



Republic of the Philippines  
Province of Camiguin  
MUNICIPALITY OF CATARMAN  
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**OFFICE OF THE SANGGUNIANG BAYAN**

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 13<sup>th</sup> SANGGUNIANG BAYAN, OF CATARMAN, CAMIGUIN HELD ON MAY 6, 2015, AT THE SB SESSION HALL.

Present:

Hon. Zosimo Babarin Borres	-	Municipal Vice Mayor. Presiding Officer
Hon. Periolo Torayno Banaag	-	SB Member
Hon. Virgilio Liloc Dinorog	-	SB Member
Hon. Nilo Patricio Kho Amao	-	SB Member
Hon. Raul Matahum Buhisan	-	SB Member
Hon. Clemente Elago Torro	-	SB Member
Hon. Thompson Ihong Babael	-	SB Member
Hon. Gilbert Abuzo Loquias, Jr.	-	SB Member
Hon. Agustin Maagad Caingles	-	SB Member, ABC President

Absent:

Hon. Virgilia Durante Lopez	-	SB Member
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**Author : Honorable Periolo T. Banaag**  
**Co-Author : Honorable Agustin M. Caingles**

**ORDINANCE NO. 07**  
**Series of 2015**

***“AN ORDINANCE PROVIDING ADMINISTRATIVE GUIDELINES, RULES AND PROCEDURES IN RESOLVING BOUNDARY CONFLICT INVOLVING BARANGAYS IN THE MUNICIPALITY OF CATARMAN, CAMIGUIN PROVINCE”***

Be it ordained by the Sangguniang Bayan of Catarman on its regular session assembled:

**Section 1. Title.** This Ordinance shall be known as **“AN ORDINANCE PROVIDING ADMINISTRATIVE GUIDELINES, RULES AND PROCEDURES IN RESOLVING BOUNDARY CONFLICT INVOLVING BARANGAYS IN THE MUNICIPALITY OF CATARMAN”**.

**Section 2. Scope.** This ordinance shall cover all territorial boundary conflict involving barangays in the Municipality of Catarman.

**Section 3. Legal Basis.** Article 16, par. (a) of Implementing Rules and Regulations of Local Government Code of 1991 provides that the Sangguniang Panglungsod or Sangguniang Bayan shall have jurisdiction in resolving boundary conflict or disputes involving two (2) or more barangays in the same city or municipality, as the case maybe.

**Section 4. Procedures for Settling Boundary Disputes.** The following procedures shall govern the settlement of boundary disputes:

**4.1 Filing of Petition.** The Sangguniang Barangay concerned may initiate an action by filing a petition, in a form of a resolution, with the Sangguniang Bayan having jurisdiction over the dispute.

**4.2. Content of Petition.** The petition shall state the grounds, reasons, or justifications thereof.

**4.3. Documents Attached to Petition.** The petition shall be accomplished by the following documents:

1. Duly authenticated copy of law or statute creating the barangay or any other document showing proof of creation of the barangay;
2. Provincial, city, municipal or barangay map, as the case maybe, duly certified by LMB;
3. Technical descriptions of the boundaries of the barangays concerned;
4. Written certification of the Municipal Assessor as to territorial jurisdiction over the disputed area according to records in custody;
5. Written declarations or sworn statements of the people residing in the disputed area; and
6. Such other documents or information as may be required by the Sangguniang Bayan;

**4.4. Number of Copies.** Petitioner shall furnish eighteen (13) sets/folders of the documentary requirements to the Sangguniang Bayan to be marked as "Documents for Boundary Conflict Between Barangays".

**4.5. Inclusion in the Order of Business.** The Sangguniang Bayan Secretariat shall verify the completeness of the documentary requirements and if found complete, Sanggunian shall include the

petition in the order of business for the next regular session and distribute the documents as follows:

1. One (1) copy of the Vice Mayor;
2. One (1) copy for the nine (9) SB Members
3. One (1) copy for the Adverse Party;
4. One (1) copy for the SB Secretariat; and
5. One (1) copy for the petitioner

**4.6. Indorsement to the Joint Committees.** The Sangguniang Secretary calendars the petition for first reading and endorses the same to the Joint Committee on Barangay Affairs and Committee on Laws, Privileges and legal Matters for its evaluation, SB Secretariat likewise forwards the copies to all Sangguniang Bayan Members.

**4.7 Answers to Adverse Party.** After the First Reading by the Sangguniang Bayan, the Petition together with the required documents, the barangays complained against shall be furnished copies thereof and shall be given fifteen (15) working days within which to file their answers.

**4.8. Hearing.** Within five (5) working days after receipt of the answer of the adverse party, the Sangguniang Bayan thru the Joint Committee on Barangay Affairs and Committee on Laws, Privileges and Legal Matters shall hear the case and allow the parties concerned to present their respective evidences.

**4.9. Committee Report.** The Joint Committee on Barangay Affairs and Committee on Laws, Privileges and Legal Matters shall render report within 45 days after the first hearing thereof and after all the necessary pleading shall have been exhausted to come up with amicable conclusion.

**4.10. Final Deliberation of Sangguniang Bayan.** After the adoption of the Committee Report together with the findings and recommendations, the Sanggunian shall calendar the matter on the next regular session for final deliberation.

**4.11. Order of Ruling.** Sangguniang Bayan, in deciding the case shall be guided by the following ruling, to wit:

1. When there is an approved boundary survey certified by Land Management Bureau (LMB) between or among

barangays subject for settlement, the dispute shall be resolved according to the approved survey;

b. In the absence of an approved survey, the dispute shall be resolved according to the tax mapping as certified by the Municipal Assessor's Office;

c. When par. A & B is not feasible after thorough study, the Sangguniang Bayan resolve the dispute by directing the parties to adopt "self-delineation". The natural boundaries shall be given preferential consideration such as river, lakes, streams, creeks, in establishing boundary between barangays. Actual survey must be done immediately after the decision to be attended by all parties affected. A concrete boundary monument shall be erected pursuant to the approved survey.

d. Failure to amicably settle the dispute between/among barangay pursuant to preceding paragraph a, b, c, the boundary dispute shall be declared as "status quo".

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

**4.13. Decision.** Copies of decisions shall, within fifteen (15) days from the promulgation thereof, be furnished the parties concerned, DILG, Local Assessor, COMELEC, NSO, and other NGA concerned.

**4.14. Appeal.** Within the time and manner prescribed by the rules of court or as maybe specified in the decision of the Sangguniang Bayan, any party may elevate the decision of the Sangguniang Bayan 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 Sangguniang Bayan, and the reasons from appealing therefrom.

**Section 5. Effect of Final Decision of Boundary Disputes.** When the boundary disputes has been settled with finality, the following rules and regulations shall be observed:

**5.1. Grace Period.** All affected parties such as barangay officials, purok officials and barangay functionaries are deemed transferred

to the barangay pursuant to the decision. However, a grace period of five (5) years is given to all affected parties to establish residency of his/her former barangay. Failure of the affected residents to establish residency within five (5) years from the promulgation of the decision, then the affected residents become permanently transferred to the new barangay pursuant to the decision.

**5.2. Prohibition of Issuances.** All barangay and purok officials are prohibited from issuing certification of residency, barangay clearance, purok clearance, and other issuance to the said affected residents which are finally no longer belonging to said barangay pursuant to the final decision;

**5.3. Along Boundary Lines.** In case the property is located along the boundary lines, the affected residents shall be given the “prerogative” to choose what particular barangay he/she wanted to be a member. The phrase “*along boundary lines*” shall mean not more than 50 meters from the established boundary of the two or more barangays which is usually a road, street, creek, river and other natural boundaries as accepted by all parties or according to the approved survey.

**5.4. Adjustment and Revision of Barangay Records.** The necessary adjustment and revision in the record of Barangay Assembly Master List, Barangay Nutrition Scholar, Barangay Sanitary Inspector and Health Center record shall be reflected.

**5.5. Adjustment and Revision of Municipal Records.** The Municipal Assessor’s Office, Municipal Treasurer’s Office, Municipal Planning and Development Office are directed to adjust and revise its records according to the final decision, Likewise, the COMELEC, National Statistics Office, and other Non-Government Agency concerned are enjoined its record respectively.

**Section 6. Penalties.** Violation of provisions of this Ordinance shall be penalized under the existing laws.

**6.1. Falsification of Public Document.** If the violator is a Barangay and Purok Official who continually issued barangay certification of residency, purok/barangay clearance and other certifications despite the final decision, an appropriate charges shall be filed accordingly by any interested individual;

**6.2.** If the violator is a barangay official/worker/purok official who continually recognized the affected residents despite the final

decision of the boundary dispute shall be penalized under the existing laws.

**Section 7. Maintenance of Status Quo** – Pending final resolution of the dispute, the status of the affected area prior to the dispute shall be maintained and continued for all purposes.

**Section 8. Official Custodian** - The DILG shall be the official custodian of copies of all documents on boundary disputes of LGUs.

**Section 9. Separability Clause.** If, for any reason, any part or provision of this ordinance shall be held to be unconstitutional or invalid by a court of competent jurisdiction, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 10. Repealing Clause.** All ordinances and administrative regulations or part thereof which is inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

**Section 11. Effectivity.** This Ordinance shall take effect immediately after posting in three (3) conspicuous places of the municipal building of Municipality of Catarman and fourteen (14) barangays.

APPROVED this 6<sup>th</sup> day of May 2015.

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CERTIFIED CORRECT:

**GRACE NIEVES B. VELOSO**  
SB Secretary

ATTESTED:

**ZOSIMO B. BORRES**  
Municipal Vice Mayor, Presiding Officer

APPROVED:

**NESTOR A. JACOT**  
Municipal Mayor