

ROBERTO LAPERAL, APPLICANT-APPELLEE, VS. PACIFICO CRUZ, OPPOSITOR-APPELLANT.

G.R. No. L-25849. March 26, 1975

Ponente: AQUINO, J.

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AQUINO, J.:

Pacifico Cruz appealed from the decision of the Court of First Instance of Rizal, dated May 20, 1965, declaring Roberto Laperal as the owner of Lot 3, described in the plan Psu-174263-B (Exh. F-2), with an area of seven hundred fifty-six (756) square meters, located at Barrio Tambo, Parañaque, Rizal (Land Registration Case No. 2499, LRC Case No. N-17572).

It is stated in Cruz's notice of appeal that the decision is "contrary to the evidence and the law in this case."

According to the application for registration the disputed land has a market value of five pesos a square meter (5, 22 Record on Appeal).

Cruz contends in his brief that the trial court erred in not finding that Lot 3 was formed by artificial means and not by accretion and in not declaring him as the true owner of the land.

A court's jurisdiction depends upon the state of facts existing at the time it is invoked (People vs. Pegarum, 58 Phil. 715).

When the appeal was interposed in this case on September 9, 1965, the law applicable was section 17 of the Judiciary Law as amended by Republic Act No. 2613 which vested this Court with appellate jurisdiction over civil cases wherein the value of the real estate involved exceeded two hundred thousand pesos. Considering that the value of the land in litigation is less than two hundred thousand pesos and that factual issues are raised by the appellant, this case falls within the jurisdiction of the Court of Appeals.

WHEREFORE, this case, which was erroneously appealed to this Court, is transferred to the Court of Appeals (Sec. 31, Judiciary Law).

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Fernandez, JJ., concur.

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