

G. R. No. L-10911

[ G. R. No. L-10911. March 21, 1958 ]

**MANILA BLUE PRINTING CO., INC., PLAINTIFF AND APPELLANT, VS. TEACHERS COLLEGE, INC., DEFENDANT AND APPELLEE.**

## **D E C I S I O N**

### **FELIX, J.:**

This is an appeal filed by the Manila Blue printing Co., Inc., from an order of the Court of First Instance of Manila dismissing Civil Case No. 28089 of said court on the ground that it had no jurisdiction to take cognizance of the same. The facts of the case are simple:

Manila Blue Printing Co., Inc., a corporation duly organized and doing business in the Philippines, filed a complaint with the Court of First Instance of Manila on November 9, 1955, against the Teachers College, Inc., a corporation with principal office at Tacloban, Leyte. It was alleged that in the months of July and August, 1952, defendant purchased from plaintiff merchandise consisting of school, office and engineering supplies, equipment and instruments worth P2,747.72. Of the said amount, defendant was able to pay only a total of P1,200, leaving a balance of P1,547.72. It was, therefore, prayed that defendant be ordered to pay plaintiff the sum of P1,547.72, with interest at 12% vs. Teachers College, Inc. per annum from September, 1952; *for damages in the sum of P500*, representing attorney's fees; and for costs.

To this complaint, defendant filed a motion to dismiss on the ground that the Court lacked jurisdiction over the subject matter of the action in view of the fact that the claim was for an amount less than P2,000.00, exclusive of interests and attorney's fees. Over plaintiff's opposition, the lower court in its order of January 7, 1956, dismissed the complaint for lack of jurisdiction. The motion for reconsideration of the order of dismissal having been denied, plaintiff brought the matter to this Court on appeal.

In its complaint, plaintiff prays for the recovery of the alleged remaining unpaid account of defendant amounting to P1,547.72, with interest, together with the sum of P500.00 as

attorney's fees or a total of P2,047.72. In dismissing the action, the lower court probably was laboring under the impression that in determining the jurisdictional amount in a case brought before it, attorney's fees should be excluded. This Court, however, has already passed upon this matter and in a long line of decided cases made it clear that in civil cases, the amount determinative of the jurisdiction of the court is the totality of the claim as demanded by the plaintiff and alleged in the complaint particularly in the prayer thereof. In the case of *Tolsa vs. Panlilio* \* 50 Off. Gaz., No. 6, p. 2505, an action to recover the amounts of P765.00 as indemnity, P98.00 as actual damages, P950.00 as consequential damages and P200.00 as attorney's fees, or a total of P2,013.00 was held to be within the jurisdiction of the Court of First Instance, the Court ruling that what determines the jurisdiction of a court is not the amount that plaintiff is entitled to recover under the allegations of the complaint and under the law, but the amount sought to be recovered, usually contained in the prayer. This pronouncement is merely a reiteration of the doctrine already laid down in *Lim Bing It vs. Ibañez*, 92 Phil., 799; 49 Off. Gaz., [4], 1420. And the same principle was re-echoed when this Court declared that:

“Under the law now, as previously, the jurisdiction of a court is made to depend, not upon the value or demand in each single cause of action contained in the complaint but upon the totality of the demand in all the causes of action. \* \* \*. The practice has always been to attend to the total amount demanded in the complaint, especially in the prayer, as determinative of the jurisdiction of the court” (*Soriano vs. Omila*, 97 Phil., 62; 51 Off. Gaz. [7], S465).

Wherefore, the order of the Court of First Instance of Manila dismissing the complaint herein for an alleged lack of jurisdiction is set aside and the case is hereby remanded to the lower court for further proceedings. With costs against defendant Teachers College, Inc. It is so ordered.

*Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Labrador, Concepcion, Reyes, J. B. L. and Endencia, JJ., concur.*

*Bautista Angelo, J., concurs in the result.*

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\*95 Phil., 104.

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