple petitioners and/or respondents. This interpretation is untenable. Precisely, it would find application only in situations where there are multiple petitioners and/or respondents. To adopt this interpretation would, therefore, be to unduly restrict and to render inutile under general circumstances the requirement of exhaustion of remedies.

III

The phrase "their customary laws" is significant in two respects. First, "their" is a plural possessive pronoun substituting for the noun phrase "the parties." Second, "their" is a possessive determiner indicating possession (or

otherwise a sense of belonging) of the words that follow it.

Section 66's use of the phrase "their customary laws" is, therefore, to say that "the parties" have customary laws. Considering what the phrase "the parties" refers to (as explained previously), it follows that both the petitioner(s) and the respondent(s) must have or adhere to customary laws in order that a case between them may fall under the jurisdiction of the NCIP.[47] (Emphasis in the original, citations omitted)

Finally, we refer to the following requirements laid out in a Concurring Opinion in *Unduran* to summarize the rules on NCIP's jurisdiction over a dispute:

(1)

The claim or dispute must involve the rights of ICCs/IPs;

(2)

Both parties must belong to the same ICC/IP;

(3)

These parties must have exhausted all remedies provided under their ICC/IP's customary laws; and

(4)

Compliance with this requirement of exhausting remedies under customary laws must be evidenced by a certification issued by the Council of Elders/ Leaders who participated in the attempt to settle the dispute, to the effect that the dispute has not been resolved.[48]

ACCORDINGLY, the Petition is DISMISSED for lack of merit.

SO ORDERED.

Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.

Lopez,[*] J., on leave but left a concurring vote.

[*] On leave.

[**] Also spelled as "Romeo Samotera" in some parts of the rollo.

[1] *Unduran v. Aberasturi*, 771 Phil. 536 (2015) [Per J. Peralta, En Banc].

[2] *Id.* at 580.

[3] *Rollo*, pp. 3-157.

[4] *Id.* at 138-139.

[5] *Id.* at 801.

[6] *Id.* at 538-539.

[7] *Id.* at 538.

[8] *Id.* at 553.

[9] *Id.* at 554.

[10] Id. at 801-802.

[11] Id. at 293-313.

[12] Id. at 295.

[13] Id. at 313.

[14] Id. at 328. The Order dated September 4, 2024 docketed as R-CAR-24-00415-CV was penned by Judge Joy B. Redoble of Branch 77, Regional Trial Court 7th Judicial Region, Carcar City.

[15] Id. at 818.

[16] Id. at 328.

[17] Id. at 824-825.

[18] Id.

[19] Id. at 819-820.

[20] Id. at 3-157.

[21] Id. at 121-122.

[22] Id. at 138.

[23] Id. at 821-823.

[24] Id. at 823.

[25] Id. at 796.

[26] Id. at 800-817.

[27] Id. at 803-804.

[28] Id. at 804-807.

[29] Id. at 807.

[30] Id. at 806-807.

[31] Id. at 807-808.

[32] Id. at 808-810.

[33] Id. at 878-922.

[34] 117 Phil. 798 (1963) [Per J. Bautista-Angelo, En Banc].

[35] Id. at 805. (Citation omitted)

[36] *Lihaylihay v. Tan*, 836 Phil. 400, 412 (2018) [Per J. Leonen, Third Division]. (Citation omitted)

[37] Rollo at p. 81.

[38] 254 Phil. 418 (1989) [Per J. Narvasa, First Division].

[39] Id. at 427.

[40] Id.

[41] *Diocese of Bacolod v. COMELEC*, 751 Phil. 301, 329 (2015) [Per J. Leonen, En Banc].

[42] 771 Phil. 536 (2015) [Per J. Peralta, En Banc].

[43] Id. at 554-555.

[44] Id. at 555-557.

[45] Id. at 567-568.

[46] Id. at 568-569.

[47] J. Leonen Concurring Opinion in *Unduran v. Aberasturi*, 771 Phil. 536, 602-606 (2015) [Per J. Peralta, En Banc].

[48] Id. at 619.

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