

**ARTURO T. TERCENCIO AND DESIDERIO R. TERCENCIO,
PETITIONERS-APPELLANTS, VS. WAYNE T. MALILAY, IN HIS
CAPACITY AS THE MUNICIPAL MAYOR OF MAKATO; NELSON T.
TAPUZ, IN HIS CAPACITY AS...**

Ponente: INGLES, G. T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/504b47a38619/>

INGLES, G. T., J.:

This is an appeal from the Decision dated February 6, 2007 rendered by the Regional Trial Court of Kalibo, Aklan, Branch 9 dismissing the petition for declaratory relief docketed as Civil Case No. 6613.

Factual and Procedural Antecedents

The case below is a petition for Declaratory Relief.

Petitioners (now appellants) alleged that on July 25, 1994, Congress passed Republic Act No. 8035 separating the Calimbajan-Tina Barangay High School Annex in Barangay Cayangwan, Makato, Aklan from the Calimbajan Barangay High School in Barangay Calimbajan and converting it into an independent national high school to be known as the Cayangwan National High School.

On April 12, 2000, the municipal government of Makato, Aklan passed Resolution No. 2000-130 approving the petition of the Barangay Council of Cayangwan, the PTCA, and the Student Council of Cayangwan National High School as indorsed by the Municipal School Board to change the name of Cayangwan National High School to Anselmo B. Legaspi National High School.

Petitioners aver that the aforementioned Resolution is unconstitutional as the Sangguniang Bayan of Makato, Aklan has no authority to legislate by amending the laws passed by Congress. Moreover, the passage of the questioned Resolution has created disagreement and confusion among the constituents of Barangay Cayangwan.

Petitioners, therefore, prayed that the court determine the validity of Resolution No. 2000-130 and to declare the lawful name of the school as well as its rights and duties under Republic Act No. 8035.

Respondents contend that when Congress passed the Local Government Code of 1991, it delegated some of its powers to the municipal government such as the one authorizing the school board to recommend changes in the name of the school for enactment by the Sanggunian concerned. Hence, the questioned resolution is not unconstitutional.

The trial court conducted pre-trial conference on November 18, 2002[1]. The parties voluntarily agreed to submit as they in fact did their simultaneous memorandum in support of their respective positions on the matter[2].

Ruling of the Regional Trial Court

On February 6, 2007, the trial court rendered its Decision[3] dismissing the petition for declaratory relief for failure of the petitioners to satisfy the requisites for such action and it appearing that the assailed municipal

resolution is not unconstitutional. The ratio decidendi and the dispositive portion of the assailed decision are as follows:

“The first requisite of an action for declaratory relief is that the subject matter of the controversy is a deed, will, contract or other written instrument, statute, executive order or regulation, or ordinance. In the instant case, the subject matter is the Sangguniang Bayan Resolution No. 2000-130. A resolution, however, is not among the subject matter of the first requisite.

The relief sought in declaratory relief is the declaration of the petitioners' rights and duties under the subject matter of the controversy. In the instant case, the petition prays the court to declare the lawful name of the school as well as its rights and duties under Republic Act No. 8035. In other words, it prays for a declaration of the rights and duties of the school under Republic Act No. 8035. In short, instead of seeking the declarations of petitioners' rights and duties under Sangguniang Bayan Resolution 2000-130, the petition seeks the declaration of the rights and duties, not of the petitioners but of the school, and not from Sangguniang Bayan Resolution 2000-130 which is the subject matter of the controversy but from Republic Act No. 8035

Furthermore, Congress has the power to delegate some of its functions to Local Government Units and one of the functions delegated under the Local Government Code of 1991 is the authority by the Local School Board to recommend changes in the name of a public school. It will appear, therefore, that the questioned Resolution is not unconstitutional.

It appearing, therefore, that the petition, denominated as declaratory relief, does not satisfy the requisites of such action and that the questioned Resolution does not appear to be unconstitutional, the petition is hereby DISMISSED.

SO ORDERED.”

The Appeal

Aggrieved by the trial court's decision, the appellants filed a Motion for Reconsideration[4], which was denied by the Trial Court in its Order dated June 14, 2007[5].

Undaunted, the petitioners-appellants then filed a Notice of Appeal[6], which was given due course by the trial court per its Order dated July 25, 2007[7].

This Court received the records of this case on July 9, 2007[8]. However, this case languished in the completion stage after several portions of the records were found to be incomplete[9]. Then on November 29, 2012, after having completed the missing portions of the records of this case, this Court issued a Notice to File Brief[10]. The appellants submitted their brief on February 5, 2013[11].

On August 20, 2013, the Judicial Records Division of this Court reported that no brief has been filed by the plaintiffs-appellees despite the lapse of the period to file the same.[12] Thus, on March 26, 2014, this case was declared submitted for decision sans appellees' brief[13].

Assignment of Error

In their brief, the appellants raise this lone assigned error:

“The Regional Trial Court of Kalibo, Aklan, Branch 9 committed grave abuse of discretion when it declared the Resolution No. 2000-130 dated 12 April 2000 renaming the school from Cayangwan National High School to Anselmo B. Legaspi National High School as valid notwithstanding that a resolution cannot amend or supplement the act of the Philippine Congress under Republic Act No. 8035.”[14]

The appellants' contention

The petitioners-appellants argue that contrary to the findings of the trial court, the petition raises a justiciable controversy which is the legality or constitutionality of Municipal Resolution No. 2000-130 dated April 12, 2000 renaming Cayangwan National High School to Anselmo B. Legaspi National High School, thus effectively amending an act of Congress, Republic Act No. 8035.

The appellants likewise argue that they have the legal right and substantive interest to challenge the validity of Municipal Resolution No. 2000-130 dated April 12, 2000 “because as a taxpayer of the said municipality, the elected municipal officials must comply with their oath of office and obey the laws of the Republic of the Philippines x x x.”[15]

The Ruling of this Court

The appeal is devoid of merit.

An action for declaratory relief should be filed by a person interested under a deed, a will, a contract or other written instrument, and whose rights are affected by a statute, an executive order, a regulation or an ordinance. The purpose of the remedy is to interpret or to determine the validity of the written instrument and to seek a judicial declaration of the parties’ rights or duties thereunder.[16]

For the action to prosper, it must be shown that (1) there is a justiciable controversy; (2) the controversy is between persons whose interests are adverse; (3) the party seeking the relief has a legal interest in the controversy; and (4) the issue is ripe for judicial determination.[17]

Appellants have no locus standi.

The Supreme Court has defined locus standi or legal standing “as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The gist of the question on standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions. This requirement of standing relates to the constitutional mandate that this Court settle only actual cases or controversies. Thus, as a general rule, a party is allowed to ‘raise a constitutional question’ when (1) he can show that he will personally suffer some actual or threatened injury because of the allegedly illegal conduct of the government; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable action.”[18]

The Supreme Court, in *BAYAN (Bagong Alyansang Makabayan) v. Executive Secretary*[19], ruled that parties bringing suits challenging the constitutionality of a law, an act or a statute must show “not only that the law [or act] is invalid, but also that [they have] sustained or [are] in immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that [they] suffer thereby in some indefinite way.” Moreover, the appellants are behooved to demonstrate that they have been, or are about to be, denied some right or privilege to which they are lawfully entitled, or that they are about to be subjected to some burdens or penalties by reason of the statute or act complained of.[20]

In their petition, the appellants claim that:

“8. The passage of the invalid and unconstitutional Resolution No. 2000-130 has created disagreement and confusion among the constituents of Barangay Cayangwan, Makato, Aklan, which indirectly hamper and affect the new development of the school unless and until this court should resolve the true and legitimate name of the barangay high school, the issues affecting its name alone would probably set a bad example to the students who are being trained to be a better and abiding citizens of the Republic.

9. Resolving the issue as to the true and appropriate name of the educational institution will likewise protect the students who will be graduating in the future, hence, it will avoid any confusion.”

This Court finds that appellants failed to establish how the assailed Resolution No. 2000-130 would injure petitioners. First, there is no allegation, whether express or implied, that taxpayers’ money is being illegally disbursed. Second, there was no showing in the Petition for Declaratory Relief that petitioners, as residents of Makato, Aklan, would be adversely affected by the alleged acts of the respondents below, if the question at issue was not resolved. Third, there was no allegation that appellants had suffered due to the passage of the assailed municipal Resolution 2000-130.

The supposed confusion that the change of the school's name from “Cayangwan National High School” to “Anselmo B. Legaspi National High School”, will cause to the students of the said school is highly speculative and uncertain to satisfy the requirement of standing.

Even granting that the appellants were able to sufficiently establish their standing to sue in the case below, the petition would still suffer the same fate for being utterly devoid of merit.

Appellants' main contention that the passage of Resolution 2000-130 by the Sangguniang Bayan of Makato, Aklan is unconstitutional “since the Sangguniang Bayan of Makato or any entity under the local government of Makato has no authority to legislate by amending laws passed and enacted by Philippine Congress”[21] is untenable.

The passage of Resolution No. 2000-130 by the Sangguniang Bayan of Makato, Aklan approving the petition of the Barangay Council of Cayangwan, the PTCA, and the Student Council of Cayangwan National High School as indorsed by the Municipal School Board to change the name of Cayangwan National High School to Anselmo B. Legaspi National High School is in accordance with Section 13 (c) (3) of the Local Government Code[22], which explicitly gives the sanggunians of municipalities the power to change the name of local schools within their jurisdiction, to wit:

Section 13. Naming of Local Government Units and Public Places, Streets and Structures. X x x

(c) The sanggunians of component cities and municipalities may, in consultation with the Philippine Historical Commission, change the name of the following within its territorial jurisdiction:

(1) city and municipal barangays, upon recommendation of the sangguniang barangay concerned;

(2) city, municipal and barangay roads, avenues, boulevards, thoroughfares, and bridges;

(3) city and municipal public elementary, secondary and vocational or technical schools, post-secondary and other tertiary schools;[23]

Clearly, therefore, the trial court was correct in ruling, inter alia, that the petition must be dismissed, since the questioned Resolution No. 2000-130 does not appear to be unconstitutional.

WHEREFORE, the appeal is hereby DISMISSED. The Decision dated February 6, 2007 of the Regional Trial Court of Kalibo, Aklan, Branch 9 dismissing Civil Case No. 6613 is hereby AFFIRMED.

SO ORDERED.

Maxino, P.A.A., and Francisco, R.C., JJ., concur.

[1] Pre-Trial Order, pp. 68-70, original record.

[2] Memorandum for Respondents, pp. 71-74, original record; Position Paper for Petitioners, pp. 77-87, original records; Position Paper for Respondents Malilay, Lumbre, Rusia and Tabang, pp. 88-92, original record.

[3] Pages 96-98, original record.

[4] Pages 101-108, original record.

[5] Pages 115-116, original record.

[6] Page 116, original record.

[7] Page 120, original record.

[8] Page 2, rollo.

[9] Page 2, rollo.

[10] Page 27, rollo.

[11] Pages 30-43, rollo.

[12] See back of page 43, rollo.

[13] Pages 57-60, rollo.

[14] Rollo, page 32.

[15] Appellants' Brief, page 5, rollo, page 37.

[16] Velarde v. Social Justice Society, G.R. No. 159357, April 28, 2004, 428 SCRA 283, 290.

[17] Bayan Telecommunications, Inc. v. Republic, G.R. No. 161140, January 31, 2007, 513 SCRA 562, 568.

[18] Galicto v. Aquino III, G.R. No. 193978, 28 February 2012.

[19] 342 SCRA 449, October 10, 2000.

[20] BAYAN (Bagong Alyansang Makabayan) v. Executive Secretary, 342 SCRA 449, October 10, 2000.

[21] Par. 7, page 3 of Petition, page 4, original records.

[22] R.A. 7160.

[23] Emphasis and underscoring supplied.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.