

FIFTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

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HOUSE OF REPRESENTATIVES

House Bill no. 2260

Introduced by Representative Peter M. Unabia

EXPLANATORY NOTE

With the passage of Republic Act 7160 otherwise known as the Local Government Code of 1991, the Sangguniang Panlalawigan/Panlungsod/Bayan are primary tribunals responsible in the amicable settlement of boundary disputes between and among local government units.

The LGC of 1991 grants an expanded role on the Sangguniang concerned in resolving cases of 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 concerned 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.

Notably, under the LGC of 1991, the trial court loses its power to try, at the first instance, such cases of boundary disputes. Only in the exercise of its appellate jurisdiction can the proper RTC decide the case, on appeal, should any party aggrieved by the decision of the Sangguniang concerned elevate the same.

This is purposely done to unclog the court dockets with such cases and to lessen if not to do away with expensive court litigations.

Nevertheless, the spirit and intent of the R.A. 7160 is not present to boundary disputes involving a municipality and an independent component city of the same province, and disputes involving a municipality and a component city of the same province.

Inasmuch as Section 118 of the LGC finds no application to cases involving a municipality and an independent component city of the same province, and involving a municipality and a component city, the general rules governing jurisdiction specifically Batas Pambansa Blg. 129 otherwise known as the Judiciary Reorganization Act of 1980, as amended by Republic Act No. 7691. Section 19(6) of this law provides:

Section 19(6):

"Sec. 19. *Jurisdiction in civil cases.* – Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x x x x x x

"(6) In all cases not within the exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial functions

In the case of *Municipality of Kananga vs. Hon. Judge Fortunito L. Madrona G.R. No. 141375 April 30, 2003*, the Supreme Court ruled that since there is no legal provision specifically governing jurisdiction over boundary disputes between a municipality and an independent component city, it follows that regional trial courts have the power and the authority to hear and determine such controversy.

Indeed, court litigations and unresolved boundary disputes have sown costly conflicts in the exercise of governmental powers and prejudiced the people's welfare. Precisely because of these disputes, some Companies have withheld the share in the proceeds from the development and the utilization of natural wealth, as provided for in Section 289 of the LGC.

Since there is no specific law providing for the exclusive jurisdiction of any court, tribunal or agency over the settlement of the aforesaid boundary disputes, a swift approval of this Bill is earnestly requested.



PETER M. UNABIA
Representative, 1st District
Misamis Oriental

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AN ACT AMENDING SECTION 118 OF THE LOCAL GOVERNMENT CODE OF 1991 BY INSERTING TWO ADDITIONAL SUB-PARAGRAPHS AND FOR OTHER PURPOSES.

Section 1. - Section 118 of Republic Act No. 7160 is hereby amended to INCLUDE A NEW sub – paragraph (e) and (f) to read as follows:

"Sec. 118. *Jurisdictional Responsibility for Settlement of Boundary Disputes.* – 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.

"(b) Boundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the *Sangguniang panlalawigan* concerned.

"(c) Boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the *Sanggunians* of the provinces concerned.

"(d) Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other or two (2) or more highly urbanized cities shall be jointly referred for settlement to the respective *sanggunians* of the parties.

"(e) Boundary disputes involving a municipality and an independent component city shall be jointly referred for settlement to the respective sanggunians of the parties;

"(f) Boundary disputes involving a municipality and a component city of the same province shall be jointly referred for settlement to the respective sanggunians of the parties

"(g) 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 6. Repealing Clause. - All laws, decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Section 7. Separability Clause. - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected and thereby remain in full force and effect.

Section 8. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

APPROVED