



REPUBLIC OF THE PHILIPPINES
 PROVINCE OF ILOILO
 MUNICIPALITY OF PAVIA

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OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON APRIL 03, 2023 AT 9:00 A. M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVIA, ILOILO.

PRESENT

- | | |
|-----------------------------------|--|
| 1. Hon. Edsel G. Gerochi | - Municipal Vice-Mayor/Presiding Officer |
| 2. Hon. Jo Jan Paul J. Peñol | - Municipal Councillor |
| 3. Hon. Ariel B. Gerada | - -do- |
| 4. Hon. Jose Maria D. Trimañez | - -do- |
| 5. Hon. Leonardo L. Belasa | - -do- |
| 6. Hon. Daniel S. Fajardo, II | - -do- |
| 7. Hon. Roy H. Gorriceta, Sr. | - -do- |
| 8. Hon. Rhia B. Sotomil | - -do- |
| 9. Hon. Joshua Philippe B. Gumban | - Municipal Councillor |
| 10. Hon. Hanson H. Guyos | - Liga President, Ex-Officio Member |

ORDINANCE NO. 2023-11

AN ORDINANCE ADOPTING THE RULES AND PROCEDURES IN THE SETTLEMENT OF BOUNDARY AND TERRITORIAL DISPUTES BETWEEN BARANGAYS IN THE MUNICIPALITY OF PAVIA, PROVINCE OF ILOILO.

Introduced by: Honorable Edsel G. Gerochi

WHEREAS, Section 16 of the Local Government Code of 1991 provides that *“Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare”*;

NOW THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Bayan in a session duly assembled, that:

Section 1. Title. This Ordinance shall be known as **“AN ORDINANCE ADOPTING RULES AND PROCEDURES IN THE SETTLEMENT OF BOUNDARY AND TERRITORIAL DISPUTES BETWEEN BARANGAYS IN THE MUNICIPALITY OF PAVIA, PROVINCE OF ILOILO.”**

Section 2. Coverage. These Rules shall apply to all boundary and territorial disputes between barangays within the territorial jurisdiction of the Municipality of Pavia, Iloilo and appeals from the decisions rendered by the Sanggunian as regards to boundary disputes;

Section 3. Rules of Interpretation. In the interpretation of this rules of procedure, the Sanggunian shall be governed by the provisions of

ADMINISTRATIVE ORDER NO. 270 PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991 under RULE III (Settlement of Boundary Disputes).

Section 4. Definition of Policy. There is a boundary dispute when a portion or the whole of the territorial area of an LGU is claimed by two or more LGUs. Boundary disputes between or among LGUs shall, as much as possible, be settled amicably.

Section 5. Jurisdictional Responsibility. Boundary disputes shall be referred for the settlement to the following:

- (a) sangguniang bayan for disputes involving two (2) or more barangays in the same municipality;
- (b) Sangguniang panlalawigan, for those involving two (2) or more municipalities within the same province.
- (c) Jointly, to the sanggunians of provinces concerned, for those involving component cities or municipalities of different provinces; or
- (d) Jointly, to the respective sanggunians, for those involving a component city or municipality and a highly-urbanized city; or two (2) or more highly-urbanized cities.

Section 6. Procedures for Settling Boundary Disputes. The following procedures shall govern the settlement of boundaries dispute:

- (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.
- (b) Contents of petition – The petition shall state the grounds, reasons or justifications therefore.
- (c) Documents attached to petition – The petition shall be accompanied by;
 - (1) Duly authenticated copy of the law or statute creating the LGU or any other document showing proof of creation of the LGU;
 - (2) Provincial, city, municipal, or barangay map, as the case may be, duly
 - (3) Technical description of the boundaries of the LGUs concerned;
 - (4) Written certification of the provincial, city, or municipal assessor, as the case may be, 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 sanggunian hearing the dispute.

- (d) Answer of adverse party – Upon receipt by the sanggunian concerned of the petitions together with the required documents, the LGU or LGUs complained against shall be furnished copies thereof and shall be given fifteen (15) working days within which to file their answers.
- (e) Hearing – Within five (5) working days after receipt of the answer of the adverse party, the sanggunian and technical committee shall convene and hear the case and allow the parties concerned to present their respective evidences.
- (f) Joint Hearing – When two or more sanggunians jointly hear a case, they may sit en banc or designate their respective representatives. Where representatives are designated, there shall be an equal number of representatives from each sanggunian. They shall elect from among themselves a presiding officer and a secretary. In case of disagreement, selection shall be by drawing of lot/s.
- (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 to thereto, it shall issue a certification to the effect and copies thereof shall be furnished the parties concerned.
- (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 sanggunian panlalawigan shall be heard by the Regional Trial Court of the province which first took cognizance of the dispute.

Section 7. Composition. The members of the technical committee shall be composed of the following:

Chairperson: SB Chairperson Committee on Zoning and Housing Land Use
Members: Municipal Local Government Operations Officer
Municipal Zoning Administrator
Municipal Planning and Development Coordinator
Municipal Assessor
Municipal Engineer

During the hearing, the presence of the Technical Committee or their authorized representatives is allowed and they are hereby enjoined during the

conduct of inspection and investigation with the presence of the members of the Sangguniang Bayan. However, only the members of the Sangguniang Bayan shall try and decide the case.

Section 8. 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 9. Official Custodian. The DILG shall be the official custodian of copies of all documents on boundary disputes of LGUs.

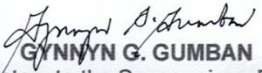
Section 10. Repealing Clause. All ordinances, resolutions rules and regulations and other issuances in conflict hereof, are hereby repealed.

Section 11. Effectivity. This ordinance shall take effect after ten (10) days following the posting of copies hereof at the entrance of the Pavia Municipal Building and at the bulletin board of the Sanggunian and other conspicuous places in the municipality.

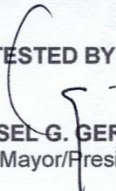
BE IT RESOLVED FURTHER, to furnish copies of this Ordinance to all concerned agencies and individuals for information and appropriate action.

ENACTED this 3RD day of April, 2023 at Pavia, Iloilo, Philippines.


**I HEREBY CERTIFY to the correctness
of the above-quoted ordinance:**


GYNYN G. GUMBAN
Secretary to the Sangguniang Bayan

ATTESTED BY:


HON. EDSSEL G. GEROCHI
Municipal Vice-Mayor/Presiding Officer

APPROVED:


HON. LAURENCE ANTHONY G. GORRICETA
Municipal Mayor