



OFFICE OF THE SANGGUNIAN BAYAN

Office of the Vice Mayor/Sangguniang Bayan, 2nd Flr., Municipal Bldg., Madrid Blvd., Zone III, Pinamalayan, Oriental Mindoro
Email Address: ysangguniob@pinamalayan.gov.ph Tel. Nos. (043) 738-1432

MUNICIPAL ORDINANCE NO. 10-2023

AN ORDINANCE ADJUDICATING THE BOUNDARY DISPUTE BETWEEN BARANGAY NABUSLOT AND BARANGAY CALINGAG, BOTH OF THE MUNICIPALITY OF PINAMALAYAN, PROVINCE OF ORIENTAL MINDORO.

WHEREAS, Barangay Nabuslot has filed an undated resolution, to wit: "*Resolusyon Blg. 43 serye 2019 isang pagsulong at pinagkaisahan kasama ang mga dating namumuno ng Barangay Nabuslot at buong sangguniang ng barangay Nabuslot ang kahilingan sa Punong Bayan Kgg. Aristeo A. Baldos, sa pamamagitan ni Pangalawang Punong Bayan Kgg. Rodel Magsino at buong Sangguniang Bayan ng Pinamalayan na mailipat sa Barangay Nabuslot ang Tax Declaration na babayaran ng Mindoro Harvest Power Plant*";

WHEREAS, on November 5, 2019, Barangay Calingag, in answer to the said resolution of Barangay Nabuslot has filed the following, to wit: "*Resolusyon Blg. 48 serye 2019 isang resolusyon ng pinagtibay ng Sangguniang Barangay ng Calingag ang kahilingan sa Sangguniang Bayan ng Pinamalayan sa pangunguna Ni Kgg. Vice Mayor Rodel M. Magsino at buong Sangguniang Bayan ang kahilingan hindi kami pumapayag na mailipat sa Barangay Nabuslot ang Tax Declaration o taunang pagbabayad ng Power Plant Mindoro Harvest sa lupa na binili sa pamilya Villamin*";

WHEREAS, on April 6, 2021, Barangay Nabuslot have passed a "*Resolusyon Blg. 35 Serye 2021, requesting the DENR MIMAROPA Executive Director Ma. Lourdes G. Ferrer "na mapasukatan, masilip ng Geodedic Engineer ang pagitan ng Barangay Nabuslot at Barangay Calingag upang malaman at lumabas ang katotohanan at legal na lugar na pinagkakatatayan ng Minodoro Harvest Power Plant kung saan ba talagang barangay nakapaloob ang nasabing estalisyemento*";

WHEREAS, a resolution was submitted by Brgy. Nabuslot to the Sangguniang Bayan of Pinamalayan entitled "*Resolusyon Blg.22, Serye 2022 isang resolusyon ng pinagpasiyahan at pinagtibay ng sangguniang barangay ng barangay nabuslot na muling makapagpasa ng isang kahilingan sa tanggapan ng sangguniang bayan na naglalayon ng isang konkretong kasagutan o pasya na matagal ng idinudulog ng pamunuan ng barangay nabuslot sa usapin ng boundary ng barangay nabuslot at barangay calingag kung kanino legal na mapapupunta ang binabayaran buwis ng mindoro harvest power plant inc. at kung aling barangay ang legal na nakakasakop sa nasabing establishmento*";

WHEREAS, on September 5, 2022, another resolution was submitted by Barangay Nabuslot entitled *Resolusyon Blg.47 serye, 2022 na pinagtibay ang kahilingan sa pamunuan ng Sangguniang Bayan ng Pinamalayan sa pamumuno ni Kgg. Pangalawang Punong Bayan Rodel Magsino at buong Sangguniang Bayan. kahilingan na pagtibayin ang mga Political Boundary ng bawat barangay upang dito'y matukoy kung hanggang saan ang mga hangganan na nasasakupan ng bawat barangay na naayon sa mga isinagawang pagsusuri at pag-aaral na isinagawa ng mga ahensiya na magsasagawa para sa usaping ito. sa mga nakalipas na panahon ay nagsumite na po ang pamunuang barangay ng nabuslot ng mga patunay at ilang dokumento na magpapatibay at magpapatunay na ang bawat lugar na sinasabi namin na nasasakupan ng Barangay Nabuslot ay sadyang pinapatunayan ng mga domentadong patunay*";

WHEREAS, in support of their respective claims, Barangay Nabuslot has submitted the following papers and documents such as, among others, to wit:

- Transfer Certificate of Title No. 064-2019001723 issued in the name of Mindoro Harvest Power Plant, Inc. and TCT No. 064-2019001721 issued in the name of Sps. Bermeo C. Trinidad and Emma Monroyo Trinidad, both with property address of Barangay Nabuslot;

[Handwritten signatures and stamps at the bottom of the page, including a circular stamp of the Municipality of Pinamalayan.]



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- b. Picture of Boundary Marker with particular description of PB-4B-000003, BBM No. 23, Municipality of Pinamalayan;
- c. Picture of Protection Dike, a project of rgy. Nabuslot covered by Barangay Marker showing the project of located at Barangay Nabuslot;
- d. DENR-CENRO Certification signed by one LEO G. CAPON, DMO IV dated December 12, 2019 attesting that Mindoro Harvest Power Plant is well within the jurisdictional area of Barangay Nabuslot;
- e. "Salaysay Patotoo" of former Brgy. Captain of Nabuslot in the person of Renato Mogol;
- f. "Pagpapatunay" of some residents of Sitio Sta. Ana of Barangay Nabuslot to the effect that Mindoro Harvest Power Plant is within the territorial jurisdiction of Barangay Nabuslot; and
- g. Agreement executed by former Barangay Captain of Nabuslot Rio S. Mercene and former Barangay Captain of Calingag Roberto Salendrez.

While Barangay Calingag has submitted the following, to wit:

- a. Resolution Blg. 48-2019 interposing objection to the resolution of Brgy. Nabuslot requesting the change of the address in the Tax Declaration of Mindoro Harvest Energy Co. Inc.;
- b. Resolution Blg. 49-2019 of Senior Citizens of Barangay Calingag expressing objection to the request of Brgy. Nabuslot to change the address of Mindoro Harvest Energy Co., Inc. from Brgy. Calingag to Nabuslot; and
- c. Copy of Certificate of Tax Declaration showing the address of Harvest Energy Co., Inc. which is Brgy. Calingag.

WHEREAS, an ocular inspection of the place subject of the dispute was made by both committees on July 7, 2023, findings were incorporated in the Committee Report;

WHEREAS, the Committee rendered Committee Report No. 2023-71 duly adopted on August 14, 2023 during the Regular Session, copy of which shall form part as integral part hereof;

WHEREAS, the Tax Declaration used as evidence by Barangay Calingag in claiming that Mindoro Harvest Power Plant, Inc. is within their territorial jurisdiction is well discussed by the Municipal Assessor in its letter to the Sangguniang Bayan dated September 1, 2020;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 11th Sangguniang Bayan of Pinamalayan in session assembled, that:

Section I. TITLE - This Ordinance shall be known as ***"An Ordinance adjudicating the Boundary Dispute between Barangay Nabuslot and Barangay Calingag, this municipality"***.

Section II. DEFINITION OF TERMS. Use in this ordinance the following terms shall be construed and understood as follows:

1. Adjudication – refers to a formal judgment on a disputed matter.
2. Political Boundary – refers to a dispute involving two (2) or more Barangays in the same city or municipality.
3. Boundary Marker – refers to a stone marker that identifies the start of a land boundary or border.
4. Tax Declaration – refers to an official document that declares the value of the property for tax purposes.
5. Brook/Creek – refers to a small stream.

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Section III. BASES OF ADJUDICATION.

The findings and recommendations in Committee Report No. 2023-71 shall serve as the bases for the resolution of the boundary dispute, to wit:

- a. Transfer Certificate of Title No. 064-2019001723 issued in the name of Mindoro Harvest Power Plant, Inc. and TCT No. 064-2019001721 issued in the name of Sps. Bermeo C. Trinidad and Emma Monroyo Trinidad, both were derived from the old Transfer Certificate of Title No. 2017004539, which was cancelled by virtue of the issuance of these two (2) land title;
- b. The land covering the said TCT No. 064-2019001723, owned by the Mindoro Harvest Power Plant, Inc., which is the subject of the controversy is well within the territorial jurisdiction of Barangay Nabuslot, evidenced by the boundary marker found during the ocular inspection. While Barangay Calingag is claiming that the true boundary is identified by a big tree located immediately before the Mindoro Harvest Power Plant, Inc., but cannot substantiate the same because the alleged tree is nowhere to be found neither identify any distinguishing mark or a monument to support its claim. On the contrary, witnesses in the person of two (2) septuagenarians, in the person of Antonio Mameng and Virginia Sena who were knowledgeable about the true boundaries between said barangays testified during the ocular inspection that the true boundary between the two Barangay in dispute is that stone monument or marker found after the bridge, located 15 meters away to the power plant going to the direction of Barangay Calingag;
- c. Foremost to consider is the fact that the basis in determining the true boundary is the result of the land survey and index map conducted and prepared by Richard C. Tollo, Geodetic Engineer in Case 22, PB 000003, which indubitably show that Mindoro Harvest Power Plant, Inc. is well within the territorial jurisdiction of Barangay Nabuslot
- d. The "Salaysay Patotoo" of former Brgy. Captain of Nabuslot in the person of Renato Mogol must be given greater weight.
- e. As regards the map submitted in evidence, suffice it to state that Barangay Nabuslot has the territorial jurisdiction over Mindoro Harvest Energy Co., Inc.;
- f. As weighed the testimonial evidence of the senior citizens of Barangay Calingag and of other barangay officials therein, the presence of brook/creek where the bridge was constructed as well as the stone monument found during the ocular inspection, the SB Committees are inclined to give more credence and greater weight to Barangay Nabuslot;

Section IV. IDENTIFICATION OF BOUNDARY.

It is hereby identified the boundary between Barangay Nabuslot and Calingag.

- A) The Boundary Marker currently installed alongside road approximately 15 meters away from the power plant owned by Mindoro Harvest Energy Co., Inc shall contain the following description, "**PB-4B-000003, BBM No. 23, Municipality of Pinamalayan**" under Property Identification No. 029-09-0011-001-3, Lot No. 1-C, PSD-4B-010629.
- B) The evidence adduced predominantly demonstrates that the territorial boundary between Barangay Nabuslot and Barangay Calingag is more accurately determined and marked by the monument found after the bridge which is the result of the land survey and index map conducted and prepared by Richard C. Tollo.

[Handwritten signatures and initials]



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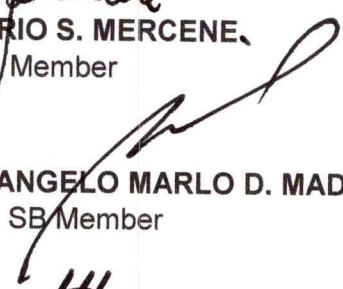
SECTION V. IMPLEMENTATION.

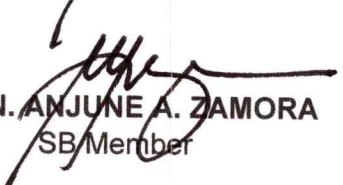
The Mindoro Harvest Power Plant, Inc. is well within the territorial jurisdiction of Barangay Nabuslot. Hence, it is hereby authorizes the Municipal Assessor to enter correction on the Tax Declaration issued to Mindoro Harvest Power Plant, Inc;

SECTION VI. EFFECTIVITY – This ordinance shall take effect immediately upon approval.

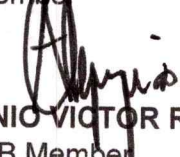
UNANIMOUSLY ENACTED this 2nd day of October 2023 on motion of Hon. Antonio Victor R. Olympia seconded by all Sangguniang Bayan Members present.


HON. RIO S. MERCENE,
Member

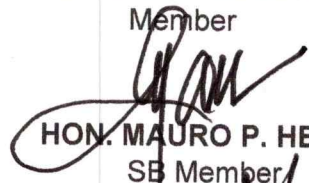

HON. ANGELO MARLO D. MADRID
SB Member

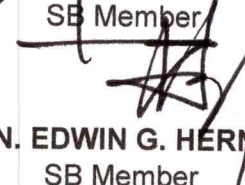

HON. ANJUNE A. ZAMORA
SB Member


HON. JEOFFREY PAUL A. UMBAO
SB Member

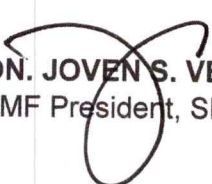

HON. ANTONIO VICTOR R. OLYMPIA
ABC Pres., SB Member

HON. DUNHILL MARCELO M. DELMO V
Member


HON. MAURO P. HELERA
SB Member


HON. EDWIN G. HERNANDEZ
SB Member

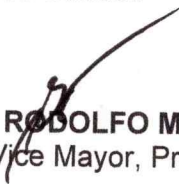

HON. NAPOLEON M. MANGARING
SB Member


HON. JOVEN S. VELASCO
SKMF President, SB Member

Attested:


MARIA CORAZON F. MARAYAN
Legislative Staff office II

Certified Correct:


HON. RODOLFO M. MAGSINO
Mun. Vice Mayor, Presiding Officer

Approved:


HON. ARISTEO APASAN BALDOS, JR.
Municipal Mayor