

COMPOSTELA LUMBER CO. INC., PETITIONER, VS. FILOMENA DATU, ENRIQUE A. FERNANDEZ, AND CIRILO MACEREN, IN THEIR CAPACITIES AS JUDGES OF THE COURT OF FIRST INSTANCE OF DAVAO, AND R...

G.R. No. L-4768. February 27, 1952

Ponente: BENGZON, J.

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BENGZON, J.:

The respondents have not answered the petition for certiorari and injunction which alleges that,

In March 1950 Filomena Datu filed a complaint in the court of first instance of Davao (Civil Case No. 464) for the recovery of two thousand pesos as damages for the death of her daughter caused by a truck driver of the defendant Compostela Lumber Co.; said complaint was never served on the defendant or its authorized agent; in November 1950 the defendant was defaulted; in January 1951 the respondent Judge Cirilo Maceren rendered a decision, sentencing the defendant to pay the plaintiff the sum of P2,000 with legal interest and costs; on February 17, 1951 the defendant learned for the first time of the action and judgment taken against it; forthwith it filed a petition contesting the jurisdiction of the court over the subject matter and over the defendant's person, and in the alternative, praying for relief under Rule 38; and the other respondent judge denied such petition.

Copy of the complaint in question is before us. It expressly requested for judgment against the Compostela Lumber Co. for the sum of two thousand pesos and costs. Such being the case the matter falls within the exclusive original jurisdiction of the corresponding justice of the peace court (Secs. 86 to 88 Republic Act No. 296 effective since 1948) and not within the cognizance of the court of first instance of Davao. Consequently all the proceedings had in the latter court were void ab initio. The petition for certiorari is granted, and the injunction heretofore issued is made permanent. Costs against respondent Filomena Datu. So ordered.

Paras, C. J., Feria, Pablo, Padilla, Tuason, Montemayor, Reyes, Jugo, and Bautista Angelo, JJ., concur.

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