

CITY OF LEGAZPI, PETITIONER, VS. THE HONORABLE ROBERTO ZURBANO, JUDGE OF THE CFI OF ALBAY; ORESTES MAGDARAOG, SOCORRO AMADOS, LOURDES ANTIVOLA, RAFAELA YAN, CARLOS ARJONA, DOLOR...

G.R. No. L-25589. November 29, 1968

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Appeal from an order of the Court of First Instance of Albay, in its Civil Case No. 3032, overruling herein petitioner's motion to dismiss and holding that said court has jurisdiction to take cognizance of the case.

Several persons had joined as plaintiffs in filing an action in the Court of First Instance for damages against the City of Legazpi, and other defendants (Pepsi-Cola Bottling Co., Prudencio Barbudo, Antonio Arevalo and Mauro Nebreja). The complaint charged that on 4 December 1964, a fire truck, type 0-10, owned by the City of Legazpi, and driven by Prudencio Barbudo, due to the imprudence and recklessness of said driver and of his co-defendants, collided successively with a delivery truck of the Pepsi Cola Bottling Co., then passenger bus No. 4516 which was in the act of overtaking a parked sedan, and finally hit passenger bus No. PUB-4628. As a result, the latter vehicle (PUB-4628) was practically demolished, and several of its passengers were physically injured. Hence the suit, filed to recover alleged damages due to the following:

Juan Marbella (owner of bus PUB-4628).....

Orestes Magdaraog (passenger).....

Socorro Amados (passenger).....

Lourdes Antivola (passenger)

Rafaela Yan (passenger)

Carlos Arjona (passenger).....

Dolor and Edwin Basallote (passengers)

Attorney's fees.....

P10,500.00

2,500.00

4,500.00

2,500.00

500.00

500.00

1,000.00

5,000.00

In due time, the City of Iegazpi interposed a motion praying that, with the exception of the claim of Juan Marbella, the complaint be dismissed for lack of jurisdiction, because the amount demanded by each of the passenger plaintiffs, including the ratable share in the attorney's fees, did not exceed P10,000.00, hence their claims were within the exclusive civil jurisdiction of the Municipal Court. In support of its move, the City of Legazpi invoked section 88 of the Judiciary Act (R.A. 296, as amended by R.A. 2613 and 3828):

"Sec. 88. Original jurisdiction in civil cases. - In all civil actions, including those mentioned in Rules fifty-nine and sixty-two (now Rules 57 and 58) of the Rules of Court, arising in his municipality or city, and not exclusively cognizable by the Court of First Instance, the municipal judge and the judge of a city court shall have exclusive original jurisdiction where the value of the subject matter or amount of the demand does not exceed ten thousand pesos, exclusive of interests and costs. Where there are several claims or causes of action between the same parties embodied in the same complaint, the amount of the demand shall be the totality of the demand in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions; but where the claims or causes of action joined in a single complaint are separately owned by or due to different parties each separate claim shall furnish the jurisdictional test.' (Underscoring ours)"

The counsel for the plaintiffs objected. The Court of First Instance sustained the objection, and overruled the motion to dismiss, holding that the case was within its jurisdiction, in view of section 3 of Rule of Court 3, now Revised Rule 2, section 5, that provides:

"SEC. 5. Joinder of causes of action. -Subject to rules regarding jurisdiction, venue and joinder of parties, a party may in one pleading state, in the alternative or otherwise, as many causes of action as he may have against an opposing party (a) if the said causes of action arise out of the same contract, transaction or relation between the parties, or (b) if the causes of action are for demands for money, or are of the same nature and character.

"In the cases falling under clause (a) of the preceding paragraph, the action shall be filed in the inferior court unless any of the causes joined falls within the jurisdiction of the Court of first Instance, in which case it shall be filed in the latter court.

"In the cases falling under clause (b) the jurisdiction shall be determined by the aggregate amount of the demands, if for money, or by their nature and character, if otherwise." applied in *International Colleges vs. Argonza*, 90 Phil. 470, and *Soriano y Cia vs. Jose*, 86 Phil. 523.

Unable to secure reconsideration of the denial of its motion to dismiss, the City of Legazpi appealed directly to this Court, insisting that the Court of First Instance had no jurisdiction over the claims of plaintiffs, save that of Juan Marbella.

The issue, therefore, is whether jurisdiction should be determined by aggregate claims of all the injured passengers or by the amount of each individual claim.

We rule for the appellant. We have ruled in *A. Soriano y Cia vs. Jose*, 86 Phil. 523, that the provisions of the Rules of Court, concerning joinder of causes of action and permissive joinder of parties "in whom or against whom any right to relief in respect to or arising out of the same transaction or series of transactions is alleged to exist", are designed to save the parties "unnecessary work, trouble and expense, x x x and not to enlarge the court's juris-diction as applied to the amount in controversy" (cas. cit. page 526). This design is apparent from the

limitations expressed both in section 5 of Revised Rule 2, "subject to the rules regarding jurisdiction, venue and joinder of parties", as well as in section 6, Rule 3, on permissive joinder of parties," except as otherwise provided in these rules". The latter proviso, in effect, reiterates the limitations expressed in Rule 2, section 5.

And it could not be otherwise. The Constitution (section 2, Article VIII) expressly vested in Congress," the power to define, prescribe and apportion the jurisdiction of the various courts", so that in determining whether or not a case lies within or without the jurisdiction of a court, the statutory enactment is supreme. The latter portion of section 88 of the Judiciary Act (previously quoted) must be, therefore, the sole standard to be reckoned with, and it plainly states that the test for joined causes of action and parties shall be the individual claims, and not their aggregate. No resort to the Rules of Court is permissible to circumvent the statutory prescription.

Manifestly, the court below was misled by the fact that in *International Colleges vs. Argonza* (supra) the claims aggregated to an amount beyond the jurisdiction of the Municipal Court; but each individual claim lay within its jurisdiction, and we held that the aggregation could not be used to make up a jurisdictional amount that would vest power in the Court of First Instance to take cognizance of the case.

WHEREFORE, the order of dismissal is annulled and set aside, except as to plaintiff Juan Marbella. The Court of First instance is hereby directed to dismiss the claims of the other plaintiffs since they are within the jurisdiction of the proper municipal court, though they may properly be joined therein in one single complaint. Without costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, and Capistrano, JJ., concur.

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