

Republic of the Philippines  
Supreme Court  
Manila

CERTIFIED TRUE COPY  
*Wilfredo V. Lapitan*  
WILFREDO V. LAPITAN  
Division Clerk of Court  
Third Division  
SEP 02 2016

THIRD DIVISION

BARANGAY  
ANTIPOLO CITY,

MAYAMOT,

G.R. No. 187349

Petitioner,

Present:

-versus-

ANTIPOLO CITY,  
SANGGUNIANG  
PANGLUNGSOD OF ANTIPOLO,  
BARANGAYS STA. CRUZ,  
BAGONG NAYON and  
MAMBUGAN, and CITY  
ASSESSOR and TREASURER,

VELASCO, JR., J., *Chairperson*,  
PERALTA,  
PEREZ,  
REYES, and  
JARDELEZA, JJ.

Promulgated:

Respondents.

August 17, 2016

x ----- *Wilfredo V. Lapitan* x

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>

<sup>1</sup> Rollo, pp. 19-36.

<sup>2</sup> CA-G.R. CV No. 87854, penned by Associate Justice Juan Q. Enriquez, Jr., and concurred in by Associate Justices Japar B. Dimaampao and Sixto C. Marella, Jr., of the Eleventh Division, *id.* at 39-48.

<sup>3</sup> Records, pp. 287-289.

<sup>4</sup> Rollo, pp. 37-38.

<sup>5</sup> CA rollo, pp. 71-75.

<sup>6</sup> Rollo, p. 40.

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;**

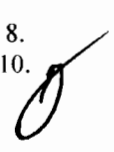
WHEREAS, to avoid administrative conflicts and territorial encroachments among barangay governments, **it is just and proper to identify and delineate barangay territorial boundaries in [accordance] with the Cadastral Survey for Old Barangays and the laws creating the new barangays as prepared and plotted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

---

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*; Records, p. 8.

<sup>9</sup> Records, pp. 8-10.



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. xxx”;

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

---

<sup>10</sup> *Id.* at 8-9.

<sup>11</sup> *Id.* at 1-7.

<sup>12</sup> *Id.* at 2-3.



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.

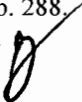
---

<sup>13</sup> *Id.* at 3-4.

<sup>14</sup> *Supra* note 3.

<sup>15</sup> Records, p. 288.

<sup>16</sup> *Id.* at 290.



### 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

---

<sup>17</sup> *Rollo*, p. 45.


<sup>18</sup> *Id.*

<sup>19</sup> An Act Providing for A Local Government Code of 1991 (1991).

<sup>20</sup> *Rollo*, p. 47.

<sup>21</sup> *Supra* note 5.

<sup>22</sup> *Supra* note 4.



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**

The petition has no merit.

Jurisdiction is defined as the power and authority of the courts to hear, try and decide cases.<sup>25</sup> The nature of an action and its subject matter, as well as which court or agency of the government has jurisdiction over the same, are determined by the material allegations of the complaint in relation to the law involved and the character of the reliefs prayed for, whether or not the complainant/plaintiff is entitled to any or all of such reliefs.<sup>26</sup> The designation or caption is not controlling more than the allegations in the complaint. It is not even an indispensable part of the complaint.<sup>27</sup> Also, jurisdiction being a matter of substantive law, the established rule is that the statute in force at the time of the commencement of the action determines the jurisdiction of the court.<sup>28</sup>

In this case, it is of no moment that Barangay Mayamot's petition before the RTC was captioned as one for nullity of Resolution No. 97-89. To recall, Barangay Mayamot claimed that as a result of the consolidation and integration of the boundaries of the old barangays and newly-created barangays and issuance of Resolution No. 97-89 approving the consolidation and integration, a portion of its territory was apportioned to Barangays Bagong Nayon, Sta. Cruz, Cupang, and Mambugan.<sup>29</sup> In other words, the allegations and issues raised by Barangay Mayamot are centered on the alleged inconsistency between its perceived actual and physical territory and its territory and boundaries, as defined and identified after the Bureau of Lands Cadastral Survey No. 29-047 and the provisions of BP Blg. 787 to 794 were consolidated and integrated by respondent City Assessor into the map of Antipolo. Thus, contrary to Barangay Mayamot's argument that the issue is the validity of Resolution No. 97-89, the issue to be resolved is the

---

<sup>23</sup> *Rollo*, pp. 29-30, 33-34.

<sup>24</sup> *Id.* at 69-73.

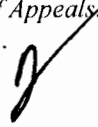
<sup>25</sup> *Mitsubishi Motors Philippines Corporation v. Bureau of Customs*, G.R. No. 209830, June 17, 2015, 759 SCRA 306, 312.

<sup>26</sup> *Del Valle, Jr. v. Dy*, G.R. No. 170977, April 16, 2009, 585 SCRA 355, 364, citing *Villamaria, Jr. v. Court of Appeals*, G.R. No. 165881, April 19, 2006, 487 SCRA 571, 589.

<sup>27</sup> *Munsalud v. National Housing Authority*, G.R. No. 167181, December 23, 2008, 575 SCRA 144, 157.

<sup>28</sup> *Bank of the Philippine Islands v. Hong*, G.R. No. 161771, February 15, 2012, 666 SCRA 71, 77, citing *Llamas v. Court of Appeals*, G.R. No. 149588, September 29, 2009, 601 SCRA 228, 233.

<sup>29</sup> *Records*, pp. 2-3.



boundary dispute between Barangay Mayamot on the one hand, and Barangays Bagong Nayon, Sta. Cruz, Cupang, and Mambugan, on the other hand.

There is a boundary dispute when a portion or the whole of the territorial area of a Local Government Unit (LGU) is claimed by two (2) or more LGUs.<sup>30</sup> Here, Barangay Mayamot is claiming a portion of the territory of Barangays Bagong Nayon, Sta. Cruz, Cupang and Mambugan. Unfortunately for petitioner, the resolution of a boundary dispute is outside the jurisdiction of the RTC.

At the time Barangay Mayamot filed its petition before the RTC of Antipolo City, RA No. 7160 was already in effect. Sections 118 and 119 of RA No. 7160 provide:

Section 118. *Jurisdictional Responsibility for Settlement of Boundary Dispute.* – Boundary disputes between and among local government units shall, as much as possible, be settled amicably. To this end:

- (a) Boundary disputes involving two (2) or more *barangays* in the same city or municipality shall be referred for settlement to the *sangguniang panlungsod* or *sangguniang bayan* concerned.

x x x

- (e) In the event the *sanggunian* fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the *sanggunian* concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.

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. x x x

Based on the foregoing, it is clear that the RTC is without jurisdiction to settle a boundary dispute involving barangays in the same city or municipality. Said dispute shall be referred for settlement to the *sangguniang panglungsod* or *sangguniang bayan* concerned. If there is failure of amicable settlement, the dispute shall be formally tried by the

<sup>30</sup> Rule III, Art. 15, Rules and Regulations Implementing the Local Government Code of 1991, Administrative Order No. 270 (1992).

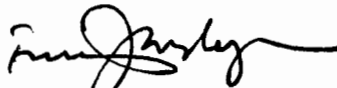
*sanggunian* concerned and shall decide the same within sixty (60) days from the date of the certification referred to. Further, the decision of the *sanggunian* may be appealed to the RTC having jurisdiction over the area in dispute, within the time and manner prescribed by the Rules of Court.

As we have ruled in the cases of *Municipality of Sta. Fe v. Municipality of Aritao*,<sup>31</sup> and *Municipality of Pateros v. Court of Appeals*,<sup>32</sup> by virtue of the Local Government Code of 1991, the RTC lost its power to try, at the first instance, cases of boundary disputes, and it is only when the intermediary steps have failed that resort to the RTC will follow as provided in the laws.

Thus, the Court of Appeals correctly held that the RTC was correct in dismissing the petition due to lack of jurisdiction. Indeed, whenever it appears that the court has no jurisdiction over the subject matter, the action shall be dismissed. This defense may be interposed at any time, during appeal or even after final judgment. Such is understandable, as this kind of jurisdiction is conferred by law and not within the courts, let alone the parties, to themselves determine or conveniently set aside.<sup>33</sup>

**WHEREFORE**, in view of the foregoing, this petition is **DENIED** for lack of merit. The Decision dated January 30, 2009 and Resolution dated March 31, 2009 of the Court of Appeals are **AFFIRMED**.

**SO ORDERED.**



**FRANCIS H. JARDELEZA**  
*Associate Justice*

WE CONCUR:




**PRESBITERO J. VELASCO, JR.**  
*Associate Justice*  
*Chairperson*

<sup>31</sup> G.R. No. 140474, September 21, 2007. 533 SCRA 586, 595-596.

<sup>32</sup> G.R. No. 157714, June 16, 2009, 589 SCRA 130, 142-145.

<sup>33</sup> *Machado v. Gatdula*, G.R. No. 156287, February 16, 2010, 612 SCRA 546, 559-560, citing *Lozon v. National Labor Relations Commission*, G.R. No. 107660, January 2, 1995, 240 SCRA 1, 11.



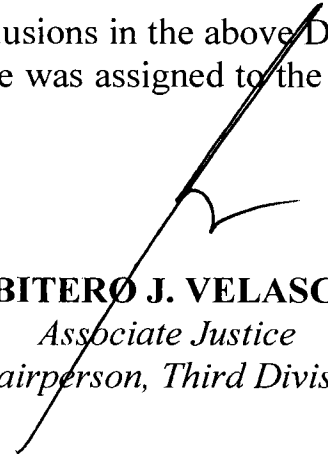
  
**DIOSDADO M. PERALTA**  
*Associate Justice*

  
**JOSE PORTUGAL PÉREZ**  
*Associate Justice*

  
**BIENVENIDO L. REYES**  
*Associate Justice*


**ATTESTATION**

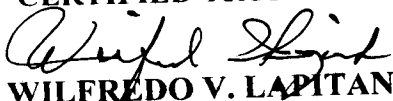
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**PRESBITERO J. VELASCO, JR.**  
*Associate Justice*  
*Chairperson, Third Division*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's attestation, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
*Chief Justice*

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division  
 SEP 02 2016