



*Republic of the Philippines*  
**PROVINCE OF BENGUET**  
La Trinidad

**SANGGUNIANG PANLALAWIGAN NG BENGUET**

**58<sup>th</sup> REGULAR MEETING OF THE 10<sup>th</sup> SANGGUNIANG**

Held on September 01, 2020 at the SP Session Hall, 2F Legislative Bldg.,  
Capitol, La Trinidad, Benguet

- HON. JOHNNY D. WAGUIS** Vice-Governor, Presiding Officer
- HON. ROBERT M. NAMORO** Board Member
- HON. RUBEN E. PAOAD** Board Member
- HON. ROBERTO K. CANUTO** Board Member
- HON. FERNANDO M. BALAUDAN, SR.** Board Member
- HON. JIM G. BOTIWEY** Board Member
- HON. FLORENCIO V. BENTREZ** Board Member
- HON. BERNARD S. WACLIN** Board Member
- HON. JUAN M. NAZARRO, JR.** Board Member
- HON. ALEXANDER T. FIANZA** Board Member
- HON. NESTOR T. FONGWAN, JR.** Board Member, PCL President (On O.B.)
- HON. SARIO M. COPAS** Board Member, IPM Representative
- HON. JESTON S. BALONG-ANGEY** Board Member, SKF President
- HON. MELCHOR C. GUESEY** Board Member, LnB President

**Provincial Ordinance No. 2020-268**

**RULES OF PROCEDURE IN THE SANGGUNIANG PANLALAWIGAN SITTING AS QUASI-JUDICIAL BODY IN A BOUNDARY DISPUTE**

**WHEREAS**, the Local Government Code of 1991 lodged to the Sangguniang Panlalawigan original jurisdiction over cases involving boundary disputes of municipalities within its territorial jurisdiction: to exert effort to settle the dispute but if no settlement is reach by the parties, to proceed to try and decide the same;

**WHEREAS**, boundary disputes exist between or among the component municipalities in the Province;

**WHEREAS**, a Body exercising quasi-judicial function must promulgate its Rules of Procedure to govern the conduct of its proceedings to be able to efficiently and effectively perform its function;

**WHEREAS**, the promulgation of this Rules of Procedure is expected to result in the expeditious and just resolution of these boundary disputes pending before the Sanggunian and those still to be filed;

**NOW THEREFORE**, on motion duly seconded, be it

*[Handwritten signatures and initials in blue and black ink, including a large signature on the right side and several smaller ones at the bottom.]*

**RESOLVED AS IT IS HEREBY RESOLVED**, to promulgate and adopt the following Rules of Procedure to govern the procedures and proceedings in the Sangguniang Panlalawigan sitting as a Quasi-Judicial Body in a boundary dispute between or among municipalities within the province of Benguet.

**RULE I**

**PRELIMINARY PROVISIONS**

**SECTION 1. Title of the Rules.** These Rules shall be known and cited as the Rules of Procedure of the Sangguniang Panlalawigan in the Resolution of Boundary Dispute between or among municipalities within the Province.

**SECTION 2. Construction.** These rules shall be liberally construed in order to effect an expeditious and just settlement of boundary disputes between or among component municipalities in the Province.

**SECTION 3. Applicability of the Rules of Court.** Proceedings shall be conducted without necessarily adhering to the technical rules of procedure and evidence applicable to judicial proceedings. However, in the absence of any applicable provision in these Rules, the pertinent provisions of the Rules of Court, and prevailing jurisprudence, in the interest of expeditious and just settlement of disputes, whenever practicable and convenient, may be applied by analogy or in a suppletory character and effect.

**SECTION 4. Explanation of terms.** For purposes of and as used in these Rules, the following terms shall be understood to mean as follows:

**a. Amicable Settlement Stage** –the stage of the proceedings where the Sangguniang Panlalawigan exert all efforts and means to amicably settle the dispute and has not reached the stage where it issues the Certification of “non-settlement” in the form of a resolution.

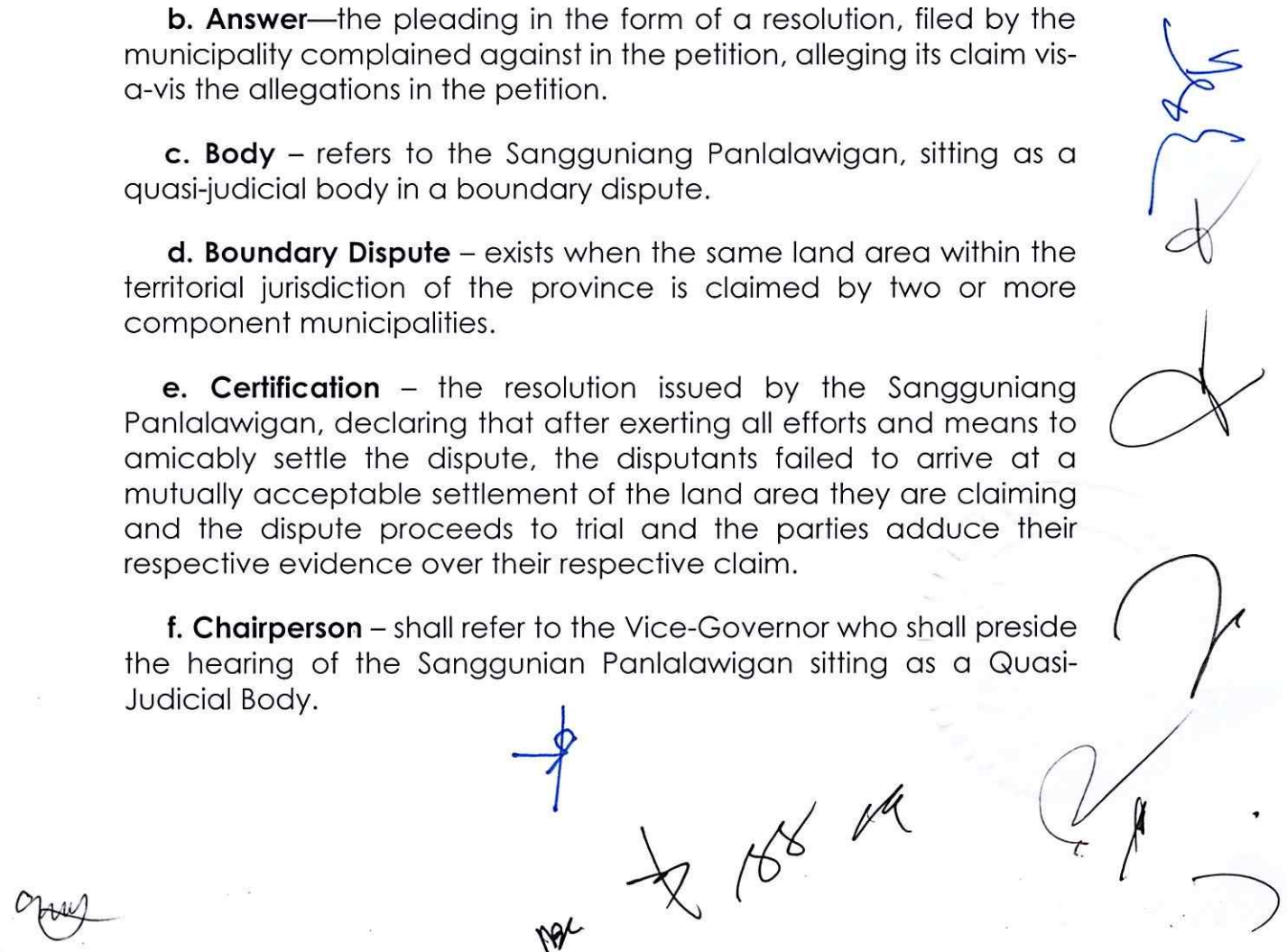
**b. Answer**—the pleading in the form of a resolution, filed by the municipality complained against in the petition, alleging its claim vis-a-vis the allegations in the petition.

**c. Body** – refers to the Sangguniang Panlalawigan, sitting as a quasi-judicial body in a boundary dispute.

**d. Boundary Dispute** – exists when the same land area within the territorial jurisdiction of the province is claimed by two or more component municipalities.

**e. Certification** – the resolution issued by the Sangguniang Panlalawigan, declaring that after exerting all efforts and means to amicably settle the dispute, the disputants failed to arrive at a mutually acceptable settlement of the land area they are claiming and the dispute proceeds to trial and the parties adduce their respective evidence over their respective claim.

**f. Chairperson** – shall refer to the Vice-Governor who shall preside the hearing of the Sanggunian Panlalawigan sitting as a Quasi-Judicial Body.





**g. Disputants** – refer to the municipalities that are parties to a boundary dispute, which have claim to the same portion of a land area within the territory of the province.

**h. Petition** – the initiatory pleading which must be in the form of a resolution, containing the allegations required under Article 17, Rule III of the Implementing Rules of the 1991 Local Government Code and those required under this Rules, filed by a municipality claiming the same land area against another municipality of the province which claims the same land area.

**i. Petitioner**—the municipality that initiated the filing of a petition in the form of a resolution in a boundary dispute.

**j. Respondent**—the municipality claiming the same land area being claimed by the municipality which initiated the petition and against whom the petition filed by the petitioner is filed.

**k. Trial** - the stage of the dispute where the Sangguniang Panlalawigan failed to settle completely the dispute and issued the necessary certification of "non-Settlement" and the dispute proceeds to the presentation of the evidence of the parties for the Sangguniang Panlalawigan to be able to render a decision.

## RULE II

### SANGGUNIANG PANLALAWIGAN AS A QUASI-JUDICIAL BODY

**SECTION 1. Hearing and Quorum.** The body shall hold its hearing on such days and hours as it may designate. The presence of the majority of all the Members present shall be necessary to constitute a quorum. In the absence of the Chairman, the highest-ranking member present shall preside.

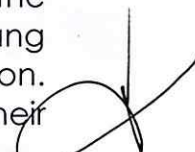
**SECTION 2. Place of Hearings.** The body shall hold its hearing at the Session Hall of the Sangguniang Panlalawigan or at such other place as the body may designate.

**SECTION 3. Rulings on Incidental Matters and Motion.** With the concurrence of the majority of the members of the body, the Chairperson shall rule on incidental matters and motions. Written rulings or orders on incidental matters may be signed by the chairman, except, amicable settlement decisions and those otherwise required by these Rules, which must be in the form of a resolution.

**SECTION 4. Administrative Staff of the Body.** The Body, through the Chairperson, shall designate from among the employees of the Sangguniang Panlalawigan the administrative staffs to serve in every dispute under litigation. The staffs designated shall perform their function as such in addition to their regular functions without additional compensation.

**SECTION 5. The Secretary to the Sanggunian.** The Vice-Governor shall designate the Secretary of the Sanggunian or the next in rank who shall perform the following duties:

**a.** Receive all pleadings and other documents properly presented, indicating on each document the date and time of its filing, and furnishing each Member of the Body a copy;





b. Keep a separate docket where it shall be entered in chronological order all disputes filed and the proceedings had therein;

c. Attend hearings of the body and keep minutes of the hearing which shall be a clear and succinct account of all its proceedings;

d. Certify under the Seal of the Sanggunian its decisions, resolutions, orders and notices;

e. Keep a judgment book containing a copy of each decision, final order or resolution rendered by the Body in the order of their dates, and a Book of Entries of Judgment containing in chronological order entries of the dispositive portions of all decisions, final orders or resolutions of the Body; and

f. Keep such other books and perform such other duties as are prescribed by law and such other duties and functions as may be assigned to him by the body.

### RULE III

### PLEADINGS

**SECTION 1. Filing of Petition.** The municipality which has a dispute with another municipality within the Province may initiate the action by filing a petition, in the form of a resolution, to the Sangguniang Panlalawigan.

**SECTION 2. Contents of Petition.** The petition shall state the grounds, reasons or justifications therefor.

**SECTION 3. Documents Attached to Petition.** The petition shall be accompanied by:

a. Duly authenticated copy of the law or statute creating the Petitioner or any other documents showing proof of its creation, if any;

b. The map of petitioner duly certified by the LMB, according to the law creating it, if any;

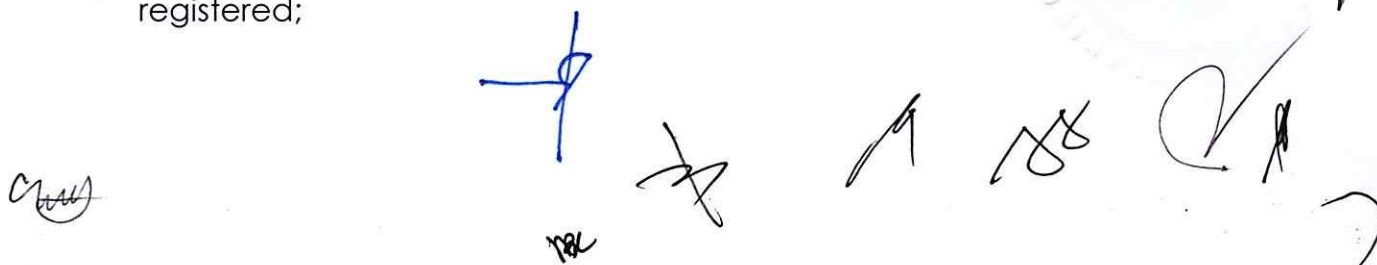
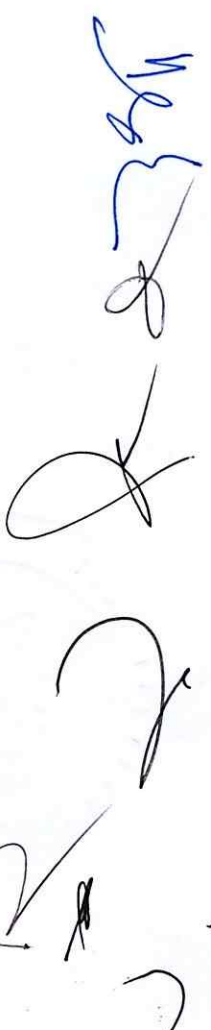
c. Technical description of the boundaries of the petitioner according to the law creating it, if provided, and the map plotting this technical description, if any;

d. Written certification of the Provincial Assessor as to territorial jurisdiction over the disputed area according to records in custody;

e. Written declarations or sworn statements of the people residing in the disputed area;

f. Map of the disputed area showing its relative position in connection with the map plotting the technical description of the creation of the municipality, if any, or its approved cadastral survey;

g. The number of the inhabitants in the area disputed, if any, and the barangay and municipality which these inhabitants are registered;



h. The tax map of the disputed area, if any, certified by the Provincial Assessor; and

i. any document/s and/or official map/s proving the claim of the petitioner.

**SECTION 4.** Upon receipt of the petition, the Secretary of the Sangguniang Panlalawigan shall immediately forward it to the Vice-Governor who shall examine it whether it is sufficient in form. If it is not, the Vice-Governor shall require the petitioner to correct or complete the petition within ten [10] days from receipt of the notice.

**SECTION 5. Answer of Adverse Party.** Upon receipt by the Sanggunian Panlalawigan of the petition or the corrected or completed petition, together with the required documents, the respondent municipality complained against shall be furnished copies thereof and shall be given fifteen (15) working days within which to file its answer.

The respondent shall likewise attach in its answer the documents enumerated in Section 3 of this Rule.

**SECTION 6. Convening of the Body as a Quasi-Judicial Body.** Within seven (7) working days after receipt of the answer of the respondent, the Chairman shall convene the Sangguniang Panlalawigan as a Quasi-Judicial Body for the dispute and set the schedule of the Preliminary Conference of the dispute.

**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.

**RULE IV**

**PRELIMINARY CONFERENCE**

**SECTION 1. Preliminary Conference Preparatory to Amicable Settlement Stage.** To facilitate the proceedings, the body shall set the dispute for a preliminary conference, to take up the following:

a. Delineation of the area joint in the pleadings filed by the parties as the disputed area and the plotting of the delineated disputed area in relation to the land area and boundaries of the parties as defined by the law creating them, if any, or their respective approved cadastral survey, or the map showing the territory of the parties;

b. All the evidence of the parties to support their respective claims over the disputed area;

c. Number and names of their witnesses, if any, together with their affidavits;

d. Offer of the parties for possible compromise; and

e. Such other matters as the body may require.

**SECTION 2. Notice of Preliminary Hearing.** The chairman shall issue a notice of the preliminary conference, containing the following:



a. The date of preliminary conference; and

b. An order directing the parties to file and serve their respective preliminary briefs in such manner as shall ensure the receipt thereof by the adverse party at least three days before the date of the Preliminary Hearing.

**SECTION 3. Service of the Order.** The notice shall be served separately on the parties to both the office of the Sanggunian and Chief Executive and their respective counsels, if any. It shall be their duty to appear at the preliminary conference.

**SECTION 4. Contents of Preliminary Conference Brief.** The preliminary conference brief shall contain the following:

a. The exact Land area being claimed by the parties;

b. The legal and/or factual basis of their claim, which includes the following:

i. Law creating the municipality, showing its territorial boundaries according to the law creating it, if any, or its approved cadastral survey or any map proving its territory; and

ii. Such competent and relevant evidence to prove the claim of the parties over the area they are claiming.

c. Offer of compromise, if any, by the parties;

d. Admitted facts and proposed stipulations of facts, if any;

e. The number and names of the witnesses and their respective affidavits, if any; and

f. Such other matters as the body may require to facilitate the settlement of the dispute.

**SECTION 5. Preliminary Hearing Order.** After the conclusion of the preliminary hearing, the Body shall issue the Preliminary Hearing Order, in the form of a resolution, which shall be the basis of amicable settlement proceedings.

**RULE V**

**AMICABLE SETTLEMENT PROCEEDINGS**

**SECTION 1. Amicable Settlement.** The Body shall exert every reasonable means to settle amicably the dispute. The dispute shall only proceed to trial if after exerting all efforts, the parties failed to arrive at an amicable settlement over the land area they are disputing.

**SECTION 2. Inadmissibility of Any Admission or Proposal during the Settlement.** Any proposal and/or admission made by a party during this stage in relation to the land area defined in the Preliminary Hearing Order as the subject of the dispute shall not be admissible as evidence and/or use against the party making them in the event that no settlement is forge by the parties and the dispute proceeds to trial.

**SECTION 3. Submission or Referral to other Alternative Modes of Settlement of Dispute or Other Bodies Other than the Sangguniang Panlalawigan.** With the concurrence of the parties, in the form of a resolution, and provided it be more expeditious, the dispute may be referred to Arbitration or other alternative modes of dispute resolution.

The rules applicable in the alternative mode of dispute resolution to which the dispute is referred shall govern the proceedings.

**SECTION 4. Form of Settlement.** Any settlement arrived at by the parties, either involving the total area of the dispute or only a portion thereof, shall be in the form of a resolution adopted by the parties, either jointly or separately, and shall be approved by the Sangguniang Panlalawigan, likewise in the form of a resolution.

**RULE VI**

**CERTIFICATION OF NO SETTLEMENT**

**SECTION 1. Form and Content.** If after exerting effort by the Body, no settlement or only partial settlement was reached by the parties and there remains an unsettled dispute, the Body shall issue a Certification to that effect.

The Certification shall be in the form of a Resolution and shall clearly state the Dispute that remains unsettled, and shall be the subject of the Trial.

**SECTION 2. Partial Settlement of the Dispute.** If there is a partial settlement of the dispute, the area amicably settled shall be precisely defined or described in the Certification. The partial settlement shall be immediately final and executory and not appealable.

**RULE VII**

**TRIAL AND DECISION**

**SECTION 1. Summary in Nature.** The proceedings in the trial of the dispute shall be summary in nature and the presentation of witnesses, if any, shall be in the form of affidavits, subject to the right of cross-examination by the adverse party.

**SECTION 2. Pre-Trial.** A pre-trial shall be set within thirty [30] days from the issuance of the certification, to take up the following:

- a. Marking and authentication of the documentary evidence of the parties;
- b. Necessity of the presentation of testimonial evidence if necessary, and the presentation of such witnesses; and
- c. Such other evidence that the parties may present.

**SECTION 3. Pre-Trial Brief.** At least three [3] days before the schedule of the Pre-trial, the parties shall file to the Body, with proof of receipt by the adverse party, their respective pre-trial brief which shall contain all the evidence they intend to adduce and the purpose for which each evidence is offered. If a party intends to present testimonial evidence, the affidavit of such witness.

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**SECTION 4. Markings.** All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the Petitioner, and by Numbers (1, 2, 3, etc.) if presented by the Respondent.

**SECTION 5. Record of Pre-Trial; Pre-Trial Order.** The proceedings in the pre-trial shall be recorded. Upon the termination thereof, the body shall issue an order, signed by the chairperson, which shall recite in detail the matters taken up in the pre-trial; the action taken thereon, the marked and authenticated evidence of the parties, the dates of the presentation of the witnesses, if any and the agreements or admissions made by the parties as to any of the matters considered. Only those evidence marked during pre-trial shall be admitted, unless the body, upon motion of a party, gives leave for admission of additional evidence not presented during the pre-trial, to prevent manifest injustice.

During the hearing, the Members of the Body may be allowed to ask clarificatory questions to the parties or to the witnesses, if any.

**SECTION 6. Period to Make Corrections.** The parties shall have seven [7] days from receipt of the Pre-Trial Order to propose corrections or modifications, if any.

**SECTION 7. Affidavit to Constitute Direct Testimony.** If a party present testimonial evidence, the affidavit of the witness shall constitute his direct testimony, subject to the right of the adverse party to cross-examine the witness. The Body shall set the date of the presentation of the witnesses, if any.

**SECTION 8. Submission of Memorandum in the Form a Decision.** The parties shall be given thirty [30] days from the last presentation of the witness, if any, or from receipt of the Pre-Trial Order, if no witness is presented, to file simultaneously their Memorandum in the form of a decision [decision memorandum], attaching thereto all their evidence marked and admitted during the pre-trial.

A party who fails to submit its memorandum shall be deemed to have waived its right to do so. No reply memorandum shall be allowed.

**SECTION 9. Decision.** The Body shall render its decision within thirty [30] days from the last day of the filing of the memorandum of the parties.

**SECTION 10. Motions for Reconsideration.** Motion for Reconsideration of any decision, resolution or order of the Body shall not be entertained except when based on palpable or patent errors; provided that the motion is filed within fifteen (15) calendar days from receipt of the resolution, with proof of service that a copy of the same has been furnished, within the reglementary period, to the adverse party; and provided further, that only one such motion from the same party shall be entertained.

**SECTION 11. Appeal.** Any of the parties may appeal the decision to the Proper Regional Trial Court within the period and in accordance with the Rules of Court.

**SECTION 12. Entry of Judgment.** Upon the expiration of the period to appeal without the dispute having been appealed by any party, the decision, resolution, or order shall be entered in a book of entries of judgment. Copies of the decision shall be furnished the Department of Interior and Local Government-Benguet Provincial Office, the Municipal Assessor/s, the Benguet Field Office of the Commission on Elections, the Regional Office of the Philippine Statistics Authority,



the Regional Office of the Department of Environment and Natural Resources, and other concerned NGA's.

**RULE VIII**

**MISCELLANEOUS PROVISIONS**

**SECTION 1. Separability Clause.** Any provision or part hereof declared invalid or unconstitutional shall not affect the other provisions not affected and shall continue to be in full force and effect.

**SECTION 2. Effectivity Clause.** This Ordinance shall take effect in accordance with the provisions of the Local government Code of 1991.

Carried.


  
**ROBERT M. NAMORO**  
Board Member

  
**ROBERTO K. CANUTO**  
Board Member

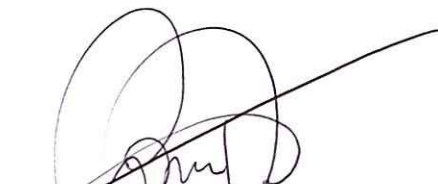
  
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Board Member

  
**NEPTALI B. CAMSOL**  
Board Member

  
**JESTON S. BALONG-ANGEY**  
Board Member, SKF Pres.






**I HEREBY CERTIFY** that Provincial Ordinance No. 2020-268 was duly adopted on the date and place as stated above.

  
**Atty. BRIAN J. CRISPIN**  
*Secretary to the Sanggunian*

**ATTESTED:**

  
**Atty. JOHNNY D. WAGUIS**  
Provincial Vice Governor and Presiding Officer

**APPROVED:**

  
**MELCHOR D. DICLAS, M.D.**  
Provincial Governor

Date: 9-10-20

*Jaw...*

