

**SPOUSES LEONOR AND ROSA BADUA, PETITIONERS, VS.
CORDILLERA BODONG ADMINIS-TRATION, CORDILLERA
PEOPLE’S LIBERATION ARMY, MANUEL TAO-IL, AMOGAO-EN
KISSIP, DALALO ILLIQUES, JUANITO...**

G.R. No. 92649. February 14, 1991

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

Whether a tribal court of the Cordillera Bodong Administration can render a valid and executory decision in a land dispute is the legal issue presented by this petition.

The petitioners, spouses Leonor and Rosa Badua, allegedly own a farm land in Lucaga, Lumaba, Villaviciosa, Abra. In July 1989, they were forcibly ejected from the land by virtue of a "decision" of the Cordillera Bodong Administration in Case No. 0, entitled "David Quema vs. Leonor Badua."

The factual background of the case, as recited in the undated "decision" (Annex A, translation is Annex A-1) is as follows:

In 1966, Quema, as the owner of two parcels of land in Lucaga, Lumaba, Villaviciosa, Abra, evidenced by Tax Declarations Nos. 4997 and 4998 mortgaged said parcels of land for P6,000 to Dra. Erotida Valera. He was able to redeem the land twenty-two (22) years later, on August 14, 1988, long after the mortgagee had already died. He allegedly paid the redemption price of P10,000 to the mortgagee's heir, Jessie Macaraeg.

On the other hand, Rosa Badua alleged that the land was sold to her by Dra. Erotida Valera when she was still alive. However, Rosa could not produce the deed of sale because it is allegedly in the possession of Vice-Governor Benesa.

As Quema was prevented by Rosa Badua from cultivating the land, he filed a case before the Barangay Council, but it failed to settle the dispute. A certain Judge Cacho advised Quema to file his complaint in the provincial level courts. Instead, Quema filed it in the tribal court of the Maeng Tribe. The tribal court conducted a trial on February 19, 1989 and rendered the following decision:

"9. The Maeng Tribal Court, therefore, decides to give the land to DAVID QUEMA and ROSA BADUA and her husband must pay the persons to whom they mortgaged the said land. The Maeng Tribal Court also decides that ROSA BADUA and her husband must reimburse the expenses of DAVID QUEMA in following-up the land case amounting to P2,000.00. The Maeng Tribal Court further decides to penalize ROSA BADUA and her husband in the amount of P5,000.00 for telling the lie that they bought this land from the late DRA. EROTIDA VALERA; for misleading the Maeng Tribal Court which handled the continuation of this case here in Bangued, CBA Provincial Office where they failed to make an appearance; and their illegal acquisition of the said parcel of land. This decision is based on the 'PAGTA.' " (pp. 16--17, Rollo.)

When Leonor and Rosa Badua did not immediately vacate the land, they received on June 30, 1989 a "warning

order" from Ka Blantie, Zone Commander, Abra Zone-1 of the Cordillera People's Liberation Army, thus:

"WARNING ORDER"

"Mr. & MRS. LEONOR BADUA

"A last warning from the armed CPLA of the CBA reiterates the order that you not to interfere any longer with the parcels of land decided in favor of DAVID QUEMA as per 'Court Order' of the Maeng Tribal Court. You are also to pay back the expenses he incurred for the case amounting to P2,000.00 and your fine of P5,000.00.

"Non-compliance of the said decision of the Court and any attempt to bring this case to another Court will force the CPLA to settle the matter, in which case, you will have no one to blame since the case has been settled." (p. 20, Rollo.)

Fearful for his life, Leonor Badua went into hiding. In September 1989, his wife, Rosa, was arrested by the Cordillera People's Liberation Army and detained for two days.

On April 2, 1990, the Baduas filed this petition "for Special and Extraordinary Reliefs" (which may be treated as a petition for certiorari and prohibition) praying that:

1. a writ of preliminary injunction be issued to stop the respondents from enforcing the decision of the Cordillera Bodong Administration, during the pendency of this case;
2. the respondents be prohibited from usurping judicial power and hearing cases; and
3. the legal personality of the Cordillera Bodong Administration and Cordillera People's Liberation Army be clarified.

Petitioners allege that the decision of the Cordillera Bodong Administration is null and void because:

1. petitioners were denied due process or formal hearing; and
2. the Cordillera Bodong Administration has no judicial power nor jurisdiction over the petitioners nor over the private respondent as neither of them are members of the Maeng Tribe.

Upon receipt of the petition, the Court on April 5, 1990 required the respondents to comment, but, unable to serve said resolution on the respondents, the court requested the Philippine Constabulary Commander of the Cordillera Region to do it.

Respondents through counsel, Atty. Demetrio V. Pre, filed their comment on October 26, 1990. They alleged that: the Maeng Tribe is a cultural minority group of Tingguians inhabiting the interior mountain town of Villaviciosa, Abra. The tribe is a part of the Cordillera Bodong Association or Administration whose military arm is the Cordillera People's Liberation Army. The tribal court, or council of elders, is composed of prominent and respected residents in the locality. It decides and settles all kinds of disputes more speedily than the regular courts, without the intervention of lawyers.

Respondents further allege that the proceedings and decisions of the tribal courts are respected and obeyed by the parties, the municipal and barangay officials, and the people in the locality, ostracism being the penalty for, disobedience of, or non-compliance with, the decisions of the council of elders in the areas where tribal courts operate.

Respondents contend that the Supreme Court has no jurisdiction over the tribal courts because they are not a part of the judicial system.

Respondents concede that if the petitioners "want to test the wisdom of the decision of the council of elders," the

petitioners should file the necessary suit, not in the Supreme Court, but in the trial courts, where evidence can be presented. Respondents pray that the decision of the tribal court be maintained and the petition for certiorari and prohibition be dismissed.

After deliberating on the petition and the comment thereon of the respondents, which the Court decided to treat as the latter's answer, the Court finds the petition to be meritorious, hence, resolved to grant the same.

In "Cordillera Regional Assembly Member Alexander P. Ordillo, et al., vs. The Commission on Elections, et al.," G.R. No. 93054, December 4, 1990, the Court en banc, found that in the plebiscite that was held on January 23, 1990 pursuant to Republic Act 6766, the creation of the Cordillera Autonomous Region was rejected by all the provinces and city[*] of the Cordillera region, except Ifugao province, hence, the Cordillera Autonomous Region did not come to be.

"Resolution No. 2259 of the Commission on Elections, insofar as it upholds the creation of an autonomous region, the February 14, 1990 memorandum of the Secretary of Justice, the February 5, 1990 memorandum of the Executive Secretary, Administrative Order No. 160, and Republic Act No. 6861 are declared null and void while Executive Order No. 220 is declared to be still in force and effect until properly repealed or amended."

As a logical consequence of that judicial declaration, the Cordillera Bodong Administration created Under Section 13 of Executive Order No. 220, the indigenous and special courts for the indigenous cultural communities of the Cordillera region (Sec. 1, Art. VII, Rep. Act 6766), and the Cordillera People's Liberation Army, as a regional police force or a regional command of the Armed Forces of the Philippines (Secs. 2 and 4, Article XVIII of R.A. 6766), do not legally exist.

Since the Cordillera Autonomous Region did not come into legal existence, the Maeng Tribal Court was not constituted into an indigenous or special court under R.A. No. 6766. Hence, the Maeng Tribal Court is an ordinary tribal court existing under the customs and traditions of an indigenous cultural community.

Such tribal courts are not a part of the Philippine judicial system which consists of the Supreme Court and the lower courts which have been established by law (Sec. 1, Art. VIII, 1987 Constitution). They do not possess judicial power. Like the pangkats or conciliation panels created by P.D. No. 1508 in the barangays, they are advisory and conciliatory bodies whose principal objective to bring together the parties to a dispute and persuade them to make peace settle, and compromise.

An amicable settlement, compromise, and arbitration award rendered by a pangkat, if not seasonably repudiated, has the force and effect of a final judgment of a court (Sec. 11, P.D. 1508), but it can be enforced only through the local city or municipal court to which the secretary of the Lupon transmits the compromise settlement or arbitration award upon expiration of the period to annul or repudiate it (Sec. 14, P.D. 1508). Similarly, the decisions of a tribal court based on compromise or arbitration, as provided in P.D. 1508, may be enforced or set aside, in and through the regular courts only.

WHEREFORE, finding the petition to be meritorious, the same is hereby GRANTED. The decision rendered on February 18, 1989 by the Maeng Tribal Court in Case No. 0, entitled "David Quema vs. Leonor Badua," is hereby annulled for lack of jurisdiction. The respondents Cordillera Bodong Administration, Cordillera People's Liberation Army, Manuel Tao-il, Amogao-en Kissip, Dalalo Illiques, Juanito Gayyed, Pedro Cabanto, Vicente Dayem and David Quema, are hereby ordered to cease and desist from implementing said decision without prejudice to the filing of an appropriate action by the parties in the proper competent courts of the land as provided by law. Costs against the respondents.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Medialdea, and Regalado, JJ., concur.

[*] Benguet, Mountain Province, Abra, Kalinga-Apayao and City of Baguio.

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