

TERESITA GUTIERREZ AND CATHERINE GUTIERREZ, PETITIONERS, VS. HON. MARY JOSEPHINE P. LAZARO, IN HER CAPACITY AS THE HONORABLE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF ANTIP...

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GONZALES-SISON, M., J:

By Petition for Certiorari under Rule 65 of the Rules of Court, petitioners seek to annul and set aside: (1) the Order dated 23 May 2012 issued by Presiding Judge of the Regional Trial Court of Antipolo City, Branch 74 in Civil Case No. 98-5035 entitled *Sps. Espedito Gutierrez & Teresita Gutierrez v. Linkage Real Estate and Management Corporation, et. al.*, in so far as it dismissed the case for lack of jurisdiction; and (2) the subsequent Order dated 28 January 2013 denying petitioners' Motion for Reconsideration.

On 05 October 1998, a Complaint for Annulment of Documents and Quieting of Title with Damages was filed entitled *Spouses Espedito Gutierrez and Teresita Gutierrez v. Linkage Real Estate and Management Corporation, Alexander Lim and Miguel Zialcita*.

On 18 September 2000, petitioners then filed a Motion for Leave to Admit Amended Complaint and attached thereto the Amended Complaint entitled *Spouses Espedito Gutierrez and Teresita Gutierrez v. Linkage Real Estate and Management Corporation, Alexander Lim and Provincial Assessor of Rizal* and the same was admitted in an Order dated 07 February 2001.

Trial then ensued and while petitioners were presenting their witnesses, they received the impugned Order dated 23 May 2012, the dispositive portion of which states, thus:

“WHEREFORE, and for lack of jurisdiction, the instant complaint is hereby DISMISSED without prejudice. Furthermore, the trial on August 9, 2012 is hereby CANCELLED.

SO ORDERED.”[1]

Petitioners filed a Motion for Reconsideration and the same was denied in an Order dated 28 January 2013 for lack of merit.

Hence, petitioners filed this Petition for Certiorari under Rule 65 of the Rules of Court on the sole ground, to wit:

THE HON. PRESIDING JUDGE WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF [sic] EXCESS OF JURISDICTION ISSUED THE ASSAILED ORDERS IN PATENT DISREGARD OF EXISTING JURISPRUDENCE.

Petitioners allege that:

1. At the time of the filing of the RTC case, the subject real property has no assessed value. When the RTC case was filed on 05 October 1994, the subject real property has not been assessed/declared for taxation purposes and this was stated in the Complaint:

“1.

That the plaintiffs do not know the private complainants herein except when they lately filed an Adverse Claim in T.C.T. No. 1669 belonging to plaintiffs and has written the Provincial Assessor of Rizal not to issue any Tax Declaration in plaintiffs' name although said tax declaration was already prepared and was ready for delivery to the plaintiffs.

The subject real property was declared only for taxation purposes on 28 June 2003 hence, there was no way that petitioners could have alleged the assessed value of the subject real property.

2. The trial court had jurisdiction over the RTC case considering that one of the prayers of the petitioners in their Complaint is the cancellation of the adverse claim, which is incapable of pecuniary estimation.

3. The dismissal of the RTC case for purportedly non-compliance with R.A. 7691 would only work injustice to herein petitioners considering that the assessed value of the subject real property is One Million Twenty-Two Thousand Nine Hundred Pesos (Php1,022,900.00) under Tax Declaration No. 00-TY-004-19538.

On the other hand, private respondent essentially echoes the pronouncement of the trial court and submits that no grave abuse of discretion maybe imputed upon the respondent court as the issuance of the assailed orders dated 23 May 2012 and 28 January 2013 were soundly based on law and jurisprudence. Private respondent likewise asserts that respondent court is correct in dismissing the complaint of petitioners for lack of jurisdiction because their complaint as well as their Amended Complaint clearly shows that it is one for annulment of documents and quieting of title which fall under the classification of cases that involve “title to or possession of real property or any interest therein”.

We see no merit in the petition, and rule that the trial court did not commit any reversible error in the assailed Orders.

In their Amended Complaint, petitioners prayed, thus:

a)

Declaring T.C.T. No. 626020 in the name of defendant corporation as Null and Void;

b)

To declare O.C.T. No. 1669 in the name of plaintiffs-spouses as valid and subsisting and ordering the cancellation of the Adverse Claim annotated at the back thereof;

c)

Ordering defendants corporation and Alex Lim to pay, jointly and severally, plaintiffs the following amount:

1)

P1,000,000.00 – as moral damages;

2)

P 200,000.00 – as actual damages;

3)

P300,000.00 – as and for attorney's fee, plus the sum of P3,000.00 for every appearance in court; and

4)

P50,000.00 – as necessary expenses; and such damages incurred by them as result of this case;

d)

Ordering defendant Provincial Assessor to issue the corresponding tax declaration in the name of the plaintiffs.

In *Cañiza v. Court of Appeals*,^[2] it was held that what determines the nature of an action as well as which court has jurisdiction over it are the allegations of the complaint and the character of the relief sought. Moreover, in *Singsong v. Isabela Sawmill*,^[3] the Supreme Court ruled that:

“In determining whether an action is one the subject matter of which is not capable of pecuniary estimation this Court has adopted the criterion of first ascertaining the nature of the principal action or remedy sought. If it is primarily for the recovery of a sum of money, the claim is considered capable of pecuniary estimation, and whether the jurisdiction is in the municipal courts or in the courts of first instance would depend on the amount of the claim. However, where the basic issue is something other than the right to recover a sum of money, where the money claim is purely incidental to, or a consequence of, the principal relief sought, this Court has considered such actions as cases where the subject of the litigation may not be estimated in terms of money, and are cognizable exclusively by courts of first instance (now Regional Trial Courts).”

Whether a court has jurisdiction over the subject matter of a particular action is determined by the plaintiff's allegations in the complaint and the principal relief he seeks in the light of the law that apportions the jurisdiction of courts.^[4]

Petitioners' argument that the present action is one incapable of pecuniary estimation considering that it is for annulment of deed of sale and partition is not well-taken. As stated above, the nature of an action is not determined by what is stated in the caption of the complaint but by the allegations of the complaint and the reliefs prayed for. Where, as in this case, the ultimate objective of the petitioners is the cancellation of the adverse claim in the title of a real property, it should be filed in the proper court having jurisdiction over the assessed value of the property subject thereof.

Based on the allegations and prayers of the Amended Complaint, the law that applies to the action is Batas Pambansa 129, as amended. The amendment expanded the exclusive original jurisdiction of the first level courts to include real actions involving property with an assessed value of less than P20,000.00.^[5]

The power of the RTC under Section 19 of Batas Pambansa 129,^[6] as amended,^[7] to hear actions involving title to, or possession of, real property or any interest in it now covers only real properties with assessed value in excess of P20,000.00. But the RTC retained the exclusive power to hear actions the subject matter of which is not capable of pecuniary estimation. Thus:

“SEC. 19. Jurisdiction in Civil Cases. - Regional Trial Courts shall exercise exclusive original jurisdiction:

(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation.

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry

into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts; x x x.

Section 33, on the other hand provides that, if the assessed value of the real property outside Metro Manila involved in the suit is P20,000.00 and below, as in this case, jurisdiction over the action lies in the first level courts. Thus:

“SEC. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases - - Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise:

x x x

1. Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest; damages of whatever kind, attorney's fees, litigation expenses and cost; Provided, That in case of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots.”

As correctly found by the trial court, the complaint and the relief sought reveals that it is wanting of an allegation regarding the assessed value of the property, thus, it cannot determine whether it has jurisdiction over the subject matter of the case.

Petitioners insist that the subject real property was declared only for taxation purposes on 28 June 2005 and there was no way that they could have alleged the assessed value of the subject real property. However, the Court is in accord with the findings of the court a quo, viz:

“Prescinding from the foregoing, while it may be true that the property in dispute was only declared for taxation purposes on June 28, 2005, the plaintiff at the time of the filing of this suit should have alleged in the complaint the estimated assessed value of the subject property based on the lot adjacent thereto. Nonetheless, the plaintiffs did not allege the same in the instant complaint, thus, the present motion must be denied.”[8]

Section 1, Rule 9 of the 1997 Rules of Civil procedure specifically deals with dismissal of the claim by the court *motu proprio*, thus:

“Section 1. Defenses and objections not pleaded. – Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived. However, when it appears from the pleadings or the evidence on record that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment or by statute of limitations, the court shall dismiss the claim.”(underscoring supplied)

Section 1, Rule 9 provides for only four instances when the court may *motu proprio* dismiss the claim, namely: (a) lack of jurisdiction over the subject matter; (b) *litis pendentia*; (c) *res judicata*; and (d) prescription of action.[9] Specifically in *Gumabon v. Larin*,[10] cited in *Katon v. Palanca, Jr.*,[11] the Highest Tribunal held:

“x x x [T]he *motu proprio* dismissal of a case was traditionally limited to instances when the court clearly had no jurisdiction over the subject matter and when the plaintiff did not appear during trial, failed to prosecute his action for an unreasonable length of time or neglected to comply with the rules or with any order of the court. Outside of these instances, any *motu proprio* dismissal would amount to a violation of the right of the plaintiff to be heard. Except for qualifying and expanding Section 2, Rule 9, and Section 3, Rule 17, of the Revised Rules of Court, the amendatory 1997 Rules of Civil Procedure brought about no radical change. Under the new rules, a court may *motu proprio* dismiss a claim when it appears from the pleadings or evidence on record that

it has no jurisdiction over the subject matter; when there is another cause of action pending between the same parties for the same cause, or where the action is barred by a prior judgment or by statute of limitations. x x x.”[12]

In the case at hand, the trial court did not commit any reversible error when it dismissed *motu proprio* the proceedings before it since it is clear, based on the above discussion that the court has no jurisdiction over the subject matter of the case.

On petitioners' allegation that the dismissal of the RTC case for purportedly non-compliance with R.A. 7691 would only work injustice to them considering that the assessed value of the subject real property is One Million Twenty-Two Thousand Nine Hundred Pesos (Php1,022,900.00) under Tax Declaration No. 00-TY-004-19538, suffice it to state that since the RTC had no jurisdiction over the action of the petitioners, all the proceedings therein will have no effect whatsoever. In fact, even a decision on the merits of the case be rendered null and void. The complaint should perforce be dismissed.

Therefore, the trial court unquestionably had the authority or basis to *motu proprio* order the dismissal of petitioners' complaint.

WHEREFORE, premises considered, the Order dated 23 May 2012 issued by the public respondent and the subsequent Order dated 28 January 2013 denying petitioners' Motion for Reconsideration are hereby **AFFIRMED** in toto. With costs against the petitioners.

SO ORDERED.

Carandang, (Chairperson) and Sorongon, JJ., concur.

[1] Rollo, p. 17.

[2] G.R. No. 110427, 24 February 1997, 268 SCRA 640.

[3] 88 SCRA 623 (1979).

[4] *Gonzales v. Lacap*, G.R. No. 180730, December 11, 2008, citing *Quinagoran v. Court of Appeals*, G.R. No. 155179, August 24, 2007, 531 SCRA 104, 113-114; *Baltazar v. Ombudsman*, G.R. No. 136433, December 6, 2006, 510 SCRA 74, 89-90; *Pascual v. Beltran*, G.R. No. 129318, October 27, 2006, 505 SCRA 545.

[5] *Batas Pambansa 129*, Sec. 33 (3).

[6] *The Judiciary Reorganization Act of 1980*.

[7] *An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, otherwise Known as the "Judiciary Reorganization Act of 1980."*

[8] Rollo, p. 28.

[9] *P.L. Uy Realty Corporation v. ALS Management and Development Corp.*, G.R. No. 166462, 24 October 2012, 684 SCRA 453, 464–465.

[10] 422 Phil. 222, 230 (2001).

[11] 481 Phil. 168, 180 (2004).

[12] Gumabon v. Larin, supra note 10 at 230.

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