FIRST DIVISION

[G.R. No. 220824. April 19, 2023]

MUNICIPALITY OF PATEROS, PETITIONER, VS. CITY OF TAGUIG AND CITY OF MAKATI, RESPONDENTS.

D E C I S I O N

GESMUNDO, C.J.:

Before the Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court seeking to reverse and set aside the January 29, 2015 Decision[2] and September 24, 2015 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 101512. The CA dismissed petitioner Municipality of Pateros' (Pateros) appeal from the May 10, 2013 Resolution[4] of the Regional Trial Court of Pasig City, Branch 271, Taguig City Station (*RTC Pasig, Branch 271*) which granted the Motion to Dismiss filed by respondent Makati City (*Makati*).

Antecedents

Makati has been embroiled in litigation with co-respondent City of Taguig (*Taguig*) and Pateros for the past 30 years. Subject of their boundary dispute are portions of the former Fort William McKinley (now Fort Bonifacio), currently consisting of *Barangays* Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo, Pitogo, and Bonifacio Global City (*BGC*). By virtue of Proclamation Nos. 2475 and 518 issued by former Presidents Ferdinand E. Marcos and Corazon C. Aquino on January 7, 1986 and January 31, 1991, respectively, the said areas were declared to be part of Makati.[5]

On December 8, 1993, Pateros filed a Complaint[6] for Judicial Declaration of the Territorial Boundaries of Pateros with prayer for the Issuance of a Writ of Preliminary Injunction (*WPI*) and Temporary Restraining Order (*TRO*) against Makati (then still a municipality), the Director of Lands and the Department of Environment and Natural Resources (*DENR*), before the RTC of Makati, Branch 139 (*RTC Makati*), docketed as **Civil Case No. 93-4529**. Pateros alleged that its original territory of 1,038 hectares, as per historical and official records, was reduced to only 166 ha., following a cadastral mapping conducted by the

Bureau of Lands in 1978. Pateros sought a judicial declaration of its territorial boundaries and nullification of Proc. No. 2475.[7]

Civil Case No. 63896

Earlier on November 22, 1993, Taguig (then still a municipality) filed a Complaint[8] for Judicial Confirmation of the Territory and Boundary Limits of Taguig and Declaration of the Unconstitutionality and Nullity of Certain Provisions of Presidential Proc. Nos. 2475 and 518 with Prayer for WPI and TRO against Makati, and certain government agencies and officials, before the RTC of Pasig, Branch 153 (*RTC Pasig, Branch 153*), and docketed as **Civil Case No. 63896**.

Taguig claimed that by virtue of Proc. Nos. 2475 and 518, certain parcels of land inside Fort Bonifacio were erroneously declared as situated within Makati. These areas include about 74 ha. that were either uninhabited or consisted of farmlands or wide-open spaces before the issuance of Proc. No. 2475 in 1986, and the remaining portion of Parcel 4, Psu-2031 and a part of Parcel 3, Psu-2031 which together constitute the "Inner Fort" or military camp proper of Fort Bonifacio.[9]

Pateros sought to intervene in Civil Case No. 63896 but it was denied by the RTC for its failure to withdraw Civil Case No. 93-4529 which was then still pending before the RTC Makati.[10]

In a Decision[11] dated July 8, 2011, the RTC Pasig, Branch 153 ruled in favor of Taguig, confirming the Fort Bonifacio Military Reservation consisting of Parcels 3 and 4, Psu-2031 as part of the territory of Taguig and declaring Proc. Nos. 2475 and 518 unconstitutional and invalid insofar as they altered the boundaries and diminished the territorial jurisdiction of Taguig without the benefit of a plebiscite as required in Section 10, Article X of the 1987 Constitution.[12]

Makati moved for reconsideration[13] of the RTC Decision, and at the same time, filed a Petition for Annulment of Judgment before the CA, which was docketed as **CA-G.R. SP No. 120495**.[14] The motion for reconsideration was denied and the case was also appealed to the CA, docketed as **CA-G.R. CV No. 98377**.[15]

As to the petition for annulment, the CA maintained that it was filed prematurely, and that the petition had subsequently been rendered moot and academic with the filing of the appeal in the main case (CA-G.R. CV No. 98377). The issue in CA-G.R. SP No. 120495

eventually reached this Court through **G.R. No. 208393**,[16] where Makati, through its counsels, was found guilty of direct contempt, and a fine was imposed on each of the said counsels.[17]

Meanwhile, in CA-G.R. CV No. 98377, the CA rendered a Decision[18] dated July 30, 2013, holding that the RTC erred in admitting Taguig's evidence, and that Proc. Nos. 2475 and 518 merely confirmed that the disputed areas were within Makati's territory and jurisdiction, without altering the boundaries thereof.[19] Taguig moved for reconsideration. While the incident remained pending, Taguig moved to dismiss the case on the ground of forum shopping, on the strength of the ruling in G.R. No. 208393. The CA granted the motion and dismissed the appeal with prejudice.

Makati filed a Petition for Review on *Certiorari* before this Court, docketed as **G.R. No. 235316**.[20] In said case, recently resolved by this Court,[21] We held that while We cannot blame the CA for deciding in the manner that it did, it should have respected the fact that the penalties imposed in G.R. No. 208393, finding Makati guilty of forum shopping, did not include the dismissal of CA-G.R. CV No. 98377.[22]

The Court, in the interest of judicial economy, proceeded to rule on the substantive merits of the territorial dispute between Makati and Taguig. Ultimately, the Court held that Taguig was able to prove by preponderance of evidence its claim over the disputed area, to wit:

> From an examination of the contemporaneous acts of the legislature and the chief executive before the 1973 Constitution, two conclusions become apparent. First, Fort McKinley or Fort Bonifacio was situated in Pasig, Taguig, Parañaque, Pasay, and sometimes Pateros. Second, Fort McKinley or Fort Bonifacio lay outside the jurisdiction of Makati.
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> Considering the historical evidence adduced, cadastral surveys submitted, and the contemporaneous acts of lawful authorities, We find that Taguig presented evidence that is more convincing, and wo1ihier of belief than that proffered by Makati. Consequently, We rule that Taguig has a superior claim to the disputed areas.[23]

Civil Case No. 93-4529

Going back, on June 14, 1996, the RTC Makati dismissed the case filed by Pateros for lack of jurisdiction and the assailed presidential proclamations were deemed valid. On appeal, the CA sustained the RTC and faulted Pateros for not bringing its case directly to this Court as it presented a pure question of law. Aggrieved, Pateros filed before this Court a petition for review on *certiorari* under Rule 45 questioning the CA's denial of its appeal, docketed as **G.R. No. 157714**.[24]

In a Decision[25] dated June 16, 2009, this Court denied the petition filed by Pateros and ruled that the CA did not err in holding that Pateros pursued the wrong mode of appeal, as its appeal involved solely a question of law (*i.e.*, jurisdiction of the court over the subject matter); it should have directly taken its appeal to this Court by filing a petition for review on *certiorari* under Rule 45, and not by an ordinary appeal under Rule 41 with the CA.[26]

In the interest of justice, the Court opted to relax the rules and finally addressed the issue of the boundary dispute between Pateros and Makati. We determined that Section 118[27] of the Local Government Code of 1991[28] (*LGC*) was applicable to the controversy. Taking into consideration Makati's new status as a highly urbanized city[29] and the following circumstances, namely: 1) there was no *Sangguniang Panlalawigan* that could take cognizance of the boundary dispute as provided in Sec. 118(b); 2) the former Metro Manila Authority (*MMA*) did not have the authority to take the place of the *Sangguniang Panlalawigan*; and 3) the LGC is silent as to the governing body in charge of boundary disputes involving municipalities located in the Metro Manila area, this Court held:

> However, now that Makati is already a highly urbanized city, **the parties should follow Section 118(d) of the LGC and should opt to amicably settle this dispute by joint referral to the respective *sanggunians* of the parties**. This has become imperative because, after all, no attempt had been made earlier to settle the dispute amicably under the aegis of the LGC. The specific provision of the LGC, now made applicable because of the altered status of Makati, must be complied with. **In the event that no amicable settlement is reached, as envisioned under Section 118(e) of the LGC, a certification shall be issued to that effect, and the dispute shall be formally tried by the *Sanggunian* concerned within sixty (60) days from the date of the aforementioned certification.** In this regard, Rule III of the Rules and Regulations Implementing the LGC shall govern.

Only upon failure of these intermediary steps will resort to the RTC follow, as specifically provided in Section 119 of the LGC:

> Section 119. *Appeal*. — Within the time and manner prescribed by the Rules of Court, any party may elevate the decision of the *sanggunian* concerned to the proper Regional Trial Court having jurisdiction over the area in dispute. The Regional Trial Court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area prior to the dispute shall be maintained and continued for all legal purposes.[30] (Emphases supplied)

The dispositive portion of this Court's decision contained the Order for Pateros and Makati to comply with the procedure set forth in Sec. 118 of the LGC, to wit:

> **WHEREFORE**, the instant Petition is **DENIED**, having been mooted by the conversion of respondent Municipality of Makati into a highly urbanized city. The parties are hereby **DIRECTED** to **comply with Section 118(d) and (e) of the Local Government Code, and Rule III of the Rules and Regulations Implementing the Local Government Code of 1991 without prejudice to judicial recourse**, as provided in the Local Governn1ent Code. No costs.
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> **SO ORDERED.**[31] (Emphasis supplied)

Heeding this Court's directive, Pateros through Resolution No. 11-2009[32] dated August 3, 2009 of its *Sangguniang Bayan* (*Pateros Sanggunian*) formally requested the *Sangguniang Panlungsod* ng Makati (*Makati Sanggunian*) for a dialogue to discuss and settle amicably its claim over Fort Bonifacio.

Makati accepted the invitation of Pateros, and dialogues between their respective *sanggunians* were held on two occasions. However, in view of the existing boundary dispute between Makati and Taguig still pending, Pateros recognized that "an amicable settlement could not be reached between the Municipality of Pateros and the City of Makati."[33] In the Joint Resolution[34] dated November 23, 2009 signed by the members of the respective *sanggunians* of Pateros and Makati, it was agreed that the Pateros *Sanggunian* "shall

initiate invitation to the *Sangguniang Panlungsod* of Taguig to a similar dialogue to thresh out their respective claims."[35] It was further stated that in case the tripartite dialogue does not materialize, the Pateros *Sanggunian* "shall take the appropriate actions to pursue its claims."[36]

Through Resolution No. 17-2009,[37] the Pateros *Sanggunian* formally requested the *Sangguniang Panlungsod ng* Taguig (*Taguig Sanggunian*) for a dialogue to settle amicably Pateros' claim on Parcel 4 of Fort Bonifacio,[38] in accordance with the provisions of the LGC and this Court's decision in G.R. No. 157714. By March 15, 2010, the Taguig *Sanggunian* had not replied to such invitation, prompting the Pateros *Sanggunian* to pass Resolution No. 03-2010[39] to follow up the matter. On August 16, 2010, Resolution No. 24-2010[40] was approved by the Pateros *Sanggunian* informing the Makati *Sanggunian* that their Joint Resolution dated November 23, 2009 is no longer in effect because the Taguig *Sanggunian* has not at all responded to the request, and that Pateros would proceed with the appropriate case should Makati fail to enter into any compromise agreement with it within 30 days.[41]

In Resolution Nos. 14-2011[42] and 15-2011,[43] the Pateros *Sanggunian* declared that no amicable settlement was reached between Pateros and Makati, pursuant to Sec. 118(e) of the LGC and this Court's directive in G.R. No. 157714. It was further stated that:

> **WHEREAS**, after 30 days and hearing no reply received from Makati and pursuant to the Local Government Code of 1991 provision, the Sangguniang Bayan of Pateros **FORMALLY TRIED** the issue (being the concerned LGU) and decided that the amicable settlement has already failed and to finally re-file the case as soon as possible.[44]

The Pateros *Sanggunian* reiterated its request to the Taguig *Sanggunian* through Resolution No. 25-2011.[45] It was followed by Resolution No. 56-2011[46] certifying that the Taguig *Sanggunian* had ignored the various requests by the Pateros *Sanggunian* for dialogue for more than 120 days. The Pateros *Sanggunian* declared in its Resolution No. 57-2011[47] that efforts to have its claim amicably settled with Taguig had failed, and Pateros is all set to file its claim in accordance with the provisions of the LGC.[48]

On May 10, 2011, Pateros filed a Complaint[49] against Makati before the RTC Makati, docketed as **Civil Case No. 11-421**. Essentially, it sought the nullification of Pres. Proc.

Nos. 2475 and 581, and the reversion of Barangays Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo, and Pitogo to Pateros. However, Pateros moved to have the case dismissed without prejudice,[50] in view of the decision rendered by the RTC in Civil Case No. 63896 adjudicating Parcel 4 Psu-2031 in favor of Taguig. The motion was granted by the Makati RTC.[51]

The Present Controversy
(*Civil Case No. 73387-TG*)

On March 27, 2012, Pateros filed a Complaint[52] before the RTC Pasig, Branch 271 against both Makati and Taguig, seeking judicial declaration that Parcel 4 of Survey Plan Psu-2031 comprising about 766 ha., partly occupied by respondents Makati and Taguig, is within the territorial jurisdiction of Pateros.[53]

Pateros claimed to have exercised jurisdiction over the areas covered by Parcel 4, Psu-2031 from the time it was declared an independent town in 1801, which continued during the American rule in the Philippines. Pateros' claim over Parcel 4, Psu-2031 is based on certain documents, such as *Plano De Provincial De Manila* of 1885, the Map of Luzon Island in 1901, and *Plano dela Hacienda de Maricaban* of 1891. By virtue of Act No. 942, Pateros, Taguig and Muntinlupa were consolidated into a single municipality in 1903, with the seat of the municipal government being maintained in Pateros.[54]

Fort William McKinley was established by the Americans as a military reservation. It was later ceded to the Philippine Government in 1946 and renamed Fort Bonifacio. Pateros claimed that the area identified as Parcel 4 Psu-2031 of the said military reservation, consisting of about 7,660,028[55] sq. m., or 766.0028 ha., was taken away from the original land area of Pateros.[56] However, Pateros alleged that residents in the area covered by the military reservation continued to secure Poll or *Cedula* Personal Taxes from Pateros. Pateros further cited Proc. No. 481 issued by President Diosdado Macapagal, which allegedly stated that a certain portion of the land embraced in the proclamation was part of Pateros.[57]

Instead of filing an Answer, Taguig moved to dismiss the case for alleged failure of Pateros to comply with the rules against forum-shopping and to pay the appropriate filing fees.[58] It said that numerous lawsuits have been instituted by Pateros against both Taguig and Makati involving the same subject matter and issues, some of which were omitted in the

certification against forum shopping attached to the Complaint.[59]

Makati filed an Answer with Special and Affirmative Defenses[60] stating that it had originally exercised territorial jurisdiction over the disputed area, while Taguig only entered the inner portion through a preliminary injunction order of the trial court in Civil Case No. 63896. These areas consisting of 461.55 ha. originally formed part of the *Hacienda Maricaban* owned by Dolores Pascual Casal. On August 5, 1902, the United States Government purchased 729 ha. of *Hacienda Maricaban*. The census conducted in 1918 and 1948 showed that Fort William McKinley Military Reservation later renamed Fort Bonifacio, is located at and within the jurisdiction of Makati, and therein established are the so-called Enlisted Men's Barrios or EMBOs. Makati's official map was based on a municipal cadastral survey duly approved by the DENR-NCR Lands Management Services on February 14, 1994.[61]

Makati argued that Pateros should await the final outcome of the case between Taguig and Makati before pursuing its case against the prevailing party. It asserted that the RTC has no jurisdiction over Pateros' complaint for failure to comply with Sec. 118 of the LGC and Article 16,[62] Rule III of its Implementing Rules and Regulations (*IRR*),[63] as the certification of no settlement reached was unilaterally issued by the Pateros *Sanggunian*. Further, under Sec. 119[64] of the LGC, courts only have appellate jurisdiction over the decision of the *Sanggunian* in a boundary dispute. Makati prayed that the case be suspended until the suit between Taguig and Makati be decided with finality, or in the alternative, be dismissed on grounds of lack of jurisdiction, failure to comply with the LGC and its IRR as condition precedent, prescription, and failure to state a cause of action.[65]

The RTC Ruling

After further exchange of pleadings between the parties, RTC Pasig, Branch 271 issued a Resolution[66] dated May 10, 2013 granting Makati's motion to dismiss, as per the affirmative defenses in its Answer.[67]

On the alleged violation of the rule against forum shopping, the RTC said that Pateros' failure to mention Civil Case No. 93-4529 in the certificate of non-forum shopping is not a ground for dismissal of the present case considering that: 1) the case itself has been duly explained and cited several times in the complaint, and there was no intention by Pateros to hide said case; 2) this Court itself directed the re-filing of the case upon compliance with the requirements of Sec. 118 of the LGC; and 3) Makati and Taguig are actually apprised of said

case.[68]

As to the question of whether Pateros complied with the directive of this Court in G.R. No. 157714, the RTC answered in the negative. First, there was no complaint filed by the Pateros *Sanggunian* in the form of a resolution with the joint *sanggunians* of Taguig, Pateros and Makati which would have original jurisdiction over the boundary dispute under Art. 17(a),[69] Rule III of the IRR. Second, there was no composition of a joint hearing body composed of said *sanggunians* to hear the complaint as required by Art. 16, Rule III of the IRR and Sec. 118(d) of LGC. Third, there has been no Answer filed by defendants Makati and Taguig in accordance with Art. 17(d),[70] Rule III thereof. Fourth, there has been no hearing on the matter by the three *sanggunians* as a single body as required by Art. 17(e)[71] and (f),[72] Rule III of the IRR. While Pateros issued resolutions and a certification of no amicable settlement, these are not the ones required in Art. 17(g),[73] Rule III. Fifth, there has been no decision by such body composed of the three *sanggunians* of the parties under Art. 17(h),[74] Rule III.[75]

The RTC further held that Art. 17(i),[76] Rule III merely provided for the appellate jurisdiction of RTCs over the boundary dispute of the local government units, citing *Calanza v. Paper Industries, Corporation of the Philippines* (*PICOP*).[77] Consequently, the RTC ruled that the failure of Pateros to comply with the requirements set forth in Secs. 118 and 119 of the LGC and Arts. 16 and 17 of the IRR had deprived the court of jurisdiction over the case. Hence, it is no longer necessary to declare any suspension of the proceedings, or to determine the correct filing fees or their proper basis.[78]

The CA Ruling

Pateros appealed to the CA in CA-G.R. CV No. 101512, arguing that RTC Pasig, Branch 271 erroneously ruled that it was deprived of jurisdiction due to its non-compliance with the requirements of Secs. 118 and 119 of the LGC and Arts. 16 and 17 of its IRR.[79]

In the challenged Decision denying Pateros' appeal, the CA ruled that under Sec. 118(e), original jurisdiction to settle, try and decide boundary disputes between and among Local Government Units (*LGUs*) is vested in the *sanggunian* concerned. Under Sec. 118(d), the term *sanggunian* concerned in boundary disputes between a municipality and a highly urbanized city refers to the "respective *sanggunians* of the parties, taking cognizance of the case jointly. Sec. 119 is also unambiguous that the RTC is only given appellate jurisdiction

over such disputes.[80]

The CA observed that the case brought before the RTC was not one where the *sanggunians* concerned jointly rendered a decision resolving the boundary dispute of the parties concerned. Rather, the case was preceded by resolutions unilaterally passed by the Pateros *Sanggunian*. Clearly, the RTC cannot exercise appellate jurisdiction since there was no decision rendered jointly by the *sanggunians* concerned. Neither can the RTC assume original jurisdiction since the LGC allocates such power to the *sanggunians* of Pateros, Makati, and Taguig, acting as one body. It is the duty of a court to dismiss an action whenever it appears that it has no jurisdiction over the subject matter. Hence, RTC Pasig, Branch 271 acted accordingly in dismissing the case below.[81]

Pateros filed a motion for reconsideration which was likewise denied in the CA Resolution.[82]

ISSUES

The Court is tasked to resolve the following:

1.) Whether Pateros complied with the requirements of Secs. 118(d) and (e) of the LGC and Rule III of the IRR, as directed by this Court in G.R. No. 157714;
2.) Whether the failure of the Taguig Sanggunian to respond to the resolutions seeking for settlement of the boundary dispute through council-to-council dialogue justified the filing of Civil Case No. 73387-TG against both Taguig and Makati; and
3.) Whether RTC Pasig, Branch 271 has jurisdiction over the subject matter of Civil Case No. 73387-TG.

Petitioner's Arguments

Pateros assails the CA ruling for failing to consider the fact that it exerted all efforts to have a dialogue with respondents Taguig and Makati but the latter refused, disregarded, ignored, and disrespected Pateros' repeated requests for the settlement of their boundary dispute either through tripartite or bilateral conference. Pateros laments the unfairness and injustice of requiring from it a joint resolution with respondents when their wanton refusal made it impossible for Pateros to comply with Secs. 118 and 119 of the LGC. The CA should have duly noted that this Court directed both Pateros and Makati, in G.R. No. 157714, to comply with the said provisions of the LGC. Instead of doing so, however, the CA placed such burden solely on Pateros without requiring Makati to fulfill its obligation. Pateros thus claims a violation of its right to equal protection of the law. Not only did such refusal of

Taguig and Makati to comply with the law and this Court's decision frustrate the right of Pateros to recover its lost territory, it also worked for the benefit of respondents themselves, who should be made to suffer for their own acts.[83]

Pateros argues that there is nothing in Sec. 118 that requires a resolution be issued jointly by the *sanggunians* concerned, particularly where a boundary dispute involves a component municipality and a highly urbanized city, as it merely requires that such dispute be referred for settlement to the respective *sanggunians* of the parties. Thus, no joint resolution is required to be issued before boundary disputes can be taken before the courts of justice. Pateros points out that Sec. 118 itself merely promotes amicable settlement in employing the words "as much as possible." Such intent is also evident from paragraph (e) which, as worded, used *sanggunian* in a singular form ("the *sanggunian* concerned"). Clearly, the CA erred in ruling that RTC Pasig, Branch 271 can neither exercise appellate jurisdiction nor assume original jurisdiction over the case in the absence of a decision rendered jointly by the various *sanggunians* concerned acting as one body.[84]

Pateros stresses that this Court's directive in G.R. No. 157714 for the parties to comply with Sec. 118(d) and (e) of the LGC and Rule III of its IRR is "without prejudice to judicial recourse." From such decree and wordings of this Court, there is no doubt that Pateros may avail of judicial remedy after complying extensively and substantially with Sec. 118 of the LGC and its IRR. As repeatedly asserted, Pateros exerted all efforts towards amicably settling its boundary dispute with Taguig and Makati. However, said respondents unjustifiably refused to have a dialogue with Pateros. Backed to a wall, Pateros asserts that it has no other remedy but to avail of judicial recourse, as provided in Sec. 119 of the LGC and stated in this Court's decision in G.R. No. 157714.[85]

Respondents' Arguments

In its Comment,[86] Taguig asserts that the present petition is defective due to non-payment of docket and other lawful fees, and Pateros' failure to attach the relevant pleadings submitted before the RTC and CA. The petition and its attachments failed to state the authority of Mayor Jaime C. Medina (*Mayor Medina*) to cause the filing of the petition and to sign the corresponding verification and certification of non-forum shopping on behalf of Pateros. In accordance with Sec. 5,[87] Rule 45 of the Rules of Court, such failure warrants the dismissal of the case.[88]

Taguig argues that even assuming the petition is not defective, it is still without merit as

Pateros failed to comply with the procedure for settlement of boundary disputes. Original jurisdiction over cases involving a municipality and a highly urbanized city, as in this case, pertains to the joint *sanggunians* of the LGUs involved. Municipal Resolution Nos. 17-2009 and 03-2010 merely requested for a dialogue and cannot be considered substantial compliance under Sec. 118. Moreover, instead of pursuing the proper remedy when no amicable settlement was reached, the Pateros *Sanggunian* simply issued Resolution No. 14-2011 declaring that no settlement was reached by the parties concerned. Neither did Pateros comply with the remedy provided in Sec. 17(g) and (h) of the IRR.[89]

On the interpretation of Sec. 118(e) proposed by Pateros, Taguig contends that the use of the word "*sanggunian*" in the singular form cannot be construed as to imply that the *Sangguniang Bayan* of Pateros could unilaterally issue a resolution on the alleged failure to amicably settle the boundary dispute. Given that Pateros should have referred the boundary dispute for settlement to its *Sangguniang Bayan* and the *Sangguniang Panlungsod* of Taguig, the certification should be issued and the decision rendered by both *sanggunians*.[90]

Taguig points out that it is not a party to the case between Pateros and Makati, and thus is not bound by the judgment rendered in G.R. No. 157714. It also claimed that Pateros was guilty of forum shopping as it filed numerous cases against both Makati and Taguig, and even sought to intervene in Civil Case No. 63896. Pateros' certification of non-forum shopping in this case fails to disclose that it had earlier sought intervention in such previous case between Taguig and Makati.[91]

Taguig maintains that the contested areas belong to it. The site of the present Fort Bonifacio was mainly situated in Taguig, with a small portion called *Malapad na Bato* and an adjoining area, located in Pasig. The US Government expanded Fort McKinley in 1908 with its purchase of the remaining portions of *Hacienda Maricaban*. In the survey over properties purchased by the US Government, the survey plan duly approved by the Bureau of Lands indicated that Parcel 3 is in Taguig, while Parcel 4 is situated in Taguig and Pasig. On July 12, 1957, the Fort Andres Bonifacio military reservation was established in what was formerly known as Fort McKinley with Proc. No. 423 issued by President Carlos P. Garcia, which states that "parcels of the public domain, situated in the Municipalities of Pasig, Taguig, Parañaque, Province of Rizal and Pasay City" are reserved for military purposes. The Taguig Cadastral Mapping included all of Parcel 3 and Parcel 4, Psu-2031 or Fort Bonifacio in its entirety. The approval of said cadastral mapping officially settled that Parcel 4 in its entirety is part of the territory of Taguig.[92]

Makati in its Comment[93] sought the outright dismissal of the present petition for lack of jurisdiction of RTC Pasig, Branch 271 over the disputed area in view of the July 30, 2013 Decision in CA-G.R. CV No. 98377, which held that the disputed area is within the territorial jurisdiction of Makati and not Taguig.[94]

Makati argues that the CA correctly affirmed RTC Pasig, Branch 271's dismissal of the complaint filed by Pateros for being an original action whereas said court only has appellate jurisdiction in boundary dispute cases. It also contended that Pateros failed to substantially comply with Sec. 118 of the LGC and its IRR. Being the one which precipitously filed this case in court without first having complied with all the requirements of the law and implementing rules, it should not complain that the RTC and CA were unfair, discriminatory, and violated the equal protection clause. Having no original jurisdiction to hear and decide a boundary dispute between LGUs, any judgment rendered by RTC Pasig, Branch 271 on the case filed by Pateros would have been an absolute nullity.[95]

Petitioner's Reply

In its Reply[96] to the Comment of Taguig, Pateros points out that the alleged non-payment of filing fees was first raised by Makati in its Motion to Dismiss filed before RTC Pasig, Branch 271. While said court granted the motion, the dismissal was only on the ground of lack of jurisdiction over the subject matter, not for failure to pay the correct filing fees. As to the failure to attach relevant pleadings and portions of the record, Pateros insists that jurisprudence did not deem such mere failure to attach relevant documents as depriving the court of jurisdiction and neither should it result in the automatic dismissal of the case. On the authority of Mayor Medina, Pateros cites Sec. 444(b)(3)(ix)[97] of the LGC, which provides that it is the local chief executive of the municipal government who shall institute or cause to be instituted judicial proceedings for recovery of funds and property, and cause the municipality to be defended against all suits to ensure that its interests, resources, and rights are adequately protected.[98]

On the procedure for settlement of boundary disputes under Sec. 118 of the LGC and its IRR, Pateros reiterates that it has substantially complied with the requirements. Notably, Taguig did not even bother to explain in its Comment why it did not respond to the requests of Pateros and instead merely quoted the aforesaid provisions. This shows Taguig's attempt to persuade this Court to deny the present petition on the basis of alleged procedural infirmities for which Taguig alone should be faulted. Taguig kept pounding on its assertion that Pateros' request was merely for a dialogue – as if the LGC and its IRR required that the

resolutions of the *sanggunian* use a particular term. Similarly, Taguig's contention that it was not a party in G.R. No. 157714, and hence, is not bound by the judgment rendered therein, is another attempt to muddle the issues. The law itself states that boundary disputes shall be jointly referred for amicable settlement, and in this case the boundary dispute is not only between Pateros and Makati but also between Pateros and Taguig. A court decision is not required to make the law binding on Taguig. Certainly, this Court should not allow Taguig to benefit from its flimsy argument.[99]

Pateros appeals for an interpretation of the LGC consistent with the presumption in statutory construction that undesirable consequences were never intended by a legislative measure. It is to be presumed that the legislature, in enacting a law, did not intend to work a hardship or an oppressive result, a possible abuse of authority or act of oppression, arming one person with a weapon to impose hardship on another.[100]

On the allegation of forum shopping, Pateros maintains that its intervention in Civil Case No. 63896 was already mentioned in at least two documents attached to the present petition (CA Decision in CA-G.R. CV No. 101512 and Municipal Resolution No. 17-2009), which indicate that there could be no intention on the part of Pateros to conceal said attempt to intervene. Besides, this Court previously held that an intervention is not an independent action but merely ancillary and supplemental to an existing litigation. Hence, the mention of Pateros' motion for intervention in Civil Case No. 63896 in the aforesaid annexes should be deemed substantial compliance so as not to frustrate the ends of justice. As to Civil Case No. 93-4259, it was this Court, in G.R. No. 157714, that directed the re-filing of the case upon compliance with the requirements of the LGC. Thus there could be no forum shopping committed by Pateros in subsequently filing the instant case.[101]

In its Reply[102] to the Comment filed by Makati, Pateros contends that, contrary to Makati's claim, the CA Decision in CA-G.R. CV No. 98377 ruling that the disputed areas were part of the territory of Makati and not Taguig, did not oust RTC Pasig, Branch 271 of jurisdiction over the instant case. At the time this case was filed, jurisdiction belonged to the courts of Taguig.[103]

On the issue of compliance with the procedure set forth in Sec. 118 of the LGC and its IRR, Pateros maintains that it did all it could to comply with the said provisions. However, the failure and refusal of Makati and Taguig to conduct a settlement with Pateros, in accordance with Sec. 118, should already be construed as failure to arrive at an amicable settlement that warrants the remedy of appeal. As to the insistence of a decision from a

hearing body composed of the three concerned *sanggunians*, Pateros posits that what Makati cannot seem to understand is that the entire procedure under Secs. 118 and 119 of the LGC depends almost wholly on the consent and participation of the parties involved. Indeed, a dangerous precedent would be set if the Court sustain the view of Makati on this matter, which is also contrary to the established principle in statutory construction that it is to be presumed that the legislature, in enacting a law, did not intend to work hardship, an oppressive result or a possible abuse of authority.[104]

Pateros argues that Secs. 118 and 119 of the LGC must be interpreted to mean that the refusal of the other LGUs concerned to participate in the settlement proceedings should already give the locality which initiated the settlement procedure the right to seek judicial recourse.[105]

The Court's Ruling

We grant the petition.

There is boundary dispute when a portion or the whole of the territorial area of an LGU is claimed by two or more LGUs. Such boundary disputes between or among LGUs shall, as much as possible, be settled amicably.[106] Secs. 118 and 119 of the LGC, which govern the settlement of boundary disputes between LGUs, provide:

> SECTION 118. *Jurisdictional Responsibility for Settlement of Boundary Dispute*. — **Boundary disputes between and among local government units shall, as much as possible, be settled amicably.** To this end:
>
> (a) Boundary disputes involving two (2) or more *barangays* in the same city or municipality shall be referred for settlement to the *sangguniang panlungsod* or *sangguniang bayan* concerned.
>
> (b) Boundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the *sangguniang panlalawigan* concerned.
>
> (c) Boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the *sanggunians* of the provinces concerned.

(d) Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other, or two (2) or more highly urbanized cities, shall be jointly referred for settlement to the respective *sanggunians* of the parties.

(e) In the event the *sanggunian* fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the *sanggunian* concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.

SECTION 119. *Appeal*. — Within the time and manner prescribed by the Rules of Court, **any party may elevate the decision of the *sanggunian* concerned to the proper Regional Trial Court having jurisdiction over the area in dispute**. The Regional Trial Court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area prior to the dispute shall be maintained and continued for all legal purposes. (Emphases supplied)

The procedure to be followed in settling boundary disputes is set forth in Rule III of the IRR of the LGC:

RULE III
Settlement of Boundary Disputes

x x x x

ARTICLE 17. *Procedures for Settling Boundary Disputes*. — The following procedures shall govern the settlement of boundary disputes:

(a) *Filing of petition* — The *sanggunian* concerned may initiate action **by filing a petition, in the form of a resolution, with the *sanggunian* having jurisdiction over the dispute**.

x x x x

(d) *Answer of adverse party* — Upon receipt by the *sanggunian* concerned of the petition together with the required documents, the LGU or LGUs complained against shall be furnished copies thereof and shall be given fifteen (15) working days within which to file their answers.

(e) *Hearing* — Within five (5) working days after receipt of the answer of the adverse party, the *sanggunian* shall hear the case and allow the parties concerned to present their respective evidences.

(f) ***Joint hearing*** — **When two or more *sanggunians* jointly hear a case, they may sit *en banc* or designate their respective representatives**. Where representatives are designated, there shall be an equal number of representatives from each *sanggunian*. They shall elect from among themselves a presiding officer and a secretary. In case of disagreement, selection shall be by drawing lot.

(g) ***Failure to settle* — In the event the *sanggunian* fails to amicably settle the dispute within sixty (60) days from the date such dispute was referred thereto, it shall issue a certification to that effect and copies thereof shall be furnished the parties concerned.**

(h) ***Decision* — Within sixty (60) days from the date the certification was issued, the dispute shall be formally tried and decided by the *sanggunian* concerned.** Copies of the decision shall, within fifteen (15) days from the promulgation thereof, be furnished the parties concerned, DILG, local assessor, COMELEC, NSO, and other NGAs concerned.

(i) *Appeal* — Within the time and manner prescribed by the Rules of Court, **any party may elevate the decision of the *sanggunian* concerned to the proper Regional Trial Court having jurisdiction over the dispute by filing therewith the appropriate pleading, stating among others, the nature of the dispute, the decision of the *sanggunian* concerned and the reasons for appealing therefrom**. The Regional Trial Court shall decide the case

> within one (1) year from the filing thereof. Decisions on boundary disputes promulgated jointly by two (2) or more *sangguniang panlalawigans* shall be heard by the Regional Trial Court of the province which first took cognizance of the dispute. (Emphases supplied)

Following the denial of its petition in G.R. No. 157714, Pateros indeed took steps to bring the respective *sanggunians* of Makati and Taguig into a dialogue as a starting point towards amicable settlement. The Makati *Sanggunian* accepted the invitation and held sessions twice with the Pateros *Sanggunian*. However, considering its pending suit with Taguig for judicial determination of their competing territorial claims, Makati was transparent and straightforward enough in dealing with the issue. Pateros was clearly apprised and expressly acknowledged that an amicable settlement between Pateros and Makati could not be reached due to the ongoing litigation. Accordingly, the Pateros *Sanggunian* and Makati *Sanggunian* jointly resolved that the former shall invite the Taguig *Sanggunian* to a similar dialogue for a possible tripartite conference considering that Pateros and Makati together with Taguig are the concerned LGUs claiming the disputed areas.

The lack of response from the Taguig *Sanggunian* may very well be interpreted as refusal to amicably settle. But in proceeding to unilaterally certify that no amicable settlement was reached between the three concerned LGUs, and subsequently filing the present complaint, did Pateros disregard Sec. 118(d) and (e) of the LGC and Arts. 16 and 17, Rule III of the IRR, as interpreted by this Court in G.R. No. 157714?[107]

> However, now that Makati is already a highly urbanized city, the parties should follow Section 118(d) of the LGC and should opt to amicably settle this dispute **by joint referral to the respective *sanggunians* of the parties**. This has become imperative because, after all, no attempt had been made earlier to settle the dispute amicably under the aegis of the LGC. The specific provision of the LGC, now made applicable because of the altered status of Makati, must be complied with. **In the event that no amicable settlement is reached, as envisioned under Section 118(e) of the LGC, a certification shall be issued to that effect, and the dispute shall be formally tried by the *Sanggunian* concerned** within sixty (60) days from the date of the aforementioned certification. In this regard, Rule III of the Rules and Regulations Implementing

> the LGC shall govern.
>
> **Only upon failure of these intermediary steps will resort to the RTC follow**, as specifically provided in Section 119 of the LGC:
>
> x x x x[108] (Emphases supplied, citation omitted)

Under the LGC, "the respective legislative councils of the contending local government units have jurisdiction over their boundary disputes."[109] Such jurisdiction to amicably settle the dispute is jointly exercised by these councils or *sanggunians*, to which not only the claim of Pateros but the claims of Makati and Taguig as well, should *jointly* be referred to. In this case, it was only Pateros through its own *Sangguniang Bayan* that submitted a "Petition" on its territorial claim and "formally tried" the same because of the lack of response from both Makati and Taguig. While Makati earlier joined Pateros in issuing the Joint Resolution for possible dialogue with Taguig, nothing was heard of from it after Pateros declared that said Joint Resolution was no longer in effect, as Pateros unilaterally declared that the parties failed to amicably settle.

Clearly, Pateros' unilateral actions are not compliant with the procedure envisioned in Secs. 118(d) and (e) of the LGC and Rule III of the IRR, which require a joint referral to the respective *sanggunians* and a joint exercise of their jurisdiction over boundary disputes. In G.R. No. 157714, the Court categorically stated that parties should opt to amicably settle the dispute by joint referral to the respective *sanggunians* of the parties.[110]

Pateros' insistence that a joint resolution is not required because it was not explicitly stated in Sec. 118 again fails to comprehend the observations made in G.R. No. 157714.

> Notably, when Pateros filed its complaint with the RTC of Makati, Makati was still a municipality. **We take judicial notice of the fact that there was no *Sangguniang Panlalawigan* that could take cognizance of the boundary dispute, as provided in Section 118(b) of the LGC. Neither was it feasible to apply Section 118(c) or Section 118(d)**, because these two provisions clearly refer to situations different from that obtaining in this case. Also, contrary to Makati's postulation, the former **MMA did not also have the authority to take the place of the *Sangguniang Panlalawigan*** because the MMA's power was limited to the delivery of basic urban services requiring coordination in

> Metropolitan Manila. The MMA's governing body, the Metropolitan Manila Council, although composed of the mayors of the component cities and municipalities, was merely given the power of: (1) formulation of policies on the delivery of basic services requiring coordination and consolidation; and (2) promulgation of resolutions and other issuances, approval of a code of basic services, and exercise of its rule-making power. Thus, there is no merit in Makati's argument that Pateros failed to exhaust administrative remedies inasmuch as **the LGC is silent as to the governing body in charge of boundary disputes involving municipalities located in the Metropolitan Manila area**.[111] (Emphases supplied)

There being no *Sangguniang Panlalawigan* that can assume jurisdiction over the boundary dispute between a municipality and a highly urbanized city situated within Metro Manila, such jurisdiction shall be **jointly** exercised by the respective *sanggunians* of the contending claimants. In G.R. No. 157714, the dispute was between Pateros and Makati. Here, even with the addition of Taguig to the mix, the reason behind the applicability of Sec. 118(d) remains the same. The respective *sanggunians* of Pateros, Makati, and Taguig, acting as a joint body, would be "the *sanggunian* concerned" envisioned by the LGC. Such joint body shall formally try and decide the issue. The Pateros *Sanggunian*, acting independently, cannot be deemed the *sanggunian* concerned, as the absurd result would be the *sanggunian* of the LGU having a territorial claim hearing and deciding its own petition. This incongruous situation is definitely not intended by the legislature, which encourages amicable settlement of boundary disputes between LGUs, and not unilateral actions that would only exacerbate territorial conflicts between them.

Notwithstanding such noncompliance, Pateros claims an unfair and unjust situation would result where an LGU may frustrate the territorial claim of another by simply ignoring or disrespecting the procedure set by law for settling boundary disputes, such as through sheer inaction or wanton refusal to even participate in a dialogue with the LGU initiating the settlement. It was the unresponsive and uncooperative stance of Taguig that precipitated the difficulties in complying with the provisions of the LGC. Thus, the question arises as to whether Pateros was justified in filing an original action for judicial determination in view of such circumstances.

In *Province of Antique v. Judge Calabocal*,[112] (*Province of Antique*) the Province of Oriental Mindoro was confronted with a similar predicament. In said case, the *Sangguniang*

Panlalawigan of Oriental Mindoro passed Resolution No. 1454-2012 entitled *Resolution Calling for the Conduct of a Joint Session between the Sangguniang Panlalawigan of the Province of Oriental Mindoro and the Sangguniang Panlalawigan of the Province of Antique for the Settlement of Jurisdictional Claim over the Island of Liwagao*.[113] In response, the *Sangguniang Panlalawigan* of Antique issued a resolution informing Oriental Mindoro that it was not amenable to any form of settlement over Liwagao Island and asserted that the same rightfully belongs to their province. Thereafter, the Province of Oriental Mindoro filed before the RTC of Roxas, Oriental Mindoro a petition for "Recovery and Declaration of Political Jurisdiction/Dominion and *Mandamus*" against the Province of Antique.[114]

The Province of Antique in its Answer set forth the defense of lack of jurisdiction of the RTC and argued that under Sec. 118, paragraph (c) of the LGC, jurisdiction over boundary disputes between municipalities of different provinces is vested on the *Sangguniang Panlalawigan* of the provinces involved.[115] However, the RTC ruled that it would have been futile to first bring the dispute to the *Sangguniang Panlalawigan* concerned for settlement, considering that the *Sangguniang Panlalawigan* of Antique had categorically declared that it is not amenable to any form of settlement, a move which absolutely closed the door on any amicable settlement.[116]

The Province of Antique filed before this Court a Petition for *Certiorari* and Prohibition, arguing that the RTC gravely abused its discretion in assuming jurisdiction because it is the *Sangguniang Panlalawigan* of both provinces, sitting jointly, that has primary, original and exclusive jurisdiction over the boundary dispute. It further theorized that since the RTC only has jurisdiction over an appeal from the decision of the *Sangguniang Panlalawigan* in accordance with Sec. 119 of the LGC, the RTC acted without jurisdiction when it took cognizance of the case filed by the Province of Oriental Mindoro, which is not an appeal but an original complaint. Neither could the RTC have exercised appellate jurisdiction since, again, no adjudication was made by the *Sangguniang Panlalawigan* of Antique and Oriental Mindoro.[117]

The Province of Oriental Mindoro argued that the factual circumstances rendered it impossible for the legislative bodies of the two provinces to jointly resolve the issue. Prior to the filing of the petition before the RTC, the *Sangguniang Panlalawigan* of Oriental Mindoro made several attempts to amicably discuss the issue, but the *Sangguniang Panlalawigan* of Antique categorically proclaimed that it was not amenable to any form of settlement.[118]

The Court therein dismissed the petition and ruled that the RTC had jurisdiction over the

dispute. We pointed out that respondents therein were asserting their lawful jurisdiction over Liwagao Island as against another LGU that currently has jurisdiction over the same, and thus, the situation falls under the definition of a boundary dispute provided in the LGC.[119]

As to the main issue of whether the RTC had jurisdiction over the case filed by the respondents therein, this Court held:

> Respondents' resort to filing a case before the RTC was warranted under the circumstances of this case.
>
> It must be emphasized that respondents followed the procedure laid down in the Local Government Code. They took all the necessary steps to settle the dispute within the procedure set out in the law, and by all indication, was prepared to see the matter thru in order to lay the issue to rest.
>
> However, petitioners failed to perform their concomitant responsibility under the same law, leaving respondents with no other recourse but to bring the matter to court. **Petitioners cannot demand that respondents now follow the procedure when they themselves have made it impossible for any party to follow the same. The Province of Antique's Resolution No. 142-2012 dated 25 May 2012, stating that the Province of Antique was not amenable to any form of settlement, effectively blocked any way to continue following the steps in the IRR.**
>
> **As such, respondents' petition before the RTC must be upheld. Otherwise, they will be left without any recourse or legal remedy to assert their claim over Liwagao Island. Such uncertainty is unacceptable, as the fate of the island's residents rests in the immediate resolution of the dispute.**[120] (Emphases supplied)

Here, Pateros similarly took steps to initiate the process of having the three *sanggunians* amicably settle their boundary dispute in accordance with Sec. 118(d) and (e) of the LGC. While there was no formal response akin to the resolution issued by the Province of Antique in the abovecited case, the unwillingness of Taguig to submit the case for settlement and/or resolution in accordance with the LGC is evident from its silence and inaction. This likewise

resulted in failure of amicable settlement under Sec. 118(e). And while Makati initially seemed amenable to submitting to the procedure under the LGC, the silence and inaction of Taguig made such apparent inclination moot as the joint body in this instance would require the sanggunians of all three LGUs involved.

Hence, notwithstanding its flawed interpretation of Sec. 118(d) and (e) of the LGC, We find that Pateros acted well within its rights in pursuing judicial recourse by filing Civil Case No. 73387-TG. Similar to our finding in Province of Antique, We rule that RTC Pasig, Branch 271 has jurisdiction over the dispute. Makati and Taguig cannot insist that Pateros strictly observe the procedure they themselves have made impossible to follow. Also, notwithstanding petitioner's assertion that Civil Case No. 73387-TG complies with Sec. 119, We clarify that it should be treated as an original action, as indeed it was filed as such by Pateros, and is not to be considered as an appeal under Sec. 119 of the LGC.

We recall that in G.R. No. 157714, We directed the parties to follow the procedure established by the LGC, **without prejudice to judicial recourse**. As such, We uphold the jurisdiction of RTC Pasig, Branch 271 over the petition filed before it by Pateros, lest it be left without any recourse or legal remedy to assert its territorial claims.

Indeed, the legal controversies over the disputed area have been ongoing for almost three decades. The present case involving three LGUs in Metro Manila highlights the importance of defining the precise territorial boundaries of LGUs to forestall multiple and lengthy lawsuits spawned by any uncertainty or confusion in the existing statutes, maps or executive issuances. In *Municipality of Pateros v. Court of Appeals*,[121] We stressed anew our previous declaration regarding "the importance and sanctity of the territorial jurisdiction of an LGU," *viz.*:

> The importance of drawing with precise strokes the territorial boundaries of a local unit of government cannot be overemphasized. The boundaries must be clear for they define the limits of the territorial jurisdiction of a local government unit. It can legitimately exercise powers of government only within the limits of its territorial jurisdiction. Beyond these limits, its acts are ***ultra vires***. Needless to state, any uncertainty in the boundaries of local government units will sow costly conflicts in the exercise of governmental powers which ultimately will prejudice the people's welfare. This is the evil sought to be avoided by the Local Government Unit in requiring that the land area of a local government unit must

be spelled out in metes and bounds, with technical descriptions.[122]

Effects of Civil Case No. 63896/G.R. No. 235316

Res judicata is defined as "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It also refers to the "rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies, in all later suits and on all points and matters determined in the former suit."[123]

Judgments and final orders constituting *res judicata* may be categorized into three loose concepts: (1) judgments *in rem*, (2) judgments *in personam* or "bar by prior judgment," and (3) the concept of "conclusiveness of judgment." The latter two concepts fall under the blanket of *res judicata proper*.[124]

That having been said, the finality of G.R. No. 235316 does not constitute *res judicata* in any of its three concepts as to foreclose Pateros' right to pursue its claims.

Civil Case No. 63896, having been initiated by Taguig specifically against Makati, is not a proceeding *in rem*.

Meanwhile, for the concepts of *res judicata proper* to apply, there must be as between the first and second action, identity of parties, subject matter, and causes of action. Should identity of parties, subject matter, and causes of action be shown in the two cases, then "bar by prior judgment" would apply. If only identity of parties can be shown, but not identical causes of action, then "conclusiveness of judgment" applies.[125]

While there is some overlap as to the subject matter (G.R. No. 235316 resolved the dispute between Makati and Taguig over Parcels 3 and 4 of Psu-2031, whereas the present controversy involves Pateros' claim over Parcel 4 of Psu-2031), there is neither identity of parties nor causes of action.

To recall, the Court in G.R. No. 235316 determined that "Taguig presented evidence that is more convincing and worthier of belief than that proffered by Makati."[126] The decision was based mainly on the Court's appreciation of the evidence presented. Pateros was not a party to that case, and in fact sought to intervene but was denied by the trial court. It has not yet had an opportunity to present its own evidence to prove its allegation of a historical claim to the disputed area.

With the ruling in G.R. No. 235316 that Fort Bonifacio – including the area subject matter of this case – is not within the territorial jurisdiction of Makati, it would seem at first blush that there is no longer any reason for Pateros to maintain suit against Makati. The Court however notes that in its complaint, Pateros seeks not just the recovery of territory, but also prays that both Makati and Taguig account for proceeds they have received while exercising jurisdiction over the disputed area.[127] Pateros may thus, if it is still so inclined, maintain Makati as defendant to the case.

WHEREFORE, the petition is **GRANTED**. The January 29, 2015 Decision and September 24, 2015 Resolution of the Court of Appeals in CA-G.R. CV No. 101512 are hereby **REVERSED** and **SET ASIDE**. The Regional Trial Court of Pasig City, Branch 271, Taguig City Station, is **DIRECTED** to **REINSTATE** Civil Case No. 73387-TG and proceed with dispatch.

SO ORDERED.

Hernando, Zalameda, Rosario, and *Marquez, JJ.*, concur.

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[1] *Rollo*, pp. 13-22.

[2] *Id.* at 34-46; penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Jane Aurora C. Lantion and Victoria Isabel A. Paredes.

[3] *Id.* at 48-49.

[4] *Id.* at 221-250; penned by Presiding Judge Paz Esperanza M. Cortes.

[5] *Id.* at 35-36.

[6] *Id.* at 440-449.

[7] *Id.* at 442-447; see also **Municipality of Pateros v. Court of Appeals**, 607 Phil. 104, 107-109 (2009).

[8] *Id.* at 422-434.

[9] *Id.* at 426-429.

[10] *Id.* at 37.

[11] *Id.* at 501-521; penned by Judge Briccio C. Ygaña.

[12] *Id.* at 521.

[13] *Id.* at 256.

[14] *Id.*

[15] *Id.* at 252 and 256.

[16] *Id.* **City of Taguig v. City of Makati**, 787 Phil. 367 (2016).

[17] *Id.* at 402.

[18] *Id.* at 252-288.

[19] *Id.* at 287.

[20] See **Municipality of Makati v. Municipality of Taguig, G.R. No. 235316**, December 1, 2021.

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Rollo*, pp. 450-472.

[25] **Municipality of Pateros v. Court of Appeals**, *supra* note 7.

[26] *Id.* at 114.

[27] SECTION 118. *Jurisdictional Responsibility for Settlement of Boundary Dispute*. – Boundary disputes between and among local government units shall, as much as possible, be settled amicably. To this end:

> (a) Boundary disputes involving two (2) or more barangays in the same city or municipality shall be referred for settlement to the *sangguniang panlungsod* or *sangguniang bayan* concerned.

(b) Boundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the *sangguniang panlalawigan* concerned.

(c) Boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the *sanggunians* of the provinces concerned.

(d) Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other, or two (2) or more highly urbanized cities, shall be jointly referred for settlement to the respective *sanggunians* of the parties.

(e) In the event the sanggunian fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the *sanggunian* concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.

[28] Republic Act No. 7160 entitled "LOCAL GOVERNMENT CODE OF 1991." Approved: October 10, 1991.

[29] Republic Act No. 7854 entitled "AN ACT CONVERTING THE MUNICIPALITY OF MAKATI INTO A HIGHLY URBANIZED CITY TO BE KNOWN AS THE CITY OF MAKATI," otherwise known as the Charter of the City of Makati. Approved: July 19, 1994.

[30] **Municipality of Pateros v. Court of Appeals**, *supra* note 7 at 117-120.

[31] *Id.* at 121.

[32] *Rollo*, pp. 50-52.

[33] *Id.* at 54.

[34] *Id.* at 53-55.

[35] *Id.* at 54.

[36] *Id.*

[37] *Id.* at 56-58.

[38] See Petition, *id.* at 59-64.

[39] Dated March 15, 2010; *Id.* at 65-66.

[40] Dated August 16, 2010; *Id.* at 67-69.

[41] *Id.* at 68.

[42] Dated March 7, 2011; *id.* at 73-75.

[43] Dated March 7, 2011; *Id.* at 76-79.

[44] *Id.* at 77.

[45] Dated June 13, 2011; *id.* at 80-81.

[46] Dated November 14, 2011; *id.* at 82-84.

[47] Dated November 21, 2011; *id.* at 85-86.

[48] *Id.* at 85.

[49] *Id.* at 487-499.

[50] *Id.* at 522-526.

[51] Order dated March 13, 2012; *id.* at 562.

[52] *Id.* at 371-398.

[53] *Id.* at 395.

[54] *Id.* at 371-373.

[55] 7,660,128 sq. m., as stated in the complaint, p. 371.

[56] *Id.*

[57] *Id.* at 379-380.

[58] *Id.* at 229.

[59] *Id.* at 229-230.

[60] *Id.* at 191-208.

[61] *Id.* at 192-201.

[62] ARTICLE 16. *Jurisdictional Responsibility*. – Boundary disputes shall be referred for settlement to the following:

(a) *Sangguniang panlungsod* or *sangguniang bayan* for disputes involving two (2) or more barangays in the same city or municipality, as the case may be;
(b) *Sangguniang panlalawigan*, for those involving two (2) or more municipalities within the same province;
(c) Jointly, to the *sanggunians* of provinces concerned, for those involving component cities or municipalities of different provinces; or
(d) Jointly, to the respective *sanggunians*, for those involving a component city or municipality and a highly-urbanized city; or two (2) or more highly-urbanized cities.

[63] Administrative Order No. 270 (1992).

[64] SECTION 119. *Appeal*. – Within the time and manner prescribed by the Rules of Court, any party may elevate the decision of the *Sanggunian* concerned to the proper Regional Trial Court having jurisdiction over the area in dispute. The Regional Trial Court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area prior to the dispute shall be maintained and continued for all legal purposes.

[65] *Rollo*, pp. 201-207.

[66] *Id.* at 221-250; penned by Presiding Judge Paz Esperanza M. Cortes.

[67] *Id.* at 250.

[68] *Id.* at 241-244.

[69] Article 17(a) *Filing of petition* – The *sanggunian* concerned may initiate action by filing a petition, in the form of a resolution, with the *sanggunian* having jurisdiction over the dispute.

[70] Article 17(d) *Answer of adverse party* – Upon receipt by the sanggunian concerned of the petition together with the required documents, the LGU or LGUs complained against shall be furnished copies thereof and shall be given fifteen (15) working days within which to file their Answers.

[71] Article 17(e) *Hearing* – Within five (5) working days after receipt of the answer of the adverse party, the *sanggunian* shall hear the case and allow the parties concerned to present their respective evidences.

[72] Article 17(f) *Joint hearing* – When two or more *sanggunians* jointly hear a case, they may sit *en banc* or designate their respective representatives. Where representatives are designated, there shall be an equal number of representatives from each *sanggunian*. They shall elect from among themselves a presiding officer and a secretary. In case of disagreement, selection shall be by drawing lot.

[73] Article 17(g) *Failure to settle* – In the event the *sanggunian* fails to amicably settle the dispute within sixty (60) days from the date such dispute was referred thereto, it shall issue a certification to that effect and copies thereof shall be furnished the parties concerned.

[74] Article 17(h) *Decision* – Within sixty (60) days from the date the certification was issued, the dispute shall be formally tried and decided by the *sanggunian* concerned. Copies of the decision shall, within fifteen (15) days from the promulgation thereof, be furnished the parties concerned, DILG, local assessor, COMELEC, NSO, and other NGAs concerned.

[75] *Rollo*, pp. 247-248.

[76] Article 17(i) *Appeal* – Within the time and manner prescribed by the Rules of Court, any party may elevate the decision of the *sanggunian* concerned to the proper Regional Trial Court having jurisdiction over the dispute by tiling therewith the appropriate pleading, stating among others, the nature of the dispute, the decision of the *sanggunian* concerned and the reasons for appealing therefrom. The Regional Trial Court shall decide the case within one (1) year from the filing thereof. Decision on boundary disputes promulgated jointly by two (2) or more *sangguniang panlalawigans* shall be heard by the Regional Trial Court of the province which first took cognizance of the dispute.

[77] 604 Phil. 304, 313-315 (2009).

[78] *Rollo*, pp. 248-250.

[79] *Id.* at 587-588.

[80] *Id.* at 43.

[81] *Id.* at 43-45.

[82] *Id.* at 48-49.

[83] *Id.* at 23-24.

[84] *Id.* at 26-29.

[85] *Id.* at 29.

[86] *Id.* at 148-162.

[87] Sec. 5. Dismissal or denial of petition. – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

[88] *Rollo*, pp. 149-152.

[89] *Id.*

[90] *Id.* at 153.

[91] *Id.* at 154-156.

[92] *Id.* at 157-158.

[93] *Id.* at 164-186.

[94] *Id.* at 169-170.

[95] *Id.* at 170-182.

[96] *Id.* at 314-340.

[97] Sec. 444(b)(3)(1)(ix) – Allocate and assign office space to municipal and other officials and employees who, by law or ordinance, are entitled to such space in the municipal hall and other buildings owned or leased by the municipal government.

[98] *Rollo*, pp. 314-325.

[99] *Id.* at 325-328.

[100] *Id.* at 329-331.

[101] *Id.* at 331-333.

[102] *Id*. at 655-671.

[103] *Id*. at 657.

[104] *Id*. at 661-664.

[105] *Id*. at 666.

[106] Administration Order No. 270 (1992); Rules and Regulations Implementing the LGC, Rule III, Article
15, provides:

> ARTICLE 15. *Definition and Policy*. – There is a boundary dispute when a portion or the whole of the territorial area of an LGU is claimed by two or more LGUs. Boundary disputes between or among LGUs shall, as much as possible, be settled amicably.

[107] **Municipality of Pateros v. Court of Appeals**, *supra* note 7.

[108] *Id*. at 117-119.

[109] **Province of Antique v. Judge Calabocal**, 786 Phil. 787, 800 (2016), citing **National Housing Authority v. Commission on the Settlement of Land Problems**, 535 Phil. 766, 773 (2006).

[110] **Municipality of Pateros v. Court of Appeals**, *supra* note 7 at 117-118.

[111] *Id*. at 117.

[112] *Supra* note 109.

[113] *Id*. at 791.

[114] *Id*. at 791-792.

[115] *Id*. at 792.

[116] *Id*. at 792-793.

[117] *Id*. at 794-795.

[118] *Id*. at 798.

[119] *Id*.

[120] *Id*. at 802-803.

[121] *Supra* note 7.

[122] *Id*. at 121, citing **Mariano, Jr. v. COMELEC**, 312 Phil. 259, 265-266 (1995).

[123] **Gutierrez v. Court of Appeals**, 271 Phil. 463, 465 (1991), citing Black's Law Dictionary, p. 1470 (Rev. 4th ed., 1968).

[124] **Denila v. Republic, G.R. No. 206077**, July 15, 2020.

[125] **Ligtas v. People**, 766 Phil. 750, 771-772 (2015), citing **Social Security Commission v. Rizal Poultry and Livestock Association, Inc.**, 665 Phil. 198, 205-206 (2011).

[126] **Municipality of Makati v. Municipality of Taguig, G.R. No. 235316**, December 1, 2021.

[127] *Rollo*, p. 396.

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