

Item No.: 06

Date: 27 2026 JAN

Republic of the Philippines
Province of Leyte

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: JAN 26 2025
By: [Signature] 9:30 AM

MUNICIPALITY OF MACARTHUR, LEYTE
Petitioner,

Case No.: _____
For: Boundary Dispute

VERSUS

MUNICIPALITY OF MAYORGA, LEYTE
Respondent

X-----X

POSITION PAPER

Comes now the PETITIONER respectfully submit this Position Paper, per suggestion/instruction of the Sangguniang Panlalawigan during the final mediation hearing held on November 26, 2024 at 2:00 PM at the Sangguniang Panlalawigan Session Hall, Provincial Government Complex, Palo, Leyte.

NATURE OF THE COMPLAINT

This petition seeks the administrative, political, rule-making power, the legislative wisdom, and the quasi-judicial intervention of the Sangguniang Panlalawigan, pursuant to the Local Government Code of 1991, to find ways and means of resolving, with wisdom and finality, the long-existing boundary dispute and related issues that have negatively affected the territorial identity, administrative operations, delivery of basic services, collection of revenues and fees, voter registration, and other general welfare-related issues and concerns facing the petitioner municipality.

The boundary dispute pertains particularly to the contested territorial boundary between Brgy. Tuyo, MacArthur, Leyte and Brgy. Union, Mayorga, Leyte, and has resulted in unnecessary confusion in the minds of voters, residents, and enterprises voting, residing, located, or doing business within the territorial boundary of the petitioner barangay and in adjoining areas historically recognized as forming part of MacArthur's territorial jurisdiction since its creation.

These issues have existed and remained unresolved for decades since the 1980s. It is time for the Sangguniang Panlalawigan to settle, resolve, mediate, arbitrate, and adjudicate the dispute with finality and in a comprehensive, wise, just, and fair manner, in the interest of public service and the general welfare not only of the two (2) contending municipalities but of the Province itself as a whole.

JURISDICTION AND APPLICABLE LAWS

It is respectfully submitted that Sections 118 and 119 of the Local Government Code of 1991 provide the governing procedures for the settlement of boundary disputes. These provisions vest in the Sangguniang Panlalawigan the power and authority to mediate, arbitrate, and adjudicate boundary disputes between and among municipalities located within its territorial jurisdiction.

In particular, Section 118 provides that boundary disputes between and among local government units shall, as much as possible, be settled amicably.

Pursuant to the foregoing, mediation hearings were duly conducted by the Sangguniang Panlalawigan, acting through Hon. Atty. Ronnan Christian Reposar (Board Member, Chairman, Committee on Boundary Dispute) and Hon. Raissa Villasin (Board Member, 2nd District of Leyte), in the presence of the municipal officials and department heads of the Municipalities of MacArthur and Mayorga, Leyte, as petitioner and respondent, respectively.

The first mediation hearing was conducted on September 24, 2024. The mediation process was officially terminated on November 26, 2024 at 4:00 PM through the second or final mediation hearing.

The Petitioners further submit that Sections 7, et seq. of the Code provide general guidelines on creation, conversion, division and merger, abolition, and plebiscite requirements. Section 7 states that creation of an LGU (or conversion from one level to another) shall be based on verifiable indicators of viability and projected capacity to provide services, namely: income, population, and land area, with compliance to be attested to by the DOF, PSA, and LMB-DENR.

In addition, Sections 385 and 386 of the Code govern the manner and requisites for the creation of barangays, including the requirement that territorial jurisdiction be properly identified by metes and bounds or by more or less permanent natural boundaries, and that boundary alterations be subject to a plebiscite requirement.

STATEMENT OF FACTS

A. Creation of the Municipality of MacArthur and its Original Territorial Delineation

Based on documents gathered from the records of the Municipal Government, the National Archives, and the Official Gazette, on June 17, 1950, former President Elpidio Quirino issued Executive Order No. 324 (EO 324) creating the Municipality of MacArthur, Leyte, out of the existing Municipality of Abuyog, Leyte. A copy of EO 324 was attached to the Petition as Exhibit "A.1", to wit:

Executive Order No. 324 (Exhibit "A.1") – Creation of the Municipality of MacArthur, Leyte.

Pursuant to EO 324 and Section 68 of the Revised Administrative Code, and upon recommendation of the Secretary of the Interior, there was created in the Province of Leyte a municipality to be known as the Municipality of MacArthur comprising the northern part of the Municipality of Abuyog and separated therefrom by the following line:

- Starting at a point on the east coast of Leyte between the mouth of the Balere-Maya River and the mouth of the Bito River, running westerly in a manner that places barrios Pongon, Liwayway, Danao and Tinawan within MacArthur, and barrios A. Bonifacio, Pionocawan, Bugho, Binoljo and Manarog within Abuyog, until it intersects the present Baybay-Abuyog boundary in the west (with reference to the Map of Abuyog prepared by draftsman Santiago Bonife and Governor Landia).

The Municipality of MacArthur as created contained the following barrios: Tarragona (seat of government), Toyo, Burabod, Kapuglosan, Palale, Kiling, San Isidro, Causwagan, Osmeña, Maya, Batug, General Luna, Kasuntingan, Tinawan, Liwayway, Danao, and Pongon. The

Municipality of Abuyog retained its present territory minus the portion included in MacArthur.

B. Initiation of the Present Proceedings before the Sangguniang Panlalawigan

On May 24, 2024, the Sangguniang Bayan of MacArthur, Leyte formally submitted to the Sangguniang Panlalawigan Resolution No. 2024-055 (A RESOLUTION PETITIONING THE SANGGUNIANG PANLALAWIGAN, PROVINCE OF LEYTE, TO RESOLVE WITH WISDOM AND FINALITY, PURSUANT TO THE LOCAL GOVERNMENT CODE OF 1991, THE LONG-EXISTING BOUNDARY DISPUTE BETWEEN BARANGAY TUYO, MACARTHUR AND BARANGAY UNION, MAYORGA, BOTH IN LEYTE), with attached documents in compliance with Provincial Ordinance No. 2021-01.

The petition was referred to the Committee on Boundary Dispute of the Sangguniang Panlalawigan. A mediation hearing was conducted on September 24, 2024 at 2:00 PM at the Provincial Government Complex, Palo, Leyte, where both parties submitted documentary evidence.

C. Documentary Evidence Submitted in Compliance with Provincial Ordinance No. 2021-01

In compliance with Section 4 (4.3) of Provincial Ordinance No. 2021-01 ("An Ordinance Providing for the Rules of Procedure in Resolving Boundary Dispute Cases within the Province of Leyte"), the Petitioners submitted the following documents as evidence:

1. Proof of Creation of the LGU

- Certification by the Local Chief Executive on a copy of EO 324 as a certified photocopy from the original stored in the Supreme Court E-Library (Exhibit "A")

- Executive Order No. 324 of 1950 (Exhibit "A.1")

2. Maps Certified by LMB / DENR

- Cadastral Map of the Contested Area (CAD Map 900, Case 33) duly certified by DENR, Chief Survey and Mapping Division (Exhibits "B", "B.1", "B.2")

3. Technical Descriptions

- Lot Description of the Contested Boundary (Exhibits "C.1", "C.2")

4. Assessor's Certification on Territorial Jurisdiction

- Certification of the Municipal Assessor with tax declarations according to official records (Exhibits "D1.1" to "D1.3")

5. Declarations / Records of Residents

- Tax Declarations of lands within the disputed area according to records in custody (Exhibits "D2.1" to "D2.49")

6. Other Documents Required by the Sanggunian

- Sworn Statements of Residency and Sworn Statements of Residency and Tax Payments (Exhibits "E1" to "E22")

During the first mediation hearing, the Mayor of MacArthur, Leyte, Hon. Rudin T. Babante, presented Petitioner's position.

D. Final Mediation Hearing and Submission of Supplemental Evidence

Considering that no final action had yet been taken by way of an ordinance or resolution, the Committee suggested a second mediation hearing for additional or supplemental evidence.

On November 26, 2024, the second and final mediation hearing was conducted at the Sangguniang Panlalawigan Session Hall, Provincial Government Complex, Palo, Leyte. The Sangguniang Bayan of MacArthur, Leyte was accompanied by Local Chief Executive Hon. Rudin T. Babante and concerned municipal department heads.

The Petitioners presented and highlighted initial evidence and submitted the following supplemental evidence to strengthen their claim:

- Picture of the old Map of Abuyog, Leyte (northern part) as the mother town of MacArthur (Exhibit "F1")

- Large scale Map of Abuyog emphasizing the contested area (Exhibit "F2")

- MPDC Certification on the Ibawon River as a man-made outflow and not a natural boundary (Exhibit "G")

- Excerpt from DENR personnel's visual presentation dated Sept. 24, 2024 showing boundary delineation and cadastral lots within MacArthur (Exhibit "H")

- Additional Tax Declarations (Exhibits "I.1" to "I.49")

- Records of Tax Payments to MacArthur treasury (Exhibits "J.1.1" to "J.1.16")

- Treasury Certification on business owners paying to MacArthur (Exhibit "J.2")

- Official Receipts issued to business owners (Exhibits "J.2.1" to "J.2.8")

- Civil Registrar Certification on births and deaths of residents in contested area (Exhibits "K" and "K1")

- Birth Certificates (Exhibits "K.1.1" to "K.1.6")

- Death Certificates (Exhibits "K.2" to "K.2.4")

- List of Social Pension beneficiaries in Brgy. Tuyo highlighting beneficiaries within the contested area (Exhibits "L.2" to "L.4")
(Insert minutes from the second mediation hearing.)

During the final mediation hearing on November 26, 2024, the Chairman of the Committee on Boundary Dispute, Hon. Atty. Ronnan Christian Reposar, together with Hon. Raissa Villasin, made public assurances and declarations, including:

- Appreciation for the Petitioners' raising of the legal, factual, and socio-political issues;
- Commitment to adopt a comprehensive review and plan for restructuring confusing municipal boundaries in the Province;
- Assurance of technical support from the DENR Head Office;
- The wish and intention of Provincial Governor Hon. Carlos Jericho "Icot" Petilla and the Sangguniang Panlalawigan headed by Vice Governor Hon. Leonardo "Sandy" M. Javier, Jr. to fix the revised boundary of Brgy. Tuyoy, MacArthur and Brgy. Union, Mayorga.

PART IV. ARGUMENTS (DISCUSSION AND JURISPRUDENCE)

A. Controlling Principles

1. LGU boundaries are determined primarily by the law or issuance that created the LGU. Where the enabling law (or executive issuance, when legally authorized) describes the boundary, that description is controlling. Official technical maps, cadastral surveys, and technical descriptions are used to apply the legal description on the ground.
2. In case of ambiguity, contemporaneous construction and long-standing exercise of jurisdiction carry persuasive weight. Consistent administrative practice, government records, and long acquiescence are material indicators of which LGU has historically exercised territorial jurisdiction.
3. Boundary disputes between municipalities within the same province are for the Sangguniang Panlalawigan to settle in the first instance. Under the Local Government Code, inter-municipal boundary disputes fall within the jurisdictional responsibility of the Sangguniang Panlalawigan, which must first attempt amicable settlement and, upon failure, conduct formal proceedings and resolve the dispute.

B. Issue-by-Issue Discussion

Issue 1: Which municipality has the lawful and superior claim over the disputed boundary area?

Petitioners have the superior claim because the controlling legal basis (EO 324) and the competent technical records applying it place the contested cadastral lots within the territorial jurisdiction of MacArthur, Leyte, specifically Brgy. Tuyo.

1. EO 324 is the primary legal source of the territorial limits of MacArthur. EO 324 created MacArthur from the northern part of Abuyog and described the separating line and the barrios allocated to MacArthur. As the act of creation and boundary description, EO 324 is controlling.
2. DENR/LMB-certified cadastral map and technical descriptions operationalize EO 324 on the ground. The Cadastral Map of the contested area (CAD Map 900, Case 33) duly certified by DENR, Chief Survey and Mapping Division (Exhibits "B", "B.1", "B.2"), together with the Lot/Technical Descriptions (Exhibits "C.1", "C.2"), provide the competent technical basis for delineation and identification of the specific parcels included in the contested area.
3. Historical map references corroborate contemporaneous understanding of the territorial allocation. The old Map of Abuyog (Exhibit "F1") and the enlarged map emphasizing the contested area (Exhibit "F2") corroborate that MacArthur was carved out of Abuyog's northern portion and are consistent with the creation narrative in EO 324.
4. The Irawon River cannot be invoked as a controlling natural boundary where competent evidence shows it is man-made. The MPDC certification (Exhibit "G") that the Irawon River is a man-made outflow and not a natural boundary directly rebuts any assertion that it should control boundary determination.
5. DENR's technical presentation supports the cadastral delineation of lots within MacArthur. The DENR personnel visual presentation dated September 24, 2024 (Exhibit "H") further supports the technical conclusion that the delineated boundary and specific cadastral lots in the contested area are within MacArthur's jurisdiction.

Accordingly, by the controlling legal issuance (EO 324) and competent technical records applying it, MacArthur's claim is lawful and superior.

Issue 2: Whether MacArthur has established its claim through law, official records, and long-standing actual exercise of jurisdiction

Even assuming *arguendo* that Respondent asserts ambiguity in the textual boundary description, Petitioners' evidence proves continuous, public, and official exercise of jurisdiction—fiscal, regulatory, civil registry, and general welfare—over the contested area for decades.

1. Assessor and taxation records prove fiscal jurisdiction. The Municipal Assessor's certification and tax declarations (Exhibits "D1.1" to "D1.3"), the tax declarations covering lands within the disputed area (Exhibits "D2.1" to "D2.49" and additional Exhibits "I.1" to "I.49"), and the records of tax payments made to the Municipal Treasury of MacArthur (Exhibits "J.1.1" to "J.1.16") show that the disputed parcels have long been assessed, recorded, and taxed under MacArthur.
2. Business taxation and receipts show regulatory jurisdiction over enterprises. The Treasury certification on business owners in the contested area paying annual obligations to MacArthur (Exhibit "J.2") and the official receipts issued (Exhibits "J.2.1" to "J.2.8") establish MacArthur's regulatory and fiscal control over commercial activity within the area.
3. Civil registry records reflect administrative jurisdiction and community identification. The Municipal Civil Registrar's certification on births and deaths registered in MacArthur involving residents of the contested area (Exhibits "K" and "K1"), as well as the supporting birth and death certificates (Exhibits "K.1.1" to "K.1.6" and "K.2" to "K.2.4"), are strong indicators of day-to-day governance and residents' long-standing identification with MacArthur.
4. Residents' sworn statements and social services demonstrate public recognition and integration. The sworn statements of residency and tax payments (Exhibits "E1" to "E22") confirm

residents' consistent recognition of MacArthur's jurisdiction. The list of Social Pension beneficiaries in Brgy. Tuyoy highlighting beneficiaries living within the contested area (Exhibits "L.2" to "L.4") further indicates service delivery and inclusion in MacArthur's programs.

These records show that MacArthur's exercise of jurisdiction is not sporadic or incidental, but continuous, official, and publicly recognized.

Issue 3: Whether Mayorga's claim lacks legal and factual support

Respondent's claim cannot prevail over (a) the enabling issuance creating MacArthur and describing its boundary, (b) competent technical/cadastral evidence, and (c) decades of acquiesced actual jurisdiction by MacArthur.

1. A belated assertion cannot defeat the controlling legal basis supported by technical proof. Any contrary claim must be supported by equally competent legal and technical evidence. Unsupported assertions, informal maps, or after-the-fact interpretations cannot override EO 324 as applied through DENR/LMB-certified cadastral and technical records.
2. Long acquiescence and administrative recognition weigh against a late claim. The breadth of Petitioners' evidence—tax declarations, treasury receipts, civil registry entries, and residents' sworn statements—demonstrates long-standing administrative recognition of MacArthur's authority over the contested area. A sudden contrary claim is inconsistent with this established governmental reality.
3. Boundary adjudication applies governing law; it does not redraw lines by convenience. The dispute must be resolved by faithful application of EO 324 and competent technical evidence. Practical construction and long-standing exercise of jurisdiction may clarify ambiguities but cannot be disregarded where they confirm the legal description.

C. Legal Basis and Jurisprudence

1. Statutory Basis

- a. Republic Act No. 7160 (Local Government Code of 1991), Sections 118 and 119. These provisions govern the settlement of boundary disputes and vest jurisdictional responsibility in the appropriate sanggunian. For disputes between municipalities within the same province, the Sangguniang Panlalawigan is the proper body to mediate, arbitrate, and adjudicate.
- b. Sections 7, 385, and 386 of the Local Government Code. These provisions articulate the standards for creation and territorial identification of LGUs and barangays, requiring that territories be properly identified by metes and bounds or more or less permanent natural boundaries, and that boundary alterations follow legal requirements.
- c. Section 68 of the Revised Administrative Code (as cited in EO 324) as the legal regime under which municipalities were created by executive issuance at the time of MacArthur's creation.
- d. Provincial Ordinance No. 2021-01 establishing rules of procedure for boundary dispute cases within the Province of Leyte, including documentary requirements and hearing procedures.

2. Jurisprudence

- a. Municipality of Pateros v. City of Taguig – The Supreme Court recognized the statutory mechanism under Section 118 requiring boundary disputes to first undergo settlement and adjudication before the proper sanggunian.
- b. Municipality of Isabel, Leyte v. Municipality of Merida, Leyte – The Supreme Court recognized that a sanggunian resolution constitutes an adjudication of an inter-municipal boundary dispute under the Local Government Code framework.
- c. Province of Camarines Norte v. Province of Quezon (G.R. No. 80796, Nov. 8, 1989) – The Court resolved a boundary dispute by reference to controlling legal bases and competent technical

delineations, underscoring the reliance on official acts and technical evidence.

These authorities support Petitioners' position that: (1) the Sangguniang Panlalawigan has jurisdiction; (2) the controlling legal basis is EO 324; and (3) competent technical records and long-standing exercise of jurisdiction are decisive in resolving the dispute.

D. Application to the Present Case

Applying the foregoing law, jurisprudence, and evidence:

1. EO 324 is the controlling legal source of MacArthur's territorial limits and the starting point for boundary determination.
2. DENR-certified cadastral maps and technical descriptions place the contested lots within MacArthur.
3. MacArthur's decades-long fiscal, regulatory, civil registry, and general welfare jurisdiction over the contested area is proven by assessor records, treasury records, official receipts, civil registry certifications, and residents' sworn statements.
4. Respondent's contrary claim is outweighed by the enabling issuance, competent technical proof, and long-acquiesced practice.

Accordingly, Petitioners respectfully submit that the Sangguniang Panlalawigan should adjudge that the disputed area forms part of the territorial jurisdiction of the Municipality of MacArthur, Leyte, particularly Brgy. Tuyo.

PRAYER

Based on the foregoing premises, the Petitioners most respectfully prays that the Petition be resolved in favor of MacArthur, Leyte by declaring the claim of the petitioner correct and in accordance with law and jurisprudence;

That the Respondent be ordered to refrain from performing any acts that would undermine or prejudice the current exercise of jurisdiction over

the disputed area which is traditionally and legally recognized as part of Brgy. Tuyoy, MacArthur, Leyte;

Petitioners pray for such other reliefs as are just and equitable.

MacArthur, Leyte. January 24, 2026

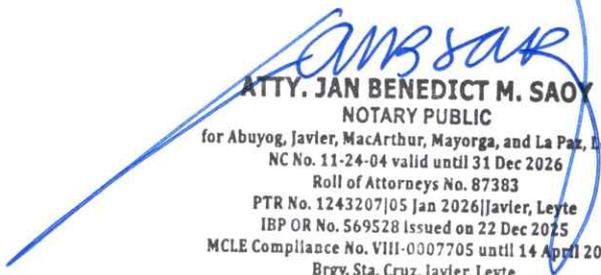

RUDIN BABANTE
Municipal Mayor
MacArthur, Leyte

Copy furnished:

Mayor
Mayorga, Leyte

SUBSCRIBED AND SWORN to before me this JAN 24 2026 at
Javier, Leyte, Philippines, affiant(s) having exhibited to me his/her/their competent evidence
of identity written below his/her/their name(s) with its details. (Phil ID 3046-9459-8470-8129)

Doc No. 278 ;
Page No. 57 ;
Book No. 87 ;
Series of 2024


ATTY. JAN BENEDICT M. SAOY
NOTARY PUBLIC
for Abuyog, Javier, MacArthur, Mayorga, and La Paz, Leyte
NC No. 11-24-04 valid until 31 Dec 2026
Roll of Attorneys No. 87383
PTR No. 1243207|05 Jan 2026|Javier, Leyte
IBP OR No. 569528 issued on 22 Dec 2025
MCLE Compliance No. VIII-0007705 until 14 April 2028
Brgy. Sta. Cruz, Javier, Leyte
saoylawoffice@gmail.com | 0906 614 2916