

**MARIA ABON, MARIA ALDAVE, CONCHITA ANG, ET AL., PLAINTIFFS
AND APPELLANTS, VS. AMPARO E. PABLO AND LILY E. PABLO,
DEFENDANTS AND APPELLEES.**

G. R. No. L-18096. January 31, 1963

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by Maria Abon and fifty others from the order of the Court of First Instance of Manila in Civil Case No. 44770 dismissing their complaint against Amparo E. and Lily E. Pablo on the following grounds: that the complaint did not state a sufficient cause of action, and that the court had no jurisdiction over the subject-matter of the action.

Appellants' complaint shows that they occupy, as tenants, different portions of a property owned by appellees situated along Tejeron and Esguerra Streets, Sta. Ana, Manila, paying individual monthly rents ranging from P5.00 to P10.00. After December 31, 1953, appellees required them to pay and they paid increased rents. Claiming that the increase of the rents was violative of Sec. 5 of Republic Act 1162, as amended by Republic Acts 1599 and 2342, which prohibits owners of landed estates in the City of Manila, authorized to be expropriated, from increasing the rents charged as of December 31, 1953, appellants sought to recover the amounts paid by them in excess of the December 31, 1953 rents, in the total sum of P6,843.67, plus exemplary damages treble the amount of each individual claims, attorney's fees and costs.

Appellees moved to dismiss the complaint on the ground that it did not state a sufficient cause of action; that their property—one hectare in area—was not a landed estate within the meaning of Republic Act 1162 and that, therefore, it was lawful for them to increase the rents in proportion to the corresponding increase in the land tax assessment of their property.

The trial court dismissed the complaint not only on the ground that it did not state a cause of action but also on the additional ground that, under Sec. 88 of the Judiciary Act, as amended, the action was not within its jurisdiction but within that of the Municipal Court of Manila, as the biggest individual claim did not exceed P5,000.00.

It is the rule in this jurisdiction that when two or more persons, pursuant to the provisions of Section 6, Rule 3 of the Rules of Court, join as plaintiffs in a complaint, although each has his own individual cause of action against the defendant, and the causes of action asserted in the complaint are demands or claims for money, the amount of each claim furnishes the jurisdictional test (R.A. 2613; Soriano y Cia., vs. Jose, 47 Off. Gaz. p. 10-12, Supp. p. 156; Argonza vs. International etc., 90 Phil., 470).

In the present case, as the lower court correctly found, each of the claims involved and asserted in favor of each individual plaintiff is below the jurisdictional amount for courts of first instance. Consequently, the action should have been filed in the corresponding inferior court.

The question of jurisdiction resolved above being decisive of the case, we deem it unnecessary to decide whether

the facts alleged in the complaint constitute or do not constitute a sufficient cause of action in favor of each plaintiff.

Wherefore, the order of dismissal appealed from is affirmed, with costs.

Bengzon, C J., Padilla, Bautista Angelo, Labrador , Concepcion , Reyes, J. B. L., Barrera, Paredes, Regala and Makalintal, JJ., concur.

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