

KER AND COMPANY, LTD., PLAINTIFF-APPELLANT, VS. ANDREW GOTIANUN, ET AL, DEFENDANTS-APPELLANTS.

G.R. No. L-16291. December 29, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Ker & Company, Ltd. and Andrew Gotianun, entered into a contract of lease of a building of strong materials which the latter will construct on his lot at Cebu City. Engineer-Contractor Felipe Chua was employed to erect the building.

Right after the company occupied the building, it notified the lessor of its defects. In 1951 the building collapsed which the plaintiff attributed the cause to the defects and poor construction materials used. On the other hand, Andrew Gotianun claimed that the building collapsed due to typhoon "Amy". Subsequently, Ker & Company, Ltd., instituted an action for damages contending 'that because of the destruction of the building¹, goods and merchandises stocked in the building were damaged and destroyed. Defendants Gotianun and Chua denied the allegations and interposed separate counterclaims for damages. After trial the complaint and counterclaims were dismissed with costs against the plaintiff. Both parties appealed directly to the Supreme Court on questions of law and facts. The case was certified to the Court of Appeals.

HELD:—The aggregate amounts involved in the complaint is P170,000.00 while that of the counterclaims is P140,000.00 which amounts can only be considered alternately or separately, not jointly, in determining the appellate jurisdiction of the courts and certainly, the above cited amounts come under the exclusive jurisdiction of the Court of Appeals.

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