

MUNICIPALITY OF KANANGA, REPRESENTED BY ITS MAYOR, HON. GIOVANNI M. NAPARI, PETITIONER, VS. HON. FORTUNITO L. MADRONA, PRESIDING JUDGE, REGIONAL TRIAL COURT OF ORMOC CITY (BRANC...

G.R. No. 141375. April 30, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Since there is no legal provision specifically governing jurisdiction over boundary disputes between a municipality and an independent component city, it follows that regional trial courts have the power and the authority to hear and determine such controversy.

The Case

Before us is a Petition for Certiorari[1] under Rule 65 of the Rules of Court, seeking to annul the October 29, 1999 Order[2] issued by the Regional Trial Court (RTC) of Ormoc City (Branch 35) in Civil Case No. 3722-O. The decretal portion of the assailed Order reads as follows:

“For the foregoing considerations, this Court is not inclined to approve and grant the motion to dismiss[,] although the municipality has all the right to bring the matter or issue to the Supreme Court by way of certiorari purely on question of law.”[3]

The Facts

A boundary dispute arose between the Municipality of Kananga and the City of Ormoc. By agreement, the parties submitted the issue to amicable settlement by a joint session of the Sangguniang Panlungsod of Ormoc City and the Sangguniang Bayan of Kananga on October 31, 1997.

No amicable settlement was reached. Instead, the members of the joint session issued Resolution No. 97-01, which in part reads:

“x x x IT IS HEREBY RESOLVED x x x to pass a resolution certifying that both the Sangguniang Panlungsod of Ormoc City and the Sangguniang Bayan of Kananga, Leyte have failed to settle amicably their boundary dispute and have agreed to elevate the same to the proper court for settlement by any of the interested party (sic).”[4]

To settle the boundary dispute, the City of Ormoc filed before the RTC of Ormoc City (Branch 35) on September 2, 1999, a Complaint docketed as Civil Case No. 3722-O.

On September 24, 1999, petitioner filed a Motion to Dismiss on the following grounds:

“(1)

That the Honorable Court has no jurisdiction over the subject matter of the claim;

“(2)

That there is no cause of action; and

“(3)

That a condition precedent for filing the complaint has not been complied with[.]”[5]

Ruling of the Trial Court

In denying the Municipality of Kananga’s Motion to Dismiss, the RTC held that it had jurisdiction over the action under Batas Pambansa Blg. 129. It further ruled that Section 118 of the Local Government Code had been substantially complied with, because both parties already had the occasion to meet and thresh out their differences. In fact, both agreed to elevate the matter to the trial court via Resolution No. 97-01. It also held that Section 118 governed venue; hence, the parties could waive and agree upon it under Section 4(b) of Rule 4 of the Rules of Court.

Not satisfied with the denial of its Motion, the Municipality of Kananga filed this Petition.[6]

Issue

In their respective Memoranda, both parties raise the lone issue of whether respondent court may exercise original jurisdiction over the settlement of a boundary dispute between a municipality and an independent component city.

The Court’s Ruling

The Petition has no merit.

Sole Issue:

Jurisdiction

Jurisdiction is the right to act on a case or the power and the authority to hear and determine a cause.[7] It is a question of law.[8] As consistently ruled by this Court, jurisdiction over the subject matter is vested by law.[9] Because it is “a matter of substantive law, the established rule is that the statute in force at the time of the commencement of the action determines the jurisdiction of the court.”[10]

Both parties aver that the governing law at the time of the filing of the Complaint is Section 118 of the 1991 Local Government Code (LGC),[11] which provides:

“Sec. 118. Jurisdictional Responsibility for Settlement of Boundary Disputes. – 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.”

Under this provision, the settlement of a boundary dispute between a component city or a municipality on the one hand and a highly urbanized city on the other -- or between two or more highly urbanized cities -- shall be jointly referred for settlement to the respective sanggunians of the local government units involved.

There is no question that Kananga is a municipality constituted under Republic Act No. 542.[12] By virtue of Section 442(d) of the LGC, it continued to exist and operate as such.

However, Ormoc is not a highly urbanized, but an independent component, city created under Republic Act No. 179.[13] Section 89 thereof reads:

“Sec. 89. Election of provincial governor and members of the Provincial Board of the Province of Leyte. – The qualified voters of Ormoc City shall not be qualified and entitled to vote in the election of the provincial governor and the members of the provincial board of the Province of Leyte.”

Under Section 451 of the LGC, a city may be either component or highly urbanized. Ormoc is deemed an independent component city, because its charter prohibits its voters from voting for provincial elective officials. It is a city independent of the province. In fact, it is considered a component, not a highly urbanized, city of Leyte in Region VIII by both Batas Pambansa Blg. 643,[14] which calls for a plebiscite; and the Omnibus Election Code,[15] which apportions representatives to the defunct Batasang Pambansa. There is neither a declaration by the President of the Philippines nor an allegation by the parties that it is highly urbanized. On the contrary, petitioner asserted in its Motion to Dismiss that Ormoc was an independent chartered city.[16]

Section 118 of the LGC applies to a situation in which a component city or a municipality seeks to settle a boundary dispute with a highly urbanized city, not with an independent component city. While Kananga is a municipality, Ormoc is an independent component city. Clearly then, the procedure referred to in Section 118 does not apply to them.

Nevertheless, a joint session was indeed held, but no amicable settlement was reached. A resolution to that effect was issued, and the sanggunians of both local government units mutually agreed to bring the dispute to the RTC for adjudication. The question now is: Does the regional trial court have jurisdiction over the subject matter of the claim?

We rule in the affirmative.

As previously stated, “jurisdiction is vested by law and cannot be conferred or waived by the parties.”[17] It must exist as a matter of law and cannot be conferred by the consent of the parties or by estoppel.[18] It should not be confused with venue.

Inasmuch as Section 118 of the LGC finds no application to the instant case, the general rules governing jurisdiction should then be used. The applicable provision is found in Batas Pambansa Blg. 129,[19] otherwise known as the Judiciary Reorganization Act of 1980, as amended by Republic Act No. 7691.[20] Section 19(6) of this law provides:

“Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x x x x x

“(6) In all cases not within the exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial functions[.]”

Since there is no law providing for the exclusive jurisdiction of any court or agency over the settlement of

boundary disputes between a municipality and an independent component city of the same province, respondent court committed no grave abuse of discretion in denying the Motion to Dismiss. RTCs have general jurisdiction to adjudicate all controversies except those expressly withheld from their plenary powers.[21] They have the power not only to take judicial cognizance of a case instituted for judicial action for the first time, but also to do so to the exclusion of all other courts at that stage. Indeed, the power is not only original, but also exclusive.

In *Mariano Jr. v. Commission on Elections*,[22] we held that boundary disputes should be resolved with fairness and certainty. We ruled as follows:

“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. x x x.”

Indeed, unresolved boundary disputes have sown costly conflicts in the exercise of governmental powers and prejudiced the people’s welfare. Precisely because of these disputes, the Philippine National Oil Company has withheld the share in the proceeds from the development and the utilization of natural wealth, as provided for in Section 289 of the LGC.[23]

WHEREFORE, the Petition is DENIED and the challenged Order AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 4-13.

[2] Penned by Judge Fortunito L. Madrona.

[3] Assailed Order, p. 2; rollo, p. 17.

[4] Resolution No. 97-01, p. 2; id., p. 30.

[5] Motion to Dismiss, p. 1; id., p. 18.

[6] This case was deemed submitted for decision on June 28, 2001, upon receipt by this Court of respondent city’s Memorandum signed by Atty. Cleto L. Evangelista Jr. This Court received petitioner’s Memorandum, signed by Atty. Imelda G. Nartea, on June 15, 2001.

[7] *Conchada v. Director of Prisons*, 31 Phil. 94, 102, March 31, 1915; *Herrera v. Barretto*, 25 Phil. 245, 251, September 10, 1913.

[8] *Gala v. Cui*, 25 Phil. 522, 527, October 10, 1913.

[9] *Dela Cruz v. Moya*, 160 SCRA 838, 840, April 27, 1988; *Lee v. Presiding Judge, Municipal Trial Court of Legazpi City, Branch I*, 229 Phil. 405, 413, November 10, 1986; *Tolentino v. Social Security Commission*, 138 SCRA 428, 434, September 6, 1985; *Bacalso v. Ramolete*, 128 Phil. 559, 563, October 26, 1967; *De Jesus v. Garcia*, 125 Phil. 955, 959, February 28, 1967.

[10] *Cang v. CA*, 357 Phil. 129, September 25, 1998, per Romero, J. See *Republic v. CA*, 205 SCRA 356, 362, January 24, 1992; *Aguizap v. Basilio*, 129 Phil. 712, 715, December 29, 1967; *Rilloraza v. Arciaga*, 128 Phil. 799,

803, October 31, 1967; *People v. Pegarum*, 58 Phil. 715, 717, November 13, 1933.

[11] Republic Act No. 7160, approved on October 10, 1991, took effect January 1, 1992.

[12] Rollo, p. 23. Republic Act No. 542, effective June 17, 1950, has not been amended to date.

[13] *Ibid.* Republic Act No. 179, as amended, took effect June 21, 1947.

[14] Batas Pambansa Blg. 643 took effect December 21, 1983.

[15] Also known as Batas Pambansa Blg. 881, this Code took effect December 3, 1985.

[16] Rollo, p. 100.

[17] *Pangilinan v. CA*, 321 SCRA 51, December 17, 1999, per Kapunan, J.

[18] *People v. Casiano*, 111 Phil. 73, February 16, 1961.

[19] Batas Pambansa Blg. 129 took effect August 14, 1981.

[20] Republic Act No. 7691, approved on March 25, 1994, had taken effect long before the present case was filed in 1999.

[21] Florenz D. Regalado, *Remedial Law Compendium*, Vol. I (5[th] rev. ed., 1988), p. 3.

[22] 312 Phil. 259, 265-266, March 7, 1995, per Puno, J.

[23] Rollo, p. 27.

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