

ISAGANI GALANG, PLAINTIFF AND APPELLEE, VS. JUANA PANGAN VDA. DE REYES, DEFENDANT AND APPELLANT.

G. R. No. L-5834. June 30, 1953

Ponente: TUASON, J.

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TUASON, J.:

This action was commenced in the Court of First Instance of Negros Occidental to recover the sum of P1,562.84 plus legal interest, unspecified attorney's fees, and costs. Judgment was for the plaintiff for all the items mentioned except attorney's fees, and defendant appealed.

Trial was held in the absence of defendant who, as well as her counsel, lived in Manila. Motion for reconsideration alleging that the court had no jurisdiction of the subject matter, that defendant's failure to be present at the trial had been due to sudden illness, and that she had a good defense, was denied. Substantially, these are the same grounds adduced in support of the appeal.

Jurisdiction, which was pleaded in the answer as well as in the motion for reconsideration was not touched by the trial court either in its decision or in the order denying the motion to reopen the case.

Section 88 of the Judiciary Act of 1948 provides:

"SEC. 88. Original jurisdiction in civil cases.—In all civil actions, including those mentioned in Rules 59 and 62 of the Rules of Court, arising in his municipality or city, and not exclusively cognizable by the Court of First Instance, the justice of the peace and the judge of the municipal court shall have exclusive original jurisdiction where the value of the subject matter or amount of the demand does not exceed two thousand pesos, exclusive of interest and costs. * * *."

This Act was approved June 18, 1948, while the instant case was commenced on September 15 of the same year. It is obvious that the Court of First Instance lacked jurisdiction to try and decide the case at bar and should have dismissed it as defendant prayed. Without deciding whether or not the latest Judiciary Act operates retrospectively to divest the courts of first instance of jurisdiction over cases covered by Section 88 but already filed and pending when it went into effect, we are of the opinion that the new legislation does not apply to causes of action which though accrued and arising before its passage were not the subject of suit actually begun. There is no apparent legislative intent to give the law this effect. On the contrary in Section 99 it provides that all laws and rules inconsistent with its provisions were thereby repealed and in Section 101 that it was to take effect upon its approval.

It is therefore our judgment that the court a quo had no jurisdiction of the cause, and the appealed decision should be, and it is hereby, reversed, with costs against the appellees.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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