

**MUNICIPALITY OF HINABAÑGAN AND RUFINA NABUAL, ASSISTED BY
HER HUSBAND, EUGENIO NABUAL, PLAINTIFFS AND APPELLANTS,
VS. THE MUNICIPALITY OF WRIGHT AND JULIAN ABEGONIA,
DEFENDANTS ...**

G.R. No. 12603. March 25, 1960

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12603/>

REYES, J.B.L., J.:

Appeal by the municipality of Hinabañgan from an order of the Court of First Instance of Samar, dated February 28, 1956, dismissing plaintiffs' complaint for declaratory relief.

The complaint alleges substantially, that the plaintiff municipality exists, under and by virtue of Republic Act No. 263; that he. co-plaintiff, Rufina Nabual, is the holder of a license issued by the said municipality to fish within the latter's territorial waters; that until the passage of Republic Act No. 263, Hinabañgan and Concord were municipal districts with their corresponding territorial extents and boundaries; that with the enactment of the aforesaid law, the two districts, were fused into one regular municipality of Hinabañgan; that, the organizing statute does not mention a new territory or does it specify new boundaries; that beginning the year 1954, the defendant municipality of Wright began to assert jurisdiction over certain fishing grounds of the plaintiff municipality, and that, in fact, its co-defendant, Julian Abegonia, was granted by the defendant municipality a license to fish within the fishing zones of the plaintiff municipality; that defendant municipality, furthermore, is asserting jurisdiction over Barrio Candoyocan, which, it is claimed, is part of the territory of Hinabañgan and lastly, that the Provincial Board of Samar has not been able to give the much desired relief, despite the lapse of more than five years to the date of the filing of the complaint.

Wherefore, plaintiffs pray that—

"a judgment be entered, declaring the Municipality of Hinabañgan as having the legal and official jurisdiction over the Bucalan River and its tributaries, namely, Carawisan, Mogod, Mogdo, Malligo Cantapajan and Hinabañgan, and over the now called Barrio Candoyocan, as integral parts of Hinabañgan in pursuance of and by virtue of Republic Act No. 263, and consequently, enjoining the defendants from claiming them to be territories of Wright and exercising corporate jurisdiction over the same, with costs against the defendants; and extending to the plaintiffs such other remedies fair and equitable in the premises."

Defendants were served with summons on July 22, 1955. Instead of answering the complaint, defendants filed a motion to dismiss on July 30, 1955. The motion was not considered for lack of notification to the plaintiffs. By order of the Court, dated August 5, 1955, the defendants were required to furnish the plaintiffs a copy of their motion, which order was sent to the defendants by registered mail. Failing to comply with this order of the court, the defendants were, on August 31, 1956, declared in default upon motion of the plaintiffs. Nonetheless, on October 29, 1956, the court issued an order requiring the plaintiffs within ten (10) days thereof to file an answer to the motion to dismiss, to which the latter complied. In an order dated February 28, 1956, the court dismissed the

complaint, declaring, in effect; that since the case involves a boundary dispute between the contending municipalities, it is not for the courts to determine that issue, which is, under the law, vested upon the executive department of the government to resolve. Hence, this appeal.

Appellants contend that the lower court erred in declaring that declaratory relief is not the proper remedy of the plaintiffs and in holding that it does not have jurisdiction to entertain the case.

The appeal is not well taken. The right to settle boundary disputes between municipalities, which is, in fact, the main issue in this instance, is vested by law on the provincial board of the province concerned. Outlining the procedure to be taken up in such cases, Section 2167, of the Revised Administrative Code reads:

"Municipal boundary disputes—How settled.—Disputes as to jurisdiction of municipal governments over places or barrios shall be decided by the provincial boards of the provinces in which such municipalities are situated, after an investigation at which the municipalities concerned shall be duly heard. From the decision of the provincial board appeal may be taken by the municipality aggrieved to the Secretary of Interior (now the Office of the Executive Secretary), whose decision shall be final. Where the places or barrios in dispute are claimed by municipalities situated in different provinces, the provincial boards of the provinces concerned shall come to an agreement if possible, but, in the event of their failing to agree, an appeal shall be had to the Secretary of Interior (Executive Secretary), whose decision shall be final."

On the other hand, the controversy between plaintiff Nabual and defendant Abegonia arises only on the uncertainty they both entertain regarding the territorial coverage of their fishing licenses. This question is interlinked with the existing boundary dispute between the two municipalities, who are themselves parties to this suit, and which appears to be awaiting resolution by the Provincial Board of Samar. Until that matter is resolved in accordance with the above rules it is plain that a judicial recourse, would be premature.

If it is true, as asserted by the appellants, that, notwithstanding the appeal taken to the provincial board by the plaintiff municipality, the board remains unconcerned and has as yet failed to settle the boundary dispute, then the action, if at all, would be against the said board.

Appellants urge, however, that the boundary question is not seriously involved in this case, and that they merely would like to have a judicial declaration that Republic Act No. 263 maintains the integrity and territorial extents of the districts of Concord and Hinabañgan. On the contrary, we find the boundary dispute as the very issue in controversy; in fact, this is evident from the plaintiffs' prayer, viz., that "a judgment be entered, declaring the Municipality of Hinabañgan as having the legal and official jurisdiction over the Bucalan River and its tributaries, namely, Carawisan, Mogo, Mogdo, Malligo, Cantapajan and Hinabañgan, and over the now called Barrio Candoyocan, as integral parts of Hinabañgan in pursuance of and by virtue of Republic Act No. 263, and consequently, enjoining the defendant from claiming them to be territories of Wright and exercising corporate jurisdiction over the same". Plainly, if the municipality of Wright issued its fishing licenses knowing that they covered territory beyond its boundaries, such licenses would be void, and the proper action would consist in ejecting its licensee, and not a petition for declaratory judgment.

Finally, it is contended that the lower court erred in not proceeding to hear the plaintiffs' evidence on the date set for hearing, despite the order of default against the defendants. In this connection, however, appellants themselves concede the ample discretion of the court to do so. It must be pointed out, furthermore, that the court below based its order of dismissal upon the non-exhaustion of administrative remedies, a question that may be taken up by it *motu proprio* at anytime, since it affects the cause of action.

Wherefore, the order of dismissal appealed from is affirmed. Costs against appellants.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera, and Gutierrez

David, JJ., concur.

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.