PROVINCE OF CAMARINES NORTE, REPRESENTED BY HON. ROY A. PADILLA, JR., AS PROVINCIAL GOVERNOR, PETITIONER, VS. PROVINCE OF QUEZON, REPRESENTED BY HON. EDUARDO T. RODRIGUEZ, AS PR...

G.R. No. 80796. October 11, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On November 8, 1989, this Court, in an En Banc Decision in G.R. No. 80796,[1] "PROVINCE OF CAMARINES NORTE, Represented by HONORABLE ROY PADILLA, as Acting Provincial Governor, petitioner, vs. PROVINCE OF QUEZON, Represented by HONORABLE HJALMAR QUINTANA, as Acting Provincial Governor, respondent," resolved with finality the decade-long land boundary discord between the Provinces of Camarines Norte and Quezon,

The contending parties are back in this Court instituting two separate petitions. The present petition filed by the Province of Camarines Norte (docketed as G.R. No. 80796) prays that respondents Quezon Governor Eduardo T. Rodriguez and Mayor Julio U. Lim of Calauag, Quezon be cited in contempt of court for causing the removal of the monument marker erected on the disputed boundary line by the Department of Environment and Natural Resources in implementation of the November 8, 1989 Decision.

On the other hand, G.R. No. 132885 is a petition for certiorari with prayer for a temporary restraining order wherein petitioners Quezon Province, et al. assail the validity of the Commission On Elections Resolution No. 97-2406 (dated July 10, 1997) and Resolution No. 97-3721 (dated November 27, 1997). Both Resolutions recognize nine (9) barangays as belonging to the territorial jurisdiction of Camarines Norte, no longer part of Calauag, Quezon, in view of the November 8, 1989 Decision of this Court in G.R. No. 80796.

The facts are not disputed:

As earlier mentioned, on November 8, 1989, this Court rendered a Decision in G.R. No. 80796 ("1989 SC Decision," for brevity) which resolved the long-drawn boundary dispute between the Provinces of Camarines Norte and Quezon. The Decision upheld as binding upon the parties the decision of the then Chief of the Executive Bureau dated June 16, 1922 ("1922 EB decision," for brevity) delineating and describing that portion of the boundary comprising a land area of approximately 8,762 hectares[2] as belonging to Camarines Norte, not to Quezon Province. The pertinent portion of the 1989 SC Decision declares:

> "In sum, we hold that the decision of the Chief of the Executive Bureau dated 16 June 1922 was lawfully issued and is binding upon the parties. We hold further that prohibition and mandamus will lie for the enforcement of that decision, an enforcement unjustifiably resisted and delayed for sixty-seven (67) years.
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> "WHEREFORE, the Petition for Mandamus and Prohibition is hereby GRANTED. Respondent Quezon Province is hereby ORDERED immediately to cease and desist, and perpetually to refrain, from exercising or

> performing any and all acts of jurisdiction or political authority over all or any part of the area here held to be part of the territory of the Province of Camarines Norte and forthwith to relinquish the same to petitioner Province of Camarines Norte.
>
> "Let a copy of this decision be furnished to the Secretary of the Local Governments and the Office of the President with the request that surveyors from the Bureau of Lands or other appropriate government agency be forthwith designated to survey and locate, by latitude and longitude and by metes and bounds, and to monument the Basiad Bay -Mt. Cadig line described in the 16 June 1922 decision of the Chief of the Executive Bureau. Costs against respondent.
>
> "SO ORDERED."[3] (Emphasis ours)

The 1989 SC Decision became final and executory on March 19, 1990.[4]

Pursuant to the directive in the dispositive portion of the 1989 SC Decision, the Province of Camarines Norte, through its Governor, Roy A. Padilla, Jr., asked the Secretary of the Department of Environment and Natural Resources (DENR) to undertake the survey of the boundary line between the two provinces based on the description[5] in the 1922 EB decision. Acting favorably on the request, then Secretary Fulgencio Factoran, Jr. issued Special Order No. 1179[6] creating a technical working group specifically tasked to make the delineation of the boundary separating the two provinces.

On January 31 1991, the DENR technical team informed Quezon Gov. Rodriguez about the survey it would undertake.[7] However, Provincial Secretary Jorge Vargas (acting in behalf of Gov. Rodriguez) objected, claiming that the 1922 EB decision should not be made the basis of the survey. He asserted that the survey should be done in conformity with the conditions set forth in Section 42, Article II of Act 2711 (The Revised Administrative Code of 1917).[8] But the DENR technical team proceeded with the survey using as guide the 1922 EB decision.

On May 28, 1991, the DENR technical team went to barangay Tabugon, Calauag, Quezon and installed a monument marker along the boundary line determined in the survey. The marker indicates that the area consisting of 8,032 hectares then held as part of Calauag, Quezon actually falls within the territorial jurisdiction of Camarines Norte. This area comprises the nine (9) barangays of Kagtalaba, Plaridel, Kabuluan, Don Tomas, Guitol, Tabugon, Maualawin, Patag Ibaba and Patag Iraya.[9]

On October 14, 1991, Quezon Gov. Eduardo Rodriguez and Calauag Mayor Julio U. Lim caused the bulldozing and removal of the boundary marker. The next day, the Manila Bulletin published an article entitled "2 provinces in border row,"[10] with a photograph containing the following caption:

> "Boundary dispute
>
> "Quezon Gov. Eduardo T. Rodriguez (2[nd] from right) orders the removal of a boundary marker at barangay Tabugon in Calauag town placed by the Camarines Norte provincial government last May 29. Witnessing the bulldozing of the marker are Calauag Mayor Julio U. Lim (right) and other town officials. (JLJ)"

Aggrieved, Camarines Norte Gov. Roy Padilla, Jr. filed the present petition for contempt (docketed as G.R. No. 80796) against Gov. Rodriguez and Mayor Lim, alleging therein that by removing the monument marker, respondents-officials disobeyed the lawful judgment of this Court, which act is punishable as indirect contempt of court under Section 3, Rule 71, of the Revised Rules of Court (now 1997 Rules of Civil Procedure, as amended).

In their comment[11] on the petition, respondents Gov. Rodriguez and Mayor Lim did not deny having ordered the removal of the monument marker installed by the DENR. They claimed, however, that the placing of the marker is illegal because (a) it was installed within the territory of Calauag, Quezon and (b) the survey conducted

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by the DENR technical team was without prior authority from the Office of the President, as required by the 1989 SC Decision. Thus, respondents Governor Rodriguez and Mayor Lim asserted that their action was a "reasonable use of force" justified under Article 429[12] of the Civil Code to protect the territorial integrity of Quezon from a threatened physical invasion.

In a Resolution dated February 4, 1992, this Court directed Justice Alicia V. Sempio-Diy of the Court of Appeals to conduct hearing, receive evidence and submit a report and recommendation on the contempt proceedings. During the proceedings, Gov. Roy Padilla, Jr. and Engr. Mamerto Infante, head of the DENR technical team, testified for petitioner Camarines Norte. After petitioner has rested its case, respondent Gov. Rodriguez filed a Demurrer to Evidence[13] contending that the 1989 SC Decision cannot be implemented and that, therefore, no valid survey can be made, in the light of Section 42 (of Act 2711) and Republic Act No. 5480 (An Act Creating the Municipality of Sta. Elena in the Province of Camarines Norte) which define the boundary between Camarines Norte and Quezon provinces.[14] However, the Investigating Justice found no sufficient basis to sustain the demurrer to evidence and ordered further hearing to ascertain respondents' justification for removing the monument marker. Eventually, the parties submitted their respective memoranda. Upon the retirement of Justice Alice V. Sempio Diy, the contempt case was assigned to Court of Appeals Justice Teodoro P. Regino.

Thereafter, Justice Regino submitted to this Court his 29-page Report and Recommendation dated May 3, 2000. His recommendation reads:

> "Under the facts and for the reasons stated above, the undersigned RECOMMENDS that the respondents (Eduardo T. Rodriguez and Julio U. Lim) be both held guilty of contempt (of court) to be sentenced the maximum penalty of six (6) months imprisonment and to pay jointly and severally a fine of one thousand pesos (PhP1,000.00), and to shoulder the costs of installing a new monument marker on the sight where the previous marker was removed."[15]

Meanwhile, during the pendency of the contempt proceedings in the Court of Appeals, the Department of Budget and Management (DBM), obviously recognizing Camarines Norte's territorial jurisdiction over the subject nine (9) barangays as determined by the DENR survey, transferred the Internal Revenue Allotment (IRA) share of the 9 barangays from the Municipality of Calauag, Quezon to the Municipality of Sta. Elena, Camarines Norte starting the Fiscal Year 1994.[16]

Likewise, other agencies of the government recognized the Province of Camarines Norte's jurisdiction over the 9 barangays. Thus, during the May 6, 1996 Sangguniang Kabataan Elections, the COMELEC sent the election paraphernalia of the 9 barangays to Sta. Elena, Camarines Norte. In its Resolution No. 96-1175 dated April 18, 1996, the COMELEC directed inter alia the Office of the Election Officer of Calauag, Quezon to refrain from exercising supervision relative to any political exercise in the 9 barangays.

Moreover, the Deputy Administrator of the Office of the Civil Registrar General, National Statistics Office, issued a Memorandum dated July 27, 1996 informing the Civil Registrar of Calauag, Quezon that the registration of vital events occurring in the subject 9 barangays should now be exercised by the Local Civil Registry of Sta. Elena, Camarines Norte. Also, on March 18 1997, the Department of Finance directed the Provincial Assessor and Provincial Treasurer of Quezon Province to transfer to Sta. Elena, Camarines Norte all the documents and records pertaining to the assessment and collection of realty taxes on the real property located in the 9 barangays.

On July 10, 1997, the COMELEC issued Resolution No. 97-2406,[17] this time authorizing the Election Officer of Sta. Elena, Camarines Norte to: 1) change the address in the Voter Registration Records (VRR) of the subject 9 barangays from Calauag, Quezon to Sta. Elena, Camarines Norte and 2) notify the registered voters concerned of such change of address.

This action by the COMELEC was opposed by the Sangguniang Bayan of Calauag, Quezon through Resolution No. 121[18] dated September 12, 1997. On November 27, 1997, the COMELEC issued Resolution No. 97-3721[19] noting and denying the Calauag Sangguniang Bayan Resolution with finality.

Hence, the present second petition for certiorari, docketed as G.R. No. 132885, challenging the COMELEC twin Resolutions. This case was consolidated with G.R. No. 80796.[20]

Now to our resolution of the two petitions.

As regards the contempt proceedings (G.R. No. 80796), respondents Gov. Eduardo T. Rodriguez and Mayor Julio U. Lim aver that their act of removing the monument marker is in accordance with Article 429 of the Civil Code authorizing the owner or lawful possessor of a property to exclude any person from the enjoyment and disposal thereof. They claim that the survey conducted by the DENR technical team, as well as the subsequent setting up of the monument marker separating the two provinces, constitute usurpation of their territory because (1) the survey was made by the DENR without prior directive from the Office of the President and (2) the 1922 Executive Bureau decision, which was the basis of the survey, is technically inconsistent with and violative of: [a] Section 42, Article II of Act 2711 [Revised Administrative Code of 1917], [b] Republic Act No. 5480, [c] Section 10, Article X of the 1987 Constitution,[21] and [d] Section 10 of Republic Act No. 7160.[22]

In his Report and Recommendation, Justice Teodoro Regino found that respondents' act of removing the monument marker amounts to contumacious conduct defined under Section 3 (b), Rule 71 of the Revised Rules of Court (now 1997 Rules of Civil Procedure, as amended) which declares contemptuous any "disobedience of or resistance to a lawful writ, process, order, or judgment or command of a court." He found valid and regular the DENR survey, stressing that the installation of the monument marker was in compliance with this Court's 1989 Decision. Further, he viewed respondents' persistent invocation of Section 42 of Act No. 2711 (Revised Administrative Code of 1917); Republic Act 5480; Section 10, Article X of the 1987 Constitution; and Section 10 of Republic Act 7160 as a continuing effort on their part to reopen settled issues in order to thwart the implementation of the 1989 SC Decision.

Justice Regino's findings are reproduced hereunder:

> "The import of the (Nov. 8, 1989 SC Decision) need not be essayed. The terms employed therein are clear. In removing the monument marker, the objective of the respondents (Eduardo T. Rodriguez and Julio U. Lim) was to remove the proof that they no longer have any territorial jurisdiction over the area determined by the DENR survey group as belonging to the petitioner (Province of Camarines Norte). x x x. They perceived the installation of the monument marker as an attack on the territorial integrity of Quezon Province despite the DENR technical working group's findings that the disputed area belongs to petitioner. Respondents were thus doing what the Supreme Court decision expressly prohibited or enjoined, that is, the exercise of jurisdiction or political authority over an area held to be part of the territory of the petitioner based on the 1922 Decision of the Chief of the Executive Bureau.
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> x x x x x x x x x
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> "Based on the records of the case, the respondents have a long record of resisting the claim of petitioner to the disputed area. x x x."
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> "The undersigned is, therefore, convinced that respondents completely understood the Supreme Court decision but chose instead to deliberately disobey it x x x. Respondents' contumacious refusal to adhere to the decision was made with full understanding that their acts would fall under contempt of court as evidenced by the following declaration of the respondent Governor in his "Demurrer to Evidence With Leave of Court", dated October 12, 1992, as follows:

> `The whole case would have been different if factually the territory defined in the (1922) Decision of the Executive Bureau conformed with the prescription of Section 42 (of Article II, Revised Administrative Code of 1917), x x x.'
>
> x x x x x x x x x"[23] (Emphasis ours)

We agree with Justice Regino's findings.

Indeed, it is highly improper for respondent Gov. Rodriguez to state in his Demurrer to Evidence that "the whole case would have been different" (meaning, this contempt incident would not have happened) had "the territory defined in the (1922) Decision of the Executive Bureau conformed with the prescription of Section 42 (of Article II, Revised Administrative Code of 1917)". Respondent Rodriguez knew very well that this issue on the subject territorial boundary had long been settled in our 1989 Decision where we ruled:

> "1. Turning to the first issue, we note that Section 42 (Article II, Revised Administrative Code of 1917) does set out a definition or description of the boundary line between Ambos Camarines and Quezon Province. We note, however, that Section 42 does not describe or define the entirety of that line in such a manner as to permit the whole boundary line to be located on the ground by a surveyor. Close examination of Section 42 will show that it is not the whole boundary line that is disputed but only a segment thereof. The boundary line from the peak of Mt. Cadig eastward to the peak of Mt. Labo and from there to a stone monument at the head-waters of the Pasay River and thence along the course of that river to the Gulf of Ragay, is described in terms which are sufficiently precise to permit a surveyor to locate that boundary line on the surface of the earth. It is the western portion of the boundary line - from the peak of Mt. Cadig westward to a point on the eastern shore of Basiad Bay - which is the subject of the boundary dispute.
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> "It is pointed out by petitioner Camarines Norte, firstly, that the particular point on Basiad Bay that is the terminus of the boundary line is not specifically identified in Section 42, considering that the eastern shore of Basiad Bay is 25 kilometers in length, more or less, such that that terminal point could in theory be located anywhere along the 25-kilometer shore line. Secondly, the specific direction or directions and the varying lengths (the 'metes and bounds') of the various segments of the boundary line to be projected from the terminus point on Basiad Bay onto Mt. Cadig's peak, are similarly not specified in Section 42. Thus, again, a surveyor on the ground would be unable to locate and monument the boundary line from Basiad Bay to Mt. Cadig if all he had was the language found in Section 42 of the Revised Administrative Code.
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> "We agree with petitioner Camarines Norte's argument. We consider that to that limited extent, the Ambos Camarines - Quezon boundary line was `undefined' and that there was thus necessity for the 16 June 22 decision of the Chief of the Executive Bureau to provide more specific guidance that would permit the actual identification or location of the Basiad Bay - Mt. Cadig portion of the boundary line between Ambos Camarines and Quezon Province:
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> '[from the peak of Mt. Cadig] thence a straight line is drawn to the point of intersection of the interprovincial road between Camarines Norte and Tayabas (now Quezon) with the Tabugon River, thence following the course of the river to each mouth at the Basiad Bay.'"[24] (Emphasis ours)

Very clearly, our 1989 Decision categorically declared valid and binding the 1922 EB decision upon the contending parties. Despite this, respondents stubbornly insisted on their own interpretation of what should be the correct description of the boundary line. Such willful disregard of our Decision was eloquently demonstrated when respondents caused the removal of the monument marker delineating the actual territorial boundary between the Provinces of Quezon and Camarines Norte.

Parenthetically, exactly the same point was emphasized by this Court in the disbarment case[25] filed by Camarines Norte Governor Roy Padilla, Jr. against the counsel for the Province of Quezon, Attys. Jorge B Vargas

and Jovito E. Talabong, docketed as A.C. No. 3774.[26] This Court reprimanded both lawyers for having told the DENR technical team that the "province of Quezon shall (only) agree to the definition of the boundary line if it would comply with Section 42, Article II of Act No. 2711 (the Revised Administrative Code of 1917)." There we said:

> "Thus, it is clear to us that respondents' insistence that the DENR Technical Working Group comply with Section 42, Article II of Act 2711, despite the Court's ruling that said provision of law had failed to identify this portion of the boundary between the two (2) provinces with sufficient specificity, which specificity was precisely supplied by the 16 June 1922 Decision of the Chief of the Executive Bureau, was but a disingenuous device to delay and perhaps frustrate the implementation of the Court's Decision in G.R. No. 80796, which Decision respondents vehemently disagree.
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> "This Court does not, as it cannot, always expect counsel of losing litigants graciously to accept the correctness of the decisions of this Court. But when such decisions reach finality, it is the duty of such counsel as officers of the Court and members of the Bar to obey those decisions, whatever their personal opinion may be in respect of the merits of the decisions. It is, of course, open to the respondents herein to seek to change those decisions they disagree with by going to the Congress of the Philippines to try to secure the enactment of a statute changing the boundary line already declared legally binding by this Court. Until such a statute is enacted, however, respondents owe a special duty faithfully and honestly to comply with final decisions of this Court. The Court cannot countenance any further disregard of this duty. It is of essence of an ordered and civilized community that the function of final resolution of disputes be located in a particular institution. In our system, that institution is this Court.
>
> "ACCORDINGLY, the Court Resolved to REPRIMAND respondents Attys. Jorge B. Vargas, Jr. and Jovito E. Talabong for obstructing implementation of the Decision of this Court dated 8 November 1989 in G.R. No. 80796. Respondents are hereby solemnly WARNED that any further attempts to delay or frustrate the implementation of the Decision in G.R. No. 80796 of the commission of similar act(s) tending towards the same end, will be dealt with more severely.
>
> "Let copies of this Resolution be spread on respondents' respective personal records in the Office of the Bar Confidant."[27] (Emphasis ours)

Next, respondents vainly sought to justify their contemptuous conduct by invoking Republic Act No. 5480 ("An Act Creating The Municipality Of Santa Elena In The Province Of Camarines Norte"), which was approved on June 21, 1969. They claim that Section 1 of the law, which reads:

> "SECTION 1. Barrios Salvacion, Bulala, Rizal, San Lorenzo, Pulong Guit-guit, Santa Elena, San Vicente, Basiad and San Pedro up to the boundary of the Province of Quezon and the Province of Camarines Norte as defined in Chapter three, Article II, Section forty-two of the Administrative Code, in the Municipality of Capalonga, Province of Camarines Norte, are hereby separated from said municipality, and constituted into a distinct and independent political entity, to be known as the Municipality of Santa Elena. x x x." (Emphasis ours)

provides the "latest definition" of the boundary between Quezon and Camarines Norte. They argue that nowhere in Section 1 can be found the subject nine (9) barangays to be within the territorial jurisdiction of Santa Elena, Camarines Norte. Hence, to include these 9 barangays to Santa Elena would violate not only R.A. No. 5480 but also Section 10, Article X of the 1987 Constitution and Section 10 of Republic Act 7160 (The Local Government Code of 1991), which laws require a plebiscite in cases of substantial alteration of territorial boundaries.

Again, these arguments do not present any novel issue.

Firstly, we have settled this matter when we disposed of the Province of Quezon's motion for clarification of the

1989 SC Decision. We said:

> "Considering that the motion for clarification of judgment dated March 26, 1990 filed by the counsel for respondent province of Quezon merely repeats an argument previously made in their motion for reconsideration, and considering that said motion for clarification is in effect a second motion for reconsideration, the first motion for reconsideration having been denied with finality, the Court resolved to note without action the said motion for clarification. The Court would simply add that Republic Act No. 5480 does not purport to have amended Section 42 of the Revised Administrative Code nor Section 2 of Act No. 2809, both as implemented in the decision dated 16 June 1922 of the Executive Bureau of the Department of Interior. xxx."[28] (Emphasis ours)

Moreover, while Section 1 quoted above enumerates the component barangays of Santa Elena, the same section categorically extends Santa Elena's territorial jurisdiction "up to the boundary of the Province of Quezon and the Province of Camarines Norte as defined in Chapter three, Article II, Section forty-two of the Administrative Code". That "boundary" has been defined in the 1922 EB Decision, which, in turn, was ordered enforced in our November 8, 1989 Decision. Verily, the enumeration of the barangays in Section 1 of R.A. No. 5480 is not intended to delimit the territorial jurisdiction of Santa Elena, Camarines Norte.

And, secondly, the 1989 SC Decision emphatically stresses that "the (1922 decision of the) Chief of the Executive Bureau did not x x x `alter' or `re-define' or `amend an existing provincial boundary,' the boundary line between Ambos Camarines and Tayabas (now Quezon Province). All that the Chief of the Executive Bureau did was to implement, upon the authority of the Secretary of Interior, Section 42 of Act No. 2711."[29] Necessarily, respondents' argument on the non-compliance with the plebiscite requirement under Section 10, Article X of the 1987 Constitution, as well as Section 10 of Republic Act No. 7160, is misplaced.

We also find baseless respondents' claim that the DENR technical team conducted the survey without prior authority from the Office of the President. It cannot be gainsaid that the authority of the DENR technical team emanated from the Special Order No. 1179 duly issued by the DENR Secretary, the alter ego of the President. Being an alter ego, the acts of the DENR Secretary are presumed to be the acts of the President, unless expressly repudiated by the latter. The DENR technical team was precisely created in compliance with the 1989 SC Decision to conduct the survey. Thus, the DENR technical team's authority is beyond question.

From the above disquisition, we hold that respondents Gov. Eduardo T. Rodriguez and Mayor Julio U. Lim openly disobeyed our November 8, 1989 Decision when they caused the removal of the monument marker installed by the DENR. The significance of the monument marker cannot simply be disregarded. As aptly explained by Engr. Mamerto Infante, it has a technical purpose of preserving the survey conducted by his team.[30] In fact, our 1989 Decision itself mandates "...to monument the Basiad Bay-Mt. Cadig line described in the 16 June 1922 decision of the Chief of the Executive Bureau." That respondents understood our 1989 Decision is fully borne by the records in these cases and well attested by their valiant effort in re-litigating issues already settled by this Court. That same effort, however, highlighted by their contumacious destruction of the monument, worked adversely to their cause. It renders them liable for indirect contempt.

We are well aware of the legal precept that the power of the court to punish contemptuous acts should be exercised on the preservative and not on the vindictive principle.[31] However, where, as here, there is clear and contumacious defiance of, or refusal to obey this Court's Decision, we will not hesitate to exercise our inherent power if only to maintain respect to this Court, for without which the administration of justice may falter or fail. We note that respondents Gov. Rodriguez and Mayor Lim committed the contemptuous act on October 14, 1991 and were charged for contempt under Section 3, Rule 71 of the Revised Rules of Court. Section 6 thereof imposes a penalty of fine not exceeding P1,000.00 or imprisonment of not more than six (6) months, or both. We believe

the penalty of FINE in the amount of P1,000.00, with warning, is reasonable for this purpose.

We now come to the petition for certiorari (G.R. No. 132885) instituted by the Province of Quezon, et al. against the COMELEC.

Petitioners assail the COMELEC Resolutions No. 97-2406 (dated July 10, 1997) and No. 97-3721 (dated November 27, 1997) which, for election purposes, recognize the Province of Camarines Norte's territorial jurisdiction over the subject nine (9) barangays formerly considered part of Calauag, Quezon. They maintain that respondent COMELEC, in issuing the Resolutions, has "committed grave abuse of discretion and/or acted without or in excess of jurisdiction," contending that such recognition violated Republic Act No. 5480; Section 10, Article X of the Constitution; and Section 10 of the Local Government Code.

In its comment, the COMELEC asserts that it issued the assailed Resolutions "in deference to the final (November 8, 1989) Decision of this Honorable Court in the case of `Province of Camarines Norte vs. Province of Quezon' (in G.R. No. 80796), and only after the issue of the land boundary dispute between the two provinces had been settled therein."[32] It further claims that the issuance of the challenged Resolutions was to enforce the 1989 SC Decision as directed by this Court in a subsequent En Banc Resolution dated August 4, 1994 in the same G.R. No. 80796, thus:

> "The Court takes this occasion to stress that the Province of Quezon and Governor Eduardo Rodriguez are bound by the said final decision of this Court and that the boundary dispute there resolved is no longer a dispute and that all the attendant legal issues have been resolved with finality. That decision of this Court constitutes res adjudicata in respect of all offices and agencies of the Executive Department. Accordingly, the province of Camarines Norte is entitled, not to a `status quo prior to the controversy,' but rather to the prompt enforcement of the decision of this Court."[33] (Emphasis ours)

We fully agree with respondent COMELEC.

For showing high regard to this Court's Decision and Orders, we commend not only the COMELEC but also the Department of Budget and Management, the Department of Finance, the Department of Environment and Natural Resources, the Department of Interior and Local Government and the National Statistics Office. These government offices and agencies have collectively recognized the subject 9 barangays as part of Camarines Norte's jurisdiction.

Sadly, it is only Quezon Province and its officials who ignore the finality of the Decision and Resolutions of this Court. Their present petition attempts to re-litigate the same issues judiciously passed upon by this Court with finality. It is but imperative for this Court to write finis to these cases. Indeed, every litigation must come to an end; otherwise, it would become even more intolerable than the wrong and injustice it is designed to correct.

WHEREFORE, the petition for contempt in G.R. No. 80796 is GRANTED. Respondents Eduardo T. Rodriguez and Julio U. Lim are adjudged GUILTY of INDIRECT CONTEMPT of this Court and, pursuant to Section 6, Rule 71 of the Revised Rules of Court, are FINED in the amount of P1,000.00 each, and WARNED that a repetition of similar misconduct will be dealt with more severely. The Province of Quezon, its representatives and any person acting on its behalf are ORDERED to REFRAIN from committing the same or similar act tending to obstruct the full implementation of this Court's Decision dated November 9, 1989 in G.R. No. 80796.

Within Ten (10) days from notice of this Decision, respondents Eduardo T. Rodriguez and Julio U. Lim are ORDERED to RE-INSTALL, at their expense, the monument marker on the site where it was originally placed, under the direct supervision of the Department of Environment and Natural Resources.

The petition for certiorari in G.R. No. 132885 is DISMISSED for lack of merit.

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Let a copy of this Decision be furnished the Office of the President and the Secretary of the Department of Interior and Local Government, with the request that the results of the survey conducted by the DENR Technical Working Group be FULLY and IMMEDIATELY implemented. Costs against respondents Eduardo T. Rodriguez and Julio U. Lim.

This Decision is FINAL.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Quisumbing, Buena, Ynares-Santiago, and De Leon, Jr., JJ., concur.
Kapunan, and Panganiban, JJ., on official leave.
Pardo, J., no part. Was Chairman of Comelec at the time.

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[1] 179 SCRA 233 (Nov. 8, 1989).

[2] Ibid., p. 237.

[3] Ibid., p. 243.

[4] Rollo of G.R. No. 80796, Vol., p. 4.

[5] "Starting from the peak of Mt. Labo as a common corner between the provinces of Tayabas, Camarines Sur and Camarines Norte; thence a straight line is drawn to the peak of Mt. Cadig; thence a straight line is drawn to the point of intersection of the inter-provincial road between Camarines Norte and Tayabas with the Tabugon River; thence, following the course of the river to its mouth at the Basiad Bay." (Province of Camarines Norte vs. Province of Quezon, 179 SCRA 233, 238 (1989).

[6] Rollo of G.R. No. 80796, Vol. I, pp. 11-12.

[7] TSN, February 21, 1992, p. 59; Rollo, ibid., p.166.

[8] "ARTICLE II. - Defined Boundaries

> "Sec. 42. - Ambos Camarines and Tayabas boundary. - The boundary separating the Province of Ambos Camarines from the Province of Tayabas begins at a point on the eastern shore of Basiad Bay and extends to a peak known as Mount Cadig in such manner as to bring the territory of the barrio Basiad entirely within the municipality of Capalonga, in Ambos Camarines, and to exclude the same from the territory of Calauag, in Tayabas. From Mount Cadig, it extends along the crest of a mountain range, a distance of 50 kilometers, more or less, to a peak known as Mount Labo; thence in a southwesterly direction, a distance of 25 kilometers, more or less, to a prominent stone monument at the source or headwaters of the Pasay river, thence along the meandering course of said river in a southerly direction, a distance of 1 - ½ kilometers, more or less, to the Gulf of Ragay."

[9] Report dated November 28, 1991 of Mamerto L. Infante (Head, DENR Technical Working Group); Rollo of G.R. No. 80796 (file of letters), pp. 143-147.

[10] Rollo of G.R. No. 80796, Vol. I, p. 20.

[11] Ibid., pp. 39-43.

[12] "Art. 429. The owner or lawful possessor of a thing has the right to exclude any person from the enjoyment and disposal thereof. For this purpose, he may use such force as may be reasonably necessary to repel or prevent

an actual or threatened unlawful physical invasion or usurpation of his property."

[13] Rollo of G. R. No. 80796, Vol. I, pp. 394-410.

[14] Ibid., p. 658.

[15] Rollo of G.R. No. 80796, Vol. II, pp. 1007-1008.

[16] Ibid., Vol. I, pp. 460-463.

[17] Annec "C" of Petition in G.R. No. 132885, Rollo, p. 23.

[18] Annex "B", ibid., pp. 19-22.

[19] Annex "A", ibid., p. 18.

[20] Rollo of G.R. No. 132885, p. 85.

[21] Section 10, Article X of the 1987 Constitution provides:

"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 votes cast in the political units directly affected."

[22] Section 10, Chapter 2, Book I of Republic Act No. 7160 (Local Government Code of 1991) provides:

> "No creation, division, merger, abolition, or substantial alteration or boundaries of local government units shall take effect unless approved by the majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected."

[23] Rollo of G.R. No. 80796, Vol. II, pp. 1005-1007.

[24] Province of Camarines Norte vs. Province of Quezon, supra, pp. 240-241.

[25] Investigated by then Executive Judge Bernardo P. Pardo (now Justice of the Supreme Court), RTC, Manila.

[26] Entitled "Hon. Roy A. Padilla, Jr., Provincial Governor of Camarines Norte vs. Attys. Jorge B. Vargas and Jovito E. Talabong."

[27] Rollo of G.R. No. 80796, Vol. II, pp. 583-584.

[28] RESOLUTION dated May, 4, 1990, pp. 1-2.

[29] Province of Camarines Norte vs. Province of Quezon, supra, p. 242.

[30] TSN, March 20, 1992, p. 15, G.R. No. 80796, Rollo, p. 199.

[31] Abad vs. Somera, 187 SCRA 75 (1990).

[32] Rollo of G.R. No. 132885, p. 65.

[33] Ibid., p. 63.

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