Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE REGIONAL EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE CORDILLERA ADMINISTRATIVE REGION (CAR), Petitioner, -versus- **ROSITA SADCA, SPOUSES MARCENIO LESINO AND ELIZABETH BAGUINAY, SPOUSES BENITO BENTADAN AND HELEN DIMAS, SPOUSES ROMEO FONTANILLA AND FELOMINA DAGAS,** Respondents.	**G.R. No. 218640** Present: LEONEN, *J., Chairperson,* CARANDANG, ZALAMEDA, DIMAAMPAO*, and MARQUEZ, *JJ.* **Promulgated:** November 29, 2021 MisDCBath

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DECISION

LEONEN, *J.*:

Members of indigenous cultural communities[1] may apply for confirmation of their title to land in the public domain under Section 48(c) of Commonwealth Act No. 141 or The Public Land Act, so long as the

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* Designated additional Member vice J. Rosario per Raffle dated November 24, 2021.

1 Former term in Commonwealth Act No. 141, sec. 48(c) was "cultural minorities."

applicant is able to prove continuous possession in the concept of an owner for at least 30 years. Section 48(c) of The Public Land Act is one statutory way through which ancestral land ownership may be recognized.

This Court resolves the Petition for Review[2] filed by the Republic of the Philippines (Republic), assailing the Court of Appeals' Decision[3] which upheld the Regional Trial Court's dismissal[4] of the Republic's complaint for cancellation of free patent and original certificate of title issued in favor of Sadca Acay (Acay).

The facts of the case are not disputed.

Acay submitted an application for free patent over a 28,099-square meter parcel of land in Barrio Abatan, Mankayan, Benguet with the Director of Lands. This was denominated as Free Patent Application No. (1-2) 1296.[5]

On August 29, 1975,[6] the Director of Lands issued Free Patent No. (1-2) 120[7] in Acay's favor and soon after, Original Certificate of Title No. P-788[8] was issued in Acay's name.

On May 26, 1986, Acay died intestate and left behind several lots. The heirs extrajudicially settled the properties among themselves and agreed to allocate the lot in Barrio Abatan to Rosita Sadca (Rosita), Acay's daughter.[9]

On June 24, 1987, Original Certificate of Title No. P-788 was cancelled and replaced by Transfer Certificate of Title No. T-22747[10] issued in Rosita's name.

On April 30, 1990, Rosita subdivided the lot into 13 parcels and sold them to Spouses Marcenio Lesino and Elizabeth Baguinay, Spouses Benito Bentadan and Helen Dimas, and Spouses Romeo Fontanilla and Felomina Dagas. The corresponding certificates of title were issued to the lot buyers.[11]

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2 *Rollo*, pp. 11–40.

3 Id. at 44–50. The May 26, 2015 Decision in CA-G.R. CV No. 100698 was penned by Associate Justice Ricardo R. Rosario (now a Member of this Court) with the concurrence of Presiding Justice Andres B. Reyes, Jr. (now a retired Member of this Court) and Associate Justice Edwin D. Sorongon of the First Division, Court of Appeals, Manila.

4 Id. at 62–83. The March 20, 2012 Decision of the Regional Trial Court Branch 64, Abatan, Buguias, Benguet in Civil Case No. 6402-CV-050 attached in the *rollo* is illegible.

5 Id. at 13–14 and 44–45.

6 Id. at 44–45.

7 Id. at 51–52.

8 Id. at 53.

9 Id. at 45.

10 Id. at 54–58.

11 Id. at 45.

On August 26, 2002, the Republic filed a Complaint for cancellation of free patent and original certificate of title and the reversion of the Barrio Abatan lot. It alleged that the lot awarded to Acay was located inside the Mount Data National Park and National Forest, hence, it was not alienable. It insisted that Acay made falsehoods and misrepresentations in his free patent application.[12]

On March 20, 2012,[13] the Regional Trial Court, Branch 64 of Abatan, Buguias, Benguet denied the complaint for the Republic's failure to prove the supposed fraud surrounding Acay's free patent application.[14]

On April 10, 2012, the Republic filed its Notice of Appeal[15] and filed its appeal[16] before the Court of Appeals.

On May 26, 2015, the Court of Appeals[17] denied the appeal and affirmed the Regional Trial Court.

The Court of Appeals held that the Republic failed to substantiate its claim that Acay committed fraud in his application for free patent or that the approval of his application was attended by irregularity.[18]

The Court of Appeals likewise noted that the validity of Acay's free patent award was supported by The Public Land Act which allowed members of indigenous cultural communities to apply for title over land within the public domain, whether disposable or not, so long as it is suitable for agriculture and the applicant has possessed and occupied the land for at least 30 years. It found that Acay, a member of the Kankana-ey Tribe,[19] had satisfied all the requirements for the approval of his free patent application.[20]

The Court of Appeals also noted that the lot buyers were purchasers in good faith since the title awarded to Acay, and then Rosita, was only contested 27 years after Acay's application for free patent was granted. Furthermore, prior to the complaint for reversion, Acay and Rosita possessed the lot without any question of their ownership or possession of the subject lot.[21]

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12 Id.
13 Id. at 62–83.
14 Id. at 46.
15 Id. at 84–85.
16 Id. at 86–111.
17 Id. at 44–50.
18 Id. at 47.
19 Id. at 163.
20 Id. at 48–49.
21 Id. at 49–50.

The dispositive portion of the Court of Appeals' Decision reads:

> ***WHEREFORE,*** the decision appealed from is **AFFIRMED** *in toto* and the complaint is **DISMISSED.**
>
> **SO ORDERED.**[22]

On July 23, 2015, the Republic filed this Petition for Review,[23] insisting that the Court of Appeals erred in upholding the validity of Acay's free patent award since the evidence clearly shows that Acay never continuously occupied or cultivated the lot awarded to him.[24] Thus, Acay made misrepresentations in his application for free patent which should lead to the cancellation of the award and certificate of title issued to him.[25]

Petitioner likewise points out that the lot awarded to Acay was not only inalienable but was within a road right of way, hence, it was not fit for agricultural purposes and was not within the coverage of The Public Land Act, as erroneously concluded by the Court of Appeals.[26]

In their Comment,[27] respondents assert that registration of inalienable land by members of indigenous cultural communities was allowed under The Public Land Act.[28]

Respondents then claim that Acay, a member of the Kankana-ey Tribe,[29] complied with the required period of possession for the issuance of a free patent in his name.[30]

Respondents maintain that petitioner failed to substantiate its assertion that Acay misrepresented material facts in his application because his application was never presented into evidence.[31] They also assert that the bulk of petitioner's evidence only claim that the lot awarded to Acay was inalienable since it is located within Mount Data.[32] Additionally, respondents posit that petitioner did not succeed in overcoming the presumption of regularity enjoyed by the Office of the Bureau of Lands and the Director of Lands when they approved Acay's application for free patent.[33]

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22 Id. at 50.
23 Id. at 11–40.
24 Id. at 24–32.
25 Id. at 32–33.
26 Id.
27 Id. at 161–182.
28 Id. at 166–168.
29 Id. at 169.
30 Id. at 170.
31 Id. at 173–174.
32 Id. at 171–173.
33 Id. at 176–178.

Finally, respondents criticize petitioner's selective filing of a complaint for reversion against them, but not on other awardees of lots within Mount Data, claiming that this violated their right to equal protection.[34]

The issues for this Court's resolution are:

First, whether or not the case falls within the exceptions to a Rule 45 petition which would allow this Court to entertain questions of fact; and

Second, whether or not the Court of Appeals erred in upholding the validity of the free patent awarded to Acay.

The Petition must be denied.

I

A petition for review under Rule 45 of the Rules of Civil Procedure may raise only questions of law, and this Court may only entertain questions of fact in exceptional circumstances as this Court is not a trier of facts and we are not obligated to re-examine evidence.[35] Furthermore, prevailing jurisprudence consistently dictate that findings of facts of the trial court, especially when affirmed by the Court of Appeals, are binding on this Court.[36]

While these rules do admit of exceptions,[37] petitioner failed to refer to any of the established exceptions which would compel this Court to go over and rule upon the factual evidence. Thus, absent any assertion that this case falls under the established exceptions to a Rule 45 petition, this Court sees no reason to disturb the factual findings of the lower courts, particularly since the questioned factual findings are supported by substantial evidence.

Further, even if the Petition only raises questions of law or falls under the exceptions regarding the limitations of this Court to determine questions of fact, still, the appeal under Rule 45 is discretionary. Rule 45, Section 6 provides:

> Section 6. *Review discretionary.* – A review is not a matter of

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34 Id. at 178–180.

35 *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per J. Leonen, Second Division].

36 *Castillo v. Court of Appeals*, 329 Phil. 150, 159–160 (1996) [Per J. Panganiban, Third Division]; *NGEI Multi-Purpose Cooperative, Inc. v. Filipinas Palmoil Plantation, Inc.*, 697 Phil. 433, 443 (2012) [Per J. Mendoza, Third Division]; *Quintos v. Nicolas*, 736 Phil. 438, 451 (2014) [Per J. Velasco, Third Division].

37 *Medina v. Asistio*, 269 Phil. 225, 232 (1990) [Per J. Bidin, Third Division].

> right, but of sound judicial discretion, and will be granted only when there are special and important reasons therefor. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons which will be considered:
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> (a) When the court a quo has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court; or
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> (b) When the court a quo has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.

Clearly, an appeal to this Court under Rule 45 is entirely discretionary, thus, the onus is on petitioner to present a compelling reason or prove that "there are special and important reasons," such as policy-determining and transcendental cases, for this Court to take cognizance of the appeal. Absent those, the appeal will be dismissed outright on the basis of this Court's "sound judicial discretion."

II

Petitioner presented evidence to prove that the lot awarded to Acay is part of Mount Data National Park, therefore inalienable for being part of the public domain. Hence, petitioner surmises that Acay must have committed fraud in his application. Furthermore, petitioner insists that it presented clear and convincing evidence that Acay did not meet the additional requirement of possession.

Nonetheless, the Court of Appeals, in affirming the Regional Trial Court, found that petitioner failed to prove its allegation that Acay committed fraud in his application because Acay's award was covered by the amendment to The Public Land Act in favor of members of indigenous cultural communities:

> What is more, Acay has the law in his favor. In 1964, Sec. 48 of the Public Land Act (CA 141) was amended by RA 3872, as follows:
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> "**Section 2.** A new sub-section (c) is hereby added to Section 48 of the same Act to read as follows:
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> Sec. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance

> of a certificate of title therefor, under the Land Registration Act, to wit:
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> (a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands if the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have, with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have occupied and cultivated said lands continuously since the filing of their applications.
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> (b) Those who by themselves or through their predecessors-in-interest have been, in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmations of title, except when prevented by war or force majeure. Those shall be exclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.
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> (c) ***Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof.***

Clearly the above provision allows a member of a national cultural minority, like Acay, to apply for confirmation of imperfect title over lands of the public domain ***whether they are disposable or not,*** so long as the land applied for is ***suitable to agriculture*** and the applicant can show ***possession and occupation for at least 30 years.*** The person simply has to apply and show proof of compliance with the legal requirements.

In this case, having been granted a free patent over the subject property by DENR, and a consequent certificate of title, Acay is presumed – ***in the absence of evidence to the contrary*** – to have satisfied all legal requirements. By the same token, the DENR is presumed to have regularly

> issued the free patent in the ordinary course of the performance of its duties.[38] (Emphasis in the original)

It is not disputed that Acay is a member of the Kankana-ey Tribe. As regards his possession and occupation of the lot, petitioner claims that its evidence shows that another person occupied and cultivated the lot, contrary to respondents' assertion that Acay was the sole possessor of the lot prior to his application for free patent.[39]

On the other hand, respondents presented two tax declarations dated April 5, 1955 and July 17, 1968 in Acay's name. Respondents' witness, Engr. Cristino Motes, also testified that when he was younger, he worked alongside Acay and other workers to create terraces and riprap on the lot.[40]

The Regional Trial Court, as affirmed by the Court of Appeals, thus denied petitioner's appeal for its failure to substantiate its claim of Acay's fraud and misrepresentation in his application for free patent. The Court of Appeals held:

> In this case, that fact that the subject property is within the Mount Data National Park and National Forest does not lead to the presumption that fraud was committed by Acay in applying for the free patent. There is no such thing as an automatic grant of free patent based solely on an application. There is first an investigation and verification done by the DENR, and the record is bereft of any allegation that would overturn the presumption of regularity in the DENR's performance of this official duty. Indeed, in granting the application of Acay for free patent, the DENR enjoyed the presumption of regularity in the performance of its official duties. This presumption has not been rebutted by the Republic as there is neither allegation nor evidence of any anomaly or irregularity in the proceedings which led to the registration of the land.[41]

This Court sees no reason to reverse the findings and conclusions of the Court of Appeals.

Taar v. Lawan[42] states that extrinsic fraud is the only available ground to review or reopen a decree of registration:

> Only extrinsic fraud may be raised as a ground to "review or reopen a decree of registration." Extrinsic fraud has a specific meaning under the law. It refers to that type of fraud that "is employed to deprive parties of their day in court and thus prevent them from asserting their

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38 *Rollo*, pp. 48–49.
39 Id. at 24–33.
40 Id. at 170.
41 Id. at 48.
42 820 Phil. 26 (2017) [Per J. Leonen, Third Division].

> right to the property registered in the name of the applicant."[43] (Citations omitted)

Taar likewise provides that "[t]he determination on the existence or nonexistence of fraud is a factual matter that is beyond the scope of a petition for review on certiorari."[44]

Petitioner failed to substantiate its allegation of extrinsic fraud by clear and convincing evidence. Its premise that Acay must have committed fraud and misrepresentation in his application for free patent because the area applied for was inalienable for being part of the public domain falls flat in the absence of evidence to support its claim. Moreover, petitioner even neglected to present into evidence the actual application form submitted by Acay to support its allegation of fraud.[45]

As for the issue regarding Acay's possession and cultivation of the awarded lot, the parties presented conflicting evidence during trial. After appreciating and evaluating the opposing evidence presented, the Regional Trial Court gave more weight to the evidence proffered by respondents. This Court is not inclined to replace the trial court's finding with a contrary conclusion, considering that the Regional Trial Court had the firsthand opportunity to observe a witness' deportment and demeanor on the witness stand. Moreover, the Court of Appeals affirmed the findings of the Regional Trial Court, thus, these became binding and conclusive on this Court.[46]

III

Forest land is considered part of the public domain and cannot be the subject of registration under the Torrens System, as it is beyond the power and jurisdiction of a cadastral court.[47] However, a recognized exception to the rule on inalienability of public land is if the forest or mineral land has been statutorily reclassified and considered as ancestral land, openly and continuously occupied by a member of an indigenous cultural community. Ancestral lands are defined in Section 3(b) of Republic Act No. 8371, or The Indigenous Peoples' Rights Act of 1997:

> Section 3. Definition of Terms- For purposes of this Act, the following terms shall mean:
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> . . . .

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43 Id. at 58.
44 Id. at 59. (Citation omitted)
45 *Rollo*, p. 172.
46 *Duran v. Court of Appeals*, 522 Phil. 399, 408 (2006) [Per J. Tinga, Third Division].
47 *Director of Lands v. Court of Appeals*, 214 Phil. 606, 609 (1984) [Per J. Melencio-Herrera, First Division].

> b) Ancestral Lands — Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;

The concept of ancestral land is not new as seen in the early case of *Cariño v. Insular Government.*[48] Cariño was an Igorot who filed a petition before the Land Registration Court, praying that he be declared the rightful owner of a parcel of land. As evidence, he presented a possessory title. He alleged that since he and his ancestors have occupied the land since time immemorial, it follows that he is the rightful owner of the land.

In granting the petition, *Cariño* explained that Spain recognized private ownership of land by individuals outside of a royal decree, as ownership could have been obtained through their own native custom or long time possession:

> Prescription is mentioned again in the royal cedula of October 15, 1754, cited in 3 Philippine, 546; "Where such possessors shall not be able to produce title deeds, it shall be sufficient if they shall show that ancient possession, as a valid title by prescription." It may be that this means possession from before 1700; but, at all events, the principle is admitted. As prescription, even against Crown lands, was recognized by the laws of Spain we see no sufficient reason for hesitating to admit that it was recognized in the Philippines in regard to lands over which Spain had only a paper sovereignty.[49]

Cariño thus opined that land held under the concept of ownership even before the Spanish conquest could not be considered to have ever been public land:

> 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.[50]

Although the ruling in *Cariño* was so broad that it might create contradictions when used indiscriminately as the sole ground for the

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48 41 Phil. 935 (1909) [J. Holmes, United States Supreme Court].
49 Id. at 942.
50 Id. at 941.

recognition and protection of ancestral domains,[51] it remains to be a landmark decision and has been used to further the rights of the indigenous cultural community.

The qualification to the regalian doctrine or the rule that all land belonged to the State was reiterated in *Oh Cho v. Director of Lands*[52] which held that land possessed by occupants and their predecessors-in-interest since time immemorial, or even before Spanish Conquest, was never part of the public domain.[53]

However, the concept of ownership in our law is markedly different from how the indigenous cultural community view property and ownership. Ownership under our laws is defined under Articles 427 and 428 of the Civil Code which provide:

> Art. 427. Ownership may be exercised over things or rights.
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> Art. 428. The owner has the right to enjoy and dispose of a thing, without other limitations than those established by law.
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> The owner has also a right of action against the holder and possessor of the thing in order to recover it.

Our laws thus treat land as a thing that can be owned, while indigenous cultural communities have a communal view of land ownership and generally consider land, like air and water, to be beyond the realm of commerce:[54]

> . . . . "Ownership" more accurately *applies to the tribal right to use the land or to territorial control.* Ownership is tantamount to work. If one ceases to work, he loses his claim to ownership. At best, the people consider themselves as "secondary owners" or stewards of the land, since the beings of the spirit world are considered as the true and primary or reciprocal owners of the land.
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> "Property" usually applies only to the things which involve labor, or the things produced from labor.
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> "Communal" as a description of man-land relationship carries with it extra connotations that the land is used by anybody, but actually, is limited only to the recognized members of the tribe, and is a collective right to freely use the particular territory.

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51 Marvic M.V.F. Leonen. *On Legal Myths and Indigenous Peoples: Re-examining Cariño v. Insular Government.* 4 PHIL. NATURAL RESOURCES L.J. 21, 24 (1991).

52 75 Phil. 890 (1946) [J. Padilla, En Banc].

53 Id. at 892.

54 Marvic M.V.F. Leonen. *On Legal Myths and Indigenous Peoples: Re-examining Cariño v. Insular Government.* 4 PHIL. NATURAL RESOURCES L.J. 21, 23 (1991).

> There is also the concept of "trusteeship" since not only the present generation, but also the future ones, possess the right to the land.[55]

IV

In our laws, one of the modes of acquiring ownership is through acquisitive prescription,[56] and Article 1117 of the Civil Code categorizes acquisitive prescription as either ordinary or extraordinary:

> Art. 1117. Acquisitive prescription of dominion and other real rights may be ordinary or extraordinary.
>
> Ordinary acquisitive prescription requires possession of things in good faith and with just title for the time fixed by law.

In differentiating between ordinary and extraordinary acquisitive prescription, *Marcelo v. Court of Appeals*[57] explained:

> Acquisitive prescription of dominion and other real rights may be ordinary or extraordinary. Ordinary acquisitive prescription requires possession of things in good faith and with just title for the time fixed by law; *without good faith and just title, acquisitive prescription can only be extraordinary in character.*[58] (Emphasis supplied, citation omitted)

Thus, for purposes of extraordinary prescription, only possession in the "concept of an owner, public, peaceful, and uninterrupted"[59] is required and there is no need to prove good faith and just title.

Section 48(b) of The Public Land Act provided for the judicial confirmation of imperfect or incomplete titles of citizens occupying agricultural lands of public domain or claiming an interest therein, either through themselves or their possessors-in-interest, for at least 30 years:

> Section 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

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55 Marvic M.V.F. Leonen. *On Legal Myths and Indigenous Peoples: Re-examining Cariño v. Insular Government.* 4 PHIL. NATURAL RESOURCES L.J. 21, 22–23 (1991), citing Cordillera Studies Program. *Land Use and Ownership and Public in the Cordillera,* 29-30.

56 CIVIL CODE, art. 1106. By prescription, one acquires ownership and other real rights through the lapse of time in the manner and under the conditions laid down by law.
In the same way, rights and conditions are lost by prescription.

57 365 Phil. 354 (1999) [Per J. Vitug, Third Division].

58 Id. at 362.

59 CIVIL CODE, art. 1118.

. . . .

(b) Those who by themselves or through their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, except as against the Government, since July twenty-sixth, eighteen hundred and ninety-four except when prevented by war or force majeure. These shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under the provisions of this chapter.

In 1964, Republic Act No. 3872[60] amended The Public Land Act's provisions on judicial confirmation of imperfect or incomplete titles by adding a second paragraph to Section 44, a subsection to Section 48, and amending Section 120, to read as follows:

Section 44. Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares and who since July fourth, nineteen hundred and twenty-six or prior thereto, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition, or who shall have paid the real estate tax thereon while the same has not been occupied by any person shall be entitled, under the provisions of this chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twenty-four hectares.

A member of the national cultural minorities who has continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of land, whether disposable or not since July 4, 1955, shall be entitled to the right granted in the preceding paragraph of this section: Provided, That at the time he files his free patent application he is not the owner of any real property secured or disposable under this provision of the Public Land Law.

. . . .

Section 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

(a) Those who prior to the transfer of sovereignty from Spain to the United States have applied for the purchase, composition or other form of grant of lands if the public domain under the laws and royal decrees then in force and have instituted and prosecuted the proceedings in connection therewith, but have, with or without default upon their part, or for any other cause, not received title therefor, if such applicants or grantees and their heirs have

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[60] An Act to Amend Sections Forty-four, Forty-eight and One Hundred Twenty of Commonwealth Act Numbered One Hundred Forty-one, as Amended, Otherwise Known as the "Public Land Act", and for Other Purposes.

> occupied and cultivated said lands continuously since the filing of their applications.
>
> (b) Those who by themselves or through their predecessors-in-interest have been, in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by war of force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.
>
> (c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof.
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> . . . .
>
> Section 120. Conveyance and encumbrance made by persons belonging to the so-called "non-christian Filipinos" or national cultural minorities, when proper, shall be valid if the person making the conveyance or encumbrance is able to read and can understand the language in which the instrument of conveyance or encumbrances is written. Conveyances or encumbrances made by illiterate non-Christian or literate non-Christians where the instrument of conveyance or encumbrance is in a language not understood by the said literate non-Christians shall not be valid unless duly approved by the Chairman of the Commission on National Integration.

Senator Manuel P. Manahan, then chairperson of the Senate Committee on National Minorities, introduced the amendments in The Public Land Act. The Manahan Amendment allowed members of indigenous cultural communities to acquire lands in the public domain suitable for agriculture, provided that they have occupied these lands for at least 30 years. This was a distinct change from *Cariño* which premised ownership over ancestral domain rights on a pre-conquest native title and not on the lapse of a statutory period.[61]

The applicability of the Manahan Amendment was extended to December 31, 2000 by Republic Act No. 6940,[62] which provided:

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61 *Sama v. People*, G.R. No. 224469, January 5, 2021, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67108> [Per J. Lazaro-Javier], citing Owen James Lynch, Jr., *Native Title, Private Right and Tribal Land Law: An Introductory Survey*, 57 PHIL. L.J. 268, 290 (1982).

62 An Act Granting a Period Ending on December 31, 2000 for Filing Applications for Free Patent and Judicial Confirmation of Imperfect Title to Alienable and Disposable Lands of the Public Domain under Chapters VII And VIII of the Public Land Act (CA 141, as amended).

> Section 47. The persons specified in the next following section are hereby granted time, not to extend beyond December 31, 2000 within which to take advantage of the benefit of this Chapter: Provided, That this period shall apply only where the area applied for does not exceed twelve (12) hectares: Provided, further, That the several periods of time designated by the President in accordance with Section Forty-five of this Act shall apply also to the lands comprised in the provisions of this Chapter, but this section shall not be construed as prohibiting any of said persons from acting under this Chapter at any time prior to the period fixed by the President.

Republic v. Court of Appeals and Paran[63] explained that as an amendment to The Public Land Act, Section 48(c) was intended to distinguish between applications for land registration lodged by members of indigenous cultural communities and those lodged by other qualified persons, since the former could validly apply for registration of forest or mineral land, not just agricultural land, while the latter may only apply for lands suitable for agriculture:

> Section 48(c), quoted above, did not form part of the original text of C.A. No. 141; it was added on 18 June 1964 by R.A. No. 3872. It is clear to the Court that the addition of subsection (c) was intended to create a distinction between applications for judicial confirmation of imperfect titles by *members of national cultural minorities* and applications by *other qualified persons in general*. Members of cultural minorities may apply for confirmation of their title to lands of the public domain, *whether disposable or not*; they may therefore apply for public lands even though such lands are legally forest lands or mineral lands of the public domain, so long as such lands are *in fact suitable for agriculture*. The rest of the community, however, "Christians" or members of mainstream society may apply only in respect of "agricultural lands of the public domain," that is, "disposable lands of the public domain" which would of course exclude lands embraced within forest reservations or mineral land reservations.
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> That the distinction so established in 1964 by R.A. No. 3872 was expressly eliminated or abandoned thirteen (13) years later by P.D. No. 1073 effective 25 January 1977, only highlights the fact that during those thirteen (13) years, members of national cultural minorities had rights in respect of lands of the public domain, disposable or not.[64]

Republic v. Court of Appeals and Cosalan,[65] in upholding the exception to the Regalian Doctrine, stressed that the "primary right of a private individual who possessed and cultivated the land in good faith much prior to such [Government] classification must be recognized and should not be prejudiced by after-events which could not have been anticipated."[66]

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63 278 Phil. 1 (1991) [Per J. Feliciano, Third Division].

64 Id. at 14–15.

65 284 Phil. 575 (1992) [Per J. Nocon, Second Division].

66 *Republic v. Court of Appeals and Cosalan,* 284 Phil. 575, 580 (1992) [Per J. Nocon, Second Division], citing *Ankron v. Government of the Philippine Islands,* 40 Phil. 10 (1919) [Per J. Johnson, First Division], *Republic v. Court of Appeals*, 250 Phil. 82 (1988) [Per J. Regalado, Second Division], and *Republic v. Court of Appeals*, 261 Phil. 393 (1990) [Per J. Medialdea, First Division].

The canonical doctrine was reiterated in the recent case of *Republic of the Philippines v. Cosalan*,[67] which similarly recognized the exclusive right enjoyed by members of indigenous cultural communities contained in Section 48(c) of the Public Land Act as an exception to the regalian doctrine:

> Ancestral lands are covered by the concept of native title that "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 ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest." To reiterate, they are considered to have never been public lands and are thus indisputably presumed to have been held that way.
>
> The [Court of Appeals] has correctly relied on the case of *Cruz v. Secretary of DENR*, which institutionalized the concept of native title. Thus:
>
> > Every presumption is and ought to be taken against the Government in a case like the present. 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 before the Spanish conquest, and never to have been public land.* (emphasis supplied)
>
> From the foregoing, it appears that lands covered by the concept of native title are considered an exception to the Regalian Doctrine embodied in Article XII, Section 2 of the Constitution which provides that all lands of the public domain belong to the State which is the source of any asserted right to any ownership of land.[68] (Emphasis in the original, citations omitted)

On March 11, 1974, President Ferdinand E. Marcos issued Presidential Decree No. 410, declaring the ancestral lands occupied and cultivated by indigenous cultural communities as alienable and disposable. Section 1[69] of Presidential Decree No. 410 defined ancestral lands as lands

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67 835 Phil. 649 (2018) [Per J. Gesmundo, Third Division].

68 Id. at 660.

69 Section 1. *Ancestral Lands.* Any provision of law, decree, executive order, rule or regulation to the contrary notwithstanding all unappropriated agricultural lands forming part of the public domain at the date of the approval of this Decree occupied and cultivated by members of the National Cultural Communities for at least ten (10) years before the effectivity of this Decree, particularly in the provinces of Mountain Province, Cagayan, Kalinga-Apayao, Ifugao, Mindoro, Pampanga, Rizal, Palawan, Lanao del Sur, Lanao del Norte, Sultan Kudarat, Maguindanao, North Cotabato, South Cotabato, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, Davao del Sur, Davao del Norte, Davao Oriental, Davao City, Agusan, Surigao del Sur, Surigao del Norte, Bukidnon, and Basilan are hereby declared part of the ancestral lands of these National Cultural Communities and as such these lands are further declared alienable and disposable if such lands have not been earlier declared as alienable and disposable by the Director of Forest Development, to be distributed exclusively among the members of the National Cultural Communities concerned, as defined under the Constitution and under Republic Act Numbered Eighteen hundred Eighty-Eight: Provided, however, That lands of the public domain heretofore reserved for settlement purposes under the administration

of the public domain continuously occupied under a claim of ownership by members of indigenous cultural communities according to their customs or traditions for a period of at least 30 years. Occupants then had 10 years from the issuance of Presidential Decree No. 410 to file their application to perfect their title. Failure to file within the required period meant that the occupants would lose their preferential rights and their ancestral land might be awarded to other applicants.[70]

Presidential Decree No. 410 also authorized the Secretary of Agriculture and Natural Resources to issue Land Occupancy Certificates to the members of indigenous cultural communities actually occupying and possessing ancestral lands.[71] In addition, Section 3[72] directed the Bureau of Lands to subdivide the ancestral lands into farm lots not to exceed five hectares each, to be allocated to members of indigenous cultural communities. However, the awardees of farm lots were forbidden from selling their lots within 10 years from acquiring them, unless the transfer was to be made to a cooperative where the awardee was a member or to the Government.[73]

On October 29, 1997, the Indigenous Peoples' Rights Act was signed into law. It formalized the concept of a native title and defined it as "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 or indigenous peoples], have never been public lands and are

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of the Department of Agrarian Reform and other areas reserved for other public or quasi-public purposes shall not be subject to disposition in accordance with the provisions of this Decree: Provided, further, That the Government in the interest of its development program, may establish agro-industrial projects in these areas for the purpose of creating conditions for employment and thus further enhance the progress of the people.

For purposes of this Decree, ancestral lands are lands of the public domain that have been in open, continuous, exclusive and notorious occupation and cultivation by members of the National Cultural Communities by themselves or through their ancestors, under a bona fide claim of acquisition of ownership according to their customs and traditions for a period of at least thirty (30) years before the date of approval of this Decree. The interruption of the period of their occupation and cultivation on account of civil disturbance or force majeure shall not militate against their right granted under this Decree.

70 Section 8. Occupants of ancestral lands as defined under this Decree are hereby given a period of ten (10) years from the date of approval hereof within which to file applications to perfect their title to the lands occupied by them, otherwise, they shall lose their preferential rights thereto and the land shall be declared open for allocation to other deserving applicants.

71 Section 4. Land Occupancy Certificate shall be issued to all members of the National Cultural Communities who are presently occupying and cultivating lands of the public domain within ancestral lands as defined in this Decree.

To expedite the issuance of these Land Occupancy Certificates, the District Land Officers are hereby authorized to sign them in behalf of the Secretary of Agriculture and Natural Resources.

72 Section 3. Upon the approval of this Decree, the lands herein mentioned for the National Cultural Communities shall be identified, surveyed and subdivided by the Bureau of Lands into family-sized farm lots not exceeding five (5) hectares each and shall be allocated to members of the National Cultural Communities under such terms and conditions prescribed in this Decree or to be prescribed in the rules implementing this Decree.

73 Section 5. No land granted in accordance with this Decree shall be transferred, sold or otherwise alienated within a period of ten (10) years after acquisition of such lands or any right or interest thereto except in favor of the cooperative of which the owner is a member or in favor of the Government or any of its agencies, branches or instrumentalities.

thus indisputably presumed to have been held that way since before the Spanish Conquest."[74]

The Indigenous Peoples' Rights Act included "such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the [indigenous cultural communities or indigenous peoples] possess, occupy and use and to which they have claims of ownership."[75] The law likewise acknowledged the indigenous concept of ownership in which ancestral domains are "community property which belongs to all generations and therefore cannot be sold, disposed or destroyed."[76]

Nonetheless, the Act gave individual members of indigenous cultural communities the option to secure land titles upon showing that they or their predecessors-in-interest have owned and possessed ancestral lands in their individual capacity for at least 30 years. Section 12 provides:

> SECTION 12. Option to Secure Certificate of Title Under Commonwealth Act 141, as amended, or the Land Registration Act 496. — Individual members of cultural communities, with respect to their individually-owned ancestral lands who, by themselves or through their predecessors-in-interest, have been in continuous possession and occupation of the same in the concept of owner since time immemorial or for a period of not less than thirty (30) years immediately preceding the approval of this Act and uncontested by the members of the same ICCs/IPs shall have the option to secure title to their ancestral lands under the provisions of Commonwealth Act 141, as amended, or the Land Registration Act 496.
>
> For this purpose, said individually-owned ancestral lands, which are agricultural in character and actually used for agricultural, residential, pasture, and tree farming purposes, including those with a slope of eighteen percent (18%) or more, are hereby classified as alienable and disposable agricultural lands.
>
> The option granted under this section shall be exercised within twenty (20) years from the approval of this Act.

Hence, the law provided for two grounds in which an individual member of cultural communities may secure a certificate of title over a parcel of land. Thus, if an individual has been: (1) in continuous possession and occupation of the land in the concept of owner since time immemorial; or (2) if the person has occupied the land for a period of not less than 30 years. In addition, these circumstances must be uncontested by the members of the same indigenous cultural community for the applicant to successfully secure title to their ancestral lands.

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74 Republic Act No. 8371 (1997), sec. 3(l).
75 Republic Act No. 8371 (1997), sec. 4.
76 Republic Act No. 8371 (1997), sec. 5.

The Indigenous Peoples' Rights Act is a response to the 1987 Constitution's aim of preserving the indigenous cultural communities' culture and way of life, as seen in the following provisions:

ARTICLE II
Declaration of Principles and State Policies

SECTION 22. The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.

ARTICLE VI
The Legislative Department

SECTION 5. . . .

(2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

ARTICLE XII
National Economy and Patrimony

SECTION 5. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.

The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

ARTICLE XIII
Social Justice and Human Rights

SECTION 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.

The State may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.

ARTICLE XIV
Education, Science and Technology, Arts, Culture, and Sports Education

> SECTION 17. The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.
>
> ARTICLE XVI
> General Provisions
>
> SECTION 12. The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

In *Ha Datu Tawahig v. Lapinid,*[77] this Court took note that the 1987 Constitution's thrust of preservation was a marked departure from the regimes under the previous constitutions with their policies of assimilation, which had the effect of wiping out the identities of indigenous peoples:

> The 1987 Constitution reorients the State toward enabling indigenous peoples to maintain their identity. It declines articulating policies of integration and assimilation and transcends the 1973 Constitution's undertaking to "consider." Instead, it commits to not only recognize, but also promote, "the rights of indigenous cultural communities." It expressly aims to "preserve and develop their cultures, traditions, and institutions." It elevates to the level of constitutional text terms such as "ancestral lands" and "customary laws." Because the Constitution is the "fundamental and organic law of the land," these terms' inclusion in the Constitution renders them integral to the Republic's being. Through the same inclusion, the State manifestly assents to the distinctiveness of indigenous peoples, and undertakes obligations concomitant to such assent.
>
> With the 1987 Constitution in effect, the Indigenous Peoples' Rights Act was adopted precisely recognizing that indigenous peoples have been "resistan[t] to political, social[,] and cultural inroads of colonization, non-indigenous religions and cultures, [and] became historically differentiated from the majority of Filipinos."[78] (Citations omitted)

While *Cariño*, as an exception to the regalian doctrine, is already deeply entrenched in our laws and jurisprudence, the recognition that indigenous cultural communities have constitutionally-protected rights to their ancestral lands must also carry with it the concomitant recognition and respect of their culture and beliefs. Hence, there must be a "[f]ull recognition and protection of indigenous resource management strategies, common property and land tenure systems. Nothing less than genuine and appropriate indigenization of our property laws."[79]

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77 G.R. No. 221139, March 20, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65145> [Per J. Leonen, Third Division].

78 Id.

79 Marvic M.V.F. Leonen. *On Legal Myths and Indigenous Peoples: Re-examining Cariño v. Insular Government.* 4 PHIL. NATURAL RESOURCES L.J. 21, 26 (1991).

WHEREFORE, the Petition for Review on Certiorari is **DENIED**. The May 26, 2015 Decision of the Court of Appeals in CA-G.R. CV No. 100698 is **AFFIRMED.** The Complaint of the Republic of the Philippines for cancellation of free patent and reversion of land is **DISMISSED** for petitioner's failure to prove by clear and convincing evidence that Sadca Acay's titles are invalid.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

ROSMARI D. CARANDANG
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice