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SECOND DIVISION

[G.R. No. 269159. November 4, 2024]

THE CITY OF CALOOCAN, represented by its City Mayor, DALE GONZALO R. MALAPITAN, *Petitioner*, *v.* **THE CITY OF MALABON, AMADO S. VICENCIO, MARK ALLAN G. YAMBAO, DANILO V. DUMALAOG, LAURO B. BORJA, CYNTHIA A. GUTIERREZ, RICKY R. BERNARDO, EDILBERTO G. TORRES, PAYAPA V. ONA, ISAGANI P. SANTOS, BENJAMIN GALAURAN, ARNOLD D. VICENCIO, MARIA LUISA ROQUE, ALFONSO MAÑALAC, VENANCIO SEVILLA, PABLO C. CABRERA, and ROGELIO D. YANGA,** *Respondents.*

D E C I S I O N

KHO, JR., *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court, filed by the City of Caloocan (Caloocan), represented by its City Mayor Dale Gonzalo R. Malapitan, assailing the Decision[2] dated February 28, 2023 and the Resolution[3] dated August 24, 2023 of the Court of Appeals (CA) in CA-G.R. SP No. 164434, which reversed and set aside the Decision[4] dated January 28, 2019 of Branch 121, Regional Trial Court of Caloocan City (RTC) in Civil Case No. C-20216 declaring Republic Act No. (RA) 9019, or the Charter of the City of Malabon, invalid, unconstitutional, and of no force and effect.

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1 *Rollo*, pp. 10–36.

2 *Id.* at 37–63. Penned by Associate Justice Jennifer Joy C. Ong and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Geraldine C. Fiel-Macaraig of the Fifth Division, Court of Appeals, Manila.

3 *Id.* at 64–68.

4 *Id.* at 135–150. Penned by Presiding Judge Ma. Rowena Violago Alejandria.

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The Facts

On March 5, 2001, RA 9019 was enacted converting the then Municipality of Malabon into a highly urbanized city (HUC) to be known as the City of Malabon. RA 9019 took effect on even date. Subsequently, pursuant to Section 54 of the said law, the electorate of the Municipality of Malabon ratified its conversion to an HUC during the **plebiscite conducted on April 21, 2001**.[5] Section 2 thereof provides the boundaries of the City of Malabon, as follows:

> Section 2. *The City of Malabon*. — The Municipality of Malabon is hereby converted into a highly urbanized city to be known as the City of Malabon, hereinafter referred to as the City, which shall have the following boundaries:
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> Bounded on the northeast by the City of Valenzuela, along points 1, with geographic position, latitude 14° 41' 55.94", longitude 120° 57' 21.39" to 2, latitude 14° 40' 38.36", longitude 120° 57' 49.98", following polo river, along points 2 to 3, latitude 14° 41' 12.05", longitude 120° 59' 57.70", following Tullahan River;
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> **Thence, bounded on the southeast by the City of Caloocan, along points 3 to 4, latitude 14° 40' 16.10", longitude 120° 59' 57.44", following the center of the North Diversion Road downward until it intersects the Reparo road, along points 4 to 7, latitude 14° 39' 42.86", longitude 120° 58' 50.85", following Reparo Road up to Manga St., along points 7 to 10, latitude 14° 39' 48.53", longitude 120° 58' 19.88", following Manga St., along points 10 to 12, latitude 14° 39' 35.44", longitude 120° 59' 52.63", following the course of the creek, along points 12 to 13, latitude 14° 39' 56.92", longitude 120° 59' 52.63", following Gen. San Miguel Road until it intersects Tonsuya River, along points 13 to 20, latitude 14° 38' 58.02", longitude 120° 57' 28.74", following the boundary of Malabon and Caloocan City until it intersects Navotas River;**
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> Thence, bounded on the southwest by the Municipality of Navotas, along points 20 to 30, latitude 14° 41' 04.84", longitude 120° 56' 04.57", following the Malabon-Navotas River until it intersects the Batasan River, along points 30 to 34, latitude 14° 42'

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[5] *Id.* at 42.

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> 20.02", longitude 120° 55' 30.95", following Batasan River until it intersects Dampalit River;
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> Thence, bounded on the northwest by the Municipality of Obando, Bulacan along points 34 to 35, latitude 14° 41' 25.00", longitude 120° 56' 35.59", following the Dampalit River until it intersects Pinagkabalian Bridge, along points 35 to 37, latitude 14° 41' 45.23", longitude 120° 57' 07.07", following the boundary of the municipalities of Obando and Malabon until it intersects the boundary of the City of Valenzuela along Barangay Arkong Bato and going to point of beginning. (Emphasis supplied)

Claiming that Section 2 of RA 9019 substantially altered the boundaries of Caloocan without the conduct of a plebiscite as required by Article X, Section 10 of the Constitution, Henry P. Cammayo (Cammayo), in his capacity as a former member of the Sangguniang Panlungsod of Caloocan, along with the former barangay chairpersons of Barangays 160 and 161 (subject barangays), as well as former kagawads in Libis, Baesa, Caloocan City (collectively, Cammayo et al.), filed on September 10, 2002 a Petition[6] for declaratory relief, with prayer for issuance of a writ of preliminary injunction, against the City of Malabon (Malabon), Amado S. Vicencio, the Mayor of Malabon, Mark Allan G. Yambao, the Vice Mayor of Malabon, and the Members of the Sangguniang Panlungsod of Malabon (collectively, respondents).[7]

Cammayo et al. subsequently filed an Amended Petition[8] additionally impleading as respondent the Republic of the Philippines, which the RTC admitted. Thereafter, in an Order[9] dated October 10, 2002, the RTC granted Cammayo et al.'s application for the issuance of preliminary injunction.

In the Amended Petition, Cammayo et al. narrated that Caloocan was created by virtue of RA 3278 (or the Charter of the City of Caloocan) with its territory comprising of the then

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6 *Id.* at 74–87.

7 *Id.* at 38–39.

8 *Id.* at 88–101.

9 *Id.* at 102–106. Penned by Presiding Judge Adoracion G. Angeles.

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"*present territorial jurisdiction of the Municipality of Caloocan in the Province of Rizal*."[10] They averred that the territory referred to in RA 3278 included the subject barangays, particularly Libis, Baesa, consisting of around 37 hectares of land and with almost 9,000 registered voters, all of whom voted in all the local elections for the various positions in Caloocan from 1961 up to May 2001.[11]

Additionally, Cammayo et al. claimed that in July 2002, the Commission on Elections (COMELEC) conducted the barangay elections in Barangays 160 and 161 as local government units (LGUs) of Caloocan.[12] In this regard, they highlighted that as early as 1961, the subject barangays were surveyed by the Land Registration Commission (now the Land Registration Authority) and were officially declared as part of the territorial jurisdiction of Caloocan. They point out that owners of real properties situated in said barangays have since declared the same for taxation purposes in Caloocan and had paid the corresponding real estate taxes thereon. Likewise, the Torrens Certificates of Title covering parcels of land located at said barangays were issued by the Registry of Deeds of Caloocan.[13]

Cammayo et al. averred that when RA 9019 was enacted in 2001, it included, within the definition of Malabon's territorial boundaries, certain portions of the subject barangays. Thus, Cammayo et al. argued that RA 9019 substantially altered the territorial jurisdiction of Caloocan without the knowledge and consent of the residents of the subject barangays. Further, Cammayo et al. highlighted the absence of a referendum or plebiscite conducted by the COMELEC prior to or after the law's passage as required by RA 7160, or the Local Government Code of 1991 (LGC). Accordingly, *Cammayo et al. prayed that Paragraph 2 of RA 9019 be declared unconstitutional* and Malabon be permanently enjoined from exercising any political

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[10] *See* Republic Act No. 3278 (1961), Sec. 2.

[11] *Rollo*, pp. 39–40.

[12] *Id.* at 39.

[13] *Id.* at 39–40.

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and jurisdictional authority over the portions of the subject barangays included in Section 2 of RA 9019.[14]

In its Answer,[15] Malabon countered that Cammayo et al. do not have legal standing to file the petition as the matters involved in the case primarily concern Caloocan. Moreover, it argued that the technical description of RA 9019 should prevail over RA 5502[16] (or the Revised Charter of the City of Caloocan, amending RA 3278) since the latter merely described in general terms the territorial boundaries of Caloocan. Further, Malabon maintained that the contested portions of the subject barangays have always been part of its territorial jurisdiction; hence, RA 9019 did not cause any alteration of the territorial jurisdiction of Caloocan. Being a part of Malabon, therefore, Malabon argued that there was no need to conduct a plebiscite in the subject barangays as the referendum conducted on April 21, 2001 to convert it to an HUC complied with the requirement of the law.[17]

Finally, Malabon asserted that Cammayo et al.'s recourse to a petition for declaratory relief is improper since the procedure prescribed by law to resolve boundary disputes, as in this case, is that which is provided under Sections 118 and 119 of the LGC.[18]

Subsequently, on April 28, 2004, the Republic, through the Office of the Solicitor General (OSG), filed its Comment[19] to the Petition[20] claiming that: the petition for declaratory relief is the

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[14] *Id.* at 40–41.

[15] *Id.* at 107–125.

[16] Approved on June 21, 1969. Its Section 2 defines Caloocan's territory, *viz.*: "The City of Caloocan, as created by Republic Act Numbered Thirty-two Hundred and Seventy-eight, shall comprise the present territorial jurisdiction of the Municipality of Caloocan, in the Province of Rizal. For all administrative and municipal purposes, the provisions of Republic Act Numbered Thirty-five hundred and ninety shall not apply to the City of Caloocan, and for this purpose section twenty-six of the said Act is hereby modified accordingly."

[17] *Rollo*, pp. 41–42.

[18] *Id.* at 42.

[19] RTC records, pp. 355–375.

[20] *Rollo*, p. 136.

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proper remedy to assail the constitutionality of RA 9019;[21] but, since factual issues are yet to be resolved by the trial court, the determination of the constitutionality of RA 9019 is premature at that point.[22]

Meanwhile, on July 15, 2004, Caloocan filed a motion for intervention, with attached complaint in intervention,[23] which the RTC admitted in an Order[24] dated August 24, 2004. In its Complaint in Intervention, Caloocan asserted that Section 2 of RA 9019 blatantly violates Article X, Section 10 of the Constitution which requires the conduct of a plebiscite in the barangays to be affected by a change in the territorial boundaries. Additionally, Caloocan underscored that the Bureau of Lands has already recognized and confirmed that the land where the subject barangays are situated belong to it. Thus, Caloocan prayed that Section 2 of RA 9019 be declared unconstitutional and that the subject barangays be declared as part of its territory subject to its legal, political, and administrative control.[25]

During trial, Cammayo et al. presented the testimonies of Cammayo, as the former councilor for Caloocan for the years 1998 and 2001; and Mercedes Payno (Payno), a former barangay kagawad of Barangay 160. In gist, Cammayo testified that during his investigation into the alleged takeover of Malabon over the subject barangays, he discovered a consolidated subdivision survey plan for the People's Homesite Housing Corporation made on December 8 to 23, 1961 which, per his verification with the National Housing Authority (NHA), was created for the construction of the diversion road and housing projects in Barrio Baesa. Cammayo claimed that he likewise secured a zoning map of the then Municipality of Malabon and the City of Caloocan, duly approved in 1981 by the Metro Manila Commission, which

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[21] RTC records, pp. 363–369.

[22] *Id.* at 370–372.

[23] *Rollo*, pp. 126–131.

[24] *Id.* at 132–134. Penned by Presiding Judge Adoracion G. Angeles.

[25] *Id.* at 43.

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shows that the subject barangays are part of Caloocan. Moreover, Cammayo averred that he secured a certification from the COMELEC confirming that no plebiscite was conducted in the subject barangays to include them in the jurisdiction of Malabon. Finally, he related that verification with the Registry of Deeds of Caloocan confirmed that certain parcels of land within the subject barangays have titles registered in Caloocan.[26]

Payno, on the other hand, testified that she has been a resident of Barangay 160 since 1979, was elected as barangay kagawad in 1997 and 2002, and has been a registered voter of precincts in Barangay 160 as part of the master list of voters of Caloocan. She claimed that she and her co-petitioners learned that they were already considered residents of Malabon after the passage of RA 9019 without any prior consultation or plebiscite having been conducted in their barangays.[27]

For its part, Malabon presented the following witnesses: Jonathan Santiago (Santiago), employee of the City Assessor's Office of Malabon; and Engineer Edgar S. Barraca (Barraca), an employee of the Department of Environment and Natural Resources (DENR), Region IV, Calabarzon.[28]

Santiago testified that in determining the territorial boundaries of Malabon, he used as bases various maps issued in 1997 by the National Mapping and Resource Information Authority (NAMRIA) which his office used to conduct ocular inspections on the respective boundaries of Caloocan, Malabon, and Valenzuela. It was during this ocular inspection that he discovered that the disputed areas had tax declarations bearing the signatures of the then Municipal Assessor's Office of Malabon; and thus, concluded that the same are part of the territorial jurisdiction of Malabon. Moreover, he described the territorial boundaries of Malabon as "*On the North is the Tullahan River; on the West is the Malabon-Navotas River; on the South is the portion of the Dagat-Dagatan*

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[26] *Id.* at 44–45.

[27] *Id.* at 46.

[28] *Id.* at 46–47.

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Avenue; C-4 Road, and Langaray Street; on the East [are] properties beyond the North Luzon Expressway."[29] During cross-examination, Santiago confirmed that the area of Libis, Baesa had always been part of the territorial jurisdiction of Malabon even prior to the enactment of RA 9019. On re-direct examination, Santiago explained that the ocular inspection occurred four years prior to the enactment of RA 9019 and as early as 1998, the City Assessor's Office of Malabon had already issued tax declaration for certain properties within Libis, Baesa.[30]

Barraca, on the other hand, testified that he was the officer who issued the certification regarding the sketch plan of the boundaries of Malabon, Caloocan, and Quezon City. With respect to Malabon, he based his certification on the sketch plan depicting Malabon's territorial jurisdiction on the approved cadastral survey plan (MCadm 581) dated October 30, 1979. On cross-examination, he clarified that "Cad-267" refers to the cadastral survey of Caloocan wherein its political boundary was approved in 1932; that the new boundaries of Caloocan, Malabon, and Quezon City is the North Diversion Road pursuant to RA 9019; and that "Mcadm 581" dated October 30, 1979, approved by the Bureau of Lands, depicts the political boundaries of Caloocan and Malabon and verifies the extent of their respective territorial jurisdictions.[31]

For its part, Caloocan presented the testimonies of the following witnesses: (*i*) Nestor Ignacio (Ignacio), the then incumbent barangay captain of Barangay 160; (*ii*) Teotimo Gajudo (Gajudo), the then incumbent barangay captain of Barangay 161; (*iii*) Lani Buhain (Buhain), an employee of COMELEC – City of Malabon; and (*iv*) Teresita Saavedra (Saavedra), an Election Assistant II of the COMELEC, District I, Caloocan City.[32]

Ignacio narrated that he has been a resident of Barangay 160 for 62 years, a registered voter of the Caloocan, and was elected

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[29] *Id.* at 47.

[30] *Id.* at 47–48.

[31] *Id.* at 48–49.

[32] *Id.* at 49.

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as barangay captain thereof during the 1997, 2002, and 2007 local elections. He claimed that as the barangay captain, the barangay's annual budget came from Caloocan and that the title to the property he owns in Barangay 160 was issued by Caloocan.[33]

For his part, Gajudo claimed that the master list of voters of Barangay 161 was issued by the COMELEC, Caloocan North Jurisdiction and that he was issued title, including tax receipts, covering the property he owns in Barangay 161 by Caloocan. Lastly, he identified a vicinity map of Barangay 161 which was issued by the Bureau of Lands depicting Barangay 161 as part of Caloocan. During cross-examination, he admitted that he did not clarify with the COMELEC, LRA, or DENR if indeed Barangays 160 and 161 belong to the territorial jurisdiction of Caloocan.[34]

Meanwhile, Buhain recalled that a plebiscite was, in fact, conducted prior to Malabon's cityhood and claimed that the subject barangays are part of District I of Caloocan, whereas "Block 14" of Longos is part of the boundary of Malabon. During cross-examination, Buhain stated that per her recollection, the subject barangays were not included in the plebiscite conducted during Malabon's conversion into an HUC but admitted that she could not produce any documents to prove her claim since the records thereof were destroyed in a fire.[35]

Saavedra, on the other hand, stated that based on the records of her office, such as the Voter's List, Registration, and Project Precinct, the subject barangays form part of the territorial jurisdiction of Caloocan and that no plebiscite involving said barangays took place to include them within the jurisdiction of Malabon.[36]

Thereafter, upon submission of the parties' respective Memoranda,[37] the case was deemed submitted for decision.

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[33] *Id.* at 49–50.

[34] *Id.* at 50.

[35] *Id.* at 51.

[36] *Id.* at 51.

[37] RTC records, pp. 1168–1175, 1189–1194.

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The RTC Ruling

In a Decision[38] dated January 28, 2019, the RTC declared RA 9019 unconstitutional and, accordingly, made permanent the writ of preliminary injunction previously issued. The dispositive portion of the Decision reads:

> WHEREFORE, premises considered, R.A. No. 9019 is hereby DECLARED INVALID, UNCONSTITUTIONAL and of NO FORCE and EFFECT.
>
> The Writ of Preliminary Injunction issued by this Court is now made PERMANENT.
>
> SO ORDERED.[39]

The RTC held that Section 2 of RA 9019, which defines the boundaries of Malabon by including therein substantial portions of the territory comprising the subject barangays of Caloocan, did not comply with Article X, Section 10 of the Constitution, which requires the conduct of a plebiscite in the LGUs directly affected by a change in the territorial boundaries. In this case, the RTC noted that a substantial portion of the subject barangays of Caloocan are sought to be claimed by Malabon without the prior conduct of a plebiscite in the subject areas in violation of the constitutional requirement.[40]

Determined, Malabon sought reconsideration but was denied in an Order[41] dated March 30, 2019. Undeterred, Malabon appealed before the CA.[42]

The CA Ruling

In a Decision[43] dated February 28, 2023, the CA granted the appeal, reversed and set aside the RTC ruling, and accordingly,

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[38] *Rollo*, pp. 135–150.

[39] *Id.* at 149.

[40] *Id.*

[41] *Id.* at 159.

[42] *Id.* at 160–161.

[43] *Id.* at 37–63.

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dismissed the case without prejudice.[44] The dispositive portion of which reads:

> WHEREFORE, the appeal is GRANTED, and the *Decision* 28 January 2019 by the Regional Trial Court, Branch 121, Caloocan City in Civil Case No. C-20216 is REVERSED and SET ASIDE. Accordingly, the instant case is hereby DISMISSED without prejudice to the proper administrative recourse as provided under paragraphs (d) and (e) of Section 118, in relation to Section 119, of the 1991 Local Government Code of the Philippines.
>
> The Permanent Injunction Order dated 28 July 2019 is LIFTED.
>
> IT IS SO ORDERED.[45]

The CA held that the core issue in the case essentially entails a boundary dispute which should have been jointly referred first to the parties' respective Sanggunians for settlement pursuant to Section 118 of the LGC. In this regard, the CA noted that the Petition for Declaratory Relief and the Complaint in Intervention essentially assert the jurisdiction of Caloocan over the subject barangays as against Malabon who concurrently exercises jurisdiction over the same pursuant to RA 9019. To the CA, recourse to the available administrative remedy should have been availed of first before immediately resorting to judicial intervention. Consequently, the CA concluded that the RTC erred in arbitrarily assuming jurisdiction over the case as the same should have first been referred jointly for amicable settlement to the concerned Sanggunian of the disputing cities. It is only upon failure of this intermediary step will resort to the RTC follow.[46]

Dissatisfied, Caloocan sought reconsideration but was denied in a Resolution[47] dated August 24, 2023; hence, this Petition.

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[44] *Id.* at 62.

[45] *Id.*

[46] *Id.* at 53–61.

[47] *Id.* at 64–68.

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The Issue before the Court

The issue before the Court is whether the CA erred in reversing the RTC's ruling, resulting in the dismissal of the Petition for declaratory relief without prejudice.

Caloocan maintains that Section 2 of RA 9019 is unconstitutional for violating the requirement of conducting a plebiscite in the LGUs directly affected by a change in the territorial boundaries as required by Article X, Section 10 of the Constitution. In this regard, Caloocan highlights the absence of any record in the COMELEC of the conduct of a plebiscite in the subject barangays. As such, it argues that the LGC provisions on the amicable settlement of boundary dispute does not apply considering the unconstitutionality of Section 2 of RA 9019.[48]

For its part,[49] Malabon asserts that a petition for declaratory relief is not the proper remedy as the same may be commenced only before breach or violation of the assailed statute. In this case, Malabon underscores that it has already started to exercise its jurisdiction and powers over the contested areas and the assailed statute, i.e., RA 9019, has already been in effect for more than one year and six months before the declaratory petition was filed. Malabon likewise highlights Caloocan's own admission to this effect when it prayed for the issuance of injunctive relief to enjoin "the continuance of the acts complained of during the pendency of the instant case . . . ."[50]

Additionally, Malabon maintains that RA 9019 did not alter the territorial boundary of Caloocan since the subject barangays have always been part of Malabon. As evidence, Malabon presented the following: the coordinates of the Provincial Boundaries Movement, Municipal Boundary Movements, and City Boundary Movements of Caloocan, as per records of the Geodetic Survey

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48 *See id.* at 23–28.

49 *See* Comment (to the Petition for review on *Certiorari* with Urgent Motion for Issuance of a Writ of Preliminary Injunction); *id.* at 227–249.

50 *Id.* at 239–240.

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Division, Land Management Bureau (formerly Bureau of Lands), DENR, as well as the cadastral Survey of the then Municipality of Caloocan, Province of Rizal dated December 30, 1930.[51]

Finally, Malabon argues that the boundary dispute in this case should have been referred to the concerned Sanggunians as required by Sections 118 and 119 of the LGC.[52]

The Court's Ruling

The Petition is without merit.

The core issue in this case involves a boundary dispute between two highly urbanized cities which should have been jointly referred for settlement pursuant to Sections 118 and 119 of the LGC

At the outset, it is well to recall that the petition for declaratory relief filed by Cammayo et al., as well as Caloocan's complaint-in-intervention, assailed the constitutionality of Section 2 of RA 9019 on the ground that it allegedly significantly altered the boundaries of Caloocan, as provided under RA 5502, without complying with the plebiscite requirement of the LGC.

The petition for declaratory relief filed by Cammayo et al. essentially argued that the definition of the territory of Malabon under Section 2 of RA 9019 included therein substantial portions of the territories comprising the subject barangays of Caloocan City—over which it allegedly has been exercising jurisdiction, historically, legally, politically, and administratively—without the conduct of a plebiscite in the subject barangays.[53] Caloocan essentially adopted the same arguments in its complaint-in-intervention, adding that the Bureau of Lands itself recognized and confirmed that the said areas allegedly included in the territory

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[51] *Id.* at 240–241.

[52] *Id.* at 246–247.

[53] *See id.* at 90–91, 95–97.

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of Malabon belong to Caloocan City pursuant to the official consolidated survey.[54]

In contrast, Malabon asserted that the "specific area or territory in question alleged to have been lost by Barangays 160 and 161 and by the City of Caloocan, as a result of Section 2 of RA 9019, was never part of the territorial jurisdiction of Caloocan City, as shown and established by the technical description of the boundaries of Caloocan City itself . . . ."[55] In this regard, Malabon highlighted that the areas comprising its territory, as technically described in Section 2 of RA 9019, has always been part of the then Municipality of Malabon, citing as bases, the coordinates of the Provincial Boundaries Movement, Municipal Boundary Movements and City Boundary Movements of Caloocan City following the records of the Geodetic Survey Division, Lands Management Bureau. Additionally, Malabon pointed out that the "cadastral Survey of the then Municipality of Caloocan, Province of Rizal, dated December 30, 1930, and approved in September 1932" shows that "the territory being claimed as part of Caloocan City is in fact within the territorial jurisdiction of Malabon."[56]

Based on these arguments, it is apparent that both Caloocan and Malabon are claiming that the contested areas or portions of the subject barangays are part of their respective territorial jurisdictions based on historical data and records issued by different government agencies and pursuant to their respective charters. Together, these conflicting claims and assertions of ownership and jurisdiction over the same areas or portions of the subject barangays constitute a boundary dispute which should have been resolve pursuant to the provisions of the LGC and its implementing rules and regulations (IRR).

Parenthetically, while Caloocan asserts that it is the failure to comply with the requirement of conducting a plebiscite in Barangays 160 and 161—whose boundaries were substantially

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[54] *Id.* at 127–129.

[55] *Id.* at 109–110.

[56] *Id.* at 113–114.

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altered—which is the core issue in this case, it is readily clear that the conflicting assertions of ownership and jurisdiction of Caloocan and Malabon must primarily be resolved **before** any question of compliance or noncompliance with the plebiscite requirement, and the necessity for the same, may arise and be determined.

Rule III, Article 15 of the Implementing Rules and Regulations of the LGC provides that **a boundary disputes involving different local government units exists when "*a portion or the whole of the territorial area of an LGU is claimed by two or more LGUs*."** Thus, whether the dispute involves a mere portion or the entirety of the territorial area of an LGU, there exists a boundary dispute so long as the same portion or area is claimed by a different local government unit.[57] This is certainly the situation the Court is faced with in this case as the same area or portions of the subject barangays is being claimed by both Caloocan and Malabon as part of their territorial boundaries.

Under the LGC, boundary disputes between and among LGUs must, as much as possible, be settled amicably through joint referral to the appropriate Sanggunians of the LGUs concerned. Section 118 of the LGC provides the following procedure, thus:

> Section. 118. *Jurisdictional Responsibility for Settlement of Boundary Disputes*. — Boundary disputes between and among local government units shall, as much as possible, be settled amicably. To this end:
>
> (a) Boundary disputes involving two (2) or more barangays in the same city or municipality shall be referred for settlement to the *sangguniang panlungsod* or *sangguniang bayan* concerned.
>
> (b) Boundary disputes involving two (2) or more municipalities within the same province shall be referred for settlement to the *sangguniang panlalawigan* concerned.
>
> (c) Boundary disputes involving municipalities or component cities of different provinces shall be jointly referred for settlement to the *sanggunians* of the province concerned.

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[57] *See Province of Antique v. Calabocal*, 786 Phil. 787, 799 (2016) [Per Acting C.J. Carpio, Second Division].

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(d) **Boundary disputes involving a component city or municipality on the one hand and a highly urbanized city on the other, or two (2) or more highly urbanized cities, shall be jointly referred for settlement to the respective *sanggunians* of the parties.**

(e) **In the event the *sanggunian* fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue a certification to that effect. Thereafter, the dispute shall be formally tried by the *sanggunian* concerned which shall decide the issue within sixty (60) days from the date of the certification referred to above.** (Emphasis supplied)

It is only when the foregoing procedure fails that a resort to the RTC will follow pursuant to Section 119 of the LGC, *viz*.:

Section 119. *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 area in dispute**. The Regional Trial Court shall decide the appeal within one (1) year from the filing thereof. Pending final resolution of the disputed area prior to the dispute shall be maintained and continued for all legal purposes. (Emphasis supplied)

Specifically, the procedure for settling boundary dispute is laid down in Rule III of the IRR of the LGC, thus:

RULE III
Settlement of Boundary Disputes

. . . .

ARTICLE 17. Procedures for Settling Boundary Disputes. — The following procedures shall govern the settlement of boundary disputes:

(a) Filing of petition — The *sanggunian* concerned may initiate action by filing a petition, in the form of a resolution, with the *sanggunian* having jurisdiction over the dispute.

. . . .

(g) Failure to settle — In the event the *sanggunian* fails to amicably settle the dispute within sixty (60) days from the date such dispute was referred thereto, it shall issue a certification to that effect and copies thereof shall be furnished the parties concerned.

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(h) Decision — Within sixty (60) days from the date the certification was issued, the dispute shall be formally tried and decided by the *sanggunian* concerned. Copies of the decision shall, within fifteen (15) days from the promulgation thereof, be furnished the parties concerned, DILG, local assessor, COMELEC, NSO, and other NGAs concerned.

(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.

In this case, at the time Cammayo et al. filed the petition for declaratory relief before the RTC, both Malabon and Caloocan have already been converted to HUCs. ***Thus, following Section 118(d) of the LGC, the boundary dispute involving these two cities should have been jointly referred to their respective Sanggunians for amicable settlement. It is only when the amicable settlement procedure fails that the parties can elevate the matter to the RTC pursuant to Section 119 of the same Code. Consequently, the direct resort to the RTC in this case was improper and premature warranting the outright dismissal of the petition for declaratory relief filed before the court a quo.***

In *Province of Antique v. Calabocal*,[58] involving the competing claims for "territorial jurisdiction, dominion, control, and administration" over Liwagao Island between therein petitioners the Province of Antique and the Municipality of Caluya, on the one hand, and Roxas, Oriental Mindoro and the Province of Mindoro, on the other hand, the Court held that regardless of the denomination of the case as one for recovery of possession or claim of ownership, therein respondents' objective is the same,

[58] 786 Phil. 787 (2016) [Per Acting C.J. Carpio, Second Division].

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that is, to regain their alleged territorial jurisdiction over Liwagao Island. Thus, their competing assertions over Liwagao Island is a boundary dispute that should be resolved pursuant to Sections 118 and 119 of the LGC.[59]

In *Municipality of Pateros v. Court of Appeals*,[60] the Court likewise held that "*[t]he specific provision of the LGC ... must be complied with. In the event that no amicable settlement is reached, as envisioned under Section 118(e) of the LGC, a certification shall be issued to that effect, and the dispute shall be formally tried by the Sanggunian concerned within sixty (60) days from the date of the aforementioned certification*."[61] "*Only upon failure of these intermediary steps will resort to the RTC follow, as specifically provided in Section 119 of the LGC.*"[62]

Recently, in *Municipality of Pateros v. City of Taguig*,[63] the Court emphasized that it is the respective legislative councils of the contending local government units which have jurisdiction over their boundary disputes to settle the same by amicable settlement.

On this score, it bears highlighting that the task of settling or adjudicating boundary disputes between or among LGUs, whether initially by joint referral to the Sanggunian of the parties concerned or subsequently by the RTC on appeal, shall be limited to the factual determination of the boundary lines between the competing LGUs, as specified by the natural boundaries or by metes and bounds in accordance with the laws creating them.[64]

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[59] *Id.* at 798–803.

[60] 607 Phil. 104 (2009) [Per J. Nachura, Third Division].

[61] *Id.* at 118.

[62] *Id.* at 119.

[63] G.R. No. 220824, April 19, 2023 [Per C.J. Gesmundo, First Division].

[64] *See Municipality of Isabel, Leyte v. Municipality of Merida, Leyte*, 892 Phil. 159, 170 (2020) [Per J. Gaerlan, First Division], *citing The Municipality of Sogod v. Hon. Rosal*, 278 Phil. 642, 650-651 (1991) [Per J. Medialdea, First Division].

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It is settled that the creation of LGUs is an inherently legislative function. Under the Constitution, the creation, division, merger, abolition, or substantial alteration of boundaries of LGUs shall be made through a law created by Congress following the criteria established by them in the LGC and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected. Somewhat similar to a state, a local government unit is defined by its territorial boundaries, composed of a population as its constituency, and led by a government of its own that is endowed with local autonomy and local self-determination. As such, the power to create local government units necessarily includes the power to define their boundaries. It is a broad power, limited only by constitutional restrictions.[65]

Accordingly, any amicable settlement that may be reached between the Sanggunian of Caloocan and Sanggunian of Malabon, upon joint referral of the boundary dispute, must comply with the boundary lines between the competing LGUs, as specified by the natural boundaries or by metes and bounds in accordance with the laws creating them as these reflect the will of the Congress *vis-à-vis* the limits of their territorial jurisdiction. Should the dispute not be settled following the procedure laid down under the LGC, the RTC's resolution, upon appeal by either party, must likewise be limited to the factual determination of the boundary lines between these LGUs as specified in the laws respectively creating them. In discharging their respective functions pursuant to the settlement procedure envisioned under the LGC, the primordial consideration must be to carry the legislative intent into effect, giving due regard, in the process, to established statutory construction rules.[66] Certainly, they cannot fix the territories of the LGUs themselves without running afoul of the constitutional paradigm.

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[65] *See Municipality of Makati v. Municipality of Taguig*, 917 Phil. 191, 220–221 (2021) [Per J. Rosario, Third Division].

[66] *See Joint Ship Manning Group, Inc. v. Social Security System*, 876 Phil. 596, 635–638 (2020) [Per J. Gesmundo, *En Banc*]. *See also Pension and Gratuity Management Center v. AAA*, 838 Phil. 58 (2018) [Per J. Del Castillo, First Division].

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In view of the foregoing and considering the various apparent overlapping of factual and evidentiary details that need to be reconciled and threshed out in an appropriate proceeding, it will be premature for the Court to rule on the purported competing boundaries between Caloocan and Malabon. Undoubtedly, resolution of the present dispute will require a review not only of the various pieces of evidence presented by the parties, but also of the various enactments that defined and/or altered the parties' respective territorial boundaries over time. Under the circumstances, the Court is not prepared nor equipped to resolve the present controversy as it is not a trier of facts.

The resort to a Petition for Declaratory Relief was improper

A petition for declaratory relief is a remedy to "secure an authoritative statement of the rights and obligations of the parties under a statute, deed, contract, etc. for their guidance in its enforcement or compliance and not to settle issues arising from its alleged breach."[67] It is governed by Rule 63, Section 1 of the Rules of Court, which reads:

> Section 1. *Who may file petition*. — Any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, *before breach or violation thereof*, bring an action in the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his rights or duties, thereunder. (Emphasis supplied)

Thus, under the Rules, a petition for declaratory relief is available only prior to the breach or violation of the statute, deed, contract, etc. to which it refers, and there be no other adequate relief available to petitioners. "If adequate relief is available

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[67] *Ferrer v. St. Mary's Publishing,* G.R. No. 258486, August 2, 2023 [Per J. J. Lopez, Second Division], *citing Association of International Shipping Lines, Inc. v. Secretary of Finance*, 868 Phil. 582, 611 (2020) [Per J. Lazaro-Javier, First Division].

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through another form of action or proceeding, the other action should be preferred over an action for declaratory relief."[68]

For an action for declaratory relief to prosper, the following requisites should be present:

(1) the subject matter of the controversy must be a deed, will, contract, or other written instrument, statute, executive order or regulation, or ordinance;
(2) **the terms of said documents and the validity thereof are doubtful and require judicial construction**;
(3) there must have been no breach of the documents in question;
(4) there must be an actual judicial controversy or the "ripening of seeds" of one between persons whose interests are adverse;
(5) **the issue must be ripe for judicial determination**; and
(6) **adequate relief is not available through other means or other forms of action or proceeding**.[69] (Emphasis supplied)

In this case, it is well to recall that Malabon asserts that the petition for declaratory relief was not the proper remedy since the controversy is essentially a boundary dispute which should have been jointly referred for settlement to the concerned Sanggunian pursuant to Section 118 of the LGC. It is only after the settlement procedure fails that an appeal before the trial court may be resorted to. In contrast, Caloocan maintains that the declaratory relief is the proper remedy in view of the patent nullity of Section 2 of RA 9019 for failure to comply with the plebiscite requirement for alteration of boundaries.

The Court agrees with Malabon. The petition for declaratory relief was not the proper remedy since requisites (2), (5), and (6) are not present in this case.

Primarily, as discussed earlier in this ruling, the core issue in this case is a boundary dispute between Caloocan and Malabon. ***Under***

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[68] *City of Lapu-lapu v. Philippine Economic Zone Authority*, 748 Phil. 473, 511 (2014) [Per J. Leonen, Second Division].

[69] *Ferrer v. St. Mary's Publishing*, G.R. No. 258486, August 2, 2023 [Per J. J. Lopez, Second Division].

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the LGC, boundary disputes between and among LGUs must first be referred jointly for amicable settlement to the Sanggunians of the concerned LGUs pursuant to Section 118 of the LGC, and it is only upon failure of these intermediary steps will resort to the RTC follow, as specifically provided in Section 119 of the LGC. Thus, as correctly noted by the CA, Caloocan should have first complied with the amicable settlement procedure under Section 118 of the LGC. This is the appropriate and adequate remedy provided under the law for resolving boundary disputes between LGUs. It is only after the same should have failed that recourse to the RTC may be taken. *Consequently, for failing to undertake this intermediary step, the petition for declaratory relief before the RTC was premature. As such, the issue was not yet ripe for judicial determination.*

Moreover, there appears nothing within the terms of Section 2 of RA 9019 defining the territory of Malabon which renders it doubtful requiring construction by the courts, even when the same is contrasted with the definition of the territory of Caloocan under RA 5502. Caloocan likewise failed to specify any portion thereof that are unclear, or which requires clarification by the courts. Section 2 of RA 9019 explicitly identifies the metes and bounds—in longitudes and latitudes—of the territory of Malabon as the same is converted into an HUC, *viz*.:

> Section 2. *The City of Malabon.* — The Municipality of Malabon is hereby converted into a highly urbanized city to be known as the City of Malabon, hereinafter referred to as the City, which shall have the following boundaries:
>
> Bounded on the northeast by the City of Valenzuela, along points 1, with geographic position, latitude 14° 41' 55.94", longitude 120° 57' 21.39" to 2, latitude 14° 40' 38.36", longitude 120° 57' 49.98", following polo river, along points 2 to 3, latitude 14° 41' 12.05", longitude 120° 59' 57.70", following Tullahan River;
>
> **Thence, bounded on the southeast by the City of Caloocan, along points 3 to 4, latitude 14° 40' 16.10", longitude 120° 59' 57.44", following the center of the North Diversion Road downward until it intersects the Reparo road, along points 4 to 7, latitude 14° 39' 42.86", longitude 120° 58' 50.85", following Reparo Road up to Manga St., along points 7 to 10, latitude**

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14° 39' 48.53", longitude 120° 58' 19.88", following Manga St., along points 10 to 12, latitude 14° 39' 35.44", longitude 120° 59' 52.63", following the course of the creek, along points 12 to 13, latitude 14° 39' 56.92", longitude 120° 59' 52.63", following Gen. San Miguel Road until it intersects Tonsuya River, along points 13 to 20, latitude 14° 38' 58.02", longitude 120° 57' 28.74", following the boundary of Malabon and Caloocan City until it intersects Navotas River;

Thence, bounded on the southwest by the Municipality of Navotas, along points 20 to 30, latitude 14° 41' 04.84", longitude 120° 56' 04.57", following the Malabon-Navotas River until it intersects the Batasan River, along points 30 to 34, latitude 14° 42' 20.02", longitude 120° 55' 30.95", following Batasan River until it intersects Dampalit River;

Thence, bounded on the northwest by the Municipality of Obando, Bulacan along points 34 to 35, latitude 14° 41' 25.00", longitude 120° 56' 35.59", following the Dampalit River until it intersects Pinagkabalian Bridge, along points 35 to 37, latitude 14° 41' 45.23", longitude 120° 57' 07.07", following the boundary of the municipalities of Obando and Malabon until it intersects the boundary of the City of Valenzuela along Barangay Arkong Bato and going to point of beginning. (Emphasis supplied)

Meanwhile, Section 2 of RA 5502 defines Caloocan's territory in the following general terms, as it affirms the existing territory, *viz.*:

Section 2. *Territory of the City of Caloocan.* **The City of Caloocan, as created by Republic Act Numbered Thirty-two hundred and seventy-eight, shall comprise the present territorial jurisdiction of the Municipality of Caloocan, in the Province of Rizal.** For all administrative and municipal purposes, the provisions of [RA 3590] shall not apply to the City of Caloocan, and for this purpose section twenty-six of the said Act is hereby modified accordingly. (Emphasis supplied)

In other words, the boundaries of Malabon can readily be ascertained by following the measurements provided under Section 2 of RA 9019. In contrast, while not necessarily determinative of the clarity or vagueness of Section 2 of RA 9019, the boundaries of Caloocan, as defined in Section 2 of RA 5502, amending RA 3278

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(the Charter of the City of Caloocan) is not readily identifiable without reference to auxiliary documents and records.

Finally, it bears highlighting that in situations where a petition for declaratory relief is used to question the constitutionality of a legislative (or quasi-legislative) act before the court, as here, Caloocan must likewise indispensably show that the issue of constitutionality is the *lis mota* of the case,[70] that is, the resolution of the question is unavoidably necessary to the decision of the case itself.[71] *When the case can be disposed of on some other ground, such as the application of the statute or the general law*, as in this case where existing laws provide for the appropriate and adequate remedy for resolving the boundary dispute between Caloocan and Malabon, courts are enjoined from passing upon the question of constitutionality, although properly presented, pursuant to the rule that every law has in its favor the presumption of constitutionality.[72]

All told, the petition for declaratory relief was not the proper remedy as the core issue in this case is a boundary dispute that must be resolved by joint referral to the Sanggunian of the concerned LGUs for amicable settlement. Should this settlement mechanism fail, the same dispute may be elevated to the RTC pursuant to Sections 118 and 119 of the LGC.

Final word

As a final point. It is well to reiterate the Court's basic policy of staying its hand from ruling on the constitutional issue if the controversy on the constitutionality of a statute can be settled on other grounds. This time-honored principle of according respect

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[70] *See Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc.*, 802 Phil. 116, 148–151 (2016) [Per J. Brion, *En Banc*].

[71] *Francisco v. House of Representatives*, 460 Phil. 830, 914 (2003) [Per J. Carpio Morales, *En Banc*], *citing Luz Farms v. Secretary of Agrarian Reform*, 270 Phil. 151 (1990) [Per J. Paras, *En Banc*].

[72] *Garcia v. Executive Secretary*, 602 Phil. 64, 82 (2009) [Per J. Brion, *En Banc*].

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to the co-equal branches of the government springs from the democratic character of constitutional interpretation[73] and the principle of separation of powers.[74] The Court, while being the final arbiter of actual cases and controversies, does not possess the exclusive competence to read and interpret the organic law as this power and duty is shared with the other branches of government and the people themselves.[75]

ACCORDINGLY, the Petition is **DENIED**. The Decision dated February 28, 2023 and the Resolution dated August 24, 2023 of the Court of Appeals in CA-G.R. SP No. 164434 are hereby **AFFIRMED**. The parties are **DIRECTED** to comply with Section 118(d) and (e) of the Local Government Code of 1991 and Rule III of its Implementing Rules and Regulations, without prejudice to judicial recourse, as provided in the Local Government Code of 1991.

SO ORDERED.

Leonen, S.A.J. (Chairperson), Lazaro-Javier, M. Lopez, and *J. Lopez, JJ.*, concur.

APPEARANCES OF COUNSEL

Office of the City Legal Officer for petitioner.
Malabon City Legal Department for respondents.

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[73] *See Joint Ship Manning Group, Inc. v. Social Security System*, 876 Phil. 596, 616–618 (2020) [Per J. Gesmundo, *En Banc*].

[74] *See Municipality of Makati v. Municipality of Taguig*, 917 Phil. 191, 255 (2021) [Per J. Rosario, Third Division].

[75] *See id.*