

The Present Petition

Petitioners now seek affirmative relief from the Court, reiterating their plea for acquittal.^[25]

They maintain that their act of harvesting the *dita* tree is part and parcel of the Iraya-Mangyan's rights to cultural integrity and ancestral domain and lands. In particular, they profess that: (1) pursuant to their cultural practices, they followed the order of their indigenous community leaders to log the *dita* tree for the construction of their communal toilet; and (2) the land where the *dita* tree was planted was part of their ancestral domain and lands under the *IPRA*, thus, the Iraya-Mangyan IPs have communal dominion over the fruits and natural resources found therein. Additionally, as the Court of Appeals rejected their claim of being Iraya-Mangyan IPs, petitioners devote substantial space to emphasize what had not been disputed during the trial, that they are in fact Iraya-Mangyan IPs.

In the alternative, petitioners stress that: (1) PO3 Ranee did not actually witness their supposed act of cutting the *dita* tree; (2) the prosecution failed to prove they conspired in cutting the tree; and (3) the Court of Appeals misappreciated PO3 Ranee's testimony identifying them as the ones who cut the *dita* tree.^[26]

The People, through the OSG, seeks to dismiss the petition on the following grounds: (1) whether petitioners logged the *dita* tree is a question of fact beyond the jurisdiction of the Court Via Rule 45 of the Rules of Court; (2) the Court of Appeals did not err in upholding the trial court's finding that conspiracy attended the commission of the offense charged; (3) there is no IP justification for cutting the *dita* tree which is special and distinct from other Filipinos; and (4) even if the logging of a tree is part of the IPs' rights to cultural integrity and ancestral domain and lands, the Iraya-Mangyan IPs failed to prove that as **for them**, there is indeed that particular IP justification to log a *dita* tree for building a communal toilet.^[27]

In their Reply,^[28] petitioners continue to claim that the area where the dita tree was located is owned by the Iraya-Mangyan indigenous cultural communities (**ICCs**) since time immemorial by virtue of their "**native title**." This "**native title**" has been formally recognized under *IPRA*. As a result, the DENR issued Certificate of Ancestral Domain (CADC) No. RO4-CADC-126 covering the ancestral domain and ancestral lands where petitioners cut the *dita* tree. There is a pending application for conversion of the CADC to a Certificate of Ancestral Domains Title (CADT) before the National Commission on Indigenous Peoples (NCIP).

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