



REPUBLIC OF THE PHILIPPINES

Supreme Court

Manila

EN BANC

G.R. No. 80796 November 8, 1989

PROVINCE OF CAMARINES NORTE, Represented by HONORABLE ROY PADILLA, as Acting Provincial Governor, petitioner,

vs.

PROVINCE OF QUEZON, Represented by HONORABLE HJALMAR QUINTANA, as Acting Provincial Governor, respondent.

FELICIANO, J.:

The instant Petition for mandamus and Prohibition with Preliminary Injunction or Restraining Order brought by petitioner Province of Camarines Norte against respondent Province of Quezon, formerly known as Province of Tayabas, involves a land boundary dispute, which has raged between these two (2) provinces since the second decade of this century.

Historical records disclose that the Camarines region in the Island of Luzon had been divided originally into the two (2) separate provinces of Camarines Norte and Camarines Sur, which division was maintained until 19 May 1893, when the two (2) provinces were consolidated by the Spanish colonial administration to constitute a single entity, the Province of Ambos Camarines. Adjacent to Camarines Norte in the northeast (i.e., the northern portion of Ambos Camarines), upon the other hand, lay the Province of Tayabas. At the time of arrival of the United States flag in the Philippines, there was thus existing the Province of Ambos Camarines.

The boundary between Ambos Camarines and Tayabas was defined and written into law in 1916, by Section 47 of Act No. 2657 (the Administrative Code). Although Act No. 2657 was repealed the following year by Act No. 2711 (the Revised Administrative Code),¹ the provisions pertaining to said boundary remained unaltered. In this respect, Act No. 2711 provided:

Chapter 3. — BOUNDARIES DEFINED

Article I. — *Undefined boundaries*

Sec. 41. *Undefined boundaries recognized.* — Boundaries which are not defined in the next succeeding article of this chapter shall, until expressly changed by law or executive order, be taken to be as heretofore determined by decree, statute, executive order, or other resolution having the force of law, and in the absence of such, by custom recognized by the administrative authorities.

Article II. — *Defined boundaries*

Sec. 42. *Ambos Camarines and Tayabas boundary.* — The boundary separating the Province of Ambos Camarines from the Province of Tayabas *begins at a point on the eastern shore of Basiad Bay and extends to a peak known as Mount Cadig in such manner as to bring the territory of the barrio of Basiad entirely within the municipality of Capalonga, in Ambos Camarines, and to exclude the same from the territory of Calauag, in Tayabas.* From Mount Cadig it extends along the crest of a mountain range, a distance of 50 kilometers, more or less, to a peak known as Mount Labo; thence in a southwesterly direction, a distance of 25 kilometers, more or less, to a prominent stone monument at the source or headwaters of the Pasay River, thence along the meandering course of said river in a southerly direction, a distance of 1-1/2 kilometers, more or less, to the Gulf of Ragay. (Emphasis supplied)

Section 68 of the same Act also authorized the Governor-General of the Philippine Islands, among others, "to define the boundary, or boundaries, of any province, sub-province, municipality, township or other political subdivision, and increase or diminish the territory comprised therein," subject to what "the public welfare may require." As amended by Act No. 2929, which took effect on 30 March 1920, Section 68 provided, in full:

Sec. 68. *General authority of Governor-General to fix boundaries and make new subdivisions.* — The Governor-General may by executive order define the boundary or boundaries, of any province, subprovince municipality, township, of other political subdivision, and increase or diminish the territory comprised therein, may divide any province into one or more sub-provinces, separate any political division other than a province, into such portions as may be required, merge any of such subdivisions or portions with another, name any new subdivision so created, and may change the seat of Government within any subdivision to such place therein as the public welfare may require: *Provided, That the authorization of the Philippine Legislature shall first be obtained whenever the boundary of any province or sub-province is to be defined or or any provinces is to be divided into one or more subprovinces.* When any action by the Governor- General in accordance herewith makes necessary a change of the territory under the jurisdiction of any administrative officer or any judicial officer, the Governor-General, with the recommendation and advice of the head of the Department having executive control of such officer, shall redistrict the territory of the several officers affected and assign such officers to the new districts so formed.

Upon the changing of the limits of political divisions in pursuance of the foregoing authority, an equitable distribution of the funds and obligations of the divisions thereby affected shall be made in such manner as may be recommended by the Insular Auditor and approved by the Governor-General. (Emphasis supplied)

In the meantime, on 3 March 1919, the Philippine Legislature approved Act No. 2809, which authorized once again the partition of Ambos Camarines into two (2) separate provinces: the Province of Camarines Norte and the Province of Camarines Sur. The pertinent provisions of Act No. 2809 read:

Section 1. *The Governor-General is hereby authorized* whenever the public interest may require it, and subject to such conditions as he may desire to impose, to *re-establish as an independent province the former Province of Camarines Norte, consolidated with the Province of Camarines Sur.*

Sec. 2. *The Province of Camarines Norte so re-established shall have the same territory as before its consolidation with Camarines Sur the organization of the*

present Province of Ambos Camarines and its capital shall be the municipality of Daet, on the Island of Luzon. The provisions of the Administrative Code in so far as they are applicable to a regularly organized province shall apply to the government and operation of said province and to the election and appointment of the officers thereof. *The remaining territory of the Province of Ambos Camarines shall be denominated the Province of Camarines Sur.* (Emphasis supplied)

On 30 March 1920, Governor-General Francis Burton Harrison issued Executive Order No. 22, implementing Act No. 2809 and formally re-establishing Camarines Norte as a province separate and distinct from Camarines Sur, effective 15 April 1920. ²

It is not clear from the records before the Court exactly how and when the present boundary dispute-involving a land area of approximately 8,762 hectares-between Camarines Norte and Tayabas first emerged. The dispute probably evolved when Section 47 of the Administrative Code of 1916 and later Section 42 of the Revised Administrative Code of (1917) were enacted.

In any event, the then Chief of the Executive Bureau, acting upon the authority of the Secretary of the Interior, rendered on 16 June 1922 a decision (First Indorsement) delineating that portion of the boundary between the provinces of Camarines Norte and Tayabas which is here involved. ³ That part of the boundary line was described in the following terms:

Starting from the peak of Mt. Labo as a common corner between the provinces of Tayabas, Camarines Sur and Camarines Norte thence a straight line is drawn to the peak of Mt. Cadig; *thence a straight line is drawn to the point of intersection of the inter-provincial road between Camarines Norte and Tayabas with the Tabugon River; thence, following the course of the river to its mouth at the to Basiad Bay.* ⁴

To date, however, the aforementioned decision of 16 June 1922 has remained unimplemented and unenforced, despite several official directives from the then Secretary of the Interior and repeated efforts on the part of petitioner Camarines Norte, over the years, to enforce the same. All efforts at amicable resolution of the boundary dispute (the last such effort having been made sometime in 1987) have failed. Respondent Province of Quezon (then Tayabas), now as in the past, has simply refused to recognize as valid, and has frustrated all attempts to locate on the ground, survey and monument the segment of the Ambos Camarines [later Camarines Norte]-Tayabas boundary line delineated in the 1922 decision.

In the instant Petition for mandamus and Prohibition, petitioner Camarines Norte Province asks the Court, firstly, to order respondent Quezon Province "to respect and abide [by] the decision of the Chief of [the] Executive Bureau dated June 16, 1922 and immediately comply therewith by yielding the whole territory described and defined therein to the petitioner;" secondly, to prohibit respondent Quezon Province from exercising power and authority over the area [so] embraced in the territory of petitioner; "and thirdly, to restrain respondent Province "from collecting all kinds of taxes from the inhabitants of [the territory of petitioner.]"

The Court gave due course to the Petition on 30 June 1988 and required the filing of memoranda by the parties. ⁵ Petitioner filed its Memorandum ⁶ on 2 September 1988. For its part, respondent Quezon Province moved that the Solicitor General's Comment ⁷ on and Rejoinder ⁸ to the Petition and Reply, respectively, be considered as its Memorandum. We granted the respondent's request. ⁹

The opposition of respondent Quezon Province to the, boundary line claimed and sought to be enforced here by petitioner Camarines Norte Province is, in the main, anchored on two (2) arguments. First, it is contended by Quezon Province that the boundary separating the old Province

of Ambos Camarines from Quezon Province had already been established and defined in Section 42 of the Revised Administrative Code. Second, Quezon Province argues that the Chief of the Executive Bureau had no authority to alter or re-define that statutorily-defined boundary through his decision of 16 June 1922.

Two (2) issues are thus posed for reconsideration and resolution by the court. The first issues relates to the character of the boundary between Ambos Camarines and Quezon province as set out in Section 42 of the revised Administrative code. Was that boundary already "defined" and, therefore, in no need of further definition? The second issue relates to the action of the Chief of the Executive Bureau: Was there legal authority for the 16 June 1922 decision of the Chief Executive Bureau? The two (2) issues are, of course related to one to the other. Should the entirety of the boundary line between Ambos Camarines and Quezon province be regarded as already "defined" by Section 42, then any "alteration" or "re-definition" by the Executive Department would, under Section 68 of the Revised Administrative Code, require the prior authorization of the then Philippine Legislature and a third issue would arise: Was such prior legislative authorization given?

1. Turning to the first issue, we note that Section 42 does set out a definition or description of the boundary line between Ambos Camarines and Quezon province. We note, however, that Section 42 does *not* describe or define the *entirety* of that line in such a manner as to permit the *whole* boundary line to be located on the ground by a surveyor. Close examination of Section 42 will show that it is not the whole boundary line that is disputed but only a segment thereof. The boundary line from the peak of Mt. Cadig eastward to the peak of Mt. Labo and from there to a stone monument at the head-waters of the Pasay River and thence along the course of that river to the gulf of Ragay, is described in terms which are sufficiently precise to permit a surveyor to locate that boundary line on the surface of the earth. It is the western portion of the boundary line — from the peak of Mt. Cadig *westward* to a point on the eastern shore of Basiad Bay — which is the subject of the boundary dispute.

It is pointed out by petitioner Camarines Norte, firstly, that the particular point on Basiad Bay that is the terminus of the boundary line is not specifically identified in Section 42, considering that the eastern shore of Basiad Bay is *25 kilometers in length*, more or less, such that that terminal point could in theory be located anywhere along the 25-kilometer shore line. Secondly, the specific direction or directions and the varying lengths (the "metes and bounds") of the various segments of the boundary line to be projected from the terminus point on Basiad Bay onto Mt. Cadig's peak, are similarly not specified in Section 42. Thus, again, a surveyor on the ground would be unable to locate and monument the boundary line from Basiad Bay to Mt. Cadig if all he had was the language found in Section 42 of the Revised Administrative Code.

We agree with petitioner Camarines Norte's argument. We consider that to that limited extent, the Ambos Camarines-Quezon boundary line was "undefined" and that there was thus necessity for the 16 June 1922 decision of the Chief of the Executive Bureau to provide more specific guidance that would permit actual identification or location of the Basiad Bay-Mt. Cadig portion of the boundary line between Ambos Camarines and Quezon Province:

*[from the peak of Mt. Cadig] thence a straight line is drawn to the point of intersection of the inter provincial road between Camarines Norte and Tayabas with the Tabugon River, thence following the course of the river to its mouth at the Basiad Bay. (Emphasis supplied)*¹⁰

2. We consider next the second issue relating to the authority of the Chief of the Executive Bureau to render his decision. It is important to stress that the Chief of the Executive Bureau, in rendering that decision, did not, as he could not, purport to act with unlimited discretion. For Section 42 itself

established certain requirements which the disputed portion of the Ambos Camarines — Tayabas boundary line must satisfy;

1 the western) terminus point must be on the eastern shore line of Basiad Bay; and

2 the line to be projected from that terminus point must proceed (eastward) to the peak of Mt. Cadig in such a manner as to bring the territory of the barrio of Basiad entirely within the municipality. of Capalonga in Ambos Camarines, and to exclude the same from the territory of the Municipality of Calauag in Tayabas.

It is not disputed by respondent Quezon Province that the line delineated by the Chief of the Executive Bureau in his decision in fact complied with both the above general directions or descriptions prescribed in Section 42. The Chief of the Executive Bureau did not, therefore, "alter" or "re-define" or "amend an existing provincial boundary.." the boundary line between Ambos Camarines and Tayabas. All that the Chief of the Executive Bureau did was to *implement* upon the authority of the Secretary of Interior, Section 42 of Act No. 2711.

He was, in addition, acting in accordance with the provisions of Act No. 2809, enacted on 3 March 1919, Section 2 of which (quoted *supra*) provided that petitioner Camarines Norte, upon its re-establishment as a distinct and separate province, "shall have the *same territory as before its consolidation with Camarines Sur* for the organization of the present Ambos Camarines in a letter dated 5 May 1960 to the Provincial Boards of Camarines Norte and Quezon Province, ¹¹ former Assistant Executive Secretary Enrique C. Quema stated, among other things that the Basiad Bay — Mt. Cadig segment of the Camarines Norte — Quezon boundary line so spelled out under the 1922 decision of the Chief of the Executive Bureau, "according to the Bureau of Coast and Geodetic Survey, *was the same boundary enforced between Camarines Norte and Tayabas when the former province was consolidated with Camarines Sur on May 19, 1893.*" ¹² The Court notes that respondent Quezon Province has not controverted the correctness of this statement of Assistant Executive Secretary Quema. The Court notes also that, so far as the records before us show, respondent Quezon Province has *not* attempted to indicate any other "*surveyable*" line between Basiad Bay and Mt. Cadig which, like that marked out in the 16 June 1922 decision, complies with both the requirements established in Section 42 of Act No. 2711 and the requirement prescribed in Section 2 of Act No. 2809.

Should it be assumed, finally, that prior legislative authority was nonetheless necessary for the legal effectivity and enforceability of the 16 June 1922 decision of the Chief of the executive Bureau, we believe and so hold that that prior legislative authority was supplied by Act No. 2809. The spelling out of a "*survey-able*" and "monumentable" Basiad Bay-Mt. Cadig segment of the Ambos Camarines-Tayabas boundary line, was necessary and incidental to the authority of the Governor-General to re-establish as an independent province the former Province of Camarines Norte and to ensure that it would have the same territory which it had prior to its consolidation into the then Province of Ambos Camarines.

In sum, we hold that the decision of the Chief of the Executive Bureau dated 16 June 1922 was lawfully issued and is binding upon the parties. We hold further that prohibition and mandamus will lie for the enforcement of that decision, an enforcement unjustifiably resisted and delayed for sixty-seven (67) years.

WHEREFORE, the Petition for Mandamus and Prohibition is hereby GRANTED Respondent Quezon Province is hereby ORDERED immediately to cease and desist, and perpetually to refrain, from exercising or performing any and all acts of jurisdiction or political authority over all or any part

of the area here held to be part of the territory of the Province of Camarines Norte and forthwith to relinquish the same to petitioner Province of Camarines Norte.

Let a copy of this decision be furnished to the Secretary of Local Governments and the Office of the President with the request that surveyors from the Bureau of Lands or other appropriate government agency be forthwith designated to survey and locate, by latitude and longitude and by metes and bounds, and to monument the Basiad Bay — Mt. Cadig line described in the 16 June 1922 decision of the Chief of the Executive Bureau. Costs against respondent.

SO ORDERED.

Ferna, C.J., Narvasa, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea and Regalado, JJ., concur.

Melencio-Herrera, J., is on leave.

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