

MUNICIPALITY OF PATEROS, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, THE MUNICIPALITY OF MAKATI, THE DIRECTOR OF LANDS, AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURC...*G.R. No. 157714. June 16, 2009*

Ponente: NACHURA, J.

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Before this Court is a Petition[1] for Review on Certiorari under Rule 45 of the Rules of Civil Procedure, seeking the reversal of the Court of Appeals (CA) Decision[2] dated January 22, 2003, which denied the appeal of petitioner Municipality of Pateros (Pateros) for undertaking a wrong mode of appeal. Subject of the appeal was the Order[3] of the Regional Trial Court (RTC) of Makati City, Branch 139, dated June 14, 1996, which dismissed petitioner's complaint for lack of jurisdiction.

The Facts

The property subject of this case consists of portions of then Fort William McKinley, now known as Fort Bonifacio (subject property), currently comprising Barangays Cembo, South Cembo, West Rembo, East Rembo, Comembo, Pembo, and Pitogo (entire property). The subject property is allegedly situated within the territorial jurisdiction of respondent Municipality (now City) of Makati (Makati) per Proclamation No. 2475[4] issued on January 7, 1986 (Proclamation No. 2475) by former President Ferdinand E. Marcos (President Marcos). Subsequently, on January 31, 1990, former President Corazon C. Aquino (President Aquino) issued Proclamation No. 518,[5] amending Proclamation No. 2475. Parenthetically, it may be noted that a similar boundary dispute over the entire property exists between the Municipality (now City) of Taguig and Makati, docketed as Civil Case No. 63896 and pending before the RTC of Pasig City, Branch 153.

As Proclamation Nos. 2475 and 518 respectively stated that the entire property is situated in Makati, Pateros, on January 18, 1991, filed an action[6] for Judicial Declaration of the Territorial Boundaries of Pateros against Makati before the RTC of Pasig City, Branch 154 (Pasig RTC). The case was, however, dismissed for lack of jurisdiction inasmuch as the subject property is located in Makati and it should have been filed before the Makati RTC.[7] Heeding the directive of the Pasig RTC, Pateros, on December 8, 1993, filed with the RTC of Makati a Complaint[8] against Makati and co-respondents, Director of Lands and the Department of Environment and Natural Resources (DENR), for the Judicial Declaration of the Territorial Boundaries of Pateros with a prayer for the issuance of a writ of Preliminary Injunction and Temporary Restraining Order (TRO). Pateros claimed that, based on historical and official records, it had an original area of one thousand thirty-eight (1,038) hectares, more or less. However, when a cadastral mapping was conducted by the Bureau of Lands in 1978, Pateros was appalled to learn that its territorial boundaries had been substantially reduced to merely one hundred sixty-six (166) hectares. Pateros opined that this disparity was brought about by the issuance of Proclamation Nos. 2475 and 518. Thus, Pateros prayed that the RTC judicially declare the territorial boundaries of Pateros based on supporting

pieces of evidence, and that it nullify Proclamation No. 2475.

Makati filed a Motion to Dismiss,[9] contending that the issue was not the nullification of Proclamation No. 2475; that the RTC had no jurisdiction over the subject matter of the action because original jurisdiction to resolve boundary disputes among municipalities situated in Metro Manila is vested in the Metropolitan Manila Authority (MMA); that the RTC's jurisdiction is merely appellate; that the complaint failed to state a cause of action as Pateros failed to exhaust administrative remedies by failing to settle the dispute amicably; and that Pateros' claims had already been barred by laches because Makati, throughout the years, had already developed the subject property and had spent millions on such development.

Makati also filed a Motion to Suspend Proceedings,[10] arguing that the bill converting Makati into a city was pending approval before the Senate and portions of the subject property are included in the proposed charter. Makati, thus, opined that the continuation of the RTC proceedings would create a conflict between the judicial and the legislative branches. In its Order[11] dated October 21, 1994, the RTC granted Makati's Motion.

On July 19, 1994, Republic Act No. 7854[12] was enacted into law, converting Makati into a highly urbanized city. Pateros then moved for the revival of the proceedings before the RTC,[13] which it granted in its Order[14] dated March 17, 1995. However, due to the pending Motion to Dismiss earlier filed by Makati, the RTC required the parties to submit their respective Memoranda.

The RTC's Ruling

On June 14, 1996, the RTC issued an Order, dismissing the case on the ground of lack of jurisdiction. The RTC held that Proclamation No. 2475 specifically declared that the subject property is within the territorial jurisdiction of Makati and, inasmuch as the Proclamation was not declared unconstitutional, the same is a valid and subsisting law. In the main, citing

Sections 10[15] and 11,[16] Article X of the 1987 Constitution, and pursuant to this Court's ruling in *Municipality of Sogod v. Rosal*,[17] the RTC held that the modification or substantial alteration of boundaries of municipalities can be done only through a law enacted by Congress which shall be subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected. Hence, the RTC opined that it is without jurisdiction to fix the territorial boundaries of the parties. Pateros filed a Motion for Reconsideration[18] which was, however, denied by the RTC in its Order[19] dated August 30, 1996. Aggrieved, Pateros appealed to the CA.[20]

The CA's Ruling

On January 22, 2003, the CA denied Pateros' appeal. The CA held that the RTC did not make any findings of fact but merely applied various provisions of law and jurisprudence. Thus, the case presented a pure question of law, which Pateros should have brought directly to the Supreme Court, pursuant to Section 5(2),[21] Article VIII of the 1987 Constitution and Section 2,[22] Rule 41 of the Revised Rules of Civil Procedure. The CA also held that it would amount to grave abuse of discretion amounting to lack of jurisdiction if the CA insisted on resolving the issues raised therein. Thus, by undertaking a wrong mode of appeal and citing Section 2,[23] Rule 50 of the Revised Rules of Civil Procedure, the CA denied Pateros' appeal. Pateros filed a Motion for Reconsideration,[24] which the CA denied in its Resolution[25] dated March 27, 2003.

The Issue

Hence, this Petition based on the sole ground that the CA committed grave abuse of discretion in dismissing the appeal for lack of jurisdiction.[26]

Pateros asseverates that the issues raised before the CA involved mixed questions of fact and law, because Pateros

sought the determination of its territorial boundaries and the nullification of Proclamation No. 2475; that Pateros does not seek the alteration, modification, or creation of another or a new local government unit (LGU), but is concerned only with its territorial boundaries which, according to existing records, consisted of 1,038 hectares; that non-presentation of evidence before the RTC does not make the appeal purely a question of law, because the parties were prevented from presenting any evidence due to the RTC's erroneous dismissal of the case based on lack of jurisdiction; that Proclamation Nos. 2475 and 518 suffer from Constitutional infirmity; that the alteration or modification of the boundaries of municipalities or cities can only be made by a law enacted by Congress and approved by the majority of the votes cast in a plebiscite in the political units directly affected; that Proclamation No. 2475, although issued by then President Marcos during the Marcos era, was not a legislative enactment, pursuant to Section 6 of the 1976 Amendment to the Constitution; and granting, without admitting, that Proclamation No. 2475 is a law, it should be subject to approval by the majority of the votes cast in a plebiscite in the political units directly affected. Thus, Pateros prays that the assailed CA Decision be reversed and set aside, and that the RTC be directed to proceed with the trial of the instant case.[27]

On the other hand, Makati claims that the sole issue in Pateros' appeal before the CA is jurisdiction and as the question of jurisdiction is a question of law and as the CA lacks jurisdiction over pure questions of law, therefore, Pateros resorted to a wrong mode of appeal. The issues raised by Pateros do not consist of questions of fact as the RTC rendered the assailed Order based on Makati's Motion to Dismiss and no trial on the merits was ever conducted. Makati points out that the CA quoted the decision of the RTC's discourse in order to show that only a question of law was involved in Pateros' appeal. Thus, Makati posits that Pateros defies the rules on trial, evidence, and jurisdiction in a desperate bid to extricate itself from its mistake in taking a wrong mode of appeal, i.e., by notice of appeal to the CA rather than a petition for review on certiorari under Rule 45 of the Revised Rules of Civil Procedure filed before this Court. Makati submits that the dismissal of Pateros' appeal was proper, as mandated by Section 2, Rule 50 of the said Rules. Due to the availment of the wrong mode of appeal, the RTC's Order dismissing the case already attained finality.[28]

The Director of Lands and the DENR, through the Office of the Solicitor General (OSG), share the stand and arguments of Makati. The OSG stresses that the parties never presented any evidence before the RTC which resolved the case based on the parties' undisputed factual submissions and the application thereto of the pertinent laws, Rules of Civil Procedure, and jurisprudence. Hence, the OSG concludes that the appeal before the CA involved a pure question of law.[29]

Our Ruling

We agree that Pateros indeed committed a procedural infraction. It is clear that the issue raised by Pateros to the CA involves the jurisdiction of the RTC over the subject matter of the case. The jurisdiction of a court over the subject matter of the action is a matter of law; it is conferred by the Constitution or by law. Consequently, issues which deal with the jurisdiction of a court over the subject matter of a case are pure questions of law. As Pateros' appeal solely involves a question of law, it should have directly taken its appeal to this Court by filing a petition for review on certiorari under Rule 45, not an ordinary appeal with the CA under Rule 41. The CA did not err in holding that Pateros pursued the wrong mode of appeal.[30]

However, in the interest of justice and in order to write finis to this controversy, we opt to relax the rules. Our ruling in *Atty. Ernesto A. Tabujara III and Christine S. Dayrit v. People of the Philippines and Daisy Afable*[31] provides us with ample justification, viz.:

While it is true that rules of procedure are intended to promote rather than frustrate the ends of justice, and while the swift unlogging of the dockets of the courts is a laudable objective, it nevertheless must not be met at the expense of substantial justice.

The Court has allowed some meritorious cases to proceed despite inherent procedural defects and lapses. This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice, and that strict and rigid application of rules which would result in technicalities that tend to frustrate rather than promote substantial justice must always be avoided. It is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice, rather than dispose of the case on technicality and cause grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.

In those rare cases to which we did not stringently apply the procedural rules, there always existed a clear need to prevent the commission of a grave injustice. Our judicial system and the courts have always tried to maintain a healthy balance between the strict enforcement of procedural laws and the guarantee that every litigant is given the full opportunity for a just and proper disposition of his cause.

The emerging trend in the rulings of this Court is to afford every party litigant the amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities. Time and again, we have consistently held that rules must not be applied so rigidly as to override substantial justice.

Given the circumstances surrounding the instant case, we find sufficient reason to relax the rules. Thus, we now resolve the sole issue of whether the RTC has jurisdiction to entertain the boundary dispute between Pateros and Makati.

Apart from the doctrine that the jurisdiction of a tribunal over the subject matter of an action is conferred by law, it is also the rule that the court's exercise of jurisdiction is determined by the material allegations of the complaint or information and the law applicable at the time the action was commenced. Lack of jurisdiction of the court over an action or the subject matter of an action cannot be cured by the silence, by acquiescence, or even by express consent of the parties. Thus, the jurisdiction of a court over the nature of the action and the subject matter thereof cannot be made to depend upon the defenses set up in court or upon a motion to dismiss for, otherwise, the question of jurisdiction would depend almost entirely on the defendant. Once jurisdiction is vested, the same is retained up to the end of the litigation.[32]

It is worth stressing that, at the time the instant case was filed, the 1987 Constitution and the Local Government Code (LGC) of 1991 were already in effect. Thus, the law in point is Section 118 of the LGC, which provides:

Section. 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 province 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.[33]

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.[34] 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.

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.[35]

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.

On this score, the jurisdiction of the RTC over boundary disputes among LGUs was settled in *National Housing Authority v. Commission on the Settlement of Land Problems*,[36] where this Court recognized the appellate jurisdiction of the proper RTC. The jurisdiction of the RTC was clarified in *Municipality of Kananga v. Judge Madrona*,[37] where this Court held that, even in the absence of any specific provision of law, "RTCs have general jurisdiction to adjudicate all controversies except those expressly withheld from their plenary powers. 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."

Corollarily, we feel obliged to inform Congress of the need to pass a law specifically delineating the metes and bounds of the disputing LGUs. In *Mariano, Jr. v. COMELEC*,[38] we held that the existence of a boundary dispute does not per se present an unsurmountable difficulty which will prevent Congress from defining with reasonable certitude the territorial jurisdiction of an LGU. Congress, by virtue of the powers vested in it by the Constitution, could very well put an end to this dispute. We reiterate what we already said about the importance and sanctity of the territorial jurisdiction of an LGU:

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.[39]

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 Government Code. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Velasco, Jr., and Peralta, JJ., concur.

[1] Dated May 7, 2003; rollo, pp. 7-29.

[2] Particularly docketed as CA-G.R. CV No. 55886, penned by Associate Justice Perlita J. Tria Tirona, with Associate Justices Roberto A. Barrios and Edgardo F. Sundiam (both deceased), concurring; rollo, pp. 200-208.

[3] Particularly docketed as Civil Case No. 93-4529, penned by then Judge Florentino A. Tuason, Jr. (now a Commissioner of the Commission on Elections); rollo, pp. 119-123.

[4] Entitled: EXCLUDING FROM THE OPERATION OF PROCLAMATION NO. 423, SERIES OF 1957 WHICH ESTABLISHED THE FORT WILLIAM MCKINLEY (NOW FORT BONIFACIO) MILITARY RESERVATION SITUATED IN THE MUNICIPALITIES OF PASIG, TAGUIG, PARAÑAQUE, MAKATI AND PASAY CITY, METRO MANILA, A CERTAIN PORTION OF THE LAND EMBRACED THEREIN SITUATED IN THE MUNICIPALITY OF MAKATI AND DECLARING THE SAME OPEN TO DISPOSITION UNDER THE PROVISIONS OF ACT NO. 3038 AND REPUBLIC ACT NO. 274 IN RELATION [TO] THE PROVISIONS OF THE PUBLIC LAND ACT, AS AMENDED.

[5] Entitled: EXCLUDING FROM THE OPERATION OF PROCLAMATION NO. 423 DATED JULY 12, 1957 WHICH ESTABLISHED THE MILITARY RESERVATION KNOWN AS "FORT WILLIAM MCKINLEY" (NOW FORT ANDRES BONIFACIO) SITUATED IN THE MUNICIPALITIES OF PASIG, TAGUIG, PATEROS AND PARAÑAQUE, PROVINCE OF RIZAL AND PASAY CITY (NOW METROPOLITAN MANILA) AS AMENDED BY PROCLAMATION NO. 2475 DATED JANUARY 7, 1986, CERTAIN PORTIONS OF LAND EMBRACED THEREIN KNOWN AS BARANGAYS CEMBO, SOUTH CEMBO, WEST REMBO, EAST REMBO, COMEMBO, PEMBO AND PITOGO, SITUATED IN THE MUNICIPALITY OF MAKATI, METROPOLITAN MANILA AND DECLARING THE SAME OPEN FOR DISPOSITION UNDER THE PROVISIONS OF REPUBLIC ACT NO. 274, AND REPUBLIC ACT NO. 730 IN RELATION TO THE PROVISIONS OF THE PUBLIC LAND ACT, AS AMENDED.

[6] Records, pp. 281-287.

[7] Id. at 288-291.

[8] Id. at 1-10.

[9] Id. at 32-40.

[10] Id. at 87-88.

[11] Id. at 104.

[12] An Act Converting the Municipality of Makati into a Highly Urbanized City to be known as the City of Makati.

[13] Records, pp. 201-203.

[14] Id. at 209.

[15] SECTION 10. No province, city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected.

[16] SECTION 11. The Congress may, by law, create special metropolitan political subdivisions, subject to a plebiscite as set forth in Section 10 hereof. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executives and legislative assemblies. The jurisdiction of the metropolitan authority that will thereby be created shall be limited to basic services requiring coordination.

[17] G.R. Nos. 38204 and 38205, September 24, 1991, 201 SCRA 632, 640.

[18] Rollo, pp. 124-132.

[19] Id. at 150-157.

[20] Id. at 158-159.

[21] SECTION 5. The Supreme Court shall have the following powers:

x x x x

(2) Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

(a) All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.

(b) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(c) All cases in which the jurisdiction of any lower court is in issue.

(d) All criminal cases in which the penalty imposed is reclusion perpetua or higher.

(e) All cases in which only an error or question of law is involved.

[22] SEC. 2. Modes of appeal. --

(a) Ordinary appeal. -- The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

(b) Petition for review. -- The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its appellate jurisdiction shall be by petition for review in accordance with Rule 42.

(c) Appeal by certiorari. -- In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on certiorari in accordance with Rule 45.

[23] SEC. 2. Dismissal of improper appeal to the Court of Appeals. -- An appeal under Rule 41 taken from the Regional Trial Court to the Court of Appeals raising only questions of law shall be dismissed, issues purely of law not being reviewable by said court. Similarly, an appeal by notice of appeal instead of by petition for review from the appellate judgment of a Regional Trial Court shall be dismissed.

An appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright.

[24] Rollo, pp. 209-217.

[25] Id. at 222.

[26] Supra note 1, at 18.

[27] Pateros' Memorandum dated August 9, 2004; rollo, pp. 314-333.

[28] Makati's Memorandum dated August 23, 2004; rollo, pp. 336-351.

[29] OSG's Comment dated April 16, 2004; rollo, pp. 279-289.

[30] Quezon City and the City Treasurer of Quezon City v. ABS-CBN Broadcasting Corporation, G.R. No. 166408, October 6, 2008.

[31] G.R. No. 175162, October 29, 2008. (Citations omitted.)

[32] People v. Vanzuela, G.R. No. 178266, July 21, 2008, 559 SCRA 234, 242-243, citing Laresma v. Abellana, 442 SCRA 156, 168 (2004).

[33] Emphasis supplied.

[34] Metropolitan Manila Devt. Authority v. Bel-Air Village Asso., 385 Phil. 586, 616 (2000).

[35] Rule III of Administrative Order No. 270 dated February 21, 1992, entitled "Prescribing the Implementing Rules and Regulations of the Local Government Code of 1991" provides:

RULE III

Settlement of Boundary Disputes

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.

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.

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.
- (b) Contents of petition -- The petition shall state the grounds, reasons or justifications therefor.
- (c) Documents attached to petition -- The petition shall be accompanied by:

- (1) Duly authenticated copy of the law or statute creating the LGU or any other document showing proof of creation of the LGU;
- (2) Provincial, city, municipal, or barangay map, as the case may be, duly certified by the LMB;
- (3) Technical description of the boundaries of the LGUs concerned;
- (4) Written certification of the provincial, city, or municipal assessor, as the case may be, as to territorial jurisdiction over the disputed area according to records in custody;
- (5) Written declarations or sworn statements of the people residing in the disputed area; and
- (6) Such other documents or information as may be required by the sanggunian hearing the dispute.

(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.

ARTICLE 18. Maintenance of Status Quo. -- Pending final resolution of the dispute, the status of the affected area prior to the dispute shall be maintained and continued for all purposes.

ARTICLE 19. Official Custodian. -- The DILG shall be the official custodian of copies of all documents on boundary disputes of LGUs. (Emphasis supplied)

[36] G.R. No. 142601, October 23, 2006, 505 SCRA 38.

[37] 450 Phil. 392, 400 (2003).

[38] 312 Phil. 259, 267 (1995).

[39] Id. at 265-266.

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