

THE MUNICIPALITY OF PAYAO, ZAMBOANGA SIBUGAY, PETITIONER, VS. THE MUNICIPALITY OF IMELDA, ZAMBOANGA SIBUGAY, RESPONDENT.

G.R. No. 243167. June 28, 2021

Ponente: LOPEZ, J., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-243167/>

LOPEZ, J., J.:

Mandamus is of two (2) types: first, in order to compel the performance of a clear legal duty; and second, to rectify the unlawful exclusion from a right or office to which the petitioner is entitled. The present controversy provides occasion to articulate procedural standards in availing of mandamus as a remedy against unlawful exclusion.

The Municipality of Payao filed the instant Verified Petition for Review on Certiorari dated December 21, 2018, pursuant to Rule 45 of the Revised Rules of Court, seeking the reversal of the Decision[1] dated February 28, 2018 and the Resolution[2] dated September 21, 2018 of the Twenty- Second Division of the Court of Appeals (Court of Appeals) in CA-G.R. SP No. 07137-MIN, both of which affirmed the Decision[3] dated April 1, 2015 and Order dated May 22, 2015 of Branch 31 of the Regional Trial Court of

Imelda, Zamboanga Sibugay (RTC-Imelda) in Special Civil Case No. IM-3 (I-115), which granted the Petition for Mandamus filed by the Municipality of Imelda against the Municipality of Payao, and ordered the latter to cease and desist from exercising jurisdiction, control, and supervision over Barangay Guintolan and peacefully turn over such prerogatives to the former.

Factual and Procedural Antecedents

The Municipalities of Payao and Imelda are local government units created, organized, and operating pursuant respectively to Presidential Decree No. 1238[4] (PD. 1238) and Presidential Decree No. 1239[5] (PD. 1239), both issued in 1977. The Municipalities are geographically adjacent, with Barangay Guintolan situated right along their areas of adjacency. Such peculiar geography engendered territorial and jurisdictional controversy over Barangay Guintolan, culminating in two (2) other judicial proceedings between the Municipalities.

Petition for Declaratory Relief Filed by the Municipality of Payao.

On July 9, 1987, the Sangguniang Panlalawigan (SP) of Zamboanga del Sur[6] issued Resolution No. 166, Series of 1987, unanimously approving, upon petition of the residents of Barangay Guintolan, the transfer of said Barangay from the jurisdiction of the Municipality of Payao to that of the Municipality of Imelda.[7] On July 22, 1987, the SP of Zamboanga del Sur issued Resolution No. 188, Series of 1987, chronicling that the Mayors of the Municipalities agreed to transfer Barangay Guintolan to the Municipality of Imelda, ultimately proclaiming that Barangay Guintolan would henceforth be under the Municipality of Imelda's territorial jurisdiction.[8]

These Resolutions prompted the Municipality of Payao to file a Petition for Declaratory Relief and/or

Nullification of Resolution No. 166, Series of 1987, of the Sangguniang Panlalawigan of Zamboanga del Sur, with Preliminary Injunction, before Branch 19 of the Regional Trial Court of Pagadian City (RTC-Pagadian, Branch 19). Resolving the issue of whether the SP of Zamboanga del Sur had the authority to disjoin Barangay Guintolan from the Municipality of Payao and place it under the jurisdiction of the Municipality of Imelda, the RTC-Pagadian, Branch 19 rendered a Decision dated November 18, 1987, declaring as null and void Resolution No. 166, holding that a municipality's boundaries can only be defined or altered by an act of the Batasang Pambansa.[9]

First Mandamus Case Filed by the Municipality of Imelda

The Municipality of Imelda sought to regain Barangay Guintolan when, in 2011, it filed a Petition for Mandamus against the Municipality of Payao, the Provincial Treasurer, Provincial Assessor, Provincial Election Officer and the Provincial Local Government Officer of Zamboanga del Sur before Branch 21 of the Regional Trial Court of Pagadian City (RTC-Pagadian, Branch 21). The RTC-Pagadian, Branch 21 issued an Order dated August 15, 2001, dismissing the petition, holding that, based on the Municipalities' respective charters, territorial jurisdiction over Barangay Guintolan belonged to the Municipality of Payao.[10]

Proceedings Before the Sangguniang Panlalawigan of Zamboanga Sibugay

Before it filed the second mandamus case before the RTC-Imelda, the Municipality of Imelda first sought recourse within the local government framework. Its Sangguniang Bayan (SB) issued on January 30, 2006 Resolution No. 2006-183, requesting various government agencies for the immediate transfer of Barangay Guintolan to its territorial jurisdiction. The Mayor of the Municipality of Payao appeared before the Provincial Legal Office of Zamboanga Sibugay[11] to orally manifest the Municipality's objection to the request. Appraising the matter as a boundary dispute, Zamboanga Sibugay's Governor wrote a Letter dated October 12, 2006 to the Mayor of the Municipality of Imelda, advising the latter to file a complaint before the SP of Zamboanga Sibugay. Accordingly, the Municipality of Payao submitted to the SP of Zamboanga Sibugay Resolution No. 0071-2011, requesting for a resolution of the purported boundary dispute. However, the Provincial Legal Office of Zamboanga Sibugay issued a Memorandum on May 2, 2011 clarifying that the controversy did not concern a boundary dispute, but was rather an issue regarding the proper station of Barangay Guintolan. Ultimately, the Provincial Secretary of the SP of Zamboanga Sibugay wrote the Mayor of the Municipality of Imelda, advising the latter to file the appropriate court case.[12]

Thus, on August 22, 2011, the Municipality of Imelda filed a Petition for Mandamus against the Municipality of Payao before Branch 24 of the Regional Trial Court of Ipil, Zamboanga Sibugay, docketed as Special Civil Action No. I-115. The Municipality of Imelda attached certified Official Gazette copies of the Municipalities' charters under P.D. 1238 and P.D. 1239, and presented a Base Map of the Department of Environment and Natural Resources (DENR), demonstrating that Barangay Guintolan lay within the Municipality of Imelda's territory. The Municipality of Payao filed its Comment, arguing that mandamus is an inappropriate remedy and that the case was barred by *res judicata*. In its Reply thereto, the Municipality of Imelda argued that *res judicata* does not apply as it presented newly-discovered evidence, and that the previous proceedings concerned different issues and led to a miscarriage of justice.[13]

RTC Rulings

The RTC-Imelda granted the Petition for Mandamus in a Decision[14] dated April 1, 2015, the dispositive portion of which read :

WHEREFORE, premises considered, this Court hereby renders judgment as follows, to wit:

1. Decreeing that Barangay Guintolan is under the jurisdiction of the Municipality of Imelda, Zamboanga Sibugay;
2. Ordering the Municipality of Payao to cease and desist from exercising jurisdiction or control and supervision over said Barangay; [and]
3. Ordering respondent municipality to peacefully turn-over to petitioner municipality the control and supervision over said Barangay.

SO ORDERED.

Plainly reading P.D. Nos. 1238 and 1239, the RTC-Imelda held that Barangay Guintolan is explicitly enumerated among the Municipality of Imelda's constituent units, and not so for the Municipality of Payao. Moreover, the DENR. Base Map clearly depicts Barangay Guintolan as within the Municipality of Imelda. The confusion arose from the Municipality of Payao's submission of erroneous copies of P.D. Nos. 1238 and 1239, certified to only by the Filipiniana Division Multimedia. Source of the National Library. The Municipality of Payao moved for reconsideration, which the RTC-Imelda denied in its Order[15] dated May 22, 2015.

Court of Appeals Rulings

Appealing to the Court of Appeals, the Municipality of Payao reiterated that mandamus is an improper remedy and that the Petition for Mandamus is barred by res judicata. The Court of Appeals denied the appeal in its Decision[16] dated February 28, 2018, disposing as follows:

WHEREFORE, premises considered, the instant appeal is hereby DENIED, and the assailed Decision dated 01 April 2015 and the Order dated 22 May 2015 of the Regional Trial Court, 9[th] Judicial Region, Branch 31, Imelda, Zamboanga Sibugay in Special Civil Case No. IM-3 (I-115) is AFFIRMED.

The Court of Appeals found that the requisites of mandamus obtained, and that res judicata was inapplicable, considering that the previous proceedings concerned different subject matters and causes of action, and that the RTC-Pagadian, Branch 21, in dismissing the first mandamus case, had wrongly relied on copies of the Municipalities' charters certified to only by the National Library. Resolving the Municipality of Payao's motion for reconsideration, the Court of Appeals issued its Resolution[17] dated September 21, 2018, affirming its Decision dated February 2018.

Before the Court, the Municipality of Payao seeks the reversal of the Decision dated February 28, 2018 and the Resolution dated September 21, 2018 of the Court of Appeals, essentially reiterating its arguments in the proceedings below. The Municipality of Imelda filed its Comment dated June 27, 2019, likewise rehashing the arguments in its previous submissions.

Issues

1. Whether mandamus is a remedy appropriate for the Municipality of Imelda to obtain jurisdiction over Barangay Guintolan, to the exclusion of the Municipality of Payao; and
2. Whether the second Petition for Mandamus filed by the Municipality of Imelda is barred by res judicata.

Ruling

The Court denies the Municipality of Payao's Petition for Review on Certiorari, and rules that the Municipality of Imelda properly resorted to a petition for the issuance of a writ of mandamus which, under the circumstances, is not barred by res judicata.

Mandamus as a Remedy Against the

Unlawful Exclusion from the Use or Enjoyment of a Right or Office

As prefaced herein, the writ of mandamus is of two (2) variations: first, issued to compel the performance of a clear legal duty; and second, as a remedy against the unlawful exclusion from the use or enjoyment of a right or office. The instant controversy provides an opportunity to articulate principles governing mandamus as a remedy against unlawful exclusion.

Section 3, Rule 65 of the Revised Rules of Court provides the rule on mandamus:

SECTION. 3. Petition for mandamus. - When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgement be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

From this Rule, there are two situations when a writ of mandamus may issue: (1) when any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station; or (2) when any tribunal, corporation, board, officer or person unlawfully excludes another from the use and enjoyment of a right or office to which the other is entitled.[18]

In mandamus to enforce a clear legal duty, the focal point is on "an act which the law specifically enjoins as a duty resulting from an office, trust, or station," whereas in mandamus against unlawful exclusion, it is on "a right or office" to which the petitioner is entitled. In the former, the actionable wrong is the respondent's unlawful neglect to perform a duty,[19] while in the latter, it is the respondent's unlawful exclusion of petitioner. Mandamus in the first sense rectifies unlawful inaction, and in the second, unlawful action.

The Court has, in a few instances, resolved petitions for mandamus as a remedy against unlawful exclusion. In *Lagrimas v. Judge Zurbano*,^[20] the issue was whether mandamus lies to compel the respondent judge to give due course to an appeal that was perfected within the reglementary period, but which the respondent judge disapproved on the ground that the assailed orders were interlocutory, and not proper subject of an appeal. The Court ruled that the judge had misapprehended as interlocutory his order denying petitioner's third-party complaint, as this was already a final disposition of such complaint. Citing Section 2, Rule 41^[21] of the 1940 Rules of Court, the Court ruled that the petitioner had "established a clear legal right to invoke" the writ of mandamus.^[22] The Court directed the respondent judge to approve, certify, and elevate the record on appeal to the appropriate appellate court.

In *Garces v. Court of Appeals*,^[23] petitioner Lucita Garces was appointed, with the approval of the Civil Service Commission, as Election Registrar of Gualac, Zamboanga del Norte, to replace Claudio Concepcion, who was to transfer to Liloy, Zamboanga del Norte. Concepcion did not accept such transfer and refused the same, prompting various Commission on Elections (COMELEC) officials to issue Garces orders prohibiting, or directing the deferment of, her assumption to the Gualac post. Garces applied with the RTC for mandamus to allow the assumption of her post. Meanwhile, the COMELEC issued a Resolution cancelling both Garces' and Concepcion's appointments. The RTC dismissed the petition, ruling that Garces' resort to mandamus was incorrect. The Court of Appeals affirmed.

The Court noted that Concepcion had never vacated the Gualac post, hence, Garces could not assume the same.

Moreover, the COMELEC ordered Garces' appointment deferred and, ultimately, cancelled. Accordingly, Garces' proper remedy was quo warranto and not mandamus, considering that she had failed to demonstrate a clear legal right to the post:

These factors negate Garces' claim for a well-defined, clear, certain legal right to the Gualac post. On the contrary, her right to the said office is manifestly doubtful and highly questionable. As correctly ruled by respondent court, mandamus, which petitioner filed below, will not lie as this remedy applies only where petitioner's right is founded clearly in law and not when it is doubtful. It will not issue to give him so1nething to which he is not clearly and conclusively entitled. x x x.[24]

Finally, in *University of San Agustin, Inc. v. Court of Appeals*,^[25] the issue was whether mandamus should issue in favor of nursing students, after being refused re-admission for failing to maintain academic retention standards, to compel the University of San Agustin to re-admit them. The Court ruled that the petitioners failed to meet the threshold for establishing a clear legal right for the issuance of mandamus:

The nature of mandamus has been the subject of discussions in several cases. It is settled that mandamus is employed to con1pel the performance, when refused, of a ministerial duty, this being its main objective. It does not lie to require anyone to fulfill contractual obligations or to compel a course of conduct, nor to control or review the exercise of discretion. On the part of the petitioner, it is essential to the issuance of a writ of mandamus that he should have a clear legal right to the thing demanded and it must be the imperative duty of the respondent to perform the act required. It never issues in doubtful cases. x x x.[26]

Synthesizing the relevant rules and jurisprudence, the Court provides the following requisites in order that mandamus as a remedy against unlawful exclusion may prosper:

1. The petitioner must demonstrate entitlement to a right or office. The entitlement to such right or office must be well-defined, clear, and certain, which may be based on substantive or procedural law, but not on contractual rights.
2. The respondent unlawfully excluded the petitioner from the use or enjoyment of the right or office. The respondent must act unlawfully, and the unlawful act must be the cause of the petitioner's exclusion, such that rectification through mandamus will restore to petitioner the use or enjoyment of the right or office.^[27]
3. No other plain, speedy, or adequate remedy is available to petitioner. Mandamus can be issued only in cases where the usual 1nodes of procedure and forms of remedy are powerless to afford relief.^[28]

Lest this ruling obscure the distinctions between the remedies of quo warranto and mandamus against unlawful exclusion, the Court clarifies that:

- (1) As to objective, quo warranto seeks the ouster of a usurper of a public office, position, or franchise, and the entry therein of the person entitled thereto;^[29] while mandamus lies to restore the petitioner into a right or office,^[30] and not to try disputed titles.^[31]
- (2) As to who has standing to file the petition, quo warranto may be filed by the Solicitor General, a public prosecutor, or the person entitled to the contested office;^[32] while mandamus is available only to one who holds a clear, well-defined, and certain entitlement to a right or office.
- (3) As against whom the remedy is directed, quo warranto is directed against an usurper of a public office, position, or franchise;^[33] while mandamus is directed against one who unlawfully excludes another fro1n a right or office.^[34]

On this distinction, the Court explained in *Morales, Jr. v. Patriarca*^[35] that "[i]n mandamus, unlike quo warranto,

there is no requirement that the respondent be actually holding the disputed office." The Court made such pronouncement to point out that therein petitioner, who sought reinstatement as Justice of the Peace, could have filed for mandamus even while no successor has been appointed to the vacancy, instead of waiting on a subsequent appointment to be tested through quo warranto proceedings.

In *Lata v. Court of Appeals*,^[36] where the controversy was properly characterized as one for quo warranto and not mandamus, considering that the previous municipal cemetery caretaker questioned the appointment of his successor, the Court discussed: "quo warranto is the remedy to try the right to an office or franchise and to oust the holder from its enjoyment, while mandamus only lies to enforce clear legal duties, not to try disputed titles, x x x that where there is usurpation or intrusion into an office, quo warranto is the proper remedy, x x x; and that where the respondent, without claiming any right to an office, excludes the petitioner therefrom, the remedy is mandamus, not quo warranto."^[37]

The foregoing distinction was again emphasized in *Garces* where the Court ruled: "[c]onsidering that" *Concepcion* continuously occupies the disputed position and exercises the corresponding functions therefor, the proper remedy should have been quo warranto and not mandamus."

(4) As to the object of the controversy, quo warranto involves a public office, position, or franchise;^[38] while mandamus concerns an office or, much more broadly, a right^[39] based on substantive or procedural law.

The instant controversy is clearly one for mandamus, as the Municipality of Imelda is asserting its supervisory right and office over Barangay Guintolan in order to prevent the Municipality of Payao from unlawfully excluding the former in such functions. The Municipality of Imelda does not purport to test any supposed title that the Municipality of Payao has over Barangay Guintolan since, as will be discussed below, there really is none to speak of, much less assert.

The Municipality of Imelda Properly
Resorted to Mandamus, Whether for
the Enforcement of a Legal Duty, or
Against Unlawful Exclusion

Applying the above precepts, the Court finds that the Municipality of Imelda established entitlement to the writ of mandamus as a remedy against unlawful exclusion.

Section 1 of P.D. 1239 clearly places Barangay Guintolan under the supervision of the Municipality of Imelda:

SECTION 1. Barangays Little Baguio, Lutnbog, Canaan, Sta. Barbara, Sta. Fe, Upper Baloran and Lower Baloran, all in the Municipality of Malangas and Barangays San Jose, Ganiangan, Lumpanac, La Victoria, Guintolan, Bolungisan, Pulauan, Mali-Little Baguio and Balian Israel, all in the Municipality of Siay and Barangays Daluyan, Dumpoc and Balogo, all in the Municipality of Alicia, are hereby detached and separated from their respective municipalities and constituted into a distinct and independent municipality to be known as the Municipality of Imelda in the province of Zamboanga del Sur. The seat of government in the newly created municipality shall be in Barangay Sta. Fe.^[40]

Nowhere is Barangay Guintolan found in the corresponding provision in the official copy of P.D. 1238, the Municipality of Payao's charter:

SECTION 1. Barangays Payao, Calape, Guinobatan, Balungisan, Balian, Katipunan, Labatan, Dalawe, San Roque, Minundas, Mayabo, Talaptap, Silal, Balugo, Binangonan, Kulisap, Sumilong, Upper Sumilong and Kulasian, all in the Municipality of Siay, Province of Zamboanga del Sur, are hereby detached and separated therefrom to form and constitute into a distinct and independent municipality which is hereby created to be

known as the Municipality of Payao without affecting in any manner the legal existence of the Municipality of Siay.

Reading P.D. 1239 in conjunction with laws and principles on local autonomy, the Municipality of Imelda clearly possesses a right, and is entrusted with the office, of supervision over Barangay Guintolan. Embodying the principle of supervision, municipalities with respect to component barangays shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.[41] That a municipality possesses the right or office to exercise supervision over its component barangay was made clear in *Congressman Mandanas, et al. v. Exec. Sec. Ochoa, et al.*:[42]

Based on the foregoing delineation, decentralization can be considered as the decision by the central government to empower its subordinates, whether geographically or functionally constituted, to exercise authority in certain areas. It involves decision-making by subnational units, and is typically a delegated power, whereby a larger government chooses to delegate authority to more local governments. It is also a process, being the set of policies, electoral or constitutional reforms that transfer responsibilities, resources or authority from the higher to the lower levels of government. It is often viewed as a shift of authority towards local governments and away from the central government, with total government authority over society and economy imagined as fixed.

Such delineation of supervisory powers operates not only as against the national government, but also as against other local government units,[43] such as in this case, where the Municipality of Payao usurps the Municipality of Imelda's supervisory authority over Barangay Guintolan.

More tangibly, Republic Act No. 7160, or the Local Government Code of 1991, maps out the various provisions which operationalize local government units' supervision over constituent units: (i) coordination with national agencies regarding planning and implementation of national projects, and extension of financial, technical, and other forms of assistance;[44] (ii) review by the municipality of executive orders issued by constituent punong barangay;[45] (iii) the municipal mayor's exercise of general supervision over component barangays;[46] (iv) review of sangguniang barangay ordinances by the sangguniang bayan;[47] (v) deputization by the municipal treasurer of the barangay treasurer to collect realty taxes;[48] (vi) review by the sangguniang bayan of the barangay ordinance for annual appropriations;[49] (vii) interface of financial procedures between the barangay and the municipality;[50] (viii) the municipality as a general purpose government for coordination and delivery of basic, regular and direct services and effective governance of the inhabitants;[51] and (ix) consultations by the municipal mayor of barangay concerns.[52]

In this regard, in its Decision dated April 1, 2015, the RTC-Imelda inaccurately ordered the Municipality of Payao to relinquish to the Municipality of Imelda control and supervision over Barangay Guintolan, but such order could only pertain to supervision.

Consequently, the Municipality of Payao's persistent exercise of authority over Barangay Guintolan unlawfully excludes the Municipality of Imelda from rightful exercise of the above prerogatives. The Municipality of Payao must desist from performing acts that displace the Municipality of Imelda from its rightful supervision over Barangay Guintolan.

Finally, no other plain, speedy, or adequate remedy is available to the Municipality of Imelda. To recall, the Municipality of Imelda had previously sought recourse within the local government framework, but was initially waylaid due to the Governor of Zamboanga Sibugay's mistaken advice to file a complaint for settlement of boundary dispute. Yet, as correctly pointed out by the Provincial Legal Office of Zamboanga Sibugay in its Memorandum issued on May 2, 2011, the instant controversy does not concern a boundary dispute, but is rather an issue regarding the proper station of Barangay Guintolan. Even the Provincial Secretary of the SP of

Zamboanga Sibugay wrote the Mayor of the Municipality of Imelda, advising the latter to file the appropriate court case. On the first mandamus petition filed by the Municipality of Imelda, the same had unfortunately been erroneously decided based on inaccurate copies of the Municipalities' respective charters. Thus, mandamus was the logical and immediate remedy that the Municipality of Imelda appropriately availed of.

As a remedy to enforce a legal duty, mandamus will still issue. The Municipality of Payao belabors that the Municipality of Imelda failed to point to any explicit legal directive for the former to relinquish authority over Barangay Guintolan to the latter. The Municipality of Payao overlooks this Court's consistent pronouncements in mandamus cases that, "[w]hile it may not be necessary that the duty be absolutely expressed, it must, however, be clear." [53] A reading of P.D. 1239, along with the laws and principles on local government, clearly impose an obligation of mutual respect in the performance of exclusive prerogatives between and among co-ordinate, and even through the hierarchy of, government units. [54]

To recapitulate, the Municipality of Imelda has established its entitlement to a writ of mandamus, both as a relief for the Municipality of Payao to desist from usurping supervisory authority over Barangay Guintolan, and to compel the Municipality of Payao to respect and allow the Municipality of Imelda to exercise its supervisory prerogatives.

The Instant Petition for Mandamus is
not Barred by Res Judicata

For res judicata to bar the institution of a subsequent action, the following requisites must concur: (1) the former judgment must be final; (2) it must have been rendered by a court having jurisdiction of the subject matter and the parties; (3) it must be a judgment on the merits; and (4) there must be, between the first and second actions (a) identity of parties; (b) identity of subject matter; and (c) identity of cause of action. [55]

In reference to both the RTC-Pagadian, Branch 19's Decision dated November 18, 1987, and the RTC-Pagadian, Branch 21's Order dated August 15, 2001, the Court of Appeals correctly held that res judicata did not bar the present Petition for Mandamus.

The RTC-Pagadian, Branch 19 resolved the Municipality of Payao's petition for declaratory relief, in which the issue concerned the authority of the SP of Zamboanga del Sur to define and alter a municipality's boundaries vis-a-vis its component barangay. Significantly, the subject thereof was Resolution No. 166, Series of 1987 issued by the SP of Zamboanga del Sur. In contrast, the instant case originated from a Petition for Mandamus, the subject of which is the implementation of the Municipalities' respective charters, and the issue concerns the Municipality of Payao's unlawful neglect of its duty to respect, and its unlawful exclusion of, the Municipality of Imelda's supervision over Barangay Guintolan. Clearly, no identity of subject matter and cause of action exists between the RTC-Pagadian, Branch 19's Decision dated November 18, 1987, and the instant proceedings, so as to bar the latter by res judicata.

While the RTC-Pagadian, Branch 21's Order dated August 15, 2001 resolved the Municipality of Imelda's first petition for mandamus, the Court of Appeals correctly observed that the RTC-Pagadian, Branch 21 tackled the issue of whether a local legislative issuance may prevail over a national statute. More egregiously, the RTC-Pagadian, Branch 21's Order dated August 15, 2001 was premised on an erroneous copy of P.D. 1238, where Barangay Guinobatan was wrongfully indicated as Barangay Guintolan. Res judicata must give way to the broader interest of justice if only to rectify substantial errors.^{s6}

Despite the lapse of more than thirty (30) years since this turf war began, Article 7 of the Civil Code states that a law's "violation or non-observance shall not be excused by disuse, or custom or practice to the contrary." No

amount of passage of time will validate the Municipality of Payao's patent infringement of the clear directive of P.D. 1239, in conjunction with local government laws and principles.

As a final note, the Court observes that the protracted controversy could have been altogether avoided had the parties relied on correct copies of the subject laws. More alarmingly, the Court takes judicial notice of the fact that available legal resources on P.D. 1238 incorrectly enumerate "Guintolan", instead of properly indicating "Guinobatan", among the Municipality of Payao's constituent barangays. In this regard, the Court reminds the bench, bar, and public that records of public documents, such as laws, are evidenced by an official publication thereof, or a copy attested by the legal custodian.[57] Correspondingly, the Official Gazette is the official publication of all legislative acts and resolutions of a public nature.[58]

WHEREFORE, the Petition for Review on Certiorari is DENIED. The Decision dated February 28, 2018 and the Resolution dated September 21, 2018 of the Twenty-Second Division of the Court of Appeals in CA-G.R. SP No. 07137 are hereby AFFIRMED with MODIFICATION. The Municipality of Payao, its agents, or any other persons acting under its control or authority, are hereby ORDERED to DESIST from performing any and all acts that prevent the Municipality of Imelda from exercising supervisory authority over Barangay Guintolan.

SO ORDERED.

Leonen (Chairperson), Inting, and Delos Santos, JJ., concur.
Hernando[*], J., On wellness leave.

[*] On wellness leave.

[1]Penned by Associate Justice Walter S. Ong, with Associate Justices Edgardo A. Camello, and Perpetua T. Atal-Paño, concurring; rollo, pp. 4 7--66.

[2]Id. at 67-68.

[3]Id. at 55-57.

[4]Creating the Municipality of Payao in the Province of Zamboanga Del Sur.

[5]Creating the Municipality of Imelda in the Province of Zamboanga Del Sur.

[6]At this time, the Province of Zamboanga Sibugay had yet to be chartered, so the Municipalities of Payao and Imelda were still constituent units of Zamboan ga del Sur.

[7]Rollo, p. 48.

[8]Id. at 49.

[9]Id. at 50-51.

[10]Id. at 51-52.

[11]By this time, Republic Act No. 8973 (2000), Charter of the Province of Zamboanga Sibugay, had created Zamboanga Sibugay out of portions of Zamboanga del Sur, with the Municipalities of Imelda and Payao among the constituent units of Zamboan ga Sibugay.

[12]Rollo, pp. 52-53.

[13]Id. at 53-55.

[14]Id. at 55-57.

[15]Id. at 57.

[16]Id. at 47-66.

[17]Id. at 67-68.

[18]Del Rosario v. Shaikh, G.R. No. 206249, December 10, 2019, citing Spouses Abaga v. Spouses Panes, 557 Phil. 606, 612 (2007).

[19]Pacheco v. Court of Appeals, 389 Phil. 200, 203 (2000).

[20]110 Phil. 127 (1960).

[21]SECTION 2. Judgments or Orders Subject to Appeal. -No interlocutory or incidental judgment or order shall stay the progress of an action, nor shall it be the subject of appeal until final judgment or order is rendered for one party or the other.

[22]Lagrimas v. Judge Zurbano, supra note 20, at 131.

[23]328 Phil. 403 (1996).

[24]Garces v. Court of Appeals, supra, at 409-410.

[25]300 Phil. 819 (1994).

[26]University of San Agustin, Inc. v. Court of Appeals, supra, at 831 .

[27]Uy Kiao Eng v. Lee, 624 Phil. 200, 207 (2010),

[28]See Maheu v. Eight Judicial District Court, County of Clark, 493 P.2d 709 (1972); Swisco, Inc. v. District Court, 79 Nev. 414 (Nev. 1963); Leahey v. Dept. of Water and Power, Civ. No. 15239, Second Dist., Div. Two, October 2, 1946; Housing Authority v. City Council , Civ. No. 6848, Fourth Dist., October 16; 1962; and People v. Van Siclen, 50 N.Y. S.Ct. 537: "The object being to restore her to a right given her by law, mandamus is the proper remedy."

[29]Rules of Court, Rule 66, Sections 9-10.

[30]Rules of Court, Rule 65, Section 3.

[31]Garces v. Court of Appeals, G.R. No. 114795, July 17, 1996.

[32]Rules of Court, Rule 66, Sections 3 & 5.

[33]Rules of Court, Rule 66, Section 1.

[34]Rules of Court, Rule 65, Section 3.

[35]G.R. No. L-21280, October 21, 1965.

[36]G.R. No. L-14803, June 30, 1961.

[37](Citations omitted).

[38]Rules of Court, Rule 66, Section 1.

[39]Rules of Court, Rule 65, Section 3.

[40](Italics and underscoring supplied).

[41]Constitution, Art. X, Sec. 4; Republic Act No. 7160 (1991), Local Government Code of 1991 (LGC), Section 3(e).

[42]825 Phil. 97, 145 (2018). (Emphasis ours; citations omitted).

[43]Mayor Rama, et al. v. Judge Moises, et al., 802 Phil. 29, 70 (2016). (Leonen, J., concurring opinion).

[44]LGC, Section 25(b) & (c).

[45]LGC, Sections 30 & 447(1)(i).

[46]LGC, Section 32.

[47]LGC, Sections 57 & 447(1)(i).

[48]LGC, Section 247.

[49]LGC, Section 333.

[50]LGC, Section 334.

[51]LGC, Section 440.

[52]LGC, Section 444(b)(1)(xiii).

[53]Tangonan v. Judge Paño 22 1 Phil. 601, 610 (1985); University of San Agustin, Inc. v. Court of Appeals, supra note 25, at 830; Henares, Jr. v. Land Transportation Franchising and Regulatory Board, 535 Phil. 835, 846 (2006); Padilla v. Congress of the Philippines, 814 Phil. 344, 417 (2017); Department of Education v. Rizal Teachers Kilusang Bayan for Credit, Inc., G.R. No. 202097, July 3, 2019.

[54]Mayor Rama, et al. v. Judge Moises, et al., supra note 42, at 76. (Leonen, J., concurring opinion).

[55]Quito v. Stop & Save Corp., 736 Phil. 209, 215-216 (2014).

[56]De Leon v. Balinag, 530 Phil. 299, 310 (2006).

[57]Rules on Evidence, as amended by A.M. No. 19-08-15-SC, 2019 Amendments to the 1989 Revised Rules on Evidence, Rule 132(8), Section 24.

[58]Executive Order No. 292, Administrative Code of 1987, Book I, Chapter 6, Section 24.

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.