



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SPOUSES ROBLES AND ROSE
MALIONES A.K.A. ROSA
MALIONES, SPOUSES
EDUARDO AND ROSITA
QUIÑO, MR. EUGENIO
SAWATE, THE LATE GEORGE
BATI-EL REPRESENTED BY
HIS WIFE LILIA BATI-EL,
Petitioners,

G.R. No. 252834

-versus-

MARIO S. TIMARIO, JR.,
GABRIEL B. LANTEC, JANICE
A. BIAG, FELICIANA C. LAUS,
OPLÉN SAGA-OC, NARCISA
VICENTE, GLORIA G. POLON,
LUNESA V. TANY, EVELIO
ANDY S. TIMARIO, OCTAVIO A.
LESKING, ROEL G.
NGOLOBAN, NESTOR
BUTENG, CYNTHIA G. POLON,
WILLIAM SAD-ANG, CERILO
BAOIDANG, JR., ADAM
SIMULTOG, ELENA ATOLBA,
DUX ALLEN P. ANNAGUEY,
RYDEL LANTEC, MARIO
PAGTAN, SUANI M. COPICOP,
CAMILLE* CAYABAS, JUN M.
WITAWIT, GEORGE DADAY,
JOHN IT-ITAN, TOMAS O.
BANGSOY, CRISPIN B.
MANGANGEY, THELMA L.

* Also spelled as Camilla in some parts of the *rollo*.

LACYOD, EVA
 TONGTONGDAN, MATHEW W.
 KIYAWAN, MIRANDA L.
 BINGCOLA, FERDINAND
 SUDICALAN, IAN C. DAMEG,
 DOMINGO MONTES,
 BENJAMIN MALONA, DAVYNE
 ART KIDIT, JESSAMINE
 TIMARIO, HELEN T.
 NGITEYEB, LAURENCE M.
 VIERNES AND CAESAR
 LAPICTO BALACWID,
 Respondents.

X-----X

SPOUSES ROBLES AND ROSE
 MALIONES A.K.A. ROSA
 MALIONES; SPS. EDUARDO
 AND ROSITA QUIÑO; MR.
 EUGENIO SAWATE; THE LATE
 GEORGE BATI-EL;
 DEPARTMENT OF
 ENVIRONMENT AND
 NATURAL RESOURCES
 REPRESENTED BY THE
 OFFICE OF THE REGIONAL
 DIRECTOR CAR ENGR. RALPH
 C. PABLO; DPA, EN. P.;
 PROVINCIAL ASSESSOR OF
 MOUNTAIN PROVINCE,
 REPRESENTED BY THE
 ASSISTANT PROVINCIAL
 ASSESSOR ENGR. RANDY B.
 TICCHAP; MUNICIPAL
 ASSESSOR OF THE
 MUNICIPALITY OF
 SABANGAN, MOUNTAIN
 PROVINCE, REPRESENTED BY
 ENGR. GABRIEL M. SAWATE;
 AND THE PUNONG BARANGAY
 OF DATA, SABANGAN,
 MOUNTAIN PROVINCE HON.
 MARIANITO A. CABAN-OS,
 Petitioners,

G.R. No. 258836
 [Formerly UDK-16868]

Present:

LEONEN, J., *Chairperson*,
 LAZARO-JAVIER,
 LOPEZ, M.,
 LOPEZ, J., and
 KHO, JR., *JJ*.

Promulgated:

FEB 06 2023



-versus-

MARIO SOMEBANG TIMARIO,
JR., GABRIEL B. LANTEC,
JANICE A. BIAG, FELECIANA*
C. LAUS, OPLEN SAGA-OC,
NARCISA VICENTE, GLORIA G.
POLON, LUMESA* V. TANY,
EVELIO ANDY S. TIMARIO,
OCTAVIO A. LESKING, ROEL C.
NGOLOBAN, NESTOR
BUTENG, CYNTHIA G. POLON,
WILLIAM SAD-ANG, CERILO
BAO-IDANG,* JR., ADAM
SIMULTOG, ELENA ATOLBA,
DUX ALLEN P. ANNAGUEY,
RYDEL LANTEC, MARIO
PAGTAN, SUANI M. COPICOP,
CAMILLA CAYABAS, JUN M.
WITAWIT, GEORGE DADAY,
CRISELDA BIMYOYAG, JOHN IT-
ITAN, TOMAS O. BANGSOY,
CRISPIN B. MANGANGEY,
THELMA L. LACYOD, EVA
TONGTONGDAN, MATTHEW
W. KIYAWAN, MIRANDA L.
BINGCOLA, FERDINAND
SUDICALAN, IAN C. DAMEG,
DOMINGO G. MONTES,
BENJAMIN MALONA, DAVYNE
ART KIDIT, JESSAMINE P.
TIMARIO, HELEN TOGPA-AN
NGITEYEB, LAURENCE
MOYAEN VIERNES AND
CAESAR LAPICTO BALACWID,
Respondents.

X-----X

* Also spelled as Feliciano in some parts of the *rollo*.
* Also spelled as Lunesa in some parts of the *rollo*.
* Also spelled as Baoidang in some parts of the *rollo*.

DECISION

LOPEZ, J., J.:

This Court resolves two consolidated Petitions for Review on *Certiorari*¹ filed under Rule 45 of the Rules of Court assailing the Decision² and the Resolution³ of the Court of Appeals (CA), which denied the appeal of Spouses Robles and Rose Maliones (*Spouses Maliones*), Spouses Eduardo and Rosita Quiño (*Spouses Quiño*), George Bati-el (*Bati-el*), and Eugenio Sawate (*Sawate*) (*collectively referred to as Spouses Maliones et al.*).

The Antecedents

The case involved a parcel of land situated in Am-amoting, Batacang/Ambango in Brgy. Data, Sabangan, Mountain Province classified as “outside the Alienable and Disposable Zone” under Land Classification Map No. 2017, certified on July 30, 1956, by the Director of Forestry. Tax declarations for portions of the subject land have been allegedly issued in the names of Spouses Maliones et al.⁴

On October 30, 2015, Mario Somebang Timario, Jr., Gabriel B. Lantec, Janice A. Biag, Feliciano C. Laus, Oplen Saga-oc, Narcisa Vicente, Gloria G. Polon, Lunesa V. Tany, Evelio Andy S. Timario, Octavio A. Lesking, Roel G. Ngoloban, Nestor Buteng, Cynthia G. Polon, William Sad-ang, Cerilo Baoidang, Jr., Adam Simultog, Elena Atolba, Dux Allen P. Annaguey, Rydel Lantec, Mario Pagtan, Suani M. Copicop, Camille Cayabas, Jun M. Witawit, George Daday, John It-itan, Tomas O. Bangsoy, Crispin B. Mangangey, Thelma L. Lacyod, Eva Tongtongdan, Mathew W. Kiyawan, Miranda L. Bingcola, Ferdinand Sudicalan, Ian C. Dameg, Domingo Montes, Benjamin Malona, Davyne Art Kidit, Jessamine Timario, Helen T. Ngiteyeb, Laurence M. Viernes and Caesar Lapicto Balacwid (*collectively referred to as Timario, et al.*) instituted a citizen suit, through a petition for enforcement of rights and obligations under environmental laws, cancellation of tax declarations, issuance of temporary environmental protection order and permanent environmental protection order, *mandamus*, cost of suit, and attorney’s fees.⁵ They alleged that the subject land is where the Datanians, the actual residents and individuals who trace their roots in Brgy. Data, freely pastured their farm animals and hold barangay picnics and scout jamborees of students in

¹ *Rollo* (G.R. No. 258836), pp. 7–20; *Rollo* (G.R. No. 252834), pp. 12–37.

² *Rollo* (G.R. 252834), pp. 44–63. The October 18, 2019 Decision in CA-G.R. CV No. 108423 was penned by Associate Justice Pablito A. Perez, and concurred in by Associate Justices Franchito N. Diamante and Ruben Reynaldo G. Roxas of the Sixteenth Division, Court of Appeals, Manila.

³ *Id.* at 65–70. Dated July 1, 2020.

⁴ *Id.* at 73.

⁵ *Id.* at 73–91.

Mountain Province.⁶ They averred that because tax declarations were issued in the names of Spouses Maliones et al., they introduced improvements to the area that led to the exclusion of the public from its use and enjoyment. They expressed concern over the purported numerous violations of environmental laws Spouses Maliones et al. have committed that would lead to unimaginable environmental damage not only to the prejudice of their own constitutional right to a balanced and healthful ecology, but also to that of their children, the present generation, and the generations yet unborn.⁷

Timario, et al. claimed that the acts of Spouses Maliones et al. violated Presidential Decree No. 705, as amended, or the Revised Forestry Code. They accused Spouses Maliones et al. of illegally occupying and destroying parts of the public forest. They sought to enjoin activities which threatened to irreversibly damage and destroy a part of the public forest to which every Filipino citizen, and more specifically the residents of the Municipality of Sabangan, Mountain Province, have a right to enjoy as part of their enforceable environmental rights. While they did not claim ownership over the subject land, they prayed for the cancellation of the tax declarations issued to their respective holders.⁸

In particular, Timario, et al. alleged that Spouses Maliones were doing earth-moving and bulldozing activities that have destroyed the natural view and beauty of nature as the subject land had been turned into a wide vegetable plantation. They point out that the use of fertilizers and pesticides in this plantation would contribute to soil, water, and air pollution. They added that the earth and bulldozing activities would also result to soil erosion during strong downpours of rain and even contaminate the rice terraces below. They also claimed that alnus trees were cut, and pine trees were girdled and threatened to be cut.⁹

Spouses Quiño were accused of depriving the public from freely accessing the portion of the subject land allegedly registered in their name that they have fenced. They were allegedly engaged in *kaingin* activities that contributed to the destruction of the environment.¹⁰ Sawate and Bati-el were also allegedly claiming ownership over portions of the subject land.¹¹

Invoking the precautionary principle under Administrative Matter (A.M.) No. 09-6-8-SC, otherwise known as the Rules of Procedures for Environmental Cases, Timario, et al. prayed that Spouses Maliones et al. be ordered to cease from introducing improvements immediately. Timario, et al. pleaded that the Department of Environment and Natural Resources-City

⁶ *Id.* at 73.

⁷ *Id.* at 74.

⁸ *Rollo* (G.R. No. 258836), pp. 34-35.

⁹ *Rollo* (G.R. No. 252834), pp. 79-81.

¹⁰ *Id.* at 81-82.

¹¹ *Id.* at 82-83.

Environment and Natural Resources Office (*DENR-CENRO*) be compelled to zealously enforce and implement the environmental laws.¹² They also prayed that the Provincial and Municipal Assessors of Mountain Province be compelled to release certified true copies of the tax declarations in the name of Spouses Maliones et al.¹³ They also sought to mandate the Punong Barangay of Data to actively participate in the environmental management and protection programs of the government.¹⁴

On November 5, 2015, the Regional Trial Court (*RTC*) issued a Temporary Environmental Protection Order, ordering Spouses Maliones et al. to cease and desist from bulldozing, cultivating, introducing improvements, and other earth-moving activities at the subject land.¹⁵

Spouses Maliones et al. denied the accusations against them and insisted that these were mere fabrications and exaggerations. In their Answer,¹⁶ Spouses Maliones asserted that no earth-moving activity was done and that only soil refurbishment was conducted. They also averred that the natural view and beauty of nature were not destroyed as what was refurbished was the old garden of their property. Further, they maintained that no soil erosion could possibly have resulted from their activities on the property because the land was “plate-like” where water would be stagnated during the rainy season. They also added that no alnus trees were cut, and no pine trees girdled. They also explained that the fence was put up to protect the organic farm vegetables from being destroyed by animals. They claimed that the subject land was the ancestral land of the late John Miguel. It was first declared for tax purposes in the year 1970 and has since been paid by him until his death in 1986. His heirs took over and eventually sold the ancestral land to Spouses Maliones in 2012.¹⁷

Meanwhile, in the Answer with Affirmative Defenses and Counterclaim with Motion to Dissolve TEPO¹⁸ filed by Sawate,* he contended that Timario, et al. have no personality to sue as they are *in pari delicto* because they are also holders of tax declarations covering the property adjacent to his property and they are also engaged in farming. He also denied committing any act that would cause damage to the environment as there was no improvement in his property yet.¹⁹

¹² *Id.* at 84–85.

¹³ *Id.* at 86–87.

¹⁴ *Id.* at 88.

¹⁵ *Rollo* (G.R. No. 258836), p. 10.

¹⁶ *Rollo* (G.R. No. 252834), pp. 163–168.

¹⁷ *Id.* at 163–165 and 356–357.

¹⁸ *Id.* at 169–174.

* Sawati in some parts of the *rollo*.

¹⁹ *Id.* at 170.

In the Answer²⁰ filed by the provincial assessor of Mountain Province and the municipal assessor of Sabangan, they stressed that they were restricted from issuing certified copies of tax declarations/assessment records requested by Timario, et al. as they did not have authority from the declarant of the properties in the issue. They highlighted that this was a requirement under Chapter I, Section 1(C) of the Manual on Real Property Appraisal and Assessment Operations issued by the Bureau of Local Government Finance.²¹

On October 10, 2016, the RTC issued its Decision,²² the dispositive portion of which states:

WHEREFORE, judgment is hereby rendered issuing the writ prayed for and ordering the public respondent DENR-CAR represented by the Office of the Regional Director-CAR Engr. Ralph C. Pablo and the DENR-CENRO-Sabangan, Mountain Province to:

- A.
 1. Stop and prevent the herein private respondents and anybody acting in their behalf from converting the portion of the Forest Zone covered by their Tax Declarations at Am-amoting/ Ambango, and Batacang/ Obua into vegetable farms, from engaging in any other illegal activities therein including cutting of trees, kaingin, earth moving and land conversion activities, from using chemical fertilizers, insecticides, pesticides, and other substances that pollute the soil, water[,] and air;
 2. cause the planting of trees in the denuded portions or the rehabilitation of the areas damaged by the earth moving and bulldozing activities;
 3. guard and patrol subject area to prevent repetition of illegal and destructive activities therein and cause the apprehension and prosecution of all violators; and
 4. perform all needed measures to ensure the protection and preservation of the environment.
- B. Likewise ordering the Punong Barangay of Data, Sabangan, Mountain Province, to perform his mandated obligation to actively participate in the environmental management and protection programs of the government, to render assistance in the enforcement of environmental laws and in the apprehension of the violators thereof;
- C. The Temporary Environmental Protection Order earlier issued is hereby made PERMANENT and an Environmental Protection Order (EPO) is hereby issued and the private respondents are ordered to cease and desist from bulldozing, cultivating, and introducing improvements, from other earth moving activities that cause irreparable damage to the forest

²⁰ *Id.* at 175–187.

²¹ *Id.* at 176–177.

²² *Id.* at 376–394.

zone, from cutting trees, engaging in kaingin and other illegal activities, from causing pollution in any way of the soil, water, and the environment, and from claiming private ownership over the communal forest of Batacang and Am-amoting covered by their tax declarations. The private respondents are ordered to remove their barbed wire fences that restrict the community from the use and enjoyment of the communal forest zone.

- D. The Public respondents Offices of the Provincial Assessor and Municipal Assesor [sic] of Sabangan, Mountain Province are ordered to desist from issuing tax declarations without compliance with the provisions of Sec. 84 of P.D. 705 and other related laws, rules, and regulations; and where appropriate to cause the cancellation of the tax declarations of the herein private respondents over the subject area at Batacang, Am-amoting, Ambango, Obua, Data, Sabangan, Mountain Province.
- E. From the finality of this Judgment, the public respondents are directed to submit to the court quarterly report of actions and measures undertaken by their respective agencies/offices in accordance with this Judgment.
- F. No award of damages for lack of basis. No costs.

SO ORDERED.²³

The RTC stated that issuing a Temporary Environmental Protection Order was appropriate given that the case was instituted for the protection and preservation of the environment and the rights of the parties.²⁴ It also gave credence to the certification of the DENR that the area where earth-moving and bulldozing activities of Spouses Maliones et al. are was outside the alienable and disposable zone.²⁵ Since there was no showing that the subject land was converted into an alienable and disposable portion of the public domain by a positive act of the government, the RTC ruled that it remained beyond the commerce of man.²⁶

The RTC also declared that the writ of continuing *mandamus* was proper because of the insufficient action undertaken by the DENR and the other concerned agencies on the purported violations of Spouses Maliones et al., and the possible harmful effects of these activities on the environment and health of the people.²⁷ For the RTC, these gave rise to an actionable neglect that justified the issuance of a writ of continuing *mandamus*.²⁸

²³ *Id.* at 391-393.

²⁴ *Id.* at 386.

²⁵ *Id.* at 387.

²⁶ *Id.*

²⁷ *Id.* at 390-391.

²⁸ *Id.* at 390.

Aggrieved, Spouses Maliones et al. appealed to the CA.

In a Decision,²⁹ the CA denied the appeal of Spouses Maliones et al., the dispositive portion of which reads:

WHEREFORE, the appeal is DENIED for lack of merit. The Judgment of the Regional Trial Court, First Judicial Region, Branch 35, Bontoc, Mountain Province in Civil Case No. 2015-10-30-68 dated October 10, 2016 is hereby AFFIRMED.

SO ORDERED.³⁰

In denying their appeal, the CA held that Timario, et al. have legal standing to file an environmental case because of their personal and substantial interest in the protection and preservation of the Batacang and Am-amoting areas which they claim are public or communal land.³¹ It emphasized that the Regalian Doctrine leads to the presumption that the land subject of the case is considered a public forest.³² The CA ruled that the tax declarations presented do not prove actual ownership and that a mere claim of private ownership does not convert public property into private property. Because Timario, et al. failed to offer any evidence that the State has performed a positive act declaring the subject land to be alienable and disposable, the CA concluded that the presumption of ownership by the State remained unrebutted.³³

The CA affirmed the ruling of the RTC ordering Spouses Maliones et al. to cease and desist from occupying or converting the public forest.³⁴ It also clarified that the RTC did not order the cancellation of the tax declarations. The RTC merely ordered for the conduct of an investigation as to the propriety of the issuance of the tax declarations in favor of the respective holders and to cause their cancellation if determined to have been issued in contravention of law.³⁵

In a Resolution,³⁶ the CA denied the motion for reconsideration filed by Spouses Maliones et al. for lack of merit.³⁷

In the Petition³⁸ docketed as UDK-16868, Spouses Maliones argue that the Regalian Doctrine is not applicable to the subject parcels of land because

²⁹ *Rollo* (G.R. No. 258836), pp. 24–42. Dated October 18, 2019.

³⁰ *Id.* at 42.

³¹ *Id.* at 34–36.

³² *Id.* at 37–38.

³³ *Id.* at 39.

³⁴ *Id.* at 39–41.

³⁵ *Id.* at 41–42.

³⁶ *Id.* at 44–49. Dated July 1, 2020.

³⁷ *Id.* at 48.

³⁸ *Id.* at 7–20.

they did not fall under the category of public domain.³⁹ They claim that the subject parcels of land were their ancestral lands under native title from their predecessors-in-interest.⁴⁰ Thus, they maintain that there was no basis to cause the cancellation of their respective tax declarations.⁴¹

Meanwhile, in the Petition⁴² filed by Spouses Quiño, Sawate, and Bati-el, represented by his wife Lilia Bati-el, they point out that the Petition arose from a civil case for the enforcement of environmental laws and not an action for registration of the subject parcels of land.⁴³ They highlight that Timario, et al. merely alleged that the subject land was classified as outside the alienable and disposable zone based on the Land Classification Map No. 2017, certified on July 30, 1956, by the Director of Forestry.⁴⁴ They insist that the identity of the subject land was not established as the metes and bounds were not proven by preponderance of evidence.⁴⁵

On the other hand, in the Joint Comment and Notice⁴⁶ filed by Timario, et al., they insist that they did not claim the subject land as their ancestral land or individual private land.⁴⁷ They clarify that the subject land was communal public land for all Datanians to use including the community people from the nearby barangays of different municipalities in the Mountain Province. They aver that the subject land was part of the public domain and classified as timber or forest land. They contend that it was never classified nor delineated as ancestral domain or ancestral land by the National Commission on Indigenous Peoples in accordance with Republic Act No. 8371.⁴⁸

In a Resolution,⁴⁹ this Court ordered that the Petitions for Review on *Certiorari* docketed as UDK-16868 and G.R. No. 252834 be consolidated.

Issues

I.

Whether Spouses Maliones et al. may invoke their claim of ownership over the property allegedly obtained by native title to deter this Court from granting the protection order, writ of continuing *mandamus*, and other reliefs prayed for by Timario, et al.; and

³⁹ *Id.* at 13–14 & 16.

⁴⁰ *Id.* at 14–16.

⁴¹ *Id.* at 16–17.

⁴² *Rollo* (G.R. No. 252834), pp. 12–37.

⁴³ *Id.* at 30–31.

⁴⁴ *Id.* at 31.

⁴⁵ *Id.*

⁴⁶ *Id.* at 438–446.

⁴⁷ *Id.* at 443.

⁴⁸ *Id.* at 444.

⁴⁹ *Id.* at 435–437. Dated April 28, 2021.

II.

Whether the reliefs awarded are proper.

This Court's Ruling

The Petition must be denied.

Spouses Maliones et al. cannot invoke their claim of ownership over the property allegedly obtained by native title to deter this Court from granting the protection order, writ of continuing mandamus, and other reliefs prayed for by Timario, et al.

Spouses Maliones claim that the subject land should be considered their ancestral land, claiming that they have native title derived from their predecessors-in-interest. Particularly, they argue that the portion of the subject land declared under their names is an ancestral land of the late John Miguel that was first declared for tax purposes in 1970. Upon his death, his heirs allegedly took over and eventually sold the ancestral land to Spouses Maliones in 2012.⁵⁰ As such, they posit that the Regalian doctrine should not be applied in justifying the reliefs awarded in favor of Timario, et al.

In the prevailing 1987 Constitution, the Regalian doctrine is found in Section 2, Article XII, which states that:

SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development[,] and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant[.]⁵¹ (Emphasis supplied)

⁵⁰ *Id.* at 163–165 and 356–357.

⁵¹ CONST., art. XII, sec. 2.

Spouses Maliones maintain that they derived their ownership over the subject land from their predecessor-in-interest, the late John Miguel, who allegedly acquired the same through native title. The concept of native title refers to:

Native title is defined as:

“*Sec. 3 [1]. Native Title.* — 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.”

Native title refers to ICCs/IPs’ preconquest rights to lands and domains held under a claim of private ownership as far back as memory reaches. These lands are deemed never to have been public lands and are indisputably presumed to have been held that way since before the Spanish Conquest. The rights of ICCs/IPs to their ancestral *domains* (which also include ancestral *lands*) by virtue of native title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.⁵² (Emphasis in the original; citations omitted)

In determining whether this Court may resolve the argument raised by Spouses Maliones, this Court must necessarily discuss the nature of a citizen suit and the reliefs that may be awarded within the context of the Rules of Procedure for Environmental Cases.

Citizen suit is one of the features introduced in the Rules of Procedure for Environmental Cases that seeks to liberalize the traditional rule on standing by relaxing the requirement of personal and direct interest for all cases filed to enforce environmental laws. This is intended to further encourage the protection of the environment as stewards of nature.⁵³ Section 5, Rule 2 of the Rules of Procedure for Environmental Cases states:

SEC. 5. Citizen suit. — Any Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws. Upon the filing of a citizen suit, the court shall issue an order which shall contain a brief description of the cause of action and the reliefs prayed for, requiring all interested parties to manifest their interest to intervene in the case within fifteen (15) days from notice thereof. The plaintiff may publish the order once in a newspaper of a general circulation in the Philippines or furnish all affected barangays copies of said order.

Citizen suits filed under R.A. No. 8749 and R.A. No. 9003 shall be governed by their respective provisions. (Emphasis in the original)

⁵² *Cruz v. Sec. of Environment & Natural Resources*, 400 Phil. 904, 970 (2000) [*Per Curiam, En Banc*].

⁵³ A.M. No. 09-6-8-SC, April 13, 2010, RULES OF PROCEDURE FOR ENVIRONMENTAL CASES.

The reliefs that may be granted in a citizen suit are explicitly enumerated in Section 1, Rule 5 of the Rules of Procedure for Environmental Cases, to wit:

SECTION 1. *Reliefs in a citizen suit.* If warranted, the court may grant to the plaintiff proper reliefs which shall include the protection, preservation or rehabilitation of the environment and the payment of attorney's fees, costs of suit and other litigation expenses. It may also require the violator to submit a program of rehabilitation or restoration of the environment, the costs of which shall be borne by the violator, or to contribute to a special trust fund for that purpose subject to the control of the court. (Emphasis in the original)

The quoted provision enumerated broad reliefs that are primarily intended for the protection, preservation, and rehabilitation of the environment. This is consistent with the policy that a citizen suit is pursued in the interest of the public. A careful study of the quoted provision reveals that the authority to resolve an issue of ownership is not among the reliefs that may be awarded in a citizen suit involving an environmental case.

Furthermore, to resolve the ownership controversy raised by Spouses Maliones et al., it will necessarily entail identifying and recognizing individuals claiming to be indigenous peoples or indigenous cultural communities who claim ownership under a native title. This Court cannot simply accept and declare the parties as indigenous cultural communities/indigenous peoples without violating the doctrine of primary jurisdiction. This doctrine provides 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."⁵⁴

The National Commission on Indigenous Peoples is the primary government agency mandated by Republic Act No. 8371 to "protect and promote the interest and well-being of the indigenous cultural communities/indigenous peoples with due regard to their beliefs, customs, traditions, and institutions."⁵⁵ In *The City Government of Baguio City v. Atty. Brain Masweng*,⁵⁶ this Court declared that:

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

⁵⁴ *Euro-Med Laboratories, Phil., Inc. v. Province of Batangas*, 527 Phil. 623, 626 (2006) [Per J. Corona, Second Division]. (Citation omitted)

⁵⁵ Republic Act No. 8371, sec. 3(k) and 39.

⁵⁶ 597 Phil. 668 (2009) [Per J. Tinga, Second Division].

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.⁵⁷ (Citations omitted)

The foregoing mandate is consistent with the framework observed by the State in favor of the protection of the rights of the indigenous cultural communities/indigenous peoples, as found in Section 22, Article II,⁵⁸ Section 5, Article XII,⁵⁹ and Section 6, Article XIII⁶⁰ of the Constitution.⁶¹

Moreover, in carrying out the functions of the National Commission on Indigenous Peoples, Section 66 of Republic Act No. 8371 outlined its jurisdiction as follows:

SECTION 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.

The jurisdiction of the National Commission on Indigenous Peoples is also delineated in Section 5, Rule III of the NCIP Administrative Circular No. 1, Series of 2003, or the Rules on Pleadings, Practice, and Procedure Before the National Commission on Indigenous Peoples (2003 NCIP Rules of Procedure), which states:

⁵⁷ *Id.* at 674.

⁵⁸ CONST., art. II, sec. 22 states:

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

⁵⁹ CONST., art. XII, sec. 5 states:

Sec. 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.

⁶⁰ CONST., art. XIII, sec. 6 states:

Sec. 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.

⁶¹ *Santos v. Gabaen*, G.R. No. 195638, March 22, 2022 [Per J. Lopez, J., *En Banc*] at 11. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

Section 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 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 Office:
 - 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.⁶²

As clarified in the recent case of *Santos v. Gabaen*,⁶³ the National Commission on Indigenous Peoples does not automatically have jurisdiction over all disputes involving indigenous cultural communities/indigenous peoples. Citing the case of *Unduran v. Aberasturi*,⁶⁴ this Court explained in *Santos* that:

Section 66 of R.A. No. 8371 does not confer on the NCIP exclusive and original jurisdiction over all claims and disputes involving rights of ICCs/IPs. This Court emphasized that the proper construction of the provision, particularly its qualifying *proviso*, is that “the NCIP’s jurisdiction over such claims and disputes occur only when they arise between or among parties belonging to the same ICC/IP.”⁶⁵

⁶² Section 5, Rule III of the NCIP Administrative Circular No. 1, Series of 2003.

⁶³ *Supra* note 60, at 12. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

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

⁶⁵ *Supra* note 60, at 12--13. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

The recognition of the National Commission on Indigenous Peoples as the primary agency tasked to carry out the provisions in the Indigenous Peoples' Rights Act of 1997 (*IPRA*) was also reiterated in *Sama v. People*,⁶⁶ where this Court declared that:

Under the *IPRA*, the NCIP is the lead government agency for the protection, promotion, and preservation of IP/ICC identities and rights in the context of national unity. As a result of its expertise, it has the primary jurisdiction to identify ICCs and IPs[.]⁶⁷ (Citations omitted)

In the present case, this Court cannot rule on the underlying claims of ownership and recognition as indigenous cultural communities/indigenous peoples. These are issues beyond the expertise of this Court and are best left to the judgment of the National Commission on Indigenous Peoples, the primary government agency presumed to be equipped with the technical knowledge and expertise in this specialized field. These issues cannot be resolved in the present Petition assailing the ruling of the lower courts in a citizen suit involving an environmental dispute.

Furthermore, this Court cannot simply accept the claims of Spouses Maliones et al. without validating them. Section 11 of Republic Act No. 8371, otherwise known as the *IPRA*, states:

Section 11. *Recognition of Ancestral Domain Rights.* — The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.

Admittedly, it is settled that:

The indigenous concept of ownership exists even without a paper title. The indigenous peoples' ownership over their ancestral domain even precedes the Indigenous Peoples' Rights Act. Thus, a State-issued title to the land is not a condition precedent to recognize their ownership over the land. It is simply a symbol of ownership. What the law offers is merely a formal recognition of their titles over the territories identified and delineated under the law.⁶⁸ (Citations omitted)

It would be premature to make a final determination on the rights and obligations of the parties based on Spouses Maliones et al.'s claim of

⁶⁶ G.R. No. 224469, January 5, 2021 [Per J. Lazaro-Javier, *En Banc*].

⁶⁷ *Id.* at 10. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁶⁸ *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, G.R. Nos. 198688 & 208282, November 24, 2020 [Per J. Leonen, *En Banc*] at 38. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

ownership when the identity of the subject property has not yet been settled. To resolve this issue, a full-blown trial on the merits must be conducted and evidence must be adduced to properly identify, delineate, and recognize the purported ancestral land, and to prevent a miscarriage of justice.

As regards the claim of Spouses Maliones et al. that their respective tax declarations have been cancelled by the assailed Decision, the same is incorrect. The pertinent portion of the RTC Decision states:

D. The Public respondents Offices of the Provincial Assessor and Municipal Assesor [sic] of Sabangan, Mountain Province are ordered to desist from issuing tax declarations without compliance with the provisions of Sec. 84 of P.D. 705 and other related laws, rules, and regulations; and where appropriate to cause the cancellation of the tax declarations of the herein private respondents over the subject area at Batacang, Am-amoting, Ambango, Obua, Data, Sabangan, Mountain Province.⁶⁹

A careful study of the quoted portion of the Decision would reveal that there is no instruction from the court to cancel the tax declarations held by Spouses Maliones et al. Instead, the RTC merely ordered the Office of the Provincial Assessor of Mountain Province and the Office of the Municipal Assessor of Sabangan to stop issuing tax declarations without complying with Presidential Decree No. 705 and other related issuances. The second instruction of the court is to cause the cancellation of the tax declarations of Spouses Maliones et al. "where appropriate." This instruction must be understood as contemplating a scenario wherein an investigation will be conducted and the parties will be given an opportunity to be heard before determining whether the tax declarations held by Spouses Maliones et al. should be cancelled. It is not an order from the court that gives rise to an outright cancellation of the subject tax declarations that were not even submitted to the court.

The reliefs the CA awarded are in accordance with the provisions of the Rules of Procedure for Environmental Cases

To reiterate, the present Petition under the Rules of Procedure for Environmental Cases is not the proper remedy to assail the validity of the tax declarations purportedly issued in favor of Spouses Maliones et al. nor to seek the recognition of the native title they claim to have inherited from their predecessors. Accordingly, this Court shall refrain from resolving the underlying issues on the ownership of the subject land and the recognition of the parties as indigenous cultural communities/indigenous peoples in the present environmental case which must be addressed in the proper case and in

⁶⁹ Rollo (G.R. No. 252834), p. 392.

the correct forum. Nonetheless, this Court is not precluded from granting reliefs available to Timario, et al., in accordance with Section 1, Rule 5 of the Rules of Procedure for Environmental Cases.

Further, the remaining arguments raised in the Petition for Review on *Certiorari* filed under Rule 45 to challenge the grant of reliefs in favor of Timario, et al. do not warrant a review of the facts. Here, the arguments of Spouses Maliones et al. assailing the conclusion of the CA that there exists an actual or imminent threat that can be attributed to Spouses Maliones et al. and the activities they are conducting on the subject area, and that the right to a balanced and healthful ecology of the residents of Barangay Data, Sabangan, Mountain Province are being prejudiced entail a review of the factual findings of the RTC and the CA.

As a rule, issues dealing with the sufficiency of evidence and the relative weight accorded by the lower court cannot be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court as this mode of appeal is limited only to questions of law. It is not the function of this Court to analyze nor weigh all over again evidence already considered in the proceedings below.⁷⁰ While there are recognized exceptions to this rule, there is no showing that a departure from this rule is warranted. This Court finds no error in the uniform factual findings and legal conclusions of the RTC and the CA to warrant their reversal or modification. The factual findings of the trial court are binding upon this Court especially when the same carry the full concurrence of the appellate court, as in this case.

In the present case, the factual findings of the RTC, affirmed by the CA, declared the existence of an actual or imminent threat can be attributed to Spouses Maliones et al. and the activities they are conducting on the subject area that violate environmental statutes and cause prejudice the life, health, or property of residents of Barangay Data, Sabangan, Mountain Province.

The reliefs awarded by the RTC and the CA are within the limits provided by the Rules of Procedure for Environmental Cases. Apart from Section 1, Rule 5 of the Rules of Procedure for Environmental Cases, the court is authorized to grant reliefs such as permanent environmental protection order and writ of continuing *mandamus* in a citizen suit. Section 3, Rule 5 of the Rules of Procedure for Environmental Cases states:

Section 3. *Permanent EPO; writ of continuing mandamus.* — In the judgment, the court may convert the TEPO to a permanent EPO or issue a writ of continuing *mandamus* directing the performance of acts which shall be effective until the judgment is fully satisfied.

⁷⁰ *Heirs of Racaza v. Spouses Abay-abay*, 687 Phil 584, 590 (2012) [Per J. Reyes, Second Division].

The court may, by itself or through the appropriate government agency, monitor the execution of the judgment and require the party concerned to submit written reports on a quarterly basis or sooner as may be necessary, detailing the progress of the execution and satisfaction of the judgment. The other party may, at its option, submit its comments or observations on the execution of the judgment. (Emphasis in the original)

Here, both the RTC and the CA determined that since the subject land is presumptively part of the public forest, the acts of Spouses Maliones et al. of occupying, fencing off, clearing, planting on, sowing on, and building on the disputed land are contrary to the provisions of Presidential Decree No. 705, particularly, Sections 51,⁷¹ 52,⁷² 53,⁷³ and 78.⁷⁴ There is no evidence on record that Spouses Maliones et al. obtained or possessed the requisite permits or authorization to enter, occupy, and clear the forest land they claim.⁷⁵ In

⁷¹ Presidential Decree No. 705, sec. 51 of, as amended, states:

Sec. 51. *Management of Occupancy in Forest Lands.* — Forest occupancy shall henceforth be managed. The Bureau shall study, determine and define which lands may be the subject of occupancy and prescribed therein, an agro-forestry development program.

Occupants shall undertake measures to prevent and protect forest resources.

Any occupancy in forest land which will result in sedimentation, erosion, reduction in water yield and impairment of other resources to the detriment of community and public interest shall not be allowed.

In areas above 50% in slope, occupation shall be conditioned upon the planting of desirable trees thereon and/or adoption of other conservation measures.

⁷² Presidential Decree No. 705, sec. 52, as amended, states:

Sec. 52. *Census of kaingineros, squatters, cultural minorities and other occupants and residents in forest lands.* Henceforth, no person shall enter into forest lands and cultivate the same without lease or permit.

A complete census of kaingineros, squatters, cultural minorities and other occupants and residents in forest lands with or without authority or permits from the government, showing the extent of their respective occupation and resulting damage, or impairment of forest resources, shall be conducted.

The Bureau may call upon other agencies of the government and holders of license agreement, license, lease and permits over forest lands to participate in the census.

⁷³ Presidential Decree No. 705, sec. 53, as amended, states:

Sec. 53. *Criminal Prosecution.* Kaingineros, squatters, cultural minorities and other occupants who entered into forest lands before the effectivity of this Code, without permits or authority, shall not be prosecuted: Provided, that they do not increase their clearings: Provided, further, That they undertake, within two (2) months from the notice thereof, the activities which will be imposed upon them by the Bureau in accordance with a management plan calculated to conserve and protect forest resources.

⁷⁴ Presidential Decree No. 705, sec. 78, as amended, states:

Sec. 78. *Unlawful occupation or destruction of forest lands.* Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others any forest land without authority under a license agreement, lease, license or permit, or in any manner destroys such forest land or part thereof, or causes any damage to the timber stand and other products and forest growths found therein, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land shall, upon conviction, be fined in an amount of not less than five hundred pesos ([PHP] 500.00) nor more than twenty thousand pesos ([PHP] 20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment of ten (10) times the rental fees and other charges which would have been accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit: Provided, That in the case of an offender found guilty of making kaingin, the penalty shall be imprisoned for not less than two (2) nor more than (4) years and a fine equal to eight (8) times the regular forest charges due on the forest products destroyed, without prejudice to the payment of the full cost of restoration of the occupied area as determined by the Bureau.

The Court shall further order the eviction of the offender from the land and the forfeiture to the Government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Bureau, said vehicles shall be sold at public auction, the proceeds of which shall accrue to the Development Fund of the Bureau.

In case the offender is a government official or employee, he shall, in addition to the above penalties, be deemed automatically dismissed from office and permanently disqualified from holding any elective or appointive position.

⁷⁵ *Rollo* (G.R. No. 252834), p. 61.

addition, as aptly pointed out by the CA, with respect to Spouses Maliones, the CENRO expressly declared that their earth-moving activities were being done on a portion of the public forest.⁷⁶ These facts remain unrebutted. As such, this Court does not find any compelling reason to reverse the reliefs awarded by the RTC and CA.

ACCORDINGLY, the consolidated Petitions are **DENIED**. The Decision dated October 18, 2019 and the Resolution dated July 1, 2020 of the Court of Appeals in CA G.R. CV No. 108423, which denied the appeal of Spouses Maliones et al., are **AFFIRMED**.

The Department of Environment and Natural Resources-Cordillera Autonomous Region, represented by the Office of the Regional Director-CAR Engineer Ralph C. Pablo, and the Community Environment and Natural Resources Office, Sabangan, Mountain Province are **ORDERED** to:

1. Stop and prevent Spouses Maliones et al. and anybody acting on their behalf from converting the portion of the forest zone covered by their tax declarations at Am-amoting/Ambango, and Batacang/Obua into vegetable farms, from engaging in any other illegal activities therein including cutting of trees, *kaingin*, earth-moving and land conversion activities, from using chemical fertilizers, insecticides, pesticides, and other substances that pollute the soil, water, and air;
2. Cause the planting of trees in the denuded portions or the rehabilitation of the areas damaged by the earth-moving and bulldozing activities;
3. Guard and patrol the subject area to prevent the repetition of illegal and destructive activities therein and cause the apprehension and prosecution of all violators; and
4. Perform all needed measures to ensure the protection and preservation of the environment.

The Punong Barangay of Data, Sabangan, Mountain Province, is **ORDERED** to perform his/her mandated obligation to actively participate in the environmental management and protection programs of the government, to render assistance in the enforcement of environmental laws and in the apprehension of the violators thereof.

The Temporary Environmental Protection Order earlier issued is hereby made **PERMANENT** and an Environmental Protection Order is hereby issued and Spouses Maliones et al. are **ORDERED** to cease and desist from bulldozing, cultivating, and introducing improvements, from other earth-moving activities that cause irreparable damage to the forest zone, from


⁷⁶ *Id.* at 59.

cutting trees, engaging in kaingin and other illegal activities, from causing pollution in any way of the soil, water, and the environment, and from claiming private ownership over the communal forest of Batacang and Am-amoting covered by their tax declarations. Spouses Maliones et al. are **ORDERED** to remove their barbed wire fences that restrict the community from the use and enjoyment of the communal forest zone.


The Offices of the Provincial Assessor and Municipal Assessor of Sabangan, Mountain Province are **ORDERED** to desist from issuing tax declarations without compliance with the provisions of Section 84 of Presidential Decree No. 705 and other related laws, rules, and regulations; and where appropriate to cause the cancellation of the tax declarations of Spouses Maliones et al. over the subject area at Batacang, Am-amoting, Ambango, Obua, Data, Sabangan, Mountain Province.

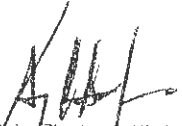
From the finality of this Decision, the foregoing government officials and agencies are **DIRECTED** to submit to this Court a quarterly report of actions and measures undertaken by their respective agencies/offices in accordance with this Decision.

SO ORDERED.



JHOSEP V. LOPEZ
Associate Justice

WE CONCUR:

see concurring opinion

MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice



MARIJO V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
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
Senior Associate Justice
Chairperson, Second Division

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

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