

JONATHAN LIM, PETITIONER, VS. HON. PETRONILO A. SULLA, JR., IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF PASAY CITY BRANCH 110, AND MARGARITA ORTEGA, RESPON...

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

This is a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure assailing, on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction, the Order dated 26 January 2012[1] of the Regional Trial Court, Branch 110 of Pasay City. The dispositive portion reads:

“x x x

WHEREFORE, the motion to dismiss filed by defendant Jonathan L. Lim is hereby DENIED for lack of merit.

SO ORDERED.”

Also assailed is the Order[2] dated 17 February 2012 denying petitioner’s Motion for Reconsideration.

The Antecedents

This case stemmed from a complaint[3] filed by private respondent against petitioner for Declaration of Nullity of Deed of Transfer, Condominium Certificates of Title Nos. 16904 and 16905 with Reconveyance and Damages. Private respondent averred therein that she is the owner of a condominium unit and a parking space covered by Condominium Certificates of Title Nos. 16556[4] and 16557.[5] However, through fraudulent misrepresentation and falsification of a Deed of Transfer[6] perpetrated by petitioner, CCT Nos. 16556 and 16557 were cancelled and new titles were issued in the name of the latter.

In her Complaint, private respondent also seeks to recover from petitioner compensatory, moral and exemplary damages in the amount of not less than Fifty Thousand Pesos (P50,000.00) each, and One Hundred Thousand Pesos (P100,000.00) as attorney’s fees.

However, when private respondent testified during the trials, she asked for Ten Million Pesos (P10,000,000.00) as moral damages, Two Million Pesos (P2,000,000.00) as exemplary damages and Five Hundred Twenty-Five Thousand Pesos (P525,000.000) as attorney’s fees. Petitioner’s counsel manifested therein that private respondent’s claim for damages were beyond the amount prayed for in her complaint for which she paid the corresponding filing fees.

As a consequence, on 21 October 2011, petitioner filed a Motion to Dismiss the complaint for lack of jurisdiction for failure to pay the correct docket fees for amount of damages being sought, and also for failure to disclose in the complaint the assessed value of the properties which are the subject of the case. Private respondent contended, however, that she had paid the full amount of docket fees as assessed by the Office of the Clerk of Court and that, moreover, the complaint is actually one for rescission of contract which is incapable of pecuniary estimation.

As heretofore stated, public respondent denied petitioner's motion to dismiss on the premise that it does not automatically lose its jurisdiction over the case since private respondent paid the docket fees in accordance with the assessment of the Office of the Clerk of Court. If at all, any deficiency in the docket fees shall constitute a lien on the judgment award. Petitioner moved for reconsideration, but the same was denied.

Hence, this instant petition for certiorari posing these issues:

I

WHETHER OR NOT HON. JUDGE PETRONILO A. SULLA, JR. COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT DENIED PETITIONER'S MOTION TO DISMISS.

II

WHETHER OR NOT HON. JUDGE PETRONILO A. SULLA, JR. COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT DENIED PETITIONER'S MOTION FOR RECONSIDERATION.

III

WHETHER OR NOT THERE IS AN URGENT NECESSITY FOR THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND THEN A WRIT OF PRELIMINARY INJUNCTION TO ENJOIN RESPONDENT JUDGE FROM PROCEEDING WITH THE TRIAL OF THE CASE.

Our Ruling

In order to determine whether private respondent paid the correct amount of docket fees, it is necessary to determine the true nature of her complaint. The dictum adhered to in this jurisdiction is that the nature of an action is determined by the allegations in the body of the pleading or the complaint itself, rather than by its title or heading.[7]

A scrutiny of the complaint filed by private respondent shows that the allegations and reliefs therein pertain to the recovery of the ownership and possession of the condominium unit and the parking lot from petitioner. Clearly, it is one that involves an action affecting title or possession of real property; it is, therefore, a real action. As defined in Section 1, Rule 4 of the Rules of Court, a real action is an action affecting title to or recovery of possession of real property.[8] Thus, the fair market value of the property, or if none, the value stated in litigation shall be the basis in computing the docket fees, following Section 7 (a) Rule 141 of the Rules of Court which provides that:

“a) xxx in cases involving real property, the FAIR MARKET value of the REAL property in litigation STATED IN THE CURRENT TAX DECLARATION OR CURRENT ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE, WHICHEVER IS HIGHER, OR IF THERE IS NONE, THE STATED VALUE OF THE PROPERTY IN LITIGATION x x x AS ALLEGED BY THE CLAIMANT, x x x:

x x x”

It is the settled rule that when an action is filed in court, the complaint must be accompanied by payment of the requisite docket and filing fees. It is not simply the filing of the complaint or appropriate initiatory pleading, but also the payment of the prescribed docket fee, that vests a trial court with jurisdiction over the subject matter or nature of the action.[9]

In the present case, the complaint filed by private respondent did not indicate the assessed value of the properties and only specified the amount of damages that she sought to recover from petitioner, albeit, to be proven during trial. In point of fact, however, irrespective of whether the aforesaid complaint should be regarded as an action

incapable of pecuniary estimation or as a real action, it was the office of the Clerk of Court that computed the docket fees to be paid by private respondent and, on that basis, private respondent dutifully paid the docket fees without question. If, indeed, there was error in the computation and payment of the docket fees, it is Our view that private respondent should not be prejudiced thereby.

The Supreme Court has ruled that the filing of the complaint or appropriate initiatory pleading and the payment of the prescribed docket fees vested a trial court with jurisdiction over the claim, and although the docket fees paid were insufficient in relation to the amount of the claim, the clerk of court or his duly authorized deputy retained the responsibility of making deficiency assessment, and the party filing the action could be required to pay the deficiency, without jurisdiction being automatically lost.[10] In fact, even though the payment of the prescribed docket fees is a jurisdictional requirement, its non-payment at the time of filing does not automatically result in the dismissal of the case provided the docket fees are paid within the applicable prescriptive or reglementary period.[11] Likewise, the non-specification of the amounts of damages does not immediately divest the trial court of its jurisdiction over the case, provided there is no bad faith or intent to defraud the Government on the part of plaintiff. Ineluctably, when docket fees are paid as assessed, it negates any imputation of bad faith to private respondent or any intent to defraud the government.[12] And, even where the clerk of court fails to make a deficiency assessment, and the deficiency is not paid as a result, the trial court nonetheless continues to have jurisdiction over the complaint considering that the deficiency will be collected as a fee in lien within the contemplation of Section 2[13], Rule 141 of the Rules of Court.[14]

In fine, public respondent did not commit grave abuse of discretion amounting to lack or excess of jurisdiction. By grave abuse of discretion is meant capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, and mere abuse of discretion is not enough. The abuse must be grave and patent, and it must be shown that the discretion was exercised arbitrarily and despotically.[15] Certainly, that is not the situation in the instant case.

WHEREFORE, foregoing considered, the petition is DENIED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Pizarro, JJ., concur.

[1] Rollo, p. 33.

[2] Rollo, p. 35.

[3] Id., pp. 38-52.

[4] Id., pp. 173-175.

[5] Id., pp. 176-178.

[6] Id., pp. 181-182.

[7] Ruby Shelter Builders & Reality Devt. Corporation vs. Hon. Pablo C. Formaran III, et al., G.R. No. 175914, 10 February 2009.

[8] Id.

[9] Ceferina De Ungria (deceased) substituted by her heirs, Lolita Ungria San Juan-Javier and Rhodora R. Pelomida vs. Hon. Court of Appeals, et al., G.R. No. 165777, 25 July 2011.

[10]Fedman Development Coproration vs. Federico Agcaoili, G.R. No. 165025, 31 August 2011, citing Sun Insurance Office, Ltd. vs. Asuncion, G.R. Nos. 79937-38, 13 February 1989.

[11] Fil-Estate Golf and Development, Inc. vs. Felicidad Navarro, G.R. No. 152575, 29 June 2007.

[12] International Broadcasting Corporation (IBC-13) vs. Hon. Rose Marie Alonzo-Legasto and Antonio Salvador, G.R. No. 169108, 18 April 2006.

[13] Sec. 2. Fees in Lien. - Where the court in its final judgment awards a claim not alleged, or a relief different from, or more than that claimed in the pleading, the party concerned shall pay the additional fees which shall constitute as a lien on the judgment in satisfaction of said lien. The clerk of court shall assess and collect the corresponding fees.

x x x

[14] Supra note 11.

[15]Ysidoro vs. Hon. Teresita J. Leonardo-de Castro, et al., G.R. No. 171513, 06 February 2012.

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