

**BEATRIZ SALON AND HER HUS-BAND PERFECTO ESTEVES
PLAINTIFFS-APPELLANTS, VS. FORTUNATA FIGURACION AND HER
HUSBAND, DEFENDANTS-APPELLEES.**

G.R. No. L-23036. January 27, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

An action for damages based on alleged defamatory imputations was brought by Beatriz Salon and her spouse, Perfecto Esteves, against Fortunata Figuracion and her husband. The complaint was filed on February 4, 1961 in the Court of First Instance of Pangasinan. Plaintiffs thereunder asked for P4,990.00 as damages and P1,000 as attorney's fees.

Subsequently, on February 17, 1961, plaintiffs filed an amended complaint, raising their demand to P10,000 moral damages and P1,000 attorney's fees.

Defendants filed on March 15, 1961 an answer with counterclaim. Plaintiffs on March 23, 1961 answered the counterclaim.

On June 22, 1963 Republic Act 3828 was approved and took effect, amending Section 88 of the Judiciary Act (Republic Act 296, by increasing the exclusive original jurisdiction of municipal courts to cover all civil actions where the value of the subject-matter or amount of the demand does not exceed ten thousand pesos (raised from five thousand pesos), exclusive of interests and costs.

Defendants thereafter, on February 20, 1964, moved to dismiss the amended complaint on the ground that with the enactment of Republic Act 3828 the Court of First Instance has lost jurisdiction over the subject-matter of the case. Stating that since the suit was for damages in the amount of P10,000, defendants contended that the same now falls under the exclusive original jurisdiction of the municipal court.

Resolving the motion, the Court of First Instance, on March 3, 1964, granted the same and dismissed the suit for lack of jurisdiction. Plaintiffs now appeal from the order of dismissal.

For purposes of this appeal there is no need for Us to find whether or not Republic Act 3828 affected pending cases. The record bears out that plaintiffs' complaint, which the Court a quo dismissed, contained a demand for P10,000 moral damages and P1,000 attorney's fees, or a total of P11,000. The aggregate of the sum demanded, therefore, is within the original jurisdiction of the Court of First Instance. The amount demanded for attorney's fees must be included in determining the jurisdiction, since the only items excluded are the costs and interest (Carlos v. P.J. Kiener Construction, Ltd., 52 O.G. 6554; Rosario v. Justice of the Peace, 99 Phil., 693; 52 O.G. 5157; Suanes v. Almeda-Lopez, 73 Phil. 573; Sec. 88 of R.A. 296).

WHEREFORE, the order appealed from is hereby reversed and set aside and this case is remanded to the Court a quo for further proceedings, with costs against appellees.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Makalintal, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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