

Item No.: 12  
Date: JUN 20 2023

SANGGUNIANG PANLALAWIGAN  
09 June 2023  
Annie  
PROVINCE OF LEYTE  
ncform012@judiciary.gov.ph

Republic of the Philippines  
SUPREME COURT  
**REGIONAL TRIAL COURT**  
8<sup>th</sup> Judicial Region  
Branch 12, Ormoc City  
(053) 255-2580, 561-2494, 09267174540

MUNICIPALITY OF ISABEL, LEYTE,  
Petitioner,

CASE NO.  
R-ORM-08-00123-CV

- Versus -

MUNICIPALITY OF MERIDA, LEYTE,  
Respondent.

X-----X

May 22, 2023

Office of the Sangguniang Panlalawigan  
Province of Leyte  
Provincial Capitol  
Tacloban City

Greetings:

Pursuant to the Order of the Court issued on March 2, 2023, we are forwarding herewith the records of the above-entitled case for appropriate action.

Please acknowledge receipt thereof.

Very truly yours,

JESUS MANUEL A. HORCA III  
Branch Clerk of Court

Copy furnished:

Atty. Dax Malony P. Montealegre  
Suites 301-304, C & F Ramirez Bldg. II  
S.B. Cabahug St., Centro  
Mandaue City, Cebu

Office of the Municipal Mayor  
Merida, Leyte

Fernandez & Associates  
Rm 305, 3<sup>rd</sup> Floor, K & J Bldg.  
J. Llorente St., Cebu City

Office of the Municipal Mayor  
Isabel Leyte

Republic of the Philippines  
SUPREME COURT  
**REGIONAL TRIAL COURT**  
8<sup>th</sup> Judicial Region  
Branch 12, Ormoc City

[rtc1orm012@judiciary.gov.ph](mailto:rtc1orm012@judiciary.gov.ph), (053) 255-2580, 561-2494, 09267174540

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Isabel Leyte

Republic of the Philippines  
Supreme Court  
**REGIONAL TRIAL COURT**  
8<sup>th</sup> Judicial Region  
Branch 12, Ormoc City  
rtc1orm012@judiciary.gov.ph, (053)255-2580, 561-2494

Item No.: 10

Date: JUN 13 2023

SANGGUNIANG PANLALAWIGAN  
08 June 2023  
*[Signature]*  
PROVINCE OF LEYTE

**MUNICIPALITY OF ISABEL, LEYTE,**  
Plaintiff,

**CIVIL CASE NO.**  
**R-ORM-08-00123-CV**

-versus-

**FOR:**  
(Resolution No. 08-327, s. 2008,  
Of the Sangguniang Panlalawigan  
Of Leyte, on the boundary dispute  
between the Municipality of Merida  
and the Municipality of Isabel)

**MUNICIPALITY OF MERIDA, LEYTE,**  
Defendant.

x ----- x

### ORDER

For consideration is defendant's Motion For Execution dated 17 December 2022, stating among others that:

- I. In resolving the boundary dispute between the Municipalities of Merida and Isabel both of the Province of Leyte, this Honorable Sangguniang Panlalawigan of the Province of Leyte, on July 8, 2008 rendered a Decision, through SP Resolution No. 08-327, in favor of the Municipality of Merida, the dispositive portion of which reads as follows:

"WHEREFORE, PREMISES CONSIDERED, Municipal Resolution No. 2004-091 of the Municipality of Isabel and Municipal Resolution No. 96-183 of the Municipality of Merida are hereby resolved as follows:

1. The true and accurate boundary between the Municipalities of Merida and Isabel is the one planted along its dead Doldol creek, near the doldol tree and the highway;
2. The local government of Isabel, Leyte is hereby ordered to remove the Municipal Boundary Monument (MBM) No. 5 installed by Former Mayor Cruz Centino of the Municipality of Isabel sometime in 1981, as well as the Welcome Boundary Marker constructed by the Yellow Ladies Club of Isabel, Leyte sometime in 1988;
3. The local government of Merida, Leyte, is hereby ordered to install another Municipal Boundary Marker along the dead Doldol creek near the Doldol

✓

tree and the highway in accordance with the laws and the Barangay Boundary and Index Maps and political boundary maps of the two (2) municipalities.

SO ORDERED."

Machine copy of Sangguniang Panlalawigan Resolution No. 08-327 dated July 8, 2008 is attached and marked as Annex "A".

- II. The Municipality of Isabel, Leyte, filed an appeal before the Regional Trial Court, Branch 12, Ormoc City and was docketed as Civil Case No. R-ORM-08-00123-CV. The Regional Trial Court, acting as an appellate court, rendered its Decision dated September 29, 2009 in favor of the Municipality of Isabel, the dispositive portion of which reads:

"WHEREFORE, premises considered, judgment is hereby rendered, in favor of appellant and against appellee, REVERSING and SETTING ASIDE the assailed Resolution of the Honorable Sangguniang Panlalawigan ng Leyte and a new one is hereby entered DECLARING that the contested tract of land with an area of 162.3603 hectares as appearing in the cadastral survey records of Cad. 661-D property belong to the Municipality of Isabel, Leyte.

Upon finality of this Decision, the appellee is hereby ORDERED to immediately remove the billboard it erected during the pendency of the appeal at its expense.

SO ORDERED."

Machine copy of the Decision of RTC, Branch 12, Ormoc City dated September 29, 2009 in Civil Case No. R-ORM-08-00123-CV is attached and marked as Annex "B".

- III. After the denial of its Motion For New Trial, the Municipality of Merida, Leyte, elevated the case on appeal to the Court of Appeals, Special 20<sup>th</sup> Division, Cebu City by way of a Petition For Review and was docketed as CA G.R. SP. No. 05255. On August 20, 2014, the Court of Appeals promulgated its Judgment on the appeal, this time in favor of the Municipality of Merida, the dispositive portion of which reads as follows:

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"IN LIGHT OF ALL THE FOREGOING, this petition is GRANTED. The Decision dated September 29, 2009 of the Regional Trial Court, Branch 12 of Ormoc City in Civil Case No. R-ORM-08-00123-CV and the Omnibus Order dated July 5, 2010 are REVERSED and SET ASIDE. Resolution No. 08-327 dated July 8, 2008 of the Sangguniang Panlalawigan of Leyte adjudicating the disputed area to the Municipality of Merida is REINSTATED. No. costs.

SO ORDERED."

Machine copy of the Court of Appeals Judgment dated August 20, 2014 in Civil Case No. CA G.R. SP No. 05255 is attached and marked as Annex "C".

- IV. Aggrieved, the Municipality of Isabel, Leyte, elevated the case on appeal to the Supreme Court in a Petition For Review on Certiorari which was docketed as G.R. No. 216092. On December 9, 2020, the Supreme Court rendered its Decision on the Petition, which was still in favor of the Municipality of Merida, the dispositive portion of which reads as follows:

"IN VIEW OF THE FOREGOING PREMISES, the present petition is DENIED. The August 20, 2014 Decision and the November 17, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 05255 are hereby AFFIRMED.

SO ORDERED."

Machine copy of the Supreme Court Decision dated December 9, 2020 in G.R. No. 216092 is attached and marked as Annex "D".

- V. The Motion For Reconsideration filed by the Municipality of Isabel, Leyte, was also DENIED with finality by the Supreme Court in its Resolution dated June 15, 2022. Machine copy of which is attached and marked as Annex "E".
- VI. An Entry of Judgment was issued by the Supreme Court certifying that its Resolution dated December 9, 2020 has, on June 15, 2022, become final and executory.

Defendant prayed that a writ of execution be issued to enforce the Decision of the Sangguniang Panlalawigan under Resolution No. 08-327 which is already final and executory.

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Sec. 1, Rule 39 of the Rules of Court provides that:

### Rule 39

#### Execution, Satisfaction and Effect of Judgments

Sec. 1. Execution upon judgment or final orders. – Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

If the appeal has been duly perfected and finally resolved the execution may forthwith be applied for in the court of origin, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

The appellate court may, on motion in the same case, when the interest of justice so requires, direct the court of origin to issue the writ of execution. (Emphasis supplied).

Since the Office of the Sangguniang Panlalawigan of the Province of Leyte can be considered by analogy as the “court of origin” which rendered the Decision, through SP Resolution No. 08-327 dated July 8, 2008, it must therefore be the proper office to issue the appropriate writ of execution to carry out its final and executory Decision through SP Resolution No. 08-327 dated July 8, 2008.

In light of the foregoing, the Motion For Execution filed by the defendant is hereby **DENIED**.

Accordingly, the Branch Clerk of Court of this Court is hereby ordered to remand the records of this case to the Office of the Sangguniang Panlalawigan of the Province of Leyte for appropriate actions.

**SO ORDERED.**

In Chambers, this 2<sup>nd</sup> day of March 2023 in Ormoc City, Philippines.

  
**MARIO O. QUINIT**  
Presiding Judge

MOQ/alm

Copy furnished:

1. Atty. Dax Malony P. Montealegre – Suites 301-304, C & F Ramirez Bldg. II,  
S. B. Cabahug St., Centro, Mandaue City, Cebu 6014
2. Fernandez and Associates – Rm. 305, 3<sup>rd</sup> Floor, K & J Bldg., J. Llorente St., Cebu City 6000
3. Sangguniang Panlalawigan – 6500 Tacloban City, Leyte
4. Office of the Municipal Mayor, Municipality of Isabel, Leyte, 6539
5. Office of the Municipal Mayor, Municipality of Merida, Leyte, 6540
6. Office of the Solicitor General, 134 Amorsolo St., Legaspi Village, Makati City, 1229