

**MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE, represented by its
Municipal Mayor, CAROLINE ARZADON-GARVIDA, Petitioner, vs.
MUNICIPALITY OF MARCOS, ILOCOS NORTE, represented by its M...**

G.R. No. 169435. February 27, 2008

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

AS the law creating a municipality fixes its boundaries, settlement of boundary disputes between municipalities is facilitated by carrying into effect the law that created them.

Any alteration of boundaries that is not in accordance with the law creating a municipality is not the carrying into effect of that law but its amendment, which only the Congress can do.[1]

For Our review on certiorari is the Decision[2] of the Court of Appeals (CA) reversing to a certain extent that[3] of the Regional Trial Court (RTC), Branch 12, Laoag City, Ilocos Norte, in a case that originated from the Sangguniang Panlalawigan (SP) of Ilocos Norte about the boundary dispute between the Municipalities of Marcos and Nueva Era in Ilocos Norte.

The CA declared that Marcos is entitled to have its eastern boundary extended up “to the boundary line between the province of Ilocos Norte and Kalinga-Apayao.”[4] By this extension of Marcos’ eastern boundary, the CA allocated to Marcos a portion of Nueva Era’s territory.

The Facts

The Municipality of Nueva Era was created from the settlements of Bugayong, Cabittaoran, Garnaden, Padpadon, Padsan, Paorpatoc, Tibangran, and Uguis which were previously organized as rancherias, each of which was under the independent control of a chief. Governor General Francis Burton Harrison, acting on a resolution passed by the provincial government of Ilocos Norte, united these rancherias and created the township of Nueva Era by virtue of Executive Order (E.O.) No. 66 [5] dated September 30, 1916.

The Municipality of Marcos, on the other hand, was created on June 22, 1963 pursuant to Republic Act (R.A.) No. 3753 entitled “An Act Creating the Municipality of Marcos in the Province of Ilocos Norte.” Section 1 of R.A. No. 3753 provides:

SECTION 1. The barrios of Capariaan, Biding, Escoda, Culao, Alabaan, Ragas and Agunit in the Municipality of Dingras, Province of Ilocos Norte, are hereby separated from the said municipality and constituted into a new and separate municipality to be known as the Municipality of Marcos, with the following boundaries:

On the Northwest, by the barrios Biding-Rangay boundary going down to the barrios Capariaan-Gabon boundary consisting of foot path and feeder road; on the Northeast, by the Burnay River which is the common boundary of barrios Agunit and Naglayaan; on the East, by the Ilocos Norte-Mt. Province boundary; on the South, by the Padsan River which is at the same time the boundary between the municipalities of Banna and Dingras; on the West and Southwest, by the boundary between the municipalities of Batac and Dingras.

The Municipality of Marcos shall have its seat of government in the barrio of Biding.

Based on the first paragraph of the said Section 1 of R.A. No. 3753, it is clear that Marcos shall be derived from the listed barangays of Dingras, namely: Capariaan, Biding, Escoda, Culao, Alabaan, Ragas and Agunit. The Municipality of Nueva Era or any of its barangays was not mentioned. Hence, if based only on said paragraph, it is clear that Nueva Era may not be considered as a source of territory of Marcos.

There is no issue insofar as the first paragraph is concerned which named only Dingras as the mother municipality of Marcos. The problem, however, lies in the description of Marcos' boundaries as stated in the second paragraph, particularly in the phrase: "on the East, by the Ilocos Norte-Mt. Province boundary."

It must be noted that the term "Mt. Province" stated in the above phrase refers to the present adjoining provinces of Benguet, Mountain Province, Ifugao, Kalinga and Apayao, which were then a single province.

Mt. Province was divided into the four provinces of Benguet, Mountain Province, Ifugao, and Kalinga-Apayao by virtue of R.A. No. 4695 which was enacted on June 18, 1966. On February 14, 1995, the province of Kalinga-Apayao, which comprises the sub-provinces of Kalinga and Apayao, was further converted into the regular provinces of Kalinga and Apayao pursuant to R.A. No. 7878.

The part of then Mt. Province which was at the east of Marcos is now the province of Apayao. Hence, the eastern boundary referred to by the second paragraph of Section 1 of R.A. No. 3753 is the present Ilocos Norte-Apayao boundary.

On the basis of the said phrase, which described Marcos' eastern boundary, Marcos claimed that the middle portion of Nueva Era, which adjoins its eastern side, formed part of its territory. Its reasoning was founded upon the fact that Nueva Era was between Marcos and the Ilocos Norte-Apayao boundary such that if Marcos was to be bounded on the east by the Ilocos Norte-Apayao boundary, part of Nueva Era would consequently be obtained by it.[6]

Marcos did not claim any part of Nueva Era as its own territory until after almost 30 years,[7] or only on March 8, 1993, when its Sangguniang Bayan passed Resolution No. 93-015.[8] Said resolution was entitled: "Resolution Claiming an Area which is an Original Part of Nueva Era, But Now Separated Due to the Creation of Marcos Town in the Province of Ilocos Norte."

Marcos submitted its claim to the SP of Ilocos Norte for its consideration and approval. The SP, on the other hand, required Marcos to submit its position paper.[9]

In its position paper, Marcos alleged that since its northeastern and eastern boundaries under R.A. No. 3753 were the Burnay River and the Ilocos Norte-Mountain Province boundary, respectively, its eastern boundary should not be limited to the former Dingras-Nueva Era boundary, which was coterminous and aligned with the eastern boundary of Dingras. According to Marcos, its eastern boundary should extend further to the east or up to the Ilocos-Norte-Mt. Province boundary pursuant to the description of its eastern boundary under R.A. No. 3753.[10]

In view of its claim over the middle portion of Nueva Era, Marcos posited that Nueva Era was cut into two parts. And since the law required that the land area of a municipality must be compact and contiguous, Nueva Era's northern isolated portion could no longer be considered as its territory but that of Marcos'. Thus, Marcos claimed that it was entitled not only to the middle portion[11] of Nueva Era but also to Nueva Era's isolated northern portion. These areas claimed by Marcos were within Barangay Sto. Niño, Nueva Era.

Nueva Era reacted to the claim of Marcos through its Resolution No. 1, Series of 1993. It alleged that since time immemorial, its entire land area was an ancestral domain of the "tinguians," an indigenous cultural community. It

argued to the effect that since the land being claimed by Marcos must be protected for the tinguians, it must be preserved as part of Nueva Era.[12]

According to Nueva Era, Marcos was created out of the territory of Dingras only. And since R.A. No. 3753 specifically mentioned seven (7) barrios of Dingras to become Marcos, the area which should comprise Marcos should not go beyond the territory of said barrios.[13]

From the time Marcos was created in 1963, its eastern boundary had been considered to be aligned and coterminous with the eastern boundary of the adjacent municipality of Dingras. However, based on a re-survey in 1992, supposedly done to conform to the second paragraph of Section 1 of R.A. No. 3753, an area of 15,400 hectares of Nueva Era was alleged to form part of Marcos.[14] This was the area of Barangay Sto. Niño, Nueva Era that Marcos claimed in its position paper.

On March 29, 2000, the SP of Ilocos Norte ruled in favor of Nueva Era. The fallo of its decision[15] reads:

WHEREFORE, in view of all the foregoing, this Body has no alternative but to dismiss, as it hereby DISMISSES said petition for lack of merit. The disputed area consisting of 15,400 hectares, more or less, is hereby declared as part and portion of the territorial jurisdiction of respondent Nueva Era.[16]

R.A. No. 3753 expressly named the barangays that would comprise Marcos, but none of Nueva Era's barangays were mentioned. The SP thus construed, applying the rule of *expressio unius est exclusio alterius*, that no part of Nueva Era was included by R.A. No. 3753 in creating Marcos.[17]

The SP ratiocinated that if Marcos was to be bounded by Mt. Province, it would encroach upon a portion, not only of Nueva Era but also of Abra. Thus:

x x x Even granting, for the sake of argument, that the eastern boundary of Marcos is indeed Mountain Province, Marcos will then be claiming a portion of Abra because the province, specifically Barangay Sto. Niño, Nueva Era, is actually bounded on the East by the Province of Abra. Abra is situated between and separates the Provinces of Ilocos Norte and Mountain Province.

This is precisely what this body would like to avoid. Statutes should be construed in the light of the object to be achieved and the evil or mischief to be suppressed, and they should be given such construction as will advance the object, suppress the mischief and secure the benefits intended.[18] (Citations omitted)

The SP further explained:

Invariably, it is not the letter, but the spirit of the law and the intent of the legislature that is important. When the interpretation of the statute according to the exact and literal import of its words would lead to absurdity, it should be construed according to the spirit and reason, disregarding if necessary the letters of the law. It is believed that congress did not intend to have this absurd situation to be created when it created the Municipality of Marcos. This body, by the mandate given to it by the RA 7160 otherwise known Local Government Code, so believes that respondent Nueva Era or any portion thereof has been excluded from the ambit of RA 3753. Under the principle of "*expressio (sic) unius (sic) est exclusio alterius*," by expressly naming the barangays that will comprise the town of Marcos, those not mentioned are deemed excluded. In Republic Act 4354, where Section 2 thereof enumerated the barrios comprising the City of Davao excluding the petitioner Barrio Central as part of the said City, the court held that there arose a *prima facie* conclusion that the said law abolished Barrio Central as part of Davao City.

Historically, the hinterlands of Nueva Era have been known to be the home of our brothers and sisters belonging to peculiar groups of non-(C)hristian inhabitants with their own rich customs and traditions and this body takes judicial notice that the inhabitants of Nueva Era have proudly claimed to be a part of this rich culture. With this common ancestral heritage which unfortunately is absent with Marcos, let it not be

disturbed.[19] (Emphasis ours and citations omitted)

RTC Decision

On appeal by Marcos, the RTC affirmed the decision of the SP in its decision[20] of March 19, 2001. The dispositive part of the RTC decision reads:

WHEREFORE, the instant appeal is hereby DISMISSED. The questioned decision of the Sangguniang Panlalawigan of Ilocos Norte is hereby AFFIRMED.

No costs.

SO ORDERED.[21]

The RTC reasoned out in this wise:

The position of the Municipality of Marcos is that the provision of R.A. 3753 as regards its boundary on the East which is the “Ilocos Norte-Mt. Province” should prevail.

On the other hand, the Municipality of Nueva Era posits the theory that only the barrios of the Municipality of Dingras as stated in R.A. 3753 should be included in the territorial jurisdiction of the Municipality of Marcos. The Sangguniang Panlalawigan agreed with the position of Nueva Era.

x x x x

An examination of the Congressional Records during the deliberations of the R.A. 3753 (House Bill No. 3721) shows the Explanatory Note of Congressman Simeon M. Valdez, 2nd District, Ilocos Norte, to wit:

EXPLANATORY NOTE

This bill seeks to create in the Province of Ilocos Norte a new municipality to be known as the Municipality of Marcos, to be comprised by the present barrios of Capariaan, Biding Escoda, Culao, Alabaan, Ragas and Agunit, all in the Municipality of Dingras of the same province. The seat of government will be in the sitio of San Magro in the present barrio of Ragas.

x x x x

On the other hand, the Municipality of Dingras will not be adversely affected too much because its finances will still be sound and stable. Its capacity to comply with its obligations, especially to its employees and personnel, will not be diminished nor its operations paralyzed. On the contrary, economic development in both the mother and the proposed municipalities will be accelerated.

In view of the foregoing, approval of this bill is earnestly requested.

(Sgd.) SIMEON M. VALDEZ

Congressman, 2[nd] District

Ilocos Norte[22]

Parenthetically, the legislative intent was for the creation of the Municipality of Marcos, Ilocos Norte from the barrios (barangays) of the Municipality of Dingras, Ilocos Norte only. Hence, the Municipality of Marcos cannot add any area beyond the territorial jurisdiction of the Municipality of Dingras, Ilocos Norte. This conclusion might have been different only if the area being claimed by the Municipality of Marcos is within the territorial jurisdiction of the Municipality of Dingras and not the Municipality of Nueva Era. In such case, the two conflicting provisions may be harmonized by including such area within the territorial jurisdiction of the Municipality of Dingras as within the territorial jurisdiction of the Municipality of Marcos.[23] (Emphasis ours)

CA Disposition

Still determined to have a more extensive eastern boundary, Marcos filed a petition for review[24] of the RTC decision before the CA. The issues raised by Marcos before the CA were:

1. Whether or not the site of Hercules Minerals and Oil, Inc. which is within a Government Forest Reservation in Barangay Sto. Niño, formerly of Nueva Era, is a part of the newly created Municipality of Marcos, Ilocos Norte.
2. Whether or not the portion of Barangay Sto. Niño on the East which is separated from Nueva Era as a result of the full implementation of the boundaries of the new Municipality of Marcos belongs also to Marcos or to Nueva Era.[25]

The twin issues involved two portions of Nueva Era, viz.: (1) middle portion, where Hercules Minerals and Oil, Inc. is located; and (2) northern portion of Nueva Era, which, according to Marcos, was isolated from Nueva Era in view of the integration to Marcos of said middle portion.

Marcos prayed before the CA that the above two portions of Nueva Era be declared as part of its own territory. It alleged that it was entitled to the middle portion of Nueva Era in view of the description of Marcos' eastern boundary under R.A. No. 3753. Marcos likewise contended that it was entitled to the northern portion of Nueva Era which was allegedly isolated from Nueva Era when Marcos was created. It posited that such isolation of territory was contrary to law because the law required that a municipality must have a compact and contiguous territory.[26]

In a Decision[27] dated June 6, 2005, the CA partly reversed the RTC decision with the following disposition:

WHEREFORE, we partially GRANT the petition treated as one for certiorari. The Decisions of both the Sangguniang Panlalawigan and Regional Trial Court of Ilocos Norte are REVERSED and SET ASIDE insofar as they made the eastern boundary of the municipality of Marcos co-terminous with the eastern boundary of Dingras town, and another is rendered extending the said boundary of Marcos to the boundary line between the province of Ilocos Norte and Kalinga-Apayao, but the same Decisions are AFFIRMED with respect to the denial of the claim of Marcos to the detached northern portion of barangay Sto. Niño which should, as it is hereby ordered to, remain with the municipality of Nueva Era. No costs.

SO ORDERED.[28]

In concluding that the eastern boundary of Marcos was the boundary line between Ilocos Norte and Kalinga-Apayao, the CA gave the following explanation:

Clearly then, both the SP and the RTC erred when they ruled that the eastern boundary of Marcos is only coterminous with the eastern boundary of the adjacent municipality of Dingras and refused to extend it up to the boundary line between the provinces of Ilocos Norte and Mountain Province (Kalinga-Apayao). R.A. No. 3753, the law creating Marcos, is very explicit and leaves no room for equivocation that the boundaries of Marcos town are:

“On the Northwest by the barrios Biding-Rangay boundary going down to the barrios Capariaan-Gabon boundary consisting of foot path and feeder road; on the Northeast, by the Burnay River which is the common boundary of barrios Agunit and Naglayaan; on the East, by the Ilocos Norte-Mt. Province boundary; on the South by the Padsan River, which is at the same time the boundary between the municipalities of Banna and Dingras; on the West and Southwest by the boundary between the municipalities of Batac and Dingras.”

To stop short at the eastern boundary of Dingras as the eastern boundary also of Marcos and refusing to go farther to the boundary line between Ilocos Norte and Mountain Province (Kalinga-Apayao) is tantamount to amending the law which Congress alone can do. Both the SP and RTC have no competence to undo a valid act

of Congress.

It is not correct to say that Congress did not intend to take away any part of Nueva Era and merge it with Marcos for it is chargeable with conclusive knowledge that when it provided that the eastern boundary of Marcos is the boundary line between Ilocos Norte and Mountain Province, (by the time of both the SB and RTC Decision was already Kalinga-Apayao), it would be cutting through a portion of Nueva Era. As the law is written so must it be applied. *Dura lex sed lex!*[29]

The CA likewise held that the province Abra was not located between Marcos and Kalinga-Apayao; and that Marcos would not encroach upon a portion of Abra for it to be bounded by Kalinga-Apayao, to wit:

Nueva Era's contention that to lay out the eastern jurisdiction of Marcos to the boundary line between Ilocos Norte and Mountain Province (Kalinga-Apayao) would mean annexing part of the municipality of Itnig, province of Abra to Marcos as Abra is between Ilocos Norte and Mountain Province is geographically erroneous. From Nueva Era's own map of Region 1, which also depicts the locations of Kalinga-Apayao, Abra, Mountain Province, Benguet and Nueva Vizcaya after the partition of the old Mountain Province into the provinces of Kalinga-Apayao, Ifugao, Mountain Province and Benguet, the province of Abra is situated far to the south of Kalinga Apayao and is between the latter and the present Mountain Province, which is farther south of Abra. Abra is part of the eastern boundary of Ilocos Sur while Kalinga-Apayao is the eastern boundary of Ilocos Norte. Hence, in no way will the eastern boundary of the municipality of Marcos encroach upon a portion of Abra.[30]

However, Marcos' claim over the alleged isolated northern portion of Nueva Era was denied. The CA ruled:

Going now to the other area involved, i.e., the portion of Sto. Niño that is separated from its mother town Nueva Era and now lies east of the municipalities of Solsona and Dingras and north of Marcos, it bears stressing that it is not included within the area of Marcos as defined by law. But since it is already detached from Sto. Niño, Marcos is laying claim to it to be integrated into its territory by the SP because it is contiguous to a portion of said municipality.

We hold that the SP has no jurisdiction or authority to act on the claim, for it will necessarily substantially alter the north eastern and southern boundaries of Marcos from that defined by law and unduly enlarge its area. Only Congress can do that. True, the SP may substantially alter the boundary of a barangay within its jurisdiction. But this means the alteration of the boundary of a barangay in relation to another barangay within the same municipality for as long as that will not result in any change in the boundary of that municipality. The area in dispute therefore remains to be a part of Sto. Niño, a barangay of Nueva Era although separated by the newly created Marcos town pursuant to Section 7(c) of the 1991 Local Government Code which states:

SEC. 7. Creation and Conversion. – As a general rule, the creation of a local government unit or its conversion from one level to another shall be based on verifiable indicators of viability and projected capacity to provide services, to wit:

x x x x

(c) Land Area. – It must be contiguous, unless it comprises two or more islands or is separated by a local government unit independent of the others; properly identified by metes and bounds with technical descriptions; and sufficient to provide for such basic services and facilities to meet the requirements of its populace.[31]

The CA also expressed the view that Marcos adopted the wrong mode of appeal in bringing the case to it. The case, according to the CA, was appealable only to the RTC. Nonetheless, despite its pronouncement that the case was dismissible, the CA took cognizance of the same by treating it as one for certiorari, to wit:

A final word. At the outset, we agonized over the dilemma of choosing between dismissing outright the

petition at bar or entertaining it. This is for the simple reason that a petition for review is a mode of appeal and is not appropriate as the Local Government Code provides for the remedy of appeal in boundary disputes only to the Regional Trial Court but not any further appeal to this Court. Appeal is a purely statutory right. It cannot be exercised unless it is expressly granted by law. This is too basic to require the citation of supporting authority.

x x x x

By the same token, since the Local Government Code does not explicitly grant the right of further appeal from decisions of the RTCs in boundary disputes between or among local government units, Marcos town cannot exercise that right from the adverse decision of the RTC of Ilocos Norte. Nonetheless, because of the transcendental legal and jurisdictional issues involved, we solved our inceptive dilemma by treating the petition at bar as a special civil action for certiorari.[32]

Nueva Era was not pleased with the decision of the CA. Hence, this petition for review on certiorari under Rule 45.

Issues

Nueva Era now raises the following issues:

- a) Whether or not, the Court of Appeals has jurisdiction on the Petition for Review on Appeal, since Sec. 119 of the Local Government Code, which provides that “An appeal to the Decision of the Sangguniang Panlalawigan is exclusively vested to the Regional Trial Court, without further Appeal to the Court of Appeals”;
- b) Whether or not, the Court of Appeals gravely abused its discretion, in treating the Petition for Review On Appeal, filed under Rule 45, Revised Rules of Court, as a Petition for Certiorari, under Rule 65 of the Revised Rules of Court;
- c) Whether or not, the Court of Appeals erred in its appreciation of facts, in declaring that MARCOS East is not coterminous with the Eastern boundary of its mother town-Dingras. That it has no factual and legal basis to extend MARCOS territory beyond Brgys. Agunit (Ferdinand) and Culao (Elizabeth) of Marcos, and to go further East, by traversing and disintegrating Brgy. Sto. Niño, and drawing parallel lines from Sto. Niño, there lies Abra, not Mt. Province or Kalinga-Apayao.[33]

Basically, there are two (2) issues to resolve here: (1) whether or not the mode of appeal adopted by Marcos in bringing the case to the CA is proper; and (2) whether or not the eastern boundary of Marcos extends over and covers a portion of Nueva Era.

Our Ruling

Marcos correctly appealed the RTC judgment via petition for review under Rule 42.

Under Section 118(b) of the Local Government Code, “(b)oundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the sangguniang panlalawigan concerned.” The dispute shall be formally tried by the said sanggunian in case the disputing municipalities fail to effect an amicable settlement.[34]

The SP of Ilocos validly took cognizance of the dispute between the parties. The appeal of the SP judgment to the RTC was likewise properly filed by Marcos before the RTC. The problem, however, lies in whether the RTC judgment may still be further appealed to the CA.

The CA pronounced that the RTC decision on the boundary dispute was not appealable to it. It ruled that no

further appeal of the RTC decision may be made pursuant to Section 119 of the Local Government Code[35] which provides:

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.

The CA concluded that since only the RTC was mentioned as appellate court, the case may no longer be further appealed to it. The CA stated that “(a)ppeal is a purely statutory right. It cannot be exercised unless it is expressly granted by law. This is too basic to require the citation of supporting authority.”[36]

The CA, however, justified its taking cognizance of the case by declaring that: “because of the transcendental legal and jurisdictional issues involved, we solved our inceptive dilemma by treating the petition at bar as a special civil action for certiorari.”[37]

The CA erred in declaring that only the RTC has appellate jurisdiction over the judgment of the SP.

True, appeal is a purely statutory right and it cannot be exercised unless it is expressly granted by law. Nevertheless, the CA can pass upon the petition for review precisely because the law allows it.

Batas Pambansa (B.P.) Blg. 129 or the Judiciary Reorganization Act of 1980, as amended by R.A. No. 7902,[38] vests in the CA the appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, among others.[39] B.P. Blg. 129 has been further supplemented by the 1997 Rules of Civil Procedure, as amended, which provides for the remedy of appeal via petition for review under Rule 42 to the CA in cases decided by the RTC in the exercise of its appellate jurisdiction.

Thus, the CA need not treat the appeal via petition for review filed by Marcos as a petition for certiorari to be able to pass upon the same. B.P. Blg. 129, as amended, which is supplemented by Rule 42 of the Rules of Civil Procedure, gives the CA the authority to entertain appeals of such judgments and final orders rendered by the RTC in the exercise of its appellate jurisdiction.

At the time of creation of Marcos, approval in a plebiscite of the creation of a local government unit is not required.

Section 10, Article X of the 1987 Constitution provides that:

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.[40]

The purpose of the above constitutional provision was acknowledged by the Court through Justice Reynato S. Puno in *Miranda v. Aguirre*,[41] where it was held that:

The 1987 Constitution, more than any of our previous Constitutions, gave more reality to the sovereignty of our people for it was borne out of the people power in the 1986 EDSA revolution. Its Section 10, Article X addressed the undesirable practice in the past whereby local government units were created, abolished, merged or divided on the basis of the vagaries of politics and not of the welfare of the people. Thus, the consent of the people of the local government unit directly affected was required to serve as a checking mechanism to any exercise of legislative power creating, dividing, abolishing, merging or altering the boundaries of local government units. It is

one instance where the people in their sovereign capacity decide on a matter that affects them – direct democracy of the people as opposed to democracy thru people’s representatives. This plebiscite requirement is also in accord with the philosophy of the Constitution granting more autonomy to local government units.[42]

Nueva Era contends that the constitutional and statutory[43] plebiscite requirement for the creation of a local government unit is applicable to this case. It posits that the claim of Marcos to its territory should be denied due to lack of the required plebiscite.

We agree with Nueva Era’s contention that Marcos’ claim over parts of its territory is not tenable. However, the reason is not the lack of the required plebiscite under the 1987 and 1973 constitutions and the Local Government Code of 1991 but other reasons as will be discussed below.

At the time Marcos was created, a plebiscite was not required by law to create a local government unit. Hence, Marcos was validly created without conducting a plebiscite. As a matter of fact, no plebiscite was conducted in Dingras, where it was derived.

Lex prospicit, non respicit. The law looks forward, not backward.[44] It is the basic norm that provisions of the fundamental law should be given prospective application only, unless legislative intent for its retroactive application is so provided.[45]

In the comparable case of *Ceniza v. Commission on Elections*[46] involving the City of Mandaue, the Court has this to say:

Petitioners assail the charter of the City of Mandaue as unconstitutional for not having been ratified by the residents of the city in a plebiscite. This contention is untenable. The Constitutional requirement that the creation, division, merger, abolition, or alteration of the boundary of a province, city, municipality, or barrio should be subject to the approval by the majority of the votes cast in a plebiscite in the governmental unit or units affected is a new requirement that came into being only with the 1973 Constitution. It is prospective in character and therefore cannot affect the creation of the City of Mandaue which came into existence on June 21, 1969.[47] (Citations omitted and underlining supplied).

Moreover, by deciding this case, We are not creating Marcos but merely interpreting the law that created it. Its creation was already a *fait accompli*. Therefore, there is no reason for Us to further require a plebiscite.

As pointed out by Justice Isagani Cruz, to wit:

Finally, it should be observed that the provisions of the Constitution should be given only a prospective application unless the contrary is clearly intended. Were the rule otherwise, rights already acquired or vested might be unduly disturbed or withdrawn even in the absence of an unmistakable intention to place them within the scope of the Constitution.[48]

No part of Nueva Era’s territory was taken for the creation of Marcos under R.A. No. 3753.

Only the barrios (now barangays) of Dingras from which Marcos obtained its territory are named in R.A. No. 3753. To wit:

SECTION 1. The barrios of Capariaan, Biding, Escoda, Culao, Alabaan, Ragas and Agunit in the Municipality of Dingras, Province of Ilocos Norte, are hereby separated from the said municipality and constituted into a new and separate municipality to be known as the Municipality of Marcos, with the following boundaries:

Since only the barangays of Dingras are enumerated as Marcos’ source of territory, Nueva Era’s territory is, therefore, excluded.

Under the maxim *expressio unius est exclusio alterius*, the mention of one thing implies the exclusion of another

thing not mentioned. If a statute enumerates the things upon which it is to operate, everything else must necessarily and by implication be excluded from its operation and effect.[49] This rule, as a guide to probable legislative intent, is based upon the rules of logic and natural workings of the human mind.[50]

Had the legislature intended other barangays from Nueva Era to become part of Marcos, it could have easily done so by clear and concise language. Where the terms are expressly limited to certain matters, it may not by interpretation or construction be extended to other matters.[51] The rule proceeds from the premise that the legislature would not have made specified enumerations in a statute had the intention been not to restrict its meaning and to confine its terms to those expressly mentioned.[52]

Moreover, since the barangays of Nueva Era were not mentioned in the enumeration of barangays out of which the territory of Marcos shall be set, their omission must be held to have been done intentionally. This conclusion finds support in the rule of *casus omissus pro omisso habendus est*, which states that a person, object or thing omitted from an enumeration must be held to have been omitted intentionally.[53]

Furthermore, this conclusion on the intention of the legislature is bolstered by the explanatory note of the bill which paved the way for the creation of Marcos. Said explanatory note mentioned only Dingras as the mother municipality of Marcos.

Where there is ambiguity in a statute, as in this case, courts may resort to the explanatory note to clarify the ambiguity and ascertain the purpose and intent of the statute.[54]

Despite the omission of Nueva Era as a mother territory in the law creating Marcos, the latter still contends that said law included Nueva Era. It alleges that based on the description of its boundaries, a portion of Nueva Era is within its territory.

The boundaries of Marcos under R.A. No. 3753 read:

On the Northwest, by the barrios Biding-Rangay boundary going down to the barrios Capariaan-Gabon boundary consisting of foot path and feeder road; on the Northeast, by the Burnay River which is the common boundary of barrios Agunit and Naglayaan; on the East, by the Ilocos Norte-Mt. Province boundary; on the South, by the Padsan River which is at the same time the boundary between the municipalities of Banna and Dingras; on the West and Southwest, by the boundary between the municipalities of Batac and Dingras.

Marcos contends that since it is “bounded on the East, by the Ilocos Norte-Mt. Province boundary,” a portion of Nueva Era formed part of its territory because, according to it, Nueva Era is between the Marcos and Ilocos Norte-Mt. Province boundary. Marcos posits that in order for its eastern side to reach the Ilocos Norte-Mt. Province boundary, it will necessarily traverse the middle portion of Nueva Era.

Marcos further claims that it is entitled not only to the middle portion of Nueva Era but also to its northern portion which, as a consequence, was isolated from the major part of Nueva Era.

We cannot accept the contentions of Marcos.

Only Dingras is specifically named by law as source territory of Marcos. Hence, the said description of boundaries of Marcos is descriptive only of the listed barangays of Dingras as a compact and contiguous territory.

Considering that the description of the eastern boundary of Marcos under R.A. No. 3753 is ambiguous, the same must be interpreted in light of the legislative intent.

The law must be given a reasonable interpretation, to preclude absurdity in its application.[55] We thus uphold the legislative intent to create Marcos out of the territory of Dingras only.

Courts must give effect to the general legislative intent that can be discovered from or is unraveled by the four corners of the statute, and in order to discover said intent, the whole statute, and not only a particular provision thereof, should be considered.[56] Every section, provision or clause of the statute must be expounded by reference to each other in order to arrive at the effect contemplated by the legislature. The intention of the legislator must be ascertained from the whole text of the law, and every part of the act is to be taken into view.[57]

It is axiomatic that laws should be given a reasonable interpretation, not one which defeats the very purpose for which they were passed. This Court has in many cases involving the construction of statutes always cautioned against narrowly interpreting a statute as to defeat the purpose of the legislature and stressed that it is of the essence of judicial duty to construe statutes so as to avoid such a deplorable result (of injustice or absurdity) and that therefore “a literal interpretation is to be rejected if it would be unjust or lead to absurd results.”[58]

Statutes are to be construed in the light of the purposes to be achieved and the evils sought to be remedied. Thus, in construing a statute, the reason for its enactment should be kept in mind and the statute should be construed with reference to the intended scope and purpose. The court may consider the spirit and reason of the statute, where a literal meaning would lead to absurdity, contradiction, injustice, or would defeat the clear purpose of the lawmakers.[59]

WHEREFORE, the petition is GRANTED. The Decision of the Court of Appeals is partly REVERSED. The Decision of the Regional Trial Court in Ilocos Norte is REINSTATED.

SO ORDERED.

Puno, C.J., Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, and Leonardo-De Castro, JJ., concur.

Quisumbing, J., on official leave.

Ynares-Santiago, J., on leave.

* On official leave per Special Order No. 485 dated February 14, 2008.

** On leave per Special Order No. 486 dated February 15, 2008.

[1] Municipality of Jimenez v. Baz, 333 Phil. 1, 18 (1996).

[2] Rollo, pp. 31-46. Dated June 6, 2005 in CA-G.R. SP No. 64147, entitled “Municipality of Marcos, Ilocos Norte v. Municipality of Nueva Era, Ilocos Norte.” Penned by Associate Justice Salvador J. Valdez, Jr., with Associate Justices Mariano C. Del Castillo and Magdangal M. de Leon, concurring.

[3] Id. at 123-129; records, pp. 437-443. Dated March 19, 2001 in Sp. Civil Action No. 12073. Penned by Judge Perla B. Querubin.

[4] Id. at 45-46.

[5] E.O. No. 66 signed by Governor-General Francis Burton Harrison reads: Upon the recommendation of the Honorable, Secretary of the Interior and the Provincial Board of Ilocos Norte, and pursuant to the provisions of section twenty-three hundred and ninety-one of the Administrative Code, the settlements of Bugayong, Cabittaoran, Garnaden, Padpadon, Padsan, Paor-patoc, Tibangran, and Uguis in the Province of Ilocos Norte, are hereby consolidated and organized in to a township to be known as the township of Nueva Era. The seat of the township government of the township of Nueva Era shall be at the settlement of Bugayong.

- [6] Rollo, pp. 256-258.
- [7] Id. at 32.
- [8] Id.; records, pp. 2-3.
- [9] Id.
- [10] Id. at 33.
- [11] Id. at 33-34.
- [12] Records, p. 13; id.
- [13] Id. at 14-15.
- [14] Rollo, pp. 35-36.
- [15] Records, pp. 341-344.
- [16] Id. at 344.
- [17] Id. at 342-344.
- [18] Id. at 343.
- [19] Id. at 343-344.
- [20] Id. at 437-443; rollo, pp. 123-129.
- [21] Id. at 443.
- [22] Rollo, p. 128; id. at 442. Congressional Record, Proceedings and Debates (1963), Vol. II, Part I, p. 1474.
- [23] Id. at 127-129.
- [24] CA rollo, pp. 2-12.
- [25] Id. at 5-6.
- [26] Id. at 9.
- [27] Rollo, pp. 31-46.
- [28] Id. at 45-46.
- [29] Id. at 41-42.
- [30] Id. at 42-43.
- [31] Id. at 43-44.
- [32] Id. at 44-45.
- [33] Id. at 9.
- [34] Local Government Code (1991), Sec. 118(e).
- [35] Republic Act No. 7160 (1991).
- [36] Rollo, p. 44.

[37] Id. at 45.

[38] Effective March 18, 1995, entitled “An Act Expanding the Jurisdiction of the Court of Appeals, Amending for the Purpose Section Nine of Batas Pambansa Blg. 129, As Amended, Known As the Judiciary Reorganization Act of 1980.”

[39] *Keswani v. Republic*, G.R. No. 153986, June 8, 2007, 524 SCRA 145, 150.

[40] A similar provision is likewise provided in Section 3, Article XI of the 1973 Constitution, thus:

SECTION 3. No province, city, municipality, or barrio 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 the approval by a majority of the votes cast in a plebiscite in the unit or units affected.

[41] 373 Phil. 386 (1999).

[42] *Miranda v. Aguirre*, id. at 400.

[43] The constitutional requirement of a plebiscite is incorporated in the Local Government Code of 1991, particularly in Section 10, Chapter II, Title I of its Book I, to wit:

SECTION 10. Plebiscite Requirement. – No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Commission on Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such action, unless said law or ordinance fixes another date.

[44] *Grego v. Commission on Elections*, G.R. No. 125955, June 19, 1997, 274 SCRA 481, 493.

[45] *Union Carbide Labor Union v. Union Carbide Philippines, Inc.*, G.R. No. L-41314, November 13, 1992, 215 SCRA 554, 558.

[46] G.R. No. L-52304, January 28, 1980, 95 SCRA 763.

[47] *Ceniza v. Commission on Elections*, id. at 774.

[48] Cruz, I.A., *Constitutional Law*, 1998 ed., p. 10.

[49] *Tolentino v. Paqueo*, G.R. No. 150606, June 7, 2007, 523 SCRA 377, 387; *Commissioner of Internal Revenue v. The Philippine American Accident Insurance Company, Inc.*, G.R. No. 141658, March 18, 2005, 453 SCRA 668, 688; *Commissioner of Internal Revenue v. Michel J. Lhuillier Pawnshop, Inc.*, G.R. No. 150947, July 15, 2003, 406 SCRA 178, 186, citing *Vera v. Fernandez*, G.R. No. L-31364, March 30, 1979, 89 SCRA 199, 203.

[50] *Commissioner of Internal Revenue v. Michel J. Lhuillier Pawnshop, Inc.*, supra, citing *Republic v. Estenzo*, G.R. No. L-35376, September 11, 1980, 99 SCRA 651, 656.

[51] *Integrated Bar of the Philippines v. Zamora*, 392 Phil. 618, 642 (2000), citing *Sarmiento III v. Mison*, G.R. No. L-79974, December 17, 1987, 156 SCRA 549.

[52] *Romualdez v. Marcelo*, G.R. Nos. 165510-33, July 28, 2006, 497 SCRA 89, 108; *Canet v. Decena*, 465 Phil. 325, 333 (2004); *Centeno v. Villalon-Pornillos*, G.R. No. 113092, September 1, 1994, 236 SCRA 197, 203; *Commissioner of Customs v. Court of Tax Appeals*, G.R. Nos. 48886-88, July 21, 1993, 224 SCRA 665, 670, citing *Agpalo*, *Statutory Construction*, 2nd ed., 1990, pp. 160-161.

[53] *La Bugal-B'laan Tribal Association, Inc. v. Ramos*, 465 Phil. 860, 932 (2004); *Chua v. Civil Service*

Commission, G.R. No. 88979, February 7, 1992, 206 SCRA 65, 76, citing *People v. Manantan*, 115 Phil. 657, 664 (1962).

[54] Agpalo, *Statutory Construction*, 3rd ed., 1995, p. 73.

[55] *Brent School, Inc. v. Zamora*, G.R. No. 48494, February 5, 1990, 181 SCRA 702, 715.

[56] *Atlas Consolidated Mining and Development Corporation v. Commissioner of Internal Revenue*, G.R. Nos. 141104 & 148763, June 8, 2007, 524 SCRA 73, 93, citing *Commissioner of Internal Revenue v. TMX Sales, Inc.*, G.R. No. 83736, January 15, 1992, 205 SCRA 184, 188.

[57] *Commissioner of Internal Revenue v. TMX Sales, Inc.*, *supra*.

[58] *Soriano v. Offshore Shipping and Manning Corporation*, G.R. No. 78409, September 14, 1989, 177 SCRA 513, 519, citing *Bello v. Court of Appeals*, G.R. No. L-38161, March 29, 1974, 56 SCRA 509.

[59] *In re: Request of Justice Bernardo P. Pardo for Adjustment of His Longevity Pay*, A.M. No. 02-1-12-SC, March 14, 2007, 518 SCRA 263, 267; *Ursua v. Court of Appeals*, G.R. No. 112170, April 10, 1996, 256 SCRA 147, 152.

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