

**MAKATI DEVELOPMENT CORPORATION, PLAINTIFF-APPELLANT,
VS. PEDRO C. TANJUATCO & CONCRETE AGGREGATES, INC.,
DEFENDANTS-APPELLEES.**

G.R. No. L-26443. March 25, 1969

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal by plaintiff Makati Development Corporation from an order of dismissal of the Court of First Instance of Rizal (Pasig), predicated upon lack of jurisdiction.

On February 21, 1963, said plaintiff and defendant Pedro C. Tanjuatco entered into a contract whereby the latter bound himself to construct a reinforced concrete covered water reservoir, office and pump house and water main at Forbes Park, Makati, Rizal, furnishing, inter alia, the materials necessary therefor. Before making the final payment of the consideration agreed upon, plain-tiff inquired from the suppliers of materials, who had called its attention to unpaid bills therefor of Tanjuatco, whether the latter had settled his accounts with them. In response to this inquiry, Concrete Aggregates, Inc. – hereinafter referred to as the Sup-plier - made a claim in the sum of P5,198.75, representing the cost of transit-mixed concrete allegedly delivered to Tanjuatco. With his consent, plaintiff withheld said amount from the final payment made to him and, in view of his subsequent failure to settle the issue thereon with the Supplier, on September 16, 1955, plaintiff instituted the present action, in the Court of First Instance of Rizal, against Tanjuatco and the Supplier, to compel them "to interplead their conflicting claims."

On October 4, 1965, Tanjuatco moved to dismiss the case, upon the ground that the court had no jurisdiction over the subject-matter of the litigation, the amount involved therein being less than P10,000.00.[1] Finding this motion "to be well-taken", the lower court granted the same, over plaintiff's opposition thereto, and, accordingly, issued an order, dated November 16, 1965, dismissing the case, without costs. Hence, this appeal, in which plaintiff main-tains that the subject-matter of this litigation is, not the aforemen-tioned sum of P5,198.75, but the right to compel the defendants "to litigate among themselves" in order to protect the plaintiff "against a double vexation in respect to one liability."

We find no merit in this contention. There is no question in this case that plaintiff may compel the defendants to interplead among themselves, concerning the aforementioned sum of P5,198.75. The only issue is who among the defendants is entitled to collect the same. This is the object of the action, which is not within the juris-diction of the lower court. As a matter of fact, on May 25, 1966, the Supplier sued Tanjuatco, in Civil Case No. 149173 of the Municipal Court of Manila, for the recovery of said amount of P5,198.75, and the decision therein will settle the question as to who has a right to the sum withheld by plaintiff herein.

The latter relies upon Rule 63 of the present Rules of Court, prescribing the procedure in cases of interpleading, and section 19 of Rule 5 of said Rules of Court, which, unlike section 19 of Rule 4 of the Old Rules, omits the Rules on Interpleading among those made applicable to inferior courts. This fact does not warrant, however, the

conclusion drawn therefrom by plaintiff herein. To begin with, the jurisdiction of our courts over the subject-matter of justiciable controversies is governed by Rep. Act No. 296, as amended, pursuant to which^[2] municipal courts shall have exclusive original jurisdiction in all civil cases "in which the demand, exclusive of interest, or the value of the property in controversy" amounts to not more than "ten thousand pesos." Secondly, "the power to define, prescribe, and apportion the jurisdiction of the various courts" belongs to Congress¹ and is beyond the rule-making power of the Supreme Court, which is limited to matters "concerning pleading, practice, and procedure in all courts, and the admission to the practice of law."² Thirdly, the failure of said section 19 of Rule 5 of the present Rules of Court to make its Rule 63, on interpleading, applicable to inferior courts, merely implies that the same are not bound to follow Rule 63 in dealing with cases of interpleading, but may apply thereto the general rules on procedure applicable to ordinary civil action in said courts.

WHEREFORE, the order appealed from is hereby affirmed, with the costs of this instance against plaintiff Makati Development Corporation.

IT IS SO ORDERED.

Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

[1] Citing Section 7 of Republic Act No. 3828.

[2] Section 44 (c) in relation to Sections 86 (b) and 88.

1 Section 2, Article VIII of the Constitution.

2 Section 13, Article VIII of the Constitution.

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