

**FLORENCIA PICCIO VDA. DE YUSAY, TERESITA YUSAY, MARILOU YUSAY DE HORTILLAS AND JOSELITO P. YUSAY, SURVIVING HEIRS
SUBSTITUTING FOR THE LATE JOSE YUSAY,
PLAINTIFFS-APPELLANTS VS....**

G.R. No. L-14990. July 31, 1962

Ponente: PADILLA, J.

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PADILLA, J.:

APPEAL from the order of the Court of First Instance.

SUMMARY

In the Court of First Instance of Iloilo, two related cases were heard. The first was Civil Case No. 4031 for damages filed by Lilia Yusay against the late Jose Yusay. This was dismissed without costs and Lilia Yusay did not appeal. The second was Civil No. 4091 for annulment of the order of the same court dated August 14, 1951 declaring Lilia Yusay as an acknowledged natural child of the late Matias Yusay, instituted by the late Jose Yusay, substituted later by his heirs. The trial court rendered judgment dismissing the case, and ordered the plaintiffs to pay Lilia Yusay the sum of P20,000.00 as damages and to pay the sum of P5,000.00 as attorney's fees. Plaintiffs filed a notice to appeal the decision to the Court of Appeals. However, the court below forwarded the appeal to this Court on the assumption that it had jurisdiction in view of a previous case (L-11378, August 21, 1959) involving the same parties. The Supreme Court certified the case to the Court of Appeals.

RULING

Held: The trial court erred in forwarding the appeal to this Court considering that the amount involved is only P25,000.00. Although a previous case involving identical parties had already been ventilated to this Court, this fact does not make the instant case fall within the exception of Par. 5, Sec. 17 of RA 296 as amended, which vests jurisdiction to this Court of appealed cases even if the amount involved is P200,000.00 or less if the evidence involved in the latter case is the same evidence submitted in the previous appealed case, a circumstance not obtaining in the case at bar.

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