

RUSSELL R. ENERIO, DARROW O. ENERIO, AND VIRGINIA RODRIGUEZ, PLAINTIFFS, VS. HON. NESTOR B. ALAMPAY, SONETTRAN CO., INC., ERNESTO KHO, AND MAX VILLEGAS Y YANSON, RESPONDENTS.

G.R. No. L-40010. May 26, 1975

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court sets aside respondent court's dismissal order for alleged lack of jurisdiction. The totality of the demand in suits for recovery of sums of money between the same parties furnishes the jurisdictional test and since petitioners' total claim for actual, moral and exemplary damages and attorney's fees was clearly in excess of P10,000.00 and came close to P30,000.00, it properly fell within the jurisdiction of respondent court of first instance.

On May 27, 1974, petitioners as plaintiffs filed with respondent court of first instance of Negros Occidental presided by respondent Judge Nestor B. Alampay a complaint for the recovery of actual, moral and exemplary damages and attorney's fees and costs of litigation totalling close to P30,000.00 against private respondents Sonetran Co., Inc., Ernesto Kho and Max Villegas y Yanson as defendants as a result of the physical injuries caused petitioner-minor, Russel Enerio, eight years of age (herein represented by his parents, the co-petitioners) when bumped on the road on January 15, 1974 by a passenger bus of respondents driven allegedly "in a very reckless, negligent and imprudent manner" by respondent Max Villegas.

Respondents filed in due course their answer with counter-claim for P20,000. — moral damages and P2,000. — attorney's fees.

Pre-trial was held by respondent court on November 27, 1974 and on said date, without its jurisdiction having been questioned or placed in issue by respondents, it issued *motu proprio* an order dismissing the complaint on the ground that "without the claims for moral and exemplary damages, this case will not fall within the jurisdiction of the court of first instance," without prejudice to re-filing in the court of proper jurisdiction and without costs, as petitioners-plaintiffs had been allowed by it to file the case as paupers-litigants. The pertinent portion of the dismissal order reads as follows:

"At the pre-trial of this case the attention of the counsel for the plaintiffs was drawn to the allegations of the complaint which limit the claim for actual damages of the plaintiff minor, Russel Enerio, to the amount of P478.00 corresponding to hospital and doctor's bills and medicines and for the miscellaneous expenses attendant to his care after he was bumped by a passenger bus of the defendant company. In same complaint, plaintiff Darrow O. Enerio, father of said minor, claims the amount of P500.00, representing his alleged loss of income during the period while attending to his injured son. All such claim for actual damages would thus be in the total amount of only P978.00. Along with these considerations, the court notes that plaintiffs seek moral damages in the sum of P10,000.00, exemplary damages in the sum of P15,000.00 and an award for attorney's fees of P3,000.00 and expenses of litigation in the sum of P500.00. Without the claims for moral and

exemplary damages, this case will not fall within the jurisdiction of the Court of First Instance.

"It is therefore the considered view of the court, considering the minimal amount of the claim of the plaintiffs for actual damages, that the moral and exemplary damages recited and claimed for in the complaint is but an obvious means taken to circumvent the provisions of the Judiciary Act with respect to the jurisdiction of inferior courts and the Courts of First Instance, respectively. The disproportionate and bloated claims for moral and exemplary damages and attorney's fees in this instance reflect that such were merely placed in the complaint in order to shift jurisdiction to this court, but that under the recited facts this case should not be taken cognizance of due to the limited amount that is actually involved. To tolerate the imposition of this case on this court, can open the floodgates to parties who may then institute slight physical injury cases in the Courts of First Instance on mere assertions of clearly disproportionate and imprudent claims for moral and exemplary damages and attorney's fees, with the resulting effect of adding burden to the docket and load of the superior courts. xxx xxx xxx"

xxx xxx xxx

Hence, the present petition for review on certiorari of the dismissal order. Upon consideration of respondents' comment and of petitioners' reply thereto, the Court resolved to treat the case as a special civil action and dispense with the filing of briefs for an expeditious determination of the simple issue of jurisdiction involved.

It is well settled and beyond question that the jurisdiction of a court over a case is determined by the allegations of the complaint, and since petitioners' complaint asserted a total demand, exclusive of interest of over P10,000.00 (and sought recovery of damages of close to P30,000.00) the case clearly falls within the original jurisdiction of respondent court of first instance as provided by section 44 of the Judiciary Act, Republic Act 296 as amended.

The totality of the demand in suits for recovery of sums of money between the same parties, i.e. the total or aggregate amount demanded in the complaint constitutes the basis of jurisdiction and for determining the jurisdictional amount in civil cases.[1] Here petitioners' total claim of P978.00 for actual damages, P10,000. — moral damages, P15,000 exemplary damages and P3,000 — attorney's fees, etc., was clearly in excess of P10,000.00 and therefore properly fell within the jurisdiction of respondent court of first instance. Respondent court could not arbitrarily isolate petitioners' lesser claim for actual damages and without hearing and proofs rule out petitioners' other claims for moral and exemplary damages as "bloated" and summarily dismiss *motu proprio* the case as not falling within its jurisdiction contrary to the very allegations on the face of the complaint.

Petitioners contend with reason that their complaint asserted lawful demands for the imposition of moral and exemplary or corrective damages against respondents "to serve as deterrent against reckless driving" on the basis of their specific allegations in their complaint that respondents' bus "was running very fast and was being driven . . . in a very reckless, negligent and imprudent manner, in utter violation of the Revised Motor Vehicle Law and the traffic rules and regulations and without due regard to life and property" and "that as a result of the injuries received by minor plaintiff, plaintiffs suffered physically and underwent mental torture and worried, wounded feelings, serious anxiety . . ."[2]

Petitioners have disclaimed any "bloating" of their claim for moral and exemplary damages as merely surmised by respondent court without having given petitioners their day in court and without having received the proofs of the parties. Petitioners rightfully contend that it is not the lesser nature of the injuries suffered by the minor or the relatively modest amount of actual damages incurred by them in the hospitalization of the injured son and the father's loss of income but the gross and wanton negligence of private respondents in the operation of their public vehicle which resulted in the injuries inflicted upon the minor (as alleged and if proven by them at the trial) that would be decisive and controlling on the matter of moral and exemplary damages claimed by them. Petitioners have cause to complain, therefore, that respondent court in refusing *motu proprio* to take cognizance of the case

on the ground that the claims for damages were "bloated" in effect prejudged the case without hearing and without the evidence, and wrongfully barred them from seeking moral and exemplary damages in excess of P10,000.00 by dismissing their suit before it and requiring them to file their action in the inferior courts, where their total claim for damages would be limited to not more than P10,000.00

There appears no valid justification in the record for respondent court's bare conclusion that petitioners' claim for damages were "bloated" in order to shift jurisdiction to it rather than to the inferior courts and that the filing of the case with it amounted to an "imposition of this case on this court."

Respondents' contention in their comment that "since the award of said amount (of moral and exemplary damages) is discretionary on its (respondent court) part, it believed that plaintiffs cannot recover a total amount in excess of P10,000.00, hence, there is basis for the court in dismissing the complaint on ground of lack of jurisdiction" is manifestly erroneous. If such were the case, respondent court should have narrowed down the issue at the pre-trial to the question and amount of recoverable damages, if any, and proceeded to receive the parties' proofs thereon and thereafter rendered judgment on the merits, even utterly refusing any award of moral or exemplary damages to petitioners if this were its determination. This simply means that it should have properly assumed and exercised its jurisdiction and disposed of the case on the merits rather than erroneously dismissed the complaint for alleged lack of jurisdiction with all the attendant delay caused thereby and the remand of the case back to it.

ACCORDINGLY, the dismissal order appealed from is hereby annulled and set aside and the case is ordered remanded to the court a quo for trial and adjudication on the merits. Without costs.

Castro, (Chairman), Makasiar, Esguerra, Muñoz Palma, and Martin, JJ., concur.

[1] See 1 Martin's Rules of Court, pp. 37-41 and cases therein cited.

[2] Complaint, Rollo, page 16, pars. 6 and 9.

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