

BENCHBOOK FOR TRIAL COURT JUDGES

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I. SUPREME COURT

A. Original

1. Exclusive

Petitions for issuance of writs of certiorari, prohibition and mandamus against the following:

1.1

Court of Appeals

1.2

Commission on Elections

1.3

Commission on Audit

1.4

Sandiganbayan

2. Concurrent

2.1

with Court of Appeals

Petitions for issuance of writs of certiorari, prohibition and mandamus against the following:

2.1.1

National Labor Relations Commission under the Labor Code (Section 9 of B. P. Blg. 129 as amended by RA 7902, *St. Martin Funeral Homes v. National Labor Relations Commission*, G. R. No. 130866, September 16, 1998, 295 SCRA 494)

Note: However, the petitions should be filed with the Court of Appeals; otherwise, they shall be dismissed. (A. M. No. 99-2-01-SC)

2.1.2

Civil Service Commission (RA 7902)

2.1.3

Central Board of Assessment Appeals (PD 464; Sec. 9 of BP 129 as amended by RA 7902)

2.1.4

Court of Tax Appeals and Quasi-Judicial Agencies (Rule 43, 1997 Rules of Civil Procedure)

2.1.5

Regional Trial Courts and lower courts

2.2

with the Court of Appeals and Regional Trial Courts

2.2.1

Petitions for habeas corpus and quo warranto

2.2.2

Petitions for issuance of writs of certiorari, prohibition and mandamus against the lower courts or bodies (Sec. 9[1] and Sec. 21 [1] of BP 129; Vergara v. Suelto, No. L-74766, December 21, 1987, 156 SCRA 763 [1987])

2.3

with Regional Trial Courts

Actions affecting ambassadors and other public ministers and consuls (Sec. 5[1] Article VIII, Constitution, Sec. 21[2] of BP 129, Schneckenburger v. Moran, 63 Phil 249 [1936])

B. Appellate

1. Notice of Appeal

1.1 From Regional Trial Courts or the Sandiganbayan in all criminal cases involving offenses for which the penalty imposed is reclusion perpetua or life imprisonment, and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion (Sec. 17 of Judiciary Act of 1948: Sec. 9[3] of BP 129; Sec. 5[2-d], Article VIII, Constitution; Sec. 3[c] of Rule 122; Sec. 5 of RA 8249) Exception: People v. Plateros, No. L-37162, May 30, 1978, 83 SCRA 401

1.2 Automatic review in criminal cases where the death penalty is imposed by the Regional Trial Court or the Sandiganbayan (RA 7659 and 8249; Secs. 3 [d] and 10 of Rule 122)

2. Petition for Review on Certiorari

2.1 Appeals from the Court of Appeals (Sec. 17 of Judiciary Act of 1948 as amended by RA 5440; Sec. 5[2] Article VIII, Constitution; Rule 45 of 1997 Rules of Civil Procedure)

2.2 Appeals from the Sandiganbayan on pure questions of law, except cases where the penalty imposed is reclusion perpetua, life imprisonment or death (Sec. 7 of PD 1606 as amended by RA 8249; Nuñez v. Sandiganbayan, Nos. L-50581-50617, January 20, 1982, 111 SCRA 433; Rule 45 Ibid.)

2.3 Appeals from Regional Trial Courts exercising original jurisdiction in the following cases:

2.3.1

If no question of fact is involved and the case involves-

a)

Constitutionality or validity of treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance or regulation

b)

Legality of tax, impost, assessments, or toll, or penalty in relation thereto

c)

Jurisdiction of lower court

2.3.2

All cases in which only errors or questions of law are involved (Sec. 5[2-a,b,c, and e], Article VIII, Constitution, Sec. 9[3] of BP 129); Rule 45 Ibid; Sec. 2[c] of Rule 41; Sec. 3[e] of Rule 122)

3. Special Civil Action of Certiorari filed within thirty days against the following:

3.1 Commission on Elections (Sec. 7, Article IX-A Constitution; Aratuc v. Comelec, No. L-49705-09, Feb. 8, 1979, 88 SCRA 251)

3.2 Commission on Audit (Ibid. 1987 Constitution) (Rule 64, 1997 Rules of Civil Procedure)

II. COURT OF APPEALS

A. Original

1. Exclusive

Actions for annulment of judgments of Regional Trial Courts (Sec. 9[2] of BP 129; Rule 47 of 1997 Rules of Civil Procedure)

2. Concurrent

2.1

with Supreme Court

Refer to Sec. 2.1 above under I.A. supra

2.2

with Supreme Court and Regional Trial Courts

Refer to Sec. 2.2 above under I.A. supra

B. Appellate

1. Ordinary Appeal by Notice of Appeal or Record on Appeal

1.1 Appeals from Regional Trial Courts, except those appealable to the Supreme Court under Sec. 2(3) of 1-B above.

1.2 Appeals from Regional Trial Courts on constitutional, tax, jurisdictional questions involving questions of fact

which should be appealed first to the Court of Appeals (Sec. 17 subparagraph 4 of the fourth paragraph of the Judiciary Act of 1948 as amended, which was not intended to be excluded by Sec. 9[3] of BP 129)

1.3 Appeals from decisions and final orders of the Family Courts. (Sec. 14 of RA 8369)

2. Petition for Review

2.1 Appeals from the Civil Service Commission (RA 7902; Rule 43 of 1997 Rules of Civil Procedure)

2.2 Appeals from Regional Trial Courts in cases appealed from Metropolitan Trial Courts and Municipal Circuit Trial Courts, which are not a matter of right. (Sec. 22 of BP 129; Rule 42 of 1997 Rules of Civil Procedure; Sec. 3[b] of Rule 122)

2.3 Appeals from Court of Tax Appeals and quasi-judicial agencies. Among these are:

- Central Board of Assessment Appeals
- Securities and Exchange Commission
- Office of the President
- Land Registration Authority
- Social Security Commission
- Civil Aeronautics Board
- Intellectual Property Office (formerly the Bureau of Patents, Trademark and Technology Transfer)
- National Electrification Administration
- Energy Regulatory Board
- National Telecommunications Commission
- Department of Agrarian Reform under RA 6657
- Government Service Insurance System
- Employees Compensation Commission
- Agricultural Inventions Board
- Insurance Commission
- Philippine Atomic Energy Commission
- Board of Investments
- Construction Industry Arbitration Commission
- Voluntary arbitrators authorized by law. (Rule 43 of 1997 Rules of Civil Procedure)

2.4 Appeals from the National Commission on Indigenous Peoples (NCIP). (Sec. 67 of RA 8371)

2.5 Appeals from the Office of the Ombudsman in administrative disciplinary cases. (A. M. No. 99-2-02-SC, Fabian v. Desierto, G.R. No. 129742, September 16, 1998, 295 SCRA 470)

III. SANDIGANBAYAN

A. Original

1. Exclusive

1.1 Violation of RA 3019 (Anti-Graft), RA 1379 and Chapter II, Sec. 2, Title VII of Revised Penal Code; and other offenses committed by public officials and employees in relation to their office, and private individuals charged as co-principals, accomplices and accessories including those employed in government-owned or controlled corporations, where one or more of the accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

- Officials of the Executive branch xxx classified as Grade '27' or higher xxx specifically including xxx
- Members of Congress xxx
- Members of Judiciary xxx
- Members of Constitutional Commissions xxx
- All other national and local officials classified as grade '27' and higher

In cases where none of the accused are occupying the above positions, the original jurisdiction shall be vested in the proper regional trial court or metropolitan trial court, etc., as the case may be, pursuant to their respective jurisdictions. (Section 2, RA 7975, as amended by RA 8249)

In cases where there is no specific allegation of facts showing that the offense committed in relation to the public office of the accused, the original jurisdiction shall also be vested in the proper regional trial court or metropolitan trial court, etc., as the case may be. (Lacson v. Executive Secretary, G. R. No. 128096, January 20, 1999, 301 SCRA 298)

1.2 Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A. (Sec. 2 of RA 7975 as amended by RA 8249 [1997])

2. Concurrent with Supreme Court

Petitions for certiorari, prohibition, mandamus, habeas corpus, injunction and other ancillary writs in aid of its appellate jurisdiction, including quo warranto arising in cases falling under said Executive Order Nos. 1, 2, 14 and 14-A. (Ibid. As amended by RA 8249)

B. Appellate

Decisions and final orders of Regional Trial Courts in the exercise of their original or appellate jurisdiction under PD 1606, as amended, shall be appealable to the Sandiganbayan in the manner provided by Rule 122 of the Rules of Court. (Sec. 5 of RA 8249 [1997])

IV. REGIONAL TRIAL COURTS

A. Original

1. Civil

1.1 Exclusive

1.1.1

Subject of action not capable of pecuniary estimation;

1.1.2

Actions involving title or possession of real property or interest therein where the assessed value exceeds Php 20,000.00 or in Metro Manila Php 50,000.00 except forcible entry and unlawful detainer;

1.1.3

Actions in admiralty and maritime jurisdiction where demand or claim exceeds Php100,000.00; or in Metro Manila Php 200,000.00;

1.1.4

Matters of probate, testate, or intestate, where gross value of estate exceeds Php100,000.00 or in Metro Manila P200,000.00

1.1.5

Actions involving marriage and marital relations(now under the jurisdiction of the Family Courts);

1.1.6

Cases not within exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial function;

1.1.7

Actions and special proceedings falling within the exclusive original jurisdiction of the Juvenile and Domestic Relations Courts (now the Family Courts, Sec. V, *infra*) and the Court of Agrarian Relations;

1.1.8

Other cases where demand, exclusive of interest, damages, attorney's fees, litigation expenses and costs, or value of property in controversy exceeds Php 100,000.00 or in Metro Manila Php 200,000.00 (Sec. 19 of BP 129 as amended by RA 7691) However, if the claim for damages is the main cause of action, the amount thereof shall be considered in determining the jurisdiction of the court. (Administrative Circular No. 09-94, dated June 14, 1994)

Note: The amounts in 1.1.3, 1.1.4 and 1.1.8 were doubled as of March 20, 1999 under Sec. 5 of RA 7691; Circular No. 21-99. The original amount of Php 100, 000.00 which was increased to Php 200,000.00 will be increased to Php 300,000.00 five (5) years thereafter.

1.1.9

Additional original jurisdiction transferred under Section 5.2 of the Securities Regulation Code:

a)

Devices or schemes employed by, or any acts of, the board of directors, business associates, its officers or partnership, amounting to fraud and misrepresentation xxx

b)

Controversies arising out of intra-corporate or partnership relations xxx

c)

Controversies in the election or appointment of directors, trustees, officers or managers of such corporation, partnerships or association.

d)

Petitions of corporations, partnerships or associations to be declared in a state of suspension of payments xxx (RA No. 8799 approved on July 19, 2000)

1.2 Concurrent

1.2.1

with Supreme Court

Actions affecting ambassadors and other public ministers and consuls; (Sec. 21[1] of BP 129)

1.2.2

with Supreme Court and Court of Appeals

a)

Certiorari, Prohibition, and Mandamus against lower courts and bodies.

b)

Habeas corpus and Quo Warranto, Sec. 9 [1] and Sec. 21 [1] of BP 129

1.2.3

with Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts

No concurrent jurisdiction: Guardianship and adoption cases are now under the exclusive original jurisdiction of Family Courts established by RA 8369 known as the 'Family Courts Act of 1997' approved on October 28, 1997. (See Sec. 5 *infra*.)

1.2.4

With the Insurance Commission

Claims not exceeding Php 100,000.00 (Sec. 416 of the Insurance Code (1974), PD 612). Applicable if subject of the action is not capable of pecuniary estimation; otherwise, jurisdiction is concurrent with Metropolitan Trial Courts, etc.

2. Criminal

2.1 Exclusive

Criminal cases not within the exclusive jurisdiction of any court, tribunal or body. (Sec. 20 of BP 129) These include criminal cases where the penalty provided by law exceeds six (6) years imprisonment irrespective of the fine. (RA 7691). These also include criminal cases not falling within the exclusive original jurisdiction of the Sandiganbayan where none of the accused are occupying positions corresponding to salary grade '27' and higher. (RA 7975 and 8249)

But in cases where the only penalty provided by law is a fine, the Regional Trial Courts have jurisdiction if the amount of the fine exceeds Php 4,000.

(RA 7691 as clarified by Administrative Circular No. 09-94 dated June 14, 1994)

Notes: Family Courts have exclusive original jurisdiction over criminal cases where one or more of the accused is below eighteen (18) years of age but not less than nine (9) years of age, or when one or more of the victims is a minor at the time of the commission of the offense. (Sec. 5(a) of RA 8369)

B. Appellate

All cases decided by lower courts (Metropolitan Trial Courts, etc.) in their respective territorial jurisdictions. (Sec. 22 of BP 129[1983])

V. FAMILY COURTS

A. Exclusive and Original

1. Criminal cases where one or more of the accused is below eighteen (18) years of age but not less than nine (9) years of age, when one or more of the victims is a minor at the time of the commission of the offense: Provided, That if the minor is found guilty, the court shall promulgate sentence and ascertain any civil liability which the accused may have incurred. The sentence, however, shall be suspended without need of application pursuant to Presidential Decree No. 903, otherwise known as the "Child and Youth Welfare Code";
2. Petitions for guardianship, custody of children, habeas corpus in relation to the latter;
3. Petitions for adoption of children and the revocation thereof;
4. Complaints for annulment of marriage, declaration of nullity of marriage and those relating to marital status and property relations of husband and wife or those living together under different status and agreements; and petitions for dissolution of conjugal partnership of gains;
5. Petitions for support and/or acknowledgment;
6. Summary judicial proceedings brought under the provisions of Executive Order No. 209, otherwise known as the "Family Code of the Philippines";
7. Petitions for declaration of status of children as abandoned, dependent or neglected children, petitions for voluntary or involuntary commitment of children, the suspension, termination, or restoration of parental authority and other cases cognizable under Presidential Decree No. 603, Executive Order No. 56 (Series of 1986) and other related laws;
8. Petitions for the constitution of the family home;
9. Cases against minors cognizable under the Dangerous Drugs Act, as amended;
10. Violations of Republic Act No. 7160, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", as amended by Republic Act No. 7658, and
11. Cases of domestic violence against:

11.1 Women – which are acts of gender-based violence that result, or likely to result in physical, sexual or psychological harm or suffering to women; and other forms of physical abuse such as battering or threats and coercion which violate a woman’s personhood, integrity and freedom of movement; and

11.2 Children – which include the commission of all forms of abuse, neglect, cruelty, exploitation, violence and discrimination and all other conditions prejudicial to their development.

If an act constitutes a criminal offense, the accused or batterer shall be subject to criminal proceedings and the corresponding penalties.

If any question involving any of the above matters should arise as an incident in any case pending in the regular courts, said incident shall be determined in that court.

VI. METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS.

A. Original

1. Civil

1.1

Exclusive

1.1.1

Actions involving personal property valued at not more than Php 100,000.00 or in Metro Manila Php 200,000.00

1.1.2

Actions demanding sums of money not exceeding Php 100,000.00 or in Metro Manila, Php 200,000.00; in both cases, exclusive of interest, damages, attorney’s fees, litigation expenses and costs, the amount of which must be specifically alleged, but the filing fees thereon shall be paid.

These include admiralty and maritime cases.

1.1.3

Actions involving title or possession of real property where the assessed value does not exceed Php 20,000.00 or in Metro Manila Php 50,000.00

1.1.4

Provisional remedies in principal actions within their jurisdiction, and in proper cases, such as preliminary attachment, preliminary injunction, appointment or receiver and delivery of personal property. (Rules 57, 58, 59 and 60)

1.1.5

Forcible entry and unlawful detainer, with jurisdiction to resolve issue of ownership to determine issue of possession.

1.1.6

Probate proceedings, testate or intestate, where gross value of estate does not exceed Php 100,000.00 or in Metro Manila Php 200,000.00 (Sec. 33 of BP 129 as amended by RA 7691).

Note: The amounts in 1.1.1, 1.1.2 and 1.1.6 were doubled as of March 20, 1999 under Sec. 5 of R.A. 1761; Circular No. 21-99. The original amount of Php 100,000.00, which was increased to Php 200,000.00 will be increased to Php 300,000.00 five (5) years thereafter.

1.1.7

Inclusion and exclusion of voters. (Sec. 138 of BP 881, Omnibus Election Code of the Philippines (1985))

1.2

Concurrent with Regional Trial Courts

None

1.3

Delegated

Cadastral and land registration cases assigned by Supreme Court where there is no controversy or opposition and in contested lots valued at not more than Php 100,000.00. (Sec. 34 of BP 129 as amended by RA 7691)

1.4

Special

Petition for habeas corpus in the absence of all Regional Trial Judges. (Sec. 35 of BP 129)

2. Criminal

2.1

Exclusive

2.1.1

All violations of city or municipal ordinances committed within their respective territorial jurisdictions;

2.1.2

All offenses punishable with imprisonment of not more than six (6) years irrespective of the fine and regardless of other imposable accessory or other penalties and the civil liability arising therefrom; provided, however, that in

offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction. (Sec. 32 of BP 129 as amended by RA 7691[1994])

Note:

Jurisdiction over the whole complex crime lies with the trial court having jurisdiction to impose the maximum and most serious penalty imposable of an offense forming part of the complex crime. Thus, where the imposable penalty for the physical injuries charged would come within the jurisdiction of the municipal trial court, while the fine for the damage to the property, would fall on the Regional Trial Court, the court that would take cognizance of the case must be determined not by the corresponding penalty for the physical injuries charged but by the fine imposable for the damage to property resulting from the reckless imprudence.

2.1.3

All offenses committed not falling within the exclusive original jurisdiction of the Sandiganbayan where none of the accused are occupying positions corresponding to salary grade '27' and higher. (As amended by RA 7675 and 8249)

2.1.4

However, in cases where the only penalty provided by law is a fine not exceeding Php 4,000, the Metropolitan Trial Courts, etc. have jurisdiction. (Administrative Circular No. 09-94 dated June 14, 1994.)

2.2 Concurrent with Fiscals and State Prosecutors

Except for Metropolitan Trial Courts in National Capital Regions, conduct preliminary investigation of offenses where the penalty prescribed by law is at least four (4) years, two (2) months and one (1) day without regard to fine. (Sec. 37 of BP 129; Sec. 1 of Rule 112, as amended). Preliminary investigation of crimes within the jurisdiction of the Sandiganbayan is conducted by the office of the Special Prosecutor under the Ombudsman. (Sec. 11 of RA 6770)

2.3 Special

Applications for bail in the absence of all Regional Trial Judges. (Sec. 35 of BP 129)

3. Summary Procedure

3.1

Civil

3.1.1

Forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered; but attorney's fees shall not exceed Php 20,000.00 (Revised effective November 15, 1991)

3.1.2

All other cases, except probate proceedings, where total claim does not exceed Php10,000.00

3.2

Criminal

3.2.1

Traffic violations

3.2.2

Rental law violations

3.2.3

Violations of City and municipal ordinances

3.2.4

All other cases where penalty does not exceed 6 months and/or fine of Php1,000.00

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