

M. M. DE LOS REYES, PLAINTIFF AND APPELLANT, VS. CORONET, INC., DEFENDANT AND APPELLEE.

G. R. No. 10718. April 30, 1958

Ponente: PARAS, C.J.

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PARAS, C.J.:

The plaintiff and appellant filed in the Court of First Instance of Manila a complaint against the defendant and appellee for breach of contract and/or for damages. Alleging that this complaint is a mere reproduction of appellant's counterclaim in Civil Case No. 40884, Coronet, Inc. vs. M. M. de los Reyes, which had already been dismissed by the Municipal Court of Manila, the appellee filed a motion to dismiss on the ground of res judicata. As the Court of First Instance of Manila sustained this ground of dismissal, the present appeal was taken by the plaintiff.

The records show that the Municipal Court of Manila dismissed appellant's counterclaim because the same was already the subject matter of a separate (the present) complaint between the same parties in the Court of First Instance of Manila, without trial on the merits. In fact there could not have been a trial on the merits, inasmuch as said counterclaim (for actual damages of P20,000 and moral damages of P5,000) was beyond the jurisdiction of the Municipal Court. The Court of First Instance of Manila therefore erred in sustaining the plea of res judicata (L-9640, Manlapaz vs. Pagdanganan, November 26, 1957.)

Wherefore, the order appealed from is reversed and the case remanded to the Court of First Instance of Manila for further proceedings. So ordered with costs against the appellee.

Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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