



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

COMMITTEE ON BOUNDARY DISPUTE

COMMITTEE REPORT NO. _____
Series of 2023

This has reference to the Order of the Regional Trial Court Br. 12, Ormoc City, issued on March 2, 2023 remanding the records of the boundary dispute case of the Municipality of Isabel and Merida, Leyte for appropriate action and captioned as follows:

Municipality of Isabel, Leyte
Petitioner,

-versus-

CASE No. R-ORM-08-

00123-CV

Municipality of Merida, Leyte
Respondent,

X-----X

and the Resolution of the Sangguniang Bayan of Merida, Leyte (*Resolution No. 18-23-006*) requesting the Sangguniang Panlalawigan ng Leyte for the issuance of a writ of execution to implement the Judgement of the Supreme Court dated December 09, 2020 under G.R. No. 216092.

Brief Factual Antecedents

On July 8, 2008, the Sangguniang Panlalawigan of the Province of Leyte rendered a decision resolving the boundary dispute between the Municipality of Isabel and Merida in favor of the latter municipality. The decision was embodied in SP Resolution No. 08-327¹ and the dispositive portion of which states 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 unit 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 Isabel, Leyte sometime in 1988;
3. The local government unit 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.

Aggrieved by the decision of the Sangguniang Panlalawigan, the municipality of Isabel filed an appeal before the Regional Trial Court Br. 12, Ormoc City which was docketed as Civil Case No. R-ORM-08-00123-CV. The appeal was decided in favor of the municipality of Isabel² and the dispositive portion of which states:

“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.

The municipality of Merida, Leyte filed a Motion for New Trial; however, the same was denied. It then filed a Petition for Review before the Court of Appeals, Special 20th Division, Cebu City, which appeal was docketed as CA G.R. SP. No. 05255. The Court of Appeals rendered a decision in favor of the municipality of Merida dated August 20, 2014³ and the dispositive portion of which reads:

“IN LIGHT OF ALL THE FOREGOING, this petition is GRANTED. The Decision dated September 29, 2009 of the Regional Trial Court, Branch 12, 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.



² RTC, Br. 12 Decision in Civil Case No. R-ORM-08-00123-CV, dated September 29, 2009.

SO ORDERED.

Consequently, the Municipality of Isabel filed a Petition for Review on Certiorari before the Supreme Court which was docketed as G.R. No. 216092. On December 9, 2020, the Supreme Court rendered its Decision affirming the decision⁴ of the Court of Appeals which states as follows:

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

SO ORDERED.

The Municipality of Isabel file a motion for reconsideration, but was denied by the Supreme Court with finality in its Resolution dated June 15, 2022⁵. Consequently, an Entry of Judgement was issued by the Supreme Court certifying that its decision dated December 9, 2020 has become final and executory.⁶

Subject matter of the Referral

On January 9, 2023, the Municipality of Merida through its Sangguninag Bayan issued Resolution No. 18-23-006, requesting the Sangguniang Panlalawigan ng Leyte for the issuance of a writ of execution to implement the Judgement of the Supreme Court dated December 09, 2020 under G.R. No. 216092. On the other hand, an Order from the RTC Br. 12 was issued on March 2, 2023 remanding this case for proper disposition in relation to the Motion for Writ of Execution filed by the Municipality of Merida, Leyte.

The resolution of the Sangguniang Bayan of Merida and the order of RTC Br. 12 were calendared on the same regular session on June 20, 2023, and since both have the same subject matter, both were discussed and acted jointly.

As discussed and narrated earlier, the Supreme Court Decision, dated December 9, 2020 has already attained its finality; however, despite the filing of the Motion for Execution before the Regional Trial Court Br. 12, the said decision has yet to be enforced and executed, since the aforementioned motion was denied pursuant to Sec. 1. Rule 39 of the Rules of Court which provides as follows:

RULE 39

Execution, Satisfaction and Effect of Judgments

Section 1. *Execution upon judgments or final orders.* — Execution shall issue as a matter of right, or 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.



⁴ SC Decision, dated December 9, 2020 in G.R. No. 216092

⁵ SC Resolution dated June 15, 2022 denying the Motion for Reconsideration of the Municipality of Isabel, Leyte

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.

In its decision, dated March, 2, 2023, the Regional Trial Court Br. 12 resolve that 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.

This committee is also convinced that, being the one who first took cognizance of the case and rendered the decision which was affirmed by both the Court of Appeals and the Supreme Court, it can be considered as the court of origin and with that should be the one to issue the appropriate writ of execution in compliance with the order of Regional Trial Court Br. 12.

Hence, by virtue of the said order and particularly considering that this case has already been resolved by the Supreme Court, through its Decision, dated December 9, 2020, which has already become final and executory, the committee hereby recommends that the Sangguniang Panlalawigan issue a Writ of Execution to carry out its final and executory decision as stipulated in SP Resolution No. 08-327, dated July 8, 2008.

Submitted this 20th day of September, 2023, Palo, Leyte


Atty. Ronnan Christian M. Reposar
Chairperson


Hon. Nolie C. Caña
Vice Chairperson

Hon. Ma. Corazon E. Remandaban
Member


Atty. Carlo P. Loreto
Member


Hon. Raissa J. Villasin
Member

cc.

RTC Br. 12, Ormoc City

Municipality of Isabel

Municipality of Merida

*Governor. Jericho "Icot" L. Petilla
Office of the Governor*

*Enriqueto Portula
Provincial Assessor
Provincial Assessor's Office*

*Atty. Jose Raymund Acol
Assistant Provincial Legal Officer
Provincial Legal Office*