

PILAR REVILLA DE LAGDAMEO, PETITIONER, VS. JUAN LAO, RESPONDENT.*G.R. No. L-19953. December 24, 1964*

Ponente: CONCEPCION, J.

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Appeal by certiorari from a decision of the Court of Appeals.

On November 5, 1955, petitioner Pilar R. de Lagdameo commenced this special proceeding No. 28064 of the Court of First Instance of Manila with a petition for her appointment as guardian of the person and property of her nieces, the minors Trinidad Revilla La'O and Bettina Revilla La'O, who are children of petitioner's sister Elena Revilla, left by her under petitioner's custody, and Juan La'O. The latter opposed the petition and prayed that he be given the custody of said minors. The case was heard on February 18, 1956, and evidence were then introduced by the parties. Three (3) days later the lower court rendered judgment for the petitioner, appointing her as guardian of the person and property of said minors, upon the filing of a P1,000.00 bond. Juan LaO appealed to the Court of Appeals which, instead of deciding the case on the merits, dismissed the petition, without prejudice to the filing thereof with the proper court, upon the theory that the case is within the exclusive original jurisdiction of the Juvenile and Domestic Relations Court. A reconsideration of the order of dismissal having been denied, petitioner interposed the present appeal by certiorari.

The only question before us is whether the Court of First Instance of Manila had jurisdiction to entertain this case in view of the provision of Section 1 of Republic Act No. 1401, approved on September 9, 1955, conferring upon the Juvenile and Domestic Relations Court "exclusive original jurisdiction to hear and decide x x x cases involving custody, guardianship, adoption, paternity and acknowledgement". The Court of Appeals resolved the issue in the negative, this case having been instituted on November 5, 1955, or almost two (2) months after the approval of said Republic Act No. 1401, on September 9, 1955, on which date it became effective. Petitioner assails this conclusion of the Court of Appeals as erroneous, invoking Section 2 of said Act which provides:

"Upon the organization of the Juvenile and Domestic Relations Court, the Secretary of Justice shall cause all cases and proceedings pending: before the municipal court and the court of first instance of Manila properly cognizable by the court herein created to be transferred thereto."

Petitioner maintains that the effect of this Section 2 has been to defer the operation of the grant of authority, made in Section 1, in favor of the juvenile and Domestic Relations Court, until the organization thereof on June 1, 1956.

Petitioner's contention is well taken. Indeed, otherwise, the result would be that, from September 9, 1955 to June 1, 1956, there would have been in Manila no judicial body competent to hear the cases specified in Section 1 of Republic Act No. 1401. We cannot assume that, in enacting the same, Congress intended to create such vacuum in the very capital of the Republic, where precisely the biggest number of said cases exist. Such vacuum would surely be inimical to public interest and we must not assume that Congress intended to bring about such result. On the contrary, the assumption should be that, to avoid that result, Congress intended no such vacuum, and,

accordingly, meant the grant of jurisdiction to the Juvenile and Domestic Relations Court to be operative only upon the establishment or organization of that court.

WHEREFORE, the decision of the Court of Appeals is reversed, and the case hereby remanded to said Court for decision on the merits, with the costs of this instance against respondent Juan La'O.

IT IS SO ORDERED.

Bengzon, C. J., Bautista Angelo, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

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