

EN BANC

[G.R. No. 169435, February 27, 2008]

MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE, represented by its Municipal Mayor, CAROLINE ARZADON-GARVIDA, Petitioner, vs. MUNICIPALITY OF MARCOS, ILOCOS NORTE, represented by its Municipal Mayor, SALVADOR PILLOS, and the HONORABLE COURT OF APPEALS, Respondents.

D E C I S I O N

REYES, R.T., J.:

AS the law creating a municipality fixes its boundaries, settlement of boundary disputes between municipalities is facilitated by carrying into effect the law that created them.

Any alteration of boundaries that is not in accordance with the law creating a municipality is not the carrying into effect of that law but its amendment, which only the Congress can do.^[1]

For Our review on *certiorari* is the Decision^[2] of the Court of Appeals (CA) reversing to a certain extent that^[3] of the Regional Trial Court (RTC), Branch 12, Laoag City, Ilocos Norte, in a case that originated from the Sangguniang Panlalawigan (SP) of Ilocos Norte about the boundary dispute between the Municipalities of Marcos and Nueva Era in Ilocos Norte.

The CA declared that Marcos is entitled to have its eastern boundary extended up "to the boundary line between the province of Ilocos Norte and Kalinga-Apayao."^[4] By this extension of Marcos' eastern boundary, the CA allocated to Marcos a portion of Nueva Era's territory.

The Facts

The Municipality of Nueva Era was created from the settlements of Bugayong, Cabittaoran, Garnaden, Padpadon, Padsan, Paorpatoc, Tibangran, and Uguis which were previously organized as *rancherias*, each of which was under the independent control of a chief. Governor General Francis Burton Harrison, acting on a resolution passed by the provincial government of Ilocos Norte, united these *rancherias* and created the township of Nueva Era by virtue of Executive Order (E.O.) No. 66 ^[5] dated September 30, 1916.

The Municipality of Marcos, on the other hand, was created on June 22, 1963 pursuant to Republic Act (R.A.) No. 3753 entitled "An Act Creating the Municipality of Marcos in the Province of Ilocos Norte." Section 1 of R.A. No. 3753 provides:

SECTION 1. The barrios of Capariaan, Biding, Escoda, Culao, Alabaan, Ragas and Agunit in the Municipality of Dingras, Province of Ilocos Norte, are hereby separated from the said municipality and constituted into a new and separate municipality to be known as the Municipality of Marcos, with the following boundaries:

On the Northwest, by the barrios Biding-Rangay boundary going down to the barrios Capariaan-Gabon boundary consisting of foot path and feeder road; on the Northeast, by the Burnay River which is the common boundary of barrios Agunit and Naglayaan; on the East, by the Ilocos Norte-Mt. Province boundary; on the South, by the Padsan River which is at the same time the boundary between the municipalities of Banna and Dingras; on the West and Southwest, by the boundary between the municipalities of Batac and Dingras.

The Municipality of Marcos shall have its seat of government in the barrio of Biding.

Based on the first paragraph of the said Section 1 of R.A. No. 3753, it is clear that Marcos shall be derived from the listed *barangays* of Dingras, namely: Capariaan, Biding, Escoda, Culao, Alabaan, Ragas and Agunit. The Municipality of Nueva Era or any of its *barangays* was not mentioned. Hence, if based only on said paragraph, it is clear that Nueva Era may not be considered as a source of territory of Marcos.

There is no issue insofar as the first paragraph is concerned which named only Dingras as the mother municipality of Marcos. The problem, however, lies in the description of Marcos' boundaries as stated in the second paragraph, particularly in the phrase: "on the East, by the Ilocos Norte-Mt. Province boundary."

It must be noted that the term "Mt. Province" stated in the above phrase refers to the present adjoining provinces of Benguet, Mountain Province, Ifugao, Kalinga and Apayao, which were then a single province.

Mt. Province was divided into the four provinces of Benguet, Mountain Province, Ifugao, and Kalinga-Apayao by virtue of R.A. No. 4695 which was enacted on June 18, 1966. On February 14, 1995, the province of Kalinga-Apayao, which comprises the sub-provinces of Kalinga and Apayao, was further converted into the regular provinces of Kalinga and Apayao pursuant to R.A. No. 7878.

The part of then Mt. Province which was at the east of Marcos is now the province of Apayao. Hence, the eastern boundary referred to by the second paragraph of Section 1 of R.A. No. 3753 is the present Ilocos Norte-Apayao boundary.

On the basis of the said phrase, which described Marcos' eastern boundary, Marcos claimed that the middle portion of Nueva Era, which adjoins its eastern side, formed part of its territory. Its reasoning was founded upon the fact that Nueva Era was between Marcos and the Ilocos Norte-Apayao boundary such that if Marcos was to be bounded on the east by the Ilocos Norte-Apayao boundary, part of Nueva Era would consequently be obtained by it.^[6]

Marcos did not claim any part of Nueva Era as its own territory until after almost 30 years,^[7] or only on March 8, 1993, when its Sangguniang Bayan passed Resolution

No. 93-015.^[8] Said resolution was entitled: "Resolution Claiming an Area which is an Original Part of Nueva Era, But Now Separated Due to the Creation of Marcos Town in the Province of Ilocos Norte."

Marcos submitted its claim to the SP of Ilocos Norte for its consideration and approval. The SP, on the other hand, required Marcos to submit its position paper.^[9]

In its position paper, Marcos alleged that since its northeastern and eastern boundaries under R.A. No. 3753 were the Burnay River and the Ilocos Norte-Mountain Province boundary, respectively, its eastern boundary should not be limited to the former Dingras-Nueva Era boundary, which was coterminous and aligned with the eastern boundary of Dingras. According to Marcos, its eastern boundary should extend further to the east or up to the Ilocos-Norte-Mt. Province boundary pursuant to the description of its eastern boundary under R.A. No. 3753.^[10]

In view of its claim over the middle portion of Nueva Era, Marcos posited that Nueva Era was cut into two parts. And since the law required that the land area of a municipality must be compact and contiguous, Nueva Era's northern isolated portion could no longer be considered as its territory but that of Marcos'. Thus, Marcos claimed that it was entitled not only to the middle portion^[11] of Nueva Era but also to Nueva Era's isolated northern portion. These areas claimed by Marcos were within *Barangay* Sto. Niño, Nueva Era.

Nueva Era reacted to the claim of Marcos through its Resolution No. 1, Series of 1993. It alleged that since time immemorial, its entire land area was an ancestral domain of the "*tinguians*," an indigenous cultural community. It argued to the effect that since the land being claimed by Marcos must be protected for the *tinguians*, it must be preserved as part of Nueva Era.^[12]

According to Nueva Era, Marcos was created out of the territory of Dingras only. And since R.A. No. 3753 specifically mentioned seven (7) barrios of Dingras to become Marcos, the area which should comprise Marcos should not go beyond the territory of said barrios.^[13]

From the time Marcos was created in 1963, its eastern boundary had been considered to be aligned and coterminous with the eastern boundary of the adjacent municipality of Dingras. However, based on a re-survey in 1992, supposedly done to conform to the second paragraph of Section 1 of R.A. No. 3753, an area of 15,400 hectares of Nueva Era was alleged to form part of Marcos.^[14] This was the area of *Barangay* Sto. Niño, Nueva Era that Marcos claimed in its position paper.

On March 29, 2000, the SP of Ilocos Norte ruled in favor of Nueva Era. The *fallo* of its decision^[15] reads:

WHEREFORE, in view of all the foregoing, this Body has no alternative but to dismiss, as it hereby DISMISSES said petition for lack of merit. The disputed area consisting of 15,400 hectares, more or less, is hereby declared as part and portion of the territorial jurisdiction of respondent Nueva Era.^[16]

R.A. No. 3753 expressly named the *barangays* that would comprise Marcos, but none of Nueva Era's *barangays* were mentioned. The SP thus construed, applying the rule of *expressio unius est exclusio alterius*, that no part of Nueva Era was included by R.A. No. 3753 in creating Marcos.^[17]

The SP ratiocinated that if Marcos was to be bounded by Mt. Province, it would encroach upon a portion, not only of Nueva Era but also of Abra. Thus:

x x x Even granting, for the sake of argument, that the eastern boundary of Marcos is indeed Mountain Province, Marcos will then be claiming a portion of Abra because the province, specifically Barangay Sto. Niño, Nueva Era, is actually bounded on the East by the Province of Abra. Abra is situated between and separates the Provinces of Ilocos Norte and Mountain Province.

This is precisely what this body would like to avoid. Statutes should be construed in the light of the object to be achieved and the evil or mischief to be suppressed, and they should be given such construction as will advance the object, suppress the mischief and secure the benefits intended.^[18] (Citations omitted)

The SP further explained:

Invariably, it is not the letter, but the spirit of the law and the intent of the legislature that is important. When the interpretation of the statute according to the exact and literal import of its words would lead to absurdity, it should be construed according to the spirit and reason, disregarding if necessary the letters of the law. It is believed that congress did not intend to have this absurd situation to be created when it created the Municipality of Marcos. This body, by the mandate given to it by the RA 7160 otherwise known Local Government Code, so believes that respondent Nueva Era or any portion thereof has been excluded from the ambit of RA 3753. Under the principle of "expressio (sic) unius (sic) est exclusio alterius," by expressly naming the barangays that will comprise the town of Marcos, those not mentioned are deemed excluded. In Republic Act 4354, where Section 2 thereof enumerated the barrios comprising the City of Davao excluding the petitioner Barrio Central as part of the said City, the court held that there arose a prima facie conclusion that the said law abolished Barrio Central as part of Davao City.

Historically, the hinterlands of Nueva Era have been known to be the home of our brothers and sisters belonging to peculiar groups of non-(C)hristian inhabitants with their own rich customs and traditions and this body takes judicial notice that the inhabitants of Nueva Era have proudly claimed to be a part of this rich culture. With this common ancestral heritage which unfortunately is absent with Marcos, let it not be disturbed.^[19] (Emphasis ours and citations omitted)

RTC Decision

On appeal by Marcos, the RTC affirmed the decision of the SP in its decision^[20] of

March 19, 2001. The dispositive part of the RTC decision reads:

WHEREFORE, the instant appeal is hereby DISMISSED. The questioned decision of the Sangguniang Panlalawigan of Ilocos Norte is hereby AFFIRMED.

No costs.

SO ORDERED.^[21]

The RTC reasoned out in this wise:

The position of the Municipality of Marcos is that the provision of R.A. 3753 as regards its boundary on the East which is the "Ilocos Norte-Mt. Province" should prevail.

On the other hand, the Municipality of Nueva Era posits the theory that only the barrios of the Municipality of Dingras as stated in R.A. 3753 should be included in the territorial jurisdiction of the Municipality of Marcos. The Sangguniang Panlalawigan agreed with the position of Nueva Era.

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An examination of the Congressional Records during the deliberations of the R.A. 3753 (House Bill No. 3721) shows the Explanatory Note of Congressman Simeon M. Valdez, 2nd District, Ilocos Norte, to wit:

EXPLANATORY NOTE

This bill seeks to create in the Province of Ilocos Norte a new municipality to be known as the Municipality of Marcos, to be comprised by the present barrios of Capariaan, Biding Escoda, Culao, Alabaan, Ragas and Agunit, all in the Municipality of Dingras of the same province. The seat of government will be in the sitio of San Magro in the present barrio of Ragas.

x x x x

On the other hand, the Municipality of Dingras will not be adversely affected too much because its finances will still be sound and stable. Its capacity to comply with its obligations, especially to its employees and personnel, will not be diminished nor its operations paralyzed. On the contrary, economic development in both the mother and the proposed municipalities will be accelerated.

In view of the foregoing, approval of this bill is earnestly requested.

(Sgd.) SIMEON M. VALDEZ
Congressman, 2nd District
Ilocos Norte^[22]