

GREGORIO CARLOS, PLAINTIFF AND APPELLANT, VS. P. J. KIENER CONSTRUCTION, LTD., DEFENDANT AND APPELLEE.*G.R. No. L-9516. September 29, 1956*

Ponente: PADILLA, J.

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As assignee of a right of action arising from due and unpaid wages and those for overtime, as provided for in Commonwealth Act No. 444, earned by Julio Carlos who had worked as latheman for the defendant, a limited partnership, from 16 November 1949 to 21 March 1952 when he died, leaving as only heirs his parents named Lazaro Carlos and Candida Reyes who, for valuable consideration, assigned their right, the plaintiff brought this action in the Court of First Instance of Manila against the defendant to recover such due and unpaid wages and those for overtime amounting to P1,952.55, lawful interest therein from the filing of the complaint, the defendant having refused to pay it despite demand, and 10% thereof as attorney's fees, whose services the plaintiff had been compelled to engage, and costs.

After filing, an answer with a counterclaim, the defendant moved for the dismissal of the complaint on the ground that as the amount of money sought to be recovered was P1,952.55 only, the Court had no jurisdiction to hear and decide the case. On 22 June 1955 the Court dismissed the complaint relying upon the case of Rosario vs. Carandang, 51 Off. Gaz. 2387, where it was stated that "costs and attorney's fees are excluded from the jurisdictional amount that confers jurisdiction upon courts * * * On 9 July 1955 the motion for reconsideration filed by the plaintiff was denied. He appealed.

The action brought in the case just mentioned was one of forcible entry. The jurisdiction of the courts in such cases is determined by the nature of the action and not by the amount of money sought to be recovered which may exceed P2,000.[1] So, any statement or proposition that may have been made in the case referred to which was not necessary for the determination of the controversy involved in the action is obiter dictum. Section 88, Republic Act No. 296,[2] provides that in the determination of the jurisdictional amount only interest and costs shall be excluded from the amount of money sought to be recovered in an action where the remedy prayed for is recovery of a sum of money. Thus, in Teresa Vda. de Rosario vs. Justice of the Peace of Camiling, Tarlac, et al, (99 Phil., 693) this Court held that-

While some doubt had arisen in the past as to whether the jurisdiction of a court depends, in cases where several claims or causes of action between the same parties are embodied in a single complaint, on the amount of each single claim or upon the totality of the demand in all the causes of action, we have finally held in the cases of Soriano vs. Omila, 51 Off. Gaz., (No. 7) p. 3465, and Campos Rueda. Corporation vs. Sta. Cruz Timber Co. Inc. (52 Off. Gaz., (No. 3) p. 1387), that the jurisdiction of the court depends upon the totality of the demand in all the causes of action, irrespective of whether the plural causes constituting the total claim arose out of the same or different transactions. The only exceptions to this rule are (1) where the claims joined under the same complaints are separately owed by, or due to, different parties, in which case each separate claim furnishes the jurisdictional test (Argonza, et al. vs. International Colleges, G. R. No. L-3884, November 29, 1951; Soriano y Cia. vs. Jose, 47 Off. Gaz. (12 Supp.), p. 156); and (2) where not all the causes of action

joined are demands or claims for money.

Section 3, Commonwealth Act No. 444, grants additional or overtime compensation to laborers working beyond the eight-hour period provided for by law. And article 2208 of the new Civil Code provides that attorney's fees may be recovered in actions for the recovery of wages of laborers and skilled workers. Adding 10% to the amount claimed by the plaintiff for wages and overtime the total sum sought to be recovered is within the jurisdiction of the Court of First Instance.

The orders appealed from dismissing the complaint and denying the motion for reconsideration are set aside and the case remanded to the court below for further proceedings in accordance with law.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

[1] Tuason vs. Crossfield and Sellner, 30 Phil. 543, 545; Lao Seng Hian et al. vs. Almeda-Lopez, 46 Off. Gaz., Supp. No. 11, 70.

[2] As amended by Republic Act No. 644.

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