# JUAN V. SELGA, JR. AND CLARITA D. ENRIQUE, PLAINTIFFS-APPELLANTS, V. JUANITA DOCTOLERO, ADELAIDA PINTOR DEFENDANTS-APPELLEES.

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**GALAPATE-LAGUILLES, J:**

This is an Appeal[1] under Rule 41 of the Rules of Court from the February 28, 2012 Decision[2] of the Regional Trial Court, First (1st) Judicial Region, Agoo, La Union, Branch 32, in Civil Case No. A-2550, entitled, "Juan V. Selga, Jr. and Clarita D. Enrique, versus Juanita Doctolero, Adelaida Pintor", dismissing the case for lack of jurisdiction.

This case is a progeny of an action for Annulment of Sale and Reconveyance with Damages filed by plaintiffs-appellants Juan V. Selga, Jr. and Clarita D. Enrique (appellants) against defendants-appellees Juanita Doctolero and Adeliada Pintor (appellees) seeking to recover ownership and possession of a parcel of an agricultural land covered by Original Certificate of Title No. CLOA-5774. The Complaint[3] was filed with the RTC of Agoo, La Union, Branch 32, bearing the following essential averments, viz:

> "5. That Plaintiff JUAN V. SELGA JR. is the purchaser of the subject lot and upon receipt of the Affidavit of Adjudication with Sale dated April 30, 2007, sought to register the land in his name but was not allowed to do so because all transactions involving the land were held in abeyance by the Register of Deeds due to an Adverse Claim filed by the Defendants invoking that they were also purchasers by virtue of the Deed of Absolute Sale dated November 12, 2006. A copy of the Deed of Absolute Sale is hereto attached as ANNEX 'B".
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> 6. That Plaintiff JUAN V. SELGA JR. acquired the said property upon the execution of sale which was executed in his favor during the lifetime of Mercedes Doctolero. He relied on the Certificate of Land Title bearing no annotation or whatever claim which without the said 'CLEAR' title he must not have entered into a Contract of Sale.

xxx xxx xxx

> 7. That Co-Plaintiff CLARITA DOCTOLERO, for her part and being the Co-owner by succession of the land in issue, has a vested right which must have been respected during the alleged sale between her mother Mercedes Doctolero and the Defendants Juanita Doctolero and Adelaida Pintor.
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> 8. That Co-Plaintiff was not informed of the alleged sale between her mother and the Defendants.
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> 9. That it was sometime in March 2007 that Co-Plaintiff learned from her very own mother Mercedes that the latter wanted to sell the subject parcel of land to JUAN V. SELGA JR. ON account of this fact, Co-Plaintiff while in the United States of America, executed a Quitclaim Waiver of Rights duly acknowledge (sic) before the Consulate General of the Philippines in Los Angeles California dated March 12, 2007 in consideration of her love and affection to her mother. Hereto is the Quitclaim/Waiver of Rights attached as ANNEX 'C'.
>
> 10. That if it was not for the request of her mother, Co-plaintiff would never execute the Quitclaim over the property because the said land has its sentimental value reminiscing the joint efforts of her parents in the

acquisition of the said property.

11. That Co-Plaintiff was informed by JUAN V. SELGA JR. that the latter could not register the land title in his name due to the opposition of Defendants.

12. That if the land would not be registered according the wish (sic) of her mother, Co-Plaintiff hereby asserts her right either as the sole heir or by judicial affirmation to join Plaintiff Juan V. Selga Jr. as the real vendee.

xxx xxx xxx

**P R A Y E R**

To render judgment declaring null and void the Deed of Absolute Sale of the Defendants, the same not being in accordance with the formalities and requirements of the law;

To order the reconveyance of the property subject matter of the litigation by means of the appropriate document to be executed by the said Defendants and in the event of his refusal to do so, the sheriff or any person designated by this Honorable Court shall be the one to perform the act, with the same force and effect as if performed by the said Defendants themselves."[4]

On February 28, 2012, the court a quo dismissed the Complaint ratiocinating as follows:

"Although the complaint was captioned as 'Annulment of Sale and Reconveyance with Damages', an action which is incapable of pecuniary estimation, the caption is not determinative of the real nature of the action. From the afore-quoted allegations in the complaint, it appears that this is a case of double sale of a parcel of land that is plaintiff Juan V. Selga, Jr. basing his claim ownership on the Affidavit of Adjudication with Sale dated April 30, 2007, and the defendants (sic) claim of ownership was based on the alleged fraudulent Deed of Absolute Sale notarized on April 20, 2007. Meanwhile, co-plaintiff Clarita D. Enrique is claiming a portion of the subject lot by way of intestate succession. The ultimate issue to be resolved in this case is who between the contending parties is the lawful owner of the lot subject of this case, and entitled to its possession. The allegations of the complaint sufficiently shows that this is an accion reinvindicatoria. Jurisdiction over such an action would depend on the assessed value of the property involved.

A cursory reading of the above-quoted complaint will show that it does not contain an allegation stating the assessed value of the subject property. The court cannot take judicial notice of the assessed value of lands. Absent any allegation in the complaint of the assessed value of the property, it cannot thus be determined whether the RTC or the MTC had original and exclusive jurisdiction over the plaintiffs' action.

However, it was during the trial that defendants were able to adduce in evidence Tax Declaration No. 2009-19-0009-000230(Exh. "2") showing the assessed value of the subject property in the first quarter of 2009 as P23,330.00. The complaint was filed on June 16, 2008 and the assessed value of the property during that period is P7,000.00 as shown in the said tax declaration and Property Record Form with ARP No. 009-00019 (Exh. "2-B")

xxx xxx xxx

Clearly, the assessed value of the subject property is below P20,000.00, hence the plaintiff's complaint is within the exclusive original jurisdiction of the first level courts. Since this Court had no jurisdiction over the action of the plaintiffs, all the proceedings herein are declared null and void."[5] (boldness and underscoring supplied)

Hence, plaintiffs-appellants filed the instant appeal[6] raising before Us the following assignment of errors:[7]

I.


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> THE HONORABLE LOWER COURT ERRED IN DISMISSING THE CASE FOR LACK OF JURISDICTION.
>
> II.
>
> THE HONOROBALE LOWER COURT ERRED WHEN IT RULED THAT THE ACTION IF (sic) FOR RECOVERY OF POSSESSION AND OWNERSHIP WHEN IT IS CLEAR THAT THE MAIN ACTION IS TO DECLARE AS NULL AND VOID THE DEED OF ABSOLUTE SALE DATED NOVEMBER 12, 2016 AND WAS NOTARIZED ONLY ON APRIL 20, 2007.

The core issue for Our resolution is whether or not the RTC had jurisdiction over this case.

Plaintiffs-appellants argued that their Complaint for annulment of a deed of sale and reconveyance is an action incapable of pecuniary estimation, and thus falls within the exclusive jurisdiction of the RTC.[8] Defendants-appellees, on the other hand, claim the opposite.[9]

We resolve to deny the appeal.

In order to determine which court has jurisdiction over the action, an examination of the complaint is essential.[10] It is a hornbook principle is that what determines the jurisdiction of the court is the nature of the action pleaded as appearing from the allegations in the complaint. The averments therein and the character of the relief sought are the ones to be consulted.[11] Moreover, 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.[12]

Judging from the averments in appellants' Complaint, it is obvious to Us that the allegations therein make a case for an accion reinvindicatoria or reinvindicatory action. Accion reinvindicatoria or reinvindicatory action is a remedy whereby a party claims ownership over a parcel of land and seeks recovery of its full possession.[13] Otherwise put, the plaintiff alleges ownership of real property and prays for recovery of such ownership.[14]

Indubitably here, the dispute pertains to the title, possession and interest of each of the contending parties over the contested land. The Complaint squarely puts in issue the ownership of the disputed land as clearly demonstrated by the allegations itself wherein appellants Selga and Enrique assert ownership by virtue of an alleged Affidavit of Adjudication with Sale and intestate succession, respectively. Correspondingly, the relief sought to be obtained aims to compel the return of the subject land.

Given the above perspective, the question that comes to the fore is whether jurisdiction is vested with the RTC or MTC.

At the time appellants filed their Complaint in 2008, Batas Pambansa (BP) 129, the Judiciary Reorganization Act of 1980, was already amended by Republic Act (RA) 7691, An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, amending for the purpose BP Blg. 129.[15] Section 33 (paragraph 3) of RA 7691 provides:

> “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.
>
> (3) 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 costs: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots.

x x x." (underscoring supplied)

Congruently, Section 19 (paragraph 2) of the same law reads:

> "Sec. 19. Jurisdiction in civil cases. - The Regional Trial Court shall exercise exclusive original jurisdiction:
>
> x x x.
>
> (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." (underscoring supplied)

It is thus clear that RA 7691 has expanded the jurisdiction of first level courts to include actions which involve title to, or possession of, real property, or any interest therein where the assessed value does not exceed P20,000, P50,000 where the action is filed in Metro Manila.[16] With these modifications, the test of whether an action involving ownership or possession of real property has been filed in the proper court no longer depends solely on the type of action filed but also on the assessed value of the property involved.[17] The jurisdictional element is the assessed value of the property.

As earlier discussed, appellants' Complaint contained sufficient allegations for an action for reconveyance. To be sure, actions for reconveyance of or for cancellation of title are actions that fall under the classification of cases that involve "title to, or possession of, real property, or any interest therein".[18] Applying the aforecited provisions of RA 7691, jurisdiction over such actions would depend on the assessed value of the property involved.[19] The complaint must, therefore, allege the assessed value of the real property subject of the complaint or the interest thereon in order to determine which court (RTC or MTC) has jurisdiction over the action.[20]

As shown at the outset, appellants' Complaint did not contain the requisite allegation pertaining to the assessed value of the property. There is no showing from the four corners of the complaint that the RTC has jurisdiction exclusive of the MTC. Indeed, absent any allegation in the complaint of the assessed value of the property, it cannot readily be determined which of the two trial courts had original and exclusive jurisdiction over the case.[21]

Then too, even if We gloss over this infirmity, appellants' Complaint must still fail.

The court a quo's appreciation of the Tax Declarations[22] and Property Record Form (ARP No. 009-000190)[23] indicating that the subject property has an assessed value of P7,100.00 during the period within which the subject Complaint was filed, hence, well within the MTC's P20,000.00 jurisdictional limit, cannot be discounted. It is basic that the tax declaration indicating the assessed value of the property enjoy the presumption of regularity as it has been issued by the proper government agency.[24] More importantly, such factual findings is stamped with an imprimatur of utmost respect and are generally not disturbed on appeal especially when established by unrebutted testimonial and documentary evidence.[25]

We, therefore, find no compelling reason to diverge from the findings and conclusions of the court a quo in dismissing the case for lack of jurisdiction. For, when a court determines that it has no jurisdiction over the

subject matter the only power it has is to dismiss the action.[26]

Before concluding, We observe a palpable error committed in the preparation of the Complaint. The Verification/Certification[27] attached to appellants' Complaint before the court a quo is defective because the same was not properly notarized pursuant to Section 12[28], Rule II of the 2004 Rules on Notarial Practice which requires competent evidence of identity of the affiant. Verily, appellants' non-compliance with the afore-quoted Rule renders without doubt their Complaint defective and a mere scrap of paper which should have warranted the outright dismissal thereof. The unfavorable consequence of this lapse is inescapable in adherence with the ruling in Ceferina Argallon-Jocson and Rodolfo Tuising vs. Court of Appeals,[29] that a pleading required to be verified but lacks proper verification shall be treated as an unsigned pleading.

WHEREFORE, the assailed Decision of the Regional Trial Court, Agoo, La Union, Branch 32, Civil Case No. A-2550 is AFFIRMED. The Complaint in Civil Case No. A-2550 is dismissed for lack of jurisdiction.

No pronouncement as to costs.

**SO ORDERED.**

Diamante[*] (Acting Chairperson) and Bueser,[**] JJ., concur.

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[*] Vice J. Mariflor P. Punzalan Castillo per Office Order No. 188-14-ABR dated May 6, 2014

[**] Vice J. Amy C. Lazaro-Javier per Office Order No. 185-14-ABR dated May 5, 2014

[1[]] Notice of Appeal dated March 12, 2012, Original Records, p. 237. It was given due course in an Order dated March 19, 2012, p. 238.

[2] Original Records, pp. 227-231.

[3] Original Records, pp. 1-7.

[4] Original Records, pp. 2-6.

[5] Original Records, pp. 230-231.

[6] Appellants' Brief dated December 1, 2012; Rollo, pp. 15-24.

[7] Rollo. p. 18.

[8] Rollo, p. 18.

[9] Rollo, pp. 42-44.

[10] See Editha Padlan vs. Elenita Dinglasan and Felicisimo Dinglasan, G.R. No. 180321, March 20, 2013.

[11] City of Dumaguete, herein Represented by City Mayor, Agustin R. Percides vs. Philippine Ports Authority, G.R. No. 168973, August 24, 2011.

[12] Spouses Jorge J. Huguete and Yolanda B. Huguete vs. Spouses Teofedo Amarillo Embudo and Marites Huguete-Embudo, G.R. No. 149554, July 1, 2003.

[13] Iglesia Ni Cristo vs. Hon. Thelma A. Ponferrada, in her capacity as Presiding Judge, Regional Trial Court, Br. 104, Quezon City, and Heirs of Enrique G, Santos, G.R. No. 168943, October 27, 2006.

[14] Almario Bejar (Deceased), as substituted by his heirs-Carmelita Bejar, Alfredo Bejar, Gregoria B. Dancel,


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Brenda B. Miano, Lourdes B. Bendijo, and Susana B. Camilo vs. Maricel Caluag, G.R. No. 171277, February 15, 2007.

[15] See Editha Padlan vs. Elenita Dinglasan and Felicisimo Dinglasan, G.R. No. 180321, March 20, 2013.

[16] See Fernanda Geonzon Vda. De Barrera and Johnny Oco, Jr. vs. Heirs of Vicente Legaspi, represented by Pedro Legaspi, G.R. No. 174346, September 12, 2008.

[17] See Spouses Lydia Flores-Cruz and Reynaldo I. Cruz vs. Spouses Leonardo and Iluminada Goli-Cruz et. al., G.R. No. 172217, September 18, 2009.

[18] See Ana De Guia San Pedro and Alejo Dopeño vs. Hon. Fatima G. Asdala et. al., G.R. No. 164560, July 22, 2009; citing Heirs of Valeriano S. Concha, Sr. vs. Spouses Lumocso, G.R. No. 158121, December 21, 2007, 540 SCRA 1.

[19] Cf. Carmen Danao Malana et. al., vs. Benigno Tappa et. al., G.R. No. 181303, September 17, 2009.

[20] Victorino Quinagoran vs. Court of Appeals, G.R. No. 155179, August 24, 2007.

[21] Honorio Bernardo vs. Heirs of Eusebio Villegas, G.R. No. 183357, March 15, 2010; citing Victorino Quinagoran vs. Court of Appeals, G.R. No. 155179, August 24, 2007.

[22] Original Records, pp. 193 & 195.

[23] Original Records, p. 196.

[24] Honorio Bernardo vs. Heirs of Eusebio Villegas, G.R. No. 183357, March 15, 2010; citing Ouano vs. PGTT International Investment Corporation, 434 Phil. 28, 36 (2002).

[25] See Liberty Construction & Development Corporation et. al., vs. Court of Appeals et. al., G.R. No. 106601, June 28, 1996.

[26] See BF Homes, Inc. and the Philippine Waterworks and Construction Corp., vs. Manila Electric Company, G.R. No. 171624, December 6, 2010.

[27] Original Records, p. 7.

[28] Sec. 12. Competent Evidence of Identity.- The phrase “competent evidence of identity” refers to the identification of an individual based on:

> a) at least one current identification document issued by a official agency bearing the photograph and signature of the individual; or
> b)oath or affirmation of one credible witness not privy to the instrument, document or transaction who is personally known to the notary public and who personally knows the individual, or two credible witnesses neither of whom is privy to the instrument, document or transaction who each personally knows the individual and shows to the notary public documentary identification.

[29] G.R. No. 162836, July 30, 2009.

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