

**TERESA FELIX VDA. DE ROSARIO, PETITIONER AND APPELLANT, VS.
JUSTICE OF THE PEACE OF CAMILING,. TARLAC, MELANIO ROSARIO
AND MARIA INOVEJAS, RESPONDENTS AND APPELLEES.**

G.R. No. L-9284. July 31, 1956

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

On August 24, 1954, appellees Melanio Rosario and Maria Inovejas filed against appellant Teresa Felix Vda. de Rosario civil case No. 187 in the Justice of the Peace Court of Camiling, Tarlac, for the collection of certain sums of money, to wit: P949.25 under the first cause of action; P860.23 under the second cause of action; as a third cause of action, damages of P1,000 for each of the first two causes of action; and P300 attorney's fees.

On September 6, 1954, appellant moved to dismiss the complaint on the ground that the amount of the demand under each cause of action, broken down as follows:

First cause
of Action

Second cause
of Action

Amount of demand.....

P949.25

P860.23

Consequential damages.....

1,000.00

1,000.00

Amount of demand.....

P949.25

P860.23

P2,099.25

P2,010.23

was beyond the jurisdiction of the Justice of the Peace Court. The inferior court, in its order of September 14, 1954, held the motion to dismiss meritorious, but instead of dismissing the complaint, ordered its amendment,

"as plaintiffs have manifested in their written opposition that they would be willing to waive the excess of the jurisdictional amount deductible from the demand for damages."

Appellant moved to reconsider the order, claiming that as the Justice of the Peace court did not have jurisdiction over the original complaint, it should not have allowed its amendment. This motion to reconsider was also denied, so appellant sued out for a writ of certiorari in the Court of First Instance of Tarlac. The Court of First Instance, however, refused to issue the writ on the ground that the amount of each single cause of action was not in excess of P2,000, discounting consequential damages and attorney's fees; hence, the present appeal.

The appeal must be sustained.

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) Sphere the claims joined under the same complaint 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, 90 Phil., 470; Soriano y Cia. vs. Jose, 47 Off. Gaz., (12 Supp.,) 156; and (2) where not all the causes of action joined are demands or claims for money.

The original complaint filed in the Justice of the Peace Court of Camiling, Tarlac sought to recover P949.25 under the first cause of action, P860.23 under the second cause of action, P2,000 under the third cause of action, and attorney's fees in the amount of P300, the totality of which exceeds P2,000, the limit of the jurisdiction of the inferior court. The Court of First Instance held that consequential damages and attorney's fees are not to be included in determining the jurisdictional amount. This is error, because under Sec. 88 of the Judiciary Act of 1948, only interest and costs are excluded from the amount that determines the jurisdiction of the inferior courts. Consequential damages and attorney's fees when properly claimed and recoverable as an item of damage, are not excluded from the jurisdictional amount (Suanes vs. Almeda-Lopez, 73 Phil., 573).

As the Justice of the Peace Court did not acquire jurisdiction over the original complaint, it did not have the power and jurisdiction to order its amendment and admit the amended complaint after the defendant had filed a motion to dismiss, "since it is elementary that a court must first acquire jurisdiction over the case in order to act validly therein" (Rosario vs. Carandang, 51 Off. Gaz., No. 5, 2387). At any rate, even with the amended complaint, the Justice of the Peace court still did not acquire jurisdiction over the subject-matter of the action, because the totality of the amended demands (P4,000) is still in excess of the jurisdiction of the inferior court.

The orders of December 4 and December 15, 1954, of the Court of First Instance of Tarlac in its civil case No. 975 are reversed, and civil case No. 187 of the Justice of the Peace Court of Camiling, Tarlac dismissed, with costs against appellees Melanio Rosario and Maria Inovejas So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Endencia and

Felix JJ., concur.

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