

CONRADO V. SINGSON, CAROLINA CRISOSTOMO, AND FLORENTINO DE LIMA, PETITIONER AND APPELLANTS, VS. CRISANTO ARAGON AND MIGUEL L. LORZA, RESPONDENTS AND APPELLEES.

G. R. No. L-5164. January 27, 1953

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for certiorari filed in the Court of First Instance of Manila which seeks to set aside the order of respondent Judge denying petitioners' motion to dismiss the complaint for damages filed in the Municipal Court, Branch IV, Manila, and to prohibit him from further proceeding with the case on the ground that the same is beyond its jurisdiction.

On January 24, 1951, Miguel L. Lorza filed a complaint in the Municipal Court of Manila against Conrado V. Singson, Carolina Crisostomo and Florentino de Lima, petitioners herein, to recover the sum of P1,321.80 as actual damages, and P500 as attorney's fees, and praying at the same time that he be awarded such exemplary damages as the court may deem proper, plus the costs of action. The complaint was amended following a motion for bill of particulars filed by petitioners by itemizing the claim for actual damages in the amount of P1,321.80. As no specification has been made with regard to the exemplary damages prayed for, petitioners moved for such specification, but the same was denied on February 21, 1951, whereupon petitioners filed on the same date a motion to dismiss contending that the court has no jurisdiction of the case because it involves a prayer for an unspecified amount of exemplary damages which is beyond its limited jurisdiction. In a separate motion, petitioners also prayed that plaintiff's counsel define his authority to appear by clarifying if plaintiff is actually represented by the law firm of "Peralta & Agrava", or he is merely utilizing said firm name to bolster up the claim of P500 as attorney's fees mentioned in the complaint. The court denied both motions and so petitioners sued out the present petition for certiorari.

The parties having submitted the case on an agreed statement of facts, the court rendered judgment dismissing the petition, holding that "the plaintiff may waive totally or partially his claim for exemplary damages, and in the case under consideration it must be taken for granted that the respondent Miguel L. Lorza, as plaintiff in the Municipal Court, is waiving recovery of exemplary damages over and above the amount which, if added to his claim for compensatory damages and attorney's fees, would bring the total to more than two thousand pesos," which is the limit of the jurisdiction of the municipal court. From this decision petitioners have appealed.

The first error assigned by appellants refers to the attitude of the lower court in ignoring their request to have counsel of appellee his stand as to his appearance which they believe to be important in view of the amount of P500 which appellee is claiming in the complaint as attorney's fees to enable appellants to determine if such claim is reasonable. We do not find any anomaly in this attitude of the lower court it appearing from the record that during one of the hearings of the case before the Municipal Court of Manila counsel for appellee made a verbal manifestation to the effect that he is one of the assistant attorneys of the law firm of "Peralta & Agrava" to whom

the present case has been assigned and as such he has full authority to appear and represent said law firm which is the attorney of record of the appellee, and in the absence of any showing that this manifestation is not true, the same stands and substantially satisfies the requirement of appellants for clarification.

The main purpose of the present action is to recover certain actual or compensatory damages plus certain amount of attorney's fees, although in the prayer a request was made that the court assess the exemplary damages to which plaintiff may be entitled as an additional relief, and, because the amount of the requested exemplary damages has not been specified it is now claimed that the case is beyond the jurisdiction of the Municipal Court of Manila. The denial of the lower court to order the specification of said damages in order to give the Municipal Court jurisdiction over the case is now assigned as error.

The pertinent provisions of the new Civil Code relative to exemplary damages are as follows:

"ART. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to moral, temperate, liquidated or compensatory damages."

"ART. 2233. Exemplary damages cannot be recovered as a matter of right; the court will decide whether or not they should be adjudicated."

"ART. 2234. While the amount of the exemplary damages need not be proved, the plaintiff must show that he is entitled to moral, temperate or compensatory damages before the court may consider the question of whether or not exemplary damages should be awarded. In case liquidated damages have been agreed upon, although no proof of loss is necessary in order that such liquidated damages may be recovered, nevertheless, before the court may consider the question of granting exemplary damages, the plaintiff must show that he would be entitled to moral, temperate or compensatory damages were it not for the stipulation for liquidated damages."

From the above legal provisions it appears that exemplary damages may be imposed by way of example or correction only in addition, among others, to compensatory damages, but that they cannot be recovered as a matter of right, their determination depending upon the discretion of the court. It further appears that the amount of exemplary damages need not be proved, because its determination depends upon the amount of compensatory damages that may be awarded to the claimant. If the amount of exemplary damages need not be proved, it need not also be alleged, and the reason is obvious because it is merely incidental or dependent upon what the court may award as compensatory damages. Unless and until this premise is determined and established, what may be claimed as exemplary damages would amount to a mere surmise or speculation. It follows as a necessary consequence that the amount of exemplary damages need not be pleaded in the complaint because the same cannot be pre-determined. One can merely ask that it be determined by the court if in the use of its discretion the same is warranted by the evidence, and this is just what appellee has done.

The fact, however, that the amount of exemplary damages prayed for in the complaint has not been specified does not necessarily mean that the case is beyond the jurisdiction of the Municipal Court of Manila before which the case was filed considering that its determination depends upon the discretion of the court. When the case was filed by appellee before the Municipal Court which he is presumed to know is of limited jurisdiction, it must be understood that he has done so with full knowledge that the totality of his claim should not exceed the sum of P2,000. This is the limit of the Municipal Courts' jurisdiction. And the law having placed this matter within the discretion of the court, it must likewise be understood that the court should act having due regard to its limited jurisdiction. In other words, if the court should decide to award exemplary damages because it is warranted by the evidence, it can only do so by awarding the plaintiff such amount as, in addition to the actual or compensatory damages, would not exceed the amount of limit of its jurisdiction. As the lower court has correctly said, the plaintiff may waive totally or partially his claim for exemplary damages, and when he filed his case before the municipal court he is presumed to have waived recovery of such amount as, if added to actual damages, would

exceed the amount of P2,000. We find correct the interpretation which the lower court has placed on the law on the matter.

Finding no error in the decision appealed from, the same is hereby affirmed, with costs.

Paras, C.J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo and Labrador, JJ., concur.

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