

FIRST DIVISION

[G.R. No. 224335, March 02, 2020]

**MUNICIPALITY OF BAKUN, BENGUET, HEREIN REPRESENTED BY
ITS MUNICIPAL MAYOR HON. FAUSTO T. LABINIO, PETITIONER,
VS. MUNICIPALITY OF SUGPON, ILOCOS SUR, HEREIN
REPRESENTED BY ITS MUNICIPAL MAYOR HON. FERNANDO C.
QUITON, SR., RESPONDENT.**

DECISION

LAZARO-JAVIER, J.:

Antecedents

The Municipality of Bakun, Benguet and the Municipality of Sugpon, Ilocos Sur both lay claim on a 1,118-hectare parcel of land found in the middle of their respective territories.^[1]

In line with the provisions of the 1991 Local Government Code (LGC) on boundary disputes,^[2] the issue was referred to an *Ad Hoc* Joint Sanggunian of the Provinces of Benguet and Ilocos Sur for resolution. Following the parties' failure to reach a settlement, the Joint Sanggunian ordered them to submit their respective position papers.^[3]

After due proceedings, the Joint Sanggunian, voting 4-3, issued Joint Resolution No. 1, Series of 2014 adjudging the land to Bakun.^[4]

Aggrieved, the Province of Ilocos Sur, through the Municipality of Sugpon served a Notice of Appeal to the Sangguniang Panlalawigan of Province of Benguet.

Consequently, on May 20, 2014, Sugpon filed with the RTC-Ilocos Sur its "Petition on Appeal".^[5]

Bakun moved to dismiss the appeal on ground that the notice of appeal failed to comply with the requirements set forth under Rule 40 of the Revised Rules of Court.^[6] It argued that the notice of appeal was not filed before the Joint Sanggunian which rendered the assailed Joint Resolution. Instead, the notice was sent to the Province of Benguet. The notice of appeal, too, was filed by an improper party since it was signed by the members of the Sangguniang Panlalawigan of Ilocos Sur who incidentally were also members of the defunct Joint Sanggunian. The proper party to appeal the Joint Resolution should have been the Municipality of Sugpon, Ilocos Sur, being one of the original parties to the action. Further, Bakun was not served a copy of the notice of appeal. The notice of appeal is likewise wanting of essential particulars and docket fees were not paid.

The RTC denied the motion by Order^[7] dated October 9, 2014. It ruled that Rule 40 of the Revised Rules of Court is not applicable to appeals involving boundary disputes since Rule 40 governs appeals from first level courts which is not the case here where the case emanated from the Joint Sanggunian. The Implementing Rules of the LGC is akin to a petition for review provided under Rule 42 of the Revised Rules of Court albeit this analogy may not be one hundred per cent (100%) accurate.^[8]

The RTC, nonetheless, took cognizance of the appeal in view of the fact that the governing law on boundary disputes, the LGC, merely mandates the "filing of any appropriate pleading",^[9] which Sugpon duly complied with via its "Petition on Appeal". As for the alleged defect in the Notice of Appeal, what is truly material is the fact that its primary purpose of informing the tribunal and the other party of the appeal was served. In fact, Bakun's counsel entered his appearance and even moved for extension to file its memorandum.^[10]

Bakun moved for reconsideration^[11] which was denied through Order^[12] dated December 15, 2014.

Proceedings Before the Court of Appeals

Bakun went up to the Court of Appeals via Rule 65 of the Rules of Court. It charged the RTC with grave abuse of discretion in ruling that Rule 40 of the Revised Rules of Court does not apply to boundary disputes and in subsequently taking cognizance of Sugpon's appeal. The case was raffled to the Court of Appeals, Second Division and docketed CA-G.R. SP No. 138956.^[13]

Meantime, by Resolution dated April 28, 2015, the RTC reversed and set aside Joint Resolution No. 1, Series of 2014. The Resolution was assailed anew by Bakun in CA-G.R. SP No. 141726 now pending before the Court of Appeals, Seventeenth Division.^[14]

Court of Appeals' Ruling

Back to CA-G.R. SP No. 138956, the Court of Appeals rendered its Decision^[15] dated October 23, 2015 affirming the RTCs dispositions on Sugpon's Notice of Appeal. It held that pursuant to Title IX, Chapter 1, Section 119^[16] of the LGC and Rule III, Article 17 of the Rules and Regulations Implementing the LGC, appeals in boundary disputes are within the jurisdiction of the RTCs. The proceedings are governed by Rule 40 of the Rules of Court.

Thus, Sugpon availed of the correct remedy under the LGC and the Revised Rules of Court. Too, Sugpon complied with all the requirements under Rule 40 of the Revised Rules of Court with regard to the petition's contents and service. It added that it is impossible for Sugpon to file the Notice of Appeal with the already defunct Joint Sanggunian for said body ceased to exist after the questioned Joint Resolution was promulgated.^[17]

By Resolution dated April 26, 2016, the Court of Appeals denied petitioner's motion

for reconsideration.

The Present Petition

Bakun now seeks to reverse the Court of Appeals' disposition and rule that Sugpon had lost its right to appeal for failure to comply with the requirements laid down under Rule 40 of the Revised Rules of Court. Hence, the assailed Joint Resolution had allegedly become final and executory.

Bakun essentially alleges that the mode and manner of appeal undertaken by Sugpon was erroneous because the correct procedure should have been for a Notice of Appeal served on the Joint Sanggunian that rendered the Joint Resolution and for the Joint Sanggunian to forward the case records to the RTC. Only then will the RTC allegedly acquire jurisdiction over the case. But Sugpon did not follow this procedure. Instead, it directly filed a "Petition on Appeal" before the RTC. Since the appeal was not deemed perfected due to Sugpon's non-compliance with procedural requirements, the decision or resolution sought to be appealed was deemed to have lapsed into finality.^[18]

In its Comment^[19] dated September 4, 2016, Sugpon asserts that it substantially complied with the Revised Rules of Court in appealing Joint Resolution No. 1, Series of 2014. It filed a Notice of Appeal before the Province of Benguet because the *Ad Hoc* Joint Sanggunian which initially heard and resolved the boundary dispute had already ceased to exist after its questioned resolution was promulgated. Notably, the members of the Sangguniang Panlalawigan of Benguet on whom the Notice of Appeal was served were the same members of the *Ad Hoc* Joint Sanggunian which issued the assailed resolution. Further, neither the LGC nor its Implementing Rules and Regulations provides that the Notice of Appeal should first be filed with the Joint Sanggunian before appeal may be brought before the regional trial court. As for the alleged non-payment of appellate docket fees, again, the LGC and its Implementing Rules and Regulations did not mention payment of appeal docket fees with the Joint Sanggunian. It, nevertheless, paid the same with the Office of the Clerk of Court of RTC, Ilocos Sur, in faithful compliance with the Rules of Court.^[20]

Issue

Did Sugpon's appeal comply with Rule 40 of the Revised Rules of Court?

Ruling

The petition is **DENIED**.

Article 17 (i) of the Implementing Rules and Regulations of the Local Government Code of 1991 provides:

Article 17. *Procedures for Settling Boundary Disputes* – The following procedures shall govern the settlement of boundary disputes:

- (i) 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 dispute by filing therewith the appropriate pleading, stating among others, the nature of the dispute, the decision of the sanggunian concerned and the reasons for appealing therefrom. The Regional Trial Court shall decide the case within one (1) year from the filing thereof. Decisions on boundary disputes promulgated jointly by two (2) or more sangguniang panlalawigans shall be heard by the Regional Trial Court of the province which first took cognizance of the dispute.

On the other hand, Section 3, Rule 40 of the Rules of Court decrees:

Section 3. *How to appeal.* — The appeal is taken by filing a notice of appeal with the court that rendered the judgment or final order appealed from. The notice of appeal shall indicate the parties to the appeal, the judgment or final order or part thereof appealed from, and state the material dates showing the timeliness of the appeal.

A record on appeal shall be required only in special proceedings and in other cases of multiple or separate appeals.

The form and contents of the record on appeal shall be as provided in section 6, Rule 41.

Copies of the notice of appeal, and the record on appeal where required, shall be served on the adverse party.

Here, Sugpon served on the Province of Benguet a Notice of Appeal to the RTC. It also subsequently filed with the RTC its corresponding "Petition on Appeal" setting forth the statement of facts and law, the assigned errors, and the arguments.

First. Sugpon's Notice of Appeal states:

NOTICE OF APPEAL

WHEREAS, Joint-Resolution No. 1, Series of 2014 was promulgated by the Joint-Committee members favouring the Province of Benguet as the alleged lawful owner/possessor of the disputed area consisting of 1,118 hectares at the boundary of the Province of Benguet and the Province of Ilocos Sur;

WHEREAS, in Joint-Resolution No. 1, Series of 2014 stipulated that the aggrieved party shall file the necessary appeal to the regular court of