

## THIRD DIVISION

[ G.R. No. 187349, August 17, 2016 ]

**BARANGAY MAYAMOT, ANTIPOLO CITY, PETITIONER, VS.  
ANTIPOLO CITY, SANGGUNIANG PANGLUNGSOD OF ANTIPOLO,  
BARANGAYS STA. CRUZ, BAGONG NAYON AND MAMBUGAN, AND  
CITY ASSESSOR AND TREASURER, RESPONDENTS.**

### DECISION

**JARDELEZA, J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Revised Rules of Court assailing the Court of Appeals' Decision<sup>[2]</sup> dated January 30, 2009, which affirmed the Decision<sup>[3]</sup> dated August 1, 2006 of the Regional Trial Court (RTC), Branch 73, Antipolo City in Civil Case No. 99-5478 for Declaration of Nullity and/or Annulment of Resolution No. 97-89 and Injunction, and Court of Appeals' Resolution<sup>[4]</sup> dated March 31, 2009 denying the Motion for Reconsideration<sup>[5]</sup> filed on February 17, 2009.

#### The Facts

In 1984, *Batas Pambansa Bilang* (BP Blg.) 787 to 794 were passed creating eight (8) new barangays in the then Municipality of Antipolo. Each law creating the new barangay contained provisions regarding the *sitios* comprising it, its boundaries, and mechanism for ratification of the law.<sup>[6]</sup>

With the addition of Barangays Beverly Hills, Dalig, Bagong Nayon, San Juan, Sta. Cruz, Munting Dilaw, San Luis, and Inarawan to the original eight (8) (Calawis, Cupang, Mambugan, Dela Paz, San Jose, San Roque, San Isidro, and Mayamot), Antipolo became composed of sixteen (16) barangays.<sup>[7]</sup>

In order to integrate the territorial jurisdiction of the sixteen (16) barangays into the map of Antipolo, the *Sangguniang Bayan* of Antipolo passed Resolution No. 97-80, commissioning the City Assessor to plot and delineate the territorial boundaries of the sixteen (16) barangays pursuant to the Bureau of Lands Cadastral Survey No. 29-047 and the provisions of BP Blg. 787 to 794.<sup>[8]</sup>

On October 25, 1989, the *Sangguniang Bayan* of Antipolo passed Resolution No. 97-89, "Defining the Territorial Boundaries of the Eight (8) Newly Created Barangays and the Eight (8) Former Existing Barangays of the Municipality of Antipolo, Rizal."<sup>[9]</sup> Resolution No. 97-89 approved the barangay boundaries specified and delineated in the plans/maps prepared by the City Assessor. Resolution No. 97-89 partly reads:

WHEREAS, this body has unanimously agreed and requested the Assessor's Office which is competent enough in the determination of

Barangay territorial boundaries in accordance with existing survey plans and assessment records;

WHEREAS, **the Bureau of Lands Cadastral Survey No. 29-047 has defined the boundaries of the eight (8) formerly existing and has continued to exist [barangays]**, namely: San Roque, San Jose, San Isidro, Dela Paz, Calawis, Cupang, Mambugan and Mayamot;

**WHEREAS, Pursuant to Section 2 of Batas Pambansa Nos. 787, 788, 789, 790, 791, 792, 793 and 794, the territorial boundaries of barangays: Beverly Hills, Dalig, Bagong Nayon, San Juan, Sta. Cruz, Munting Dilaw, San Luis and Inarawan respectively has been clearly defined;**

WHEREAS, to avoid administrative conflicts and territorial encroachments among barangay governments, **it is just and proper to identify and delineate barangay territorial boundaries in [accordance] with the Cadastral Survey for Old Barangays and the laws creating the new barangays as prepared and plotted by the Assessor's Office;**

WHEREAS, development projects envisioned by the government [will] be adversely affected if boundary disputes of barangays will not be resolved in due time;

WHEREAS, the Association of Barangay Captains (ABC) has unanimously acknowledged and endorsed the Scheme and means of [delineating] Barangay territorial boundaries hereinabove presented;

WHEREAS, pursuant to Section 80 of Batas Pambansa 337 or the Local Government Code provides that:

"Boundary disputes between barangays within the same Municipality shall be heard and decided by the Sangguniang Bayan concerned for the purpose of affording the parties an opportunity to reach an amicable settlement. x x x";

AFTER DUE DELIBERATION and on motion made by Councilor Josme M. Macabuhay seconded by majority of the members present, it was...

RESOLVED, as it is hereby resolved to **approve the barangay boundaries specified and delineated in the plans/maps prepared by the Assessor's Office, Antipolo, Rizal based on Cadastral Survey No. 29-047 and Batas Pambansa Nos. 787 to 794;**

RESOLVED FINALLY, to furnish copies of this resolution all Councilors and Barangay [Councils] of this jurisdiction for their information and guidance.<sup>[10]</sup> (Emphasis supplied.)

On September 21, 1999, Barangay Mayamot filed a Petition for Declaration of Nullity and/or Annulment of Resolution No. 97-89 and Injunction<sup>[11]</sup> against Antipolo City, *Sangguniang Panglungsod* of Antipolo, Barangays Sta. Cruz, Bagong Nayon, Cupang, and Mambugan, the City Assessor and the City Treasurer before the RTC of

Antipolo City.

In its petition, Barangay Mayamot claimed that while BP Blg. 787 to 794 did not require Barangay Mayamot to part with any of its territory, the adoption of Resolution No. 97-89 reduced its territory to one-half of its original area and was apportioned to Barangays Sta. Cruz, Bagong Nayon, Cupang, and Mambugan. It also claimed that the City Assessor's preparation of the plan and the *Sangguniang Panglungsod's* adoption of Resolution No. 97-89 were not preceded by any consultation nor any public hearing.<sup>[12]</sup>

Barangay Mayamot further alleged that Resolution No. 97-89 violated Section 82 of BP Blg. 337 or the Local Government Code of 1983, the law in force at the time, which provided that alteration, modification and definition of barangay boundaries shall be by ordinance and confirmed by a majority of the votes cast in a plebiscite called for the purpose.<sup>[13]</sup>

### **The RTC's Ruling**

On August 1, 2006, the RTC rendered its Decision<sup>[14]</sup> dismissing the petition.

The RTC held that Resolution No. 97-89 was passed pursuant to the Cadastral Survey Plan duly approved by the Bureau of Lands and BP Blg. 787 to 794 and was not intended to alter the territorial boundary of Barangay Mayamot. It concluded that as the case involves a boundary dispute, the provisions of the Local Government Code of 1983 apply. The RTC explained:

x x x [T]he Court opines that Resolution No. 97-89 did not intend to alter the territorial boundary of Barangay Mayamot or any existing or newly created barangay at the time of its passing. Said Resolution was in fact passed in consequence of and pursuant to Batas Pambansa Nos. 787 to 794 creating the eight new barangays of then Municipality of Antipolo. x x x

A perusal of the Minutes reveals that it was never the intention of the Sangguniang Bayan of Antipolo to alter or modify the territorial boundaries of Barangay Mayamot. Under the presumption of regularity, it relied on the Cadastral Survey Plan duly approved by the Bureau of Lands as indeed correctly defining the existing territorial boundary of Barangay Mayamot. Not intending to alter any territorial boundary, Resolution No. 97-89 is not an ordinance contemplated under Section 82 of Batas Pambansa Blg. 337 as required to hold a plebiscite.

Any issue of discrepancy resulting in the adoption of Resolution [No.] 97-89 between the boundary defined in the Cadastral Survey Plan and the actual physical boundary itself of Barangay Mayamot is a boundary dispute which should have been properly ventilated in accordance with the remedies available under the Local Government Code of 1983, the prevailing law at the time of the passing of the subject resolution. x x x<sup>[15]</sup>

Barangay Mayamot filed its Notice of Appeal<sup>[16]</sup> on August 29, 2006.

### **The Court of Appeals' Ruling**

Through its assailed Decision dated January 30, 2009, the Court of Appeals denied Barangay Mayamot's appeal.

The Court of Appeals ruled that contrary to the contention of Barangay Mayamot, there is no issue as to the manner of creation of the eight (8) new barangays. The additional barangays were created by BP Blg. 787 to 794 and were approved by the majority of the votes cast in a plebiscite held on February 5, 1986, as evidenced by Commission on Elections Resolution No. 96-2551.<sup>[17]</sup> It agreed with the finding of the RTC that Resolution No. 97-89 was passed only in consequence of BP Blg. 787 to 794 and did not alter the territorial boundary of Barangay Mayamot.<sup>[18]</sup> As such, the case was merely a boundary dispute.

The Court of Appeals ruled that Sections 118-119 of Republic Act No. 7160 (RA No. 7160)<sup>[19]</sup> or the Local Government Code of 1991, the statute in force at the time of commencement of Barangay Mayamot's action, provide the mechanism for settlement of boundary disputes. Thus, the RTC correctly dismissed the case because it has no original jurisdiction to try and decide a barangay boundary dispute, to wit:

Notably, the *LGC of 1991* grants an expanded role on the Sangguniang Panlungsod or Sangguniang Bayan in resolving cases of barangay boundary disputes. Aside from having the function of bringing the contending parties together and intervening or assisting in the amicable settlement of the case, the Sangguniang Panlungsod or Sangguniang Bayan is now specifically vested with original jurisdiction to actually hear and decide the dispute in accordance with the procedures laid down in the law and its implementing rules and regulations. The trial court loses its power to try, at the first instance, cases of barangay boundary disputes and only in the exercise of its appellate jurisdiction can the RTC decide the case.<sup>[20]</sup>

On February 17, 2009, Barangay Mayamot filed a Motion for Reconsideration,<sup>[21]</sup> which the Court of Appeals denied in a Resolution<sup>[22]</sup> dated March 31, 2009.

In this petition, Barangay Mayamot reiterates its contention that because of Resolution No. 97-89, its territory was altered and drastically reduced. Barangay Mayamot argues that the changes and alterations did not have any legal basis and did not conform to its actual and existing territorial jurisdiction. Since there was alteration of its territory, Resolution No. 97-89 violated Section 82 of the Local Government Code of 1983, which requires an ordinance and a plebiscite to create, alter, or modify barangay boundaries.<sup>[23]</sup>

The respondents filed their Comment<sup>[24]</sup> on September 24, 2009 and claim that as the case is a boundary dispute, the RTC and Court of Appeals were correct in dismissing the case for lack of jurisdiction.

### **Our Ruling**