

**CAGAYAN ELECTRIC POWER AND LIGHT COMPANY, INC.,
PETITIONER, VS. CONSTANCIO F. COLLERA, SANDRA R. A. GOPEZ,
ERASTO SALCEDO, VICENTE F. COLLERA, JOSE BIBAL, VICENTE C.
SUNIEL, ENE...**

G.R. No. 102184. April 12, 2000

Ponente: PARDO, J.

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PARDO, J.:

Which government agency has jurisdiction to hear and decide a dispute involving recovery of sums of money collected by electric power plants from consumers, the regular courts or the Energy Regulatory Board (ERB)?

Before the Court is an appeal via certiorari from a decision of the Court of Appeals[1] and its resolution[2] denying reconsideration, ruling that it is the regular courts that have jurisdiction over an action for recovery of excess payments for electric consumption since 1977 until October 1985.

Respondents were customers of petitioner Cagayan Electric Power and Light Company, Inc.

Since 1977, petitioner had been collecting payments for electric consumption from respondents under the so-called Power Adjustment Clause without deducting the discounts and other credit adjustments granted by the National Power Corporation.

Respondents allege that on October 1, 1985, they tendered payments for their individual bills less charges for power cost adjustment, currency exchange rate adjustment and surcharge, which petitioner refused to accept. Because of petitioner's refusal, respondents consigned their payments to the court.

On the same date, respondents filed with the Regional Trial Court, Misamis Oriental, Branch 24, Cagayan de Oro City a complaint[3] against petitioner for unjust enrichment, recovery of sums of money, recovery of customers' deposits, breach of contract, consignation, injunction and damages with prayer for preliminary injunction.

On November 8, 1985, the City of Cagayan de Oro filed with the trial court a complaint in intervention.[4]

By an order dated December 20, 1985, the trial court denied respondents' application for preliminary injunction.

On January 6, 1986,[5] the trial court dismissed the complaint and complaint in intervention on the ground that the court had no jurisdiction over the subject matter of the complaint which was within the jurisdiction of the Board of Energy, now the ERB under Section 9 (c), Presidential Decree No. 1206.

On March 26, 1986, the trial court denied respondents' motion for reconsideration of its Order of January 6, 1986.

In due time, respondents appealed to the Court of Appeals.

On November 28, 1990, the Court of Appeals rendered a decision the dispositive portion of which reads:

"WHEREFORE, the Orders of January 6, 1986, dismissing the complaint and complaint in intervention, and of March 26, 1986 denying the appellants' Motion for Reconsideration of the previous order, are hereby set aside, while the Order of December 20, 1985 denying the issuance of a writ of preliminary injunction is hereby affirmed. The case is hereby remanded to the court a quo for proceedings appropriate hereto, including the trial on the merits. No costs." [6]

Hence, this petition. [7]

The issue raised is whether jurisdiction over the subject matter of the complaint in the case below is vested with regular courts or the Energy Regulatory Board.

The complaint does not charge any violation of either currency exchange rate adjustment (CERA) or power cost adjustment (PCA). Respondents only allege that petitioner charged them with the full rate of electric consumption despite absence of any increases in the cost of energy.

We rule that the subject matter of the complaint is within the jurisdiction of the regional trial court.

The regional trial court is a court of general jurisdiction. [8] On the other hand, Republic Act No. 6173, as amended by Presidential Decree No. 1206 empowered the ERB [9] to regulate and fix the power rates to be charged by electric companies. The power to fix rates of electric consumption does not carry with it the power to determine whether or not petitioner is guilty of overcharging customers for consumption of electric power. This falls within the jurisdiction of the regular courts.

We have ruled that the question of determining the breakdown and itemization of the power adjustment billed by an electric power company to its customers is not a matter that pertains to the ERB's supervision, control or jurisdiction to regulate and fix power rate but falls within the jurisdiction of the regular courts. [10]

Petitioner is a public utility company. If, indeed, petitioner used the deposits, discounts, surcharges, PCA, and CERA rates as instruments to obtain undue profits through various loan activities and benefits provided to petitioner's employees, then respondents may have causes of action against petitioner to be litigated before the regular courts and decided on the basis of evidence which the parties may present during the trial.

WHEREFORE, the Court DISMISSES the petition for lack of merit, and AFFIRMS the decision of the Court of Appeals in CA-G.R. CV No. 09601. The Court DIRECTS the trial court to expedite proceedings in Civil Case No. 10364.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In CA-G.R. CV No. 09601 promulgated on November 28, 1990, Rollo, pp. 50-65.

[2] Resolution issued on September 23, 1991, Rollo, pp. 67-73.

[3] Docketed as Civil Case No. 10364, Constancio Collera, et al. versus Cagayan Electric Power and Light Company, Inc.

[4] Original Records, pp. 155-164.

[5] Regional Trial Court Order, Civil Case No. 10364, Rollo, pp. 74-77.

[6] Court of Appeals Decision in CA-G.R. CV No. 09601, de Pano, J., ponente, Imperial and Rasul, JJ., concurring, Rollo, pp. 49-65.

[7] Filed on November 22, 1991, Rollo, pp. 10-47.

[8] Quiroz vs. Manalo, 210 SCRA 60 [1992]; Abalos vs. Court of Appeals, 223 SCRA 551 [1993]; Ignacio vs. Court of Appeals, 246 SCRA 242 [1995]; Ligon vs. Court of Appeals, 244 SCRA 693 [1995].

[9] Executive Order No. 172 [1987].

[10] Manila Electric Company vs. Court of Appeals, 271 SCRA 417 [1997].

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