



Republic of the Philippines
Office of the President

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

6th and 7th Floors, Sunnymede IT Center, 1614 Quezon Avenue,
South Triangle, Quezon City 1103

January 24, 2024



BAI FRAIDELYN SAMAL DANI
Chieftain 16 Clan Blaan Tribe
16 CLAN BLAAN TRIBE WATCHMAN COUNCIL OF ELDERS
Chief Director of Executive Council/Judiciary System/Legislative
Council
Customary Self-Governance Since Time Immemorial

Dear Bai Dani:

Greetings!

We acknowledge the receipt of your letter and its attachments. We will be referring this matter to the proper office for their prompt action.

Thank you and good day.

Respectfully,

ATTY. ARTHUR K. HERMAN
ANCESTRAL DOMAINS OFFICE

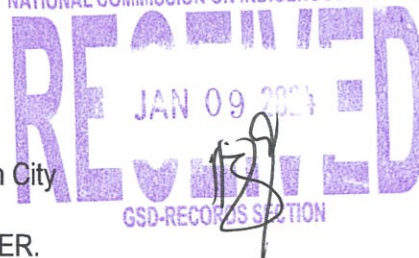


16 CLAN BLAAN TRIBE WATCHMAN COUNCIL OF ELDERS

CUSTOMARY SELF-GOVERNANCE

ADDRESS: PUROK 16 CLAN BAGONG PAG-ASA, SINAWAL, GENERAL SANTOS CITY, MINDANAO ISLANDS

NATIONAL COMMISSION ON INDIGENOUS PEOPLES



TO: BO-I JENNIFER PIA SIBUG-LAS
Chairwoman
National Commission on Indigenous Peoples - Central Office
Sunnymede IT Center, 6th & 7th Floors, 1614 Quezon Ave, Quezon City

ATTENTION: THE COMMISSION EN BANC ALL COMMISSIONER MEMBER.

SUBJECT: URGENT APPEAL AND SUBORDINATE PREVIOUS DECISION FOR REVOKE AND CANCEL
NCIP CEB CASE NO. OJ-2013-002 DATED 14 DECEMBER 2016 (ATTACHED 4 PAGES DECISION)

DATED: 08 DECEMBER 2024

The DECISION NCIP CEB CASE NO. OJ-2013-002 Date December 14, 2016, we subordinate and declare UNCONSTITUTIONAL FOR REVOKE/CANCEL DECISION/RESOLUTION on Commission En Banc for the following grounds:

1. This land is Native Land Since Time Immemorial of the Blaan Tribe Located at Brgy. Sinawal, General Santos City (present address Purok16 Clan Bagong Pag-Asa, Sinawal, General Santos City);
2. The DENR declaration this land is Timber Land;
3. The NCIP view this land is Ancestral Domain/Land;
4. This Fraud Decision Commission En Banc Resolution on December 14, 2016 in favor Bantilan Clan?
 - a. Without Free and Prior Informed Consent (FPIC) of the 16 Clan Elders;
 - b. Without Proper *Certification of Pre-condition from NCIP Jurisdiction and according to Section 7. Development and Cultural Activities Subject to Free and Prior Informed Consent (FPIC) & Section 8. Memorandum of Agreement. of NCIP Administrative Order No. 1, Series of 1998-Rules and Regulation Implementing the IPRA of 1997;*

We the sovereign Blaan Indigenous Peoples of the native land are praying and looking forward to our significant involvement on this matter for our future reference in any difficult situation that may arise.

May we request in accordance with Republic Act No. 11032 (Sec. 4.a) for your positive response upon receipt of this letter within three (3) days.

In D'wata we Trust!

In this courts with praise,

BAI FRAIDELYN SAMAL DANI

Chieftain 16 Clan Blaan Tribe

16 CLAN BLAAN TRIBE WATCHMAN COUNCIL OF ELDERS

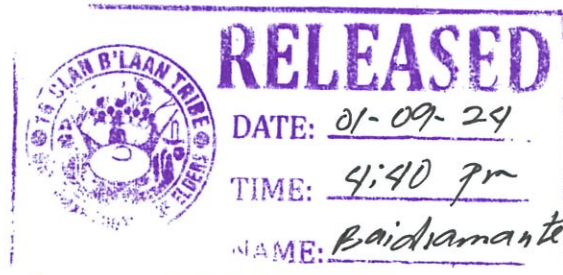
Chief Director of Executive Council/Judiciary System/Legislative Council

Customary Self-Governance Since Time Immemorial

Copy furnish:

H.E. FERDINAND ROMUALDEZ MARCOS, JR

President
Republic of the Philippines
Malacañang Palace, Manila





**SINAWAL MULTI-PURPOSE B'LAAN
FARMERS COOPERATIVE, INC., as
represented by LEONARDO TALUNA
FUENTES,**

Petitioners,

-versus-

NCIP CEB Case No. OJ-2013-002

BANTILAN CLAN,

Respondent.

X -----X

DECISION

Before this NCIP Commission En Banc (CEB) is an original jurisdiction petition for the cancellation of CALT No. R-12-GSc-0309-000213 awarded and issued in favor of the BANTILAN CLAN on March 20, 2009; and in its stead, herein petitioner, the SINAWAL MULTI-PURPOSE B'LAAN FARMERS COOPERATIVE, INC., as represented by LEONARDO TALUNA FUENTES, prays that the CALT for the subject matter area be issued to them.

Herein petitioners is a group of farmers alleged to be belonging to the B'laan Tribes, led by its representative, Mr. Leonrado T. Fuentes, who claims to be a member of the Bauayan Clan, of the B'laan ICCs. They are the complainants in the COSLAP Case No. 98-011, where it was ruled that the FLGLA No. 522 issued to Felicisimo Alcantara by the DENR should be cancelled for being contrary to law. The ruling also said that subject matter area should belong to the B'laan Tribes. This decision has since attained finality.

The respondent is the awardee of CALT No. R-12-GSc-0309-000213, the area of which is alleged to contain the area covered by FLGLA No. 522, which according to the aforementioned COSLAP ruling is supposed to be segregated and awarded to the B'laan Tribes.

The controversy in the instant began sometime on March 25, 1994, when the DENR issued a Forest Land Grazing Lease Agreement (FLGLA) No. 552 in favor of Felicisimo Alcantara, whereby the latter was allowed to lease

325 hectares public forest land in Sinawal, General Santos for grazing purposes, for a period of 25 years, which was set to expire on June 30, 2019.

This issuance was contested by Leonardo Fuentes, the representative of herein petitioner, who contended that his forefathers were the original and oldest clan of General Santos City, the Bauayan Clan, and that they have occupied the land, considering the same to be their ancestral land. On this basis, herein petitioner, the Sinawal Multi-purpose B'Laan Farmers Cooperative, through Fuentes, filed a letter complaint with the Commission on Settlement of Land Problems (COSLAP), docketed therein as COSLAP Case No. 98-011, against Alcantara and sought the cancellation of FLGLA no. 552 and reversion of approximately 620 hectares to the B'laan Tribe for their livelihood considering that the land covered in FLGLA no. 552 is their alleged ancestral land, which their forefathers have occupied, cultivated, and possessed since time immemorial.

On August 11, 1998, the COSLAP resolved the complaint, holding that the complainants are the heirs, successors in interest and predecessors in interest of their ancestors, and that FLGLA issued to Felicísimo Alcantara was contrary to law; holding further that since the contract between DENR and Alcantara is not valid, it is resolved to: (1) recommend to the secretary of DENR and the President the immediate cancellation of FLGLA No. 552; (2) order the immediate segregation of the 620 hectares which is now vacant to be given to the poor families of the B'laan tribes; (3) recommend the declaration of the whole area covered by FLGLA no. 552 as ancestral land of B'Laan tribes under the leadership of Fuentes; and, (4) endorse the resolution to NCIP for the immediate implementation of this resolution.

On August 21, 1998, Alcantara filed a motion for Reconsideration but was denied by COSLAP; thus, he elevated the case to Court of Appeals, which denied his petition and affirmed the COSLAP resolution on January 9, 2002, and denied his motion for reconsideration, as well as. Alcantara then filed a Petition for Review on Certiorari with the Supreme Court, and the same was denied. The subsequent motion for reconsideration was denied as well. The July 24, 2002 decision of the Supreme Court attained finality on December 2, 2002, at which time, Entry of Judgment was made.

Herein petitioners then filed with DENR motion to implement the COSLAP resolution, and the DENR issued an order the dispositive portion of which reads as follows:

"Wherefore, in the light of the foregoing, FLGLA No. 552, in the name of Felicísimo Alcantara is hereby cancelled subject to the authority to manage, control and protect the natural resources found therein, pending the final distribution by the Commission



on Indigenous People/COSLAP of the subject lands among the
Indigenous Cultural Group particularly the B'laan."

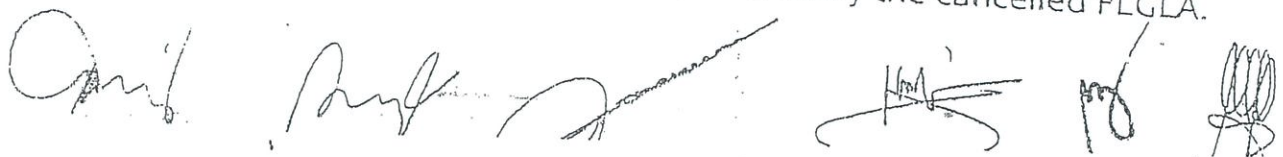
The said DENR order was again appealed by Alcantara, to the Court of Appeals and to the Supreme Court, both of which dismissed the same on ground that the resolution of the issues raised have already attained finality and that the appeal questioning the DENR order is a subtle way of the petitioners to seek another review of the COSLAP resolution. On September 23, 2004, an entry of judgment has been entered and the same has been final and executory.

The NCIP on March 20, 2009, issued CALT No. R-12-GSC-0309-000213 in favor of Bantilan Clan, for the land comprising 1,325 hectares, which included the 620 hectares subject matter of the COSLAP resolution and the DENR order, which is being claimed by herein petitioners. Thus, in this petition the issues at hand is whether the aforementioned CALT covering the area of 1,325 hectares issued to the Bantilan Clan should be cancelled, pursuant to the COSLAP resolution and the DENR order; and whether in its stead the CALT should be issued in favor of herein petitioners.

At the onset it bears noting that herein petitioner is a juridical person organized under the corporation laws; albeit comprising of IPs, it is not the indigenous person envisioned under the IPRA who would be entitled to be recognized as owners of ancestral land and/or ancestral domains. Thus, on this fact alone, there is no cogent reason to sustain the instant petition, and the same may already be dismissed.

Furthermore, the grounds raised by herein petitioners pertains to the resolution of the COSLAP and the order of the DENR, both of which held that the subject matter property, comprising of 620 hectares, be segregated and given to the B'laan tribes. The award of the assailed CALT to herein respondent is not inconsistent with this resolution and order, considering that the CALT awardees, the Bantilan Clan, the respondents herein, are in fact members of the B'laan Tribes.

Further still, herein petitioners, in this petition, claim as their ancestral land, the entire 1,325 hectares covered by the assailed CALT of the Bantilan Clan, for which they asked that a CALT be issued in their name; and they submit as proof of such claim the COSLAP resolution and the DENR order. However, the said resolution and order pertains only to the 620 hectares subject matter of the cancelled FLGLA No. 552, and not to the entire 1,325 hectares comprising the assailed CALT. Thus, there is no factual or legal basis for the issuance of the CALT to herein petitioners. In fact, petitioners' representative, Mr. Leonardo Fuentes, has a pending CALT application for his own clan for the rest of the area not covered by the cancelled FLGLA.

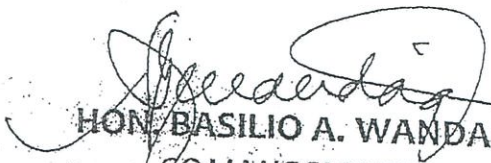


WHEREFORE, premises considered, there is no cogent reason to sustain this petition and the same is hereby DISMISSED without prejudice.

SO ORDERED.

Done this day, the 14th of December 2016, at Banaue, Ifugao.


HON. ERA C. ESPAÑA
COMMISSIONER

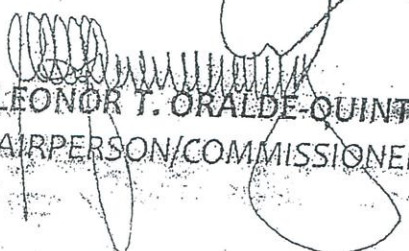

HON. BASILIO A. WANDAG
COMMISSIONER


HON. DOMINADOR M. GOMEZ
COMMISSIONER


HON. NORBERTO M. NAVARRO
COMMISSIONER


HON. RAMCY C. ASTOVEZA
COMMISSIONER


HON. ROY D. DABUIT
COMMISSIONER


HON. LEONOR T. ORALDE-QUINTAYO
CHAIRPERSON/COMMISSIONER

ATTESTATION

This is to attest that this Resolution was approved by the Commission En Banc (CEB) during its regular session on the date above stated.


HON. LEONOR T. ORALDE-QUINTAYO
CHAIRPERSON