



Republic of the Philippines  
Department of Finance  
Securities and Exchange Commission  
**COMMISSION EN BANC**

**ROMILYN M. LIGATE and  
ANALIZA DONATO-BALMACEDA,**  
*Complainants-Appellees,*

-versus-

**SEC En Banc Case No. 02-23-514  
Promulgated: 08 July 2025**

**AURELIO G. MATAAS, ROBELYN  
C. DADONG, and JASMIN D.  
GORIANO,** as Chairman, Corporate  
Secretary, and Corporate  
Treasurer, respectively, of  
**SUMPAW NG INANGSABONG  
MANSAKA, INC.,**  
*Respondents-Appellants.,*

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## **RESOLUTION**

On record is an *Appeal Memorandum*<sup>1</sup> ("*Appeal*") filed by Aurelio G. Mataas, Robelyn C. Dadong, and Jasmin D. Goriano (collectively the "Appellants") on 16 February 2023 assailing the SEC Davao Extension Office's ("SEC Davao EO") *Resolution* dated 24 January 2023 ("Assailed Resolution") denying their Motion for Reconsideration of SEC Davao EO's Order dated 16 November 2022 ("Assailed Order") which granted Romilyn M. Ligate and Analiza Donato-Balmaceda (the "Appellees") the right to inspect and copy the corporate records of Sumpaw ng Inangsabong Mansaka, Inc. ("the Corporation") under Section 73 of the Revised Corporation Code.

In their *Appeal*, Appellants argued that SEC Davao EO committed reversible error in taking cognizance of the case which involves parties who are both members of the Indigenous Cultural Communities (ICCs)/ Indigenous Peoples (IPs) from Maco, Davao de Oro, and are members of a corporation created for the benefit of their tribe. It is the Appellants' position that the case does not fall within the jurisdiction of the SEC Davao EO but with the National Commission on Indigenous Peoples (NCIP).

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<sup>1</sup> Through an *Appeal Memorandum* dated 14 February 2023.

On 24 April 2023, Appellees filed their *Entry of Appearance with Comment and/or Opposition (In re: Respondent-Appellants' Appeal Memorandum)* of even date, praying that the Assailed Order be sustained on the ground that contrary to the position of the Appellants, not all cases involving parties belonging to the same ICCs or IPs fall under the jurisdiction of the NCIP. The Appellees argued that jurisdiction over the Corporation, especially relating to the members' right to inspect corporate records, is vested in the Commission.

On 12 September 2023, both parties filed a *Joint Motion to Refer the Case to the Unified Indigenous People Structure ("Joint Motion to Refer")*, where they mutually moved to be allowed to explore mediation through the *baraw-baraw* system under their customary laws.

On 07 April 2025, Appellants filed a *Motion for Resolution with Manifestation in Aid of Resolution*<sup>2</sup> ("*Motion*") praying that the *Joint Motion to Refer* be granted or noted in aid of resolving the *Appeal* and *Appeal* be promptly resolved.

This Office resolves to grant the *Joint Motion to Refer*.

The Supreme Court, in the case of *Undaran v. Aherasturi*,<sup>3</sup> recognizes the settlement of disputes under customary law between ICCs/IPs, to wit:

A careful review of Section 66 shows that the NCIP shall have jurisdiction over claims and disputes involving rights of ICCs/IPs only when they arise between or among parties belonging to the same ICC/IP. This can be gathered from the qualifying provision 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 qualifying provision requires two conditions before such disputes may be brought before the NCIP, namely: (1) exhaustion of remedies under customary laws of the parties, and (2) compliance with condition precedent through the said certification by the Council of Elders/Leaders. **This is in recognition of the rights of ICCs/IPs to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and**

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<sup>2</sup> Dated 02 April 2025.

<sup>3</sup> G.R. No. 181284, October 20, 2015 [Per J. Peralta, *En Banc*].

**other customary laws and practices within their respective communities, as may be compatible with the national legal system and with internationally recognized human rights.**  
(Emphasis and underscoring supplied).

Furthermore, Part III, Section 5-2 of the 2016 Rules of Procedure of the Securities and Exchange Commission ("2016 Rules") encourages the resolution of cases by means of amicable settlement, to wit:

"Section 5-2. *Amicable Settlement*... **Amicable settlement shall be encouraged at any stage of the proceedings,** provided it is not prejudicial to the public interest or third parties, or contrary to law, rules or regulations of the Commission, or against good morals or public policy. The amicable settlement shall be reduced into writing, duly signed by the part and/or their counsels, and shall be the basis of the appropriate Order or Decision of the Special Hearing Panel or the Director of the Operating Department." (Emphasis and underscoring supplied)

Amicable settlement is also possible during the clarificatory hearing as provided in Part V, Section 3-8 of the 2016 Rules, to wit:

"SECTION 3-8. *Clarificatory Hearing*. — **At any time before the promulgation of the decision,** the Commission En Banc, in its discretion, may call the parties to appear before the OGC, acting as the hearing officer, for a clarificatory hearing to take up any matter pertinent to the resolution of the case including the **possibility of amicable settlement or mediation.**" (Emphasis and underscoring supplied)

In relation thereto, similar cases pending before the regular courts in the process of settlement may be suspended and archived<sup>4</sup> as explained in the case of *National Transmission Corp. v. Untiveros*,<sup>5</sup> to wit:

"In civil cases, the court may, motu proprio or upon motion, order that a civil case be archived only in the following instances:

(a) **When the parties are in the process of settlement,** in which case the proceedings may be suspended and the case archived for a period not exceeding ninety (90) days. The case shall be included in the trial calendar on the day immediately following the lapse of the suspension period."

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<sup>4</sup> OCA Circular No. 89-04, Re: Reiteration of the Guidelines in the Archiving of Cases dated August 12, 2004.

<sup>5</sup> G.R. No. 266880, May 15, 2024 [Per J. Lopez, Second Division].

Considering the foregoing, this Office resolves to grant the *Joint Motion to Refer* to allow the parties the possibility of settling their issue within the framework of their customary laws. On account thereof, the instant *Appeal* shall be deferred in the meantime.

**WHEREFORE**, premises considered, the *Joint Motion to Refer the Case to the Unified Indigenous People Structure* is hereby **GRANTED** and the resolution of the *Appeal Memorandum* is hereby **DEFERRED**. The Appellants and Appellees are hereby **DIRECTED** to inform the Commission *En Banc* by way of a manifestation of the result of the Indigenous Peoples Dispute Resolution Process under the parties' customary law.

The instant case is ordered **ARCHIVED** until the submission of a joint settlement or upon proper motion of either party, or unless circumstances occur that will warrant the continuance of the proceedings.

**SO ORDERED.**

Makati City, Philippines.

By Authority of the  
Commission En Banc:

  
**ROMUALD C. PADILLA**  
*General Counsel*