

SARAH VITO MORALES, PETITIONER-APPELLANT, VS. HON. LAURO C. MAIQUEZ, JUDGE OF THE MUNICIPAL COURT OF MANILA, BRANCH V. AND ROSA VICTORINO VDA. DE SAN JOSE, RESPONDENTS-APPELLEES.

G.R. No. L-7463. May 27, 1955

Ponente: LABRADOR, J.

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LABRADOR, J.:

Petitioner in this case is the mother of seven minor children had with Manuel V. San Jose without benefit of marriage, with whom she lived from April, 1937 to March, 1952. She recognized all her seven children publicly and openly in the records of the local civil registrar and had always supported them providing them with clothing and shelter and sending them to school, Manuel V. San Jose has not legally acknowledged them. By reason of trouble that arose between her and Manuel V. San Jose in March, 1952, she fled from the common dwelling. She tried to get custody of her children but only succeeded in getting that of Elisa, age 16, Rosa Concepcion, age 13, and Carmelita, age 4. The remaining four, namely, Manuel, age 14, Roberto, age 12, Alberto, age 10, and Carlos, age 7, remained with Manuel V. San Jose.

On December 21, 1953, Rosa Victorino Vda. de San Jose, Manuel V. San Jose's mother, instituted special proceedings No. 130 in the Municipal Court of Manila for the guardianship of all the above-mentioned minor children. Petitioner herein filed a motion to dismiss the proceedings on the ground that the Municipal Court of Manila has no jurisdiction of the subject matter of the action but the said Municipal Court denied her petition. Petitioner herein filed a petition for certiorari in the Court of First Instance of Manila (Civil Case No. 2173), asking for the annulment of the order of the Municipal Court in the above-mentioned special proceedings No. 130. This notion was denied, so petitioner has presented an appeal directly to this Court.

The question squarely brought before Us is whether the municipal court has jurisdiction of a guardianship proceeding, union does not involve any property or funds and which is limited to the custody of the person of minors. The above question involves the interpretation of the provisions of Republic Acts Nos. 643 and 644, which amended the Judiciary Act of 1948, both approved on June 12, 1950} the pertinent provisions of which are as follows :

REPUBLIC ACT NO. 643

X X X X

"Section 1. Section ninety of Republic Act Numbered Two Hundred and ninety-six is hereby amended to read as follows :

" 'Sec. 90. Concurrent jurisdiction to appoint guardians.- Justices of the peace and judges of municipal courts of chartered cities shall have concurrent jurisdiction with courts of first instance to appoint guardians or guardians ad litem for persons who are incapacitated by being of minor age or mentally incapable in matters

within their respective jurisdiction.'

"Sec. 2. Section one, Rule ninety-three of the Rules of Court in the Philippines is hereby amended to read as follows:

" 'Sec. 1. Where to institute proceedings.- Guardianship of the person or estate of a minor or incompetent shall be originally cognizable by the Court of First Instance of the province where the minor or incompetent resides, and if he resides in a foreign country, by the Court of First Instance of the province wherein his property or part thereof is situated: Provided, however, that the justice of the peace courts or municipal courts of chartered cities, shall have concurrent jurisdiction with the court of first instance in cases where the value of the property of such minor or incompetent falls within the jurisdiction of the latter courts.' "

REPUBLIC ACT NO. 644

X X X X

"Section 1. Section eighty-six of Republic Act Numbered Two hundred and ninety-six is hereby amended to read as follows :

""Sec. 86. Jurisdiction of justices of the peace and judges of municipal courts of chartered cities.- The jurisdiction of justices of the peace and judges of municipal courts of chartered cities shall consist of :

X X X X

""(c) The last phrase of paragraph (e) of section forty-three of this Act, notwithstanding, justices of the peace and judges of municipal courts shall have concurrent jurisdiction with the Courts of First Instance in the appointment of guardians and adoption cases.""

The claim of the petitioner is that the phrase "in matters, within their respective jurisdiction" contained in Section 90 of the Judiciary Acts as amended limits the jurisdiction of justice of the peace or municipal courts to guardianship proceedings in which the amount or value of the property involved is within the jurisdiction of the said justice of the peace or municipal courts, i.e., two thousand pesos or less. On the other hand, the respondent contends that the concurrent jurisdiction granted said inferior courts embraces cases in which the wards have no property, both the courts of first instance and the municipal and justice of the peace courts having concurrent jurisdiction when the property of the ward does not exceed two thousand pesos in value. It is also argued that Republic Act No, 644, which grants jurisdiction to them in cases of adoption and guardianship warrants the above conclusion (that the jurisdiction was granted in appointment of guardians when the wards have no property).

Republic Act No. 643 originated in the Senate as S. No. 159. In the original bill the term "persons" was substituted for the term "litigants in their courts" in Section 90 of the Judiciary Act of 1943, and concurrent jurisdiction is granted to appoint guardians or guardians ad litem for them (persons). Under Section 2 of the bill concurrent jurisdiction is granted "in cases where the value of the property of such minor or incompetent falls within the jurisdiction of the latter courts." We see in these two provisions an evident intention to grant jurisdiction over persons only and when the guardianship involves properties of a ward when said properties are worth two thousand pesos or less. In the final draft approved, the phrase "involving amounts" contained in Section 1 of the original bill, S, No. 159, was eliminated, and the phrase "in matters within their respective jurisdiction" retained. The retention of this last phrase at first would seem to give the impression that inferior courts are granted concurrent jurisdiction only when the amount of the property of the ward or wards is two thousand pesos or less. But this is expressly covered by the next section, which already grants this class of jurisdiction. The phrase left in the law, "in matters within their respective jurisdiction," will have no possible application, if it is held to refer to jurisdiction over the subject matter, because there are no guardianship proceedings over which justice of the peace courts have jurisdiction, and the next section already covers guardianship cases in which the amount or value of

the property in controversy is within the jurisdictional amount of the justice of the peace courts (two thousand pesos or less). On the other hand, the grant is with respect to persons only, not with respect to guardianship over properties of wards as in the next grant. The only inference that may be drawn from these circumstances is that the grant in Section 1 of Republic Act No. 643 is as to persons only, not as to properties of wards, and the retention of the phrase "in matters within their respective jurisdiction" must have been motivated by a desire for clearness, i.e., that the jurisdiction granted is for the appointment of guardians for persons only within their territorial limits. No other reasonable interpretation could be given thereto.

The above interpretation is confirmed by the enactment of Republic Act No. 644 also amendatory to the Judiciary Act, The bill, which later became Republic Act no. 644 was House bill No. 812. The original bill purported to grant jurisdiction to justice of the peace courts in adoption cases only, but the final law as passed includes cases of appointment of guardians or guardians ad litem. The amendment (grant of jurisdiction in the appointment of guardians and adoption cases) was inserted in the general provision granting jurisdiction to supplement and complement the express grant in Republic Act No. 643. The grant of concurrent jurisdiction in the appointment of guardians of persons is perfectly justifiable. If justice of the peace or municipal courts are considered fully qualified to take cognizance of adoption cases, which involve custody of persons resulting in changes of family relationship, they should also be qualified to take cognizance of guardianship cases where custody only is involved. Furthermore, guardianship proceedings are temporary in nature only, during minority of the ward, and are different from adoption cases which occasion final and lasting consequences in family relationships, and the legislature evidently desired the grant of jurisdiction in both cases.

The petition is denied, with costs against petitioner.

Pablo, Montemayor, Reyes, Bautista Angelo, Concepcion, and J.B.L. Reyes, JJ., concur.

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