

**RIZAL COMMERCIAL BANKING CORPORATION (RCBC), PETITIONER,
VS. HON. LUCIA V. ISNANI, PRESIDING JUDGE OF BRANCH 59, RTC,
MAKATI, HON. FELICIDAD Y. NAVARRO-QUIAMBAO, PRESIDING
JUDGE...**

G.R. No. 117383. March 06, 1995

Ponente: VITUG, J.

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VITUG, J.:

This Court has resolved to reconsider its Resolution, dated 07 November 1994, dismissing the instant petition for failure to comply with requirement numbered (4) of Revised Circular No. 1-88 (verified statement of material dates), which it now hereby dispenses with, in the interest of an early guidance on the question posed and in order not to perpetuate an apparent misapplication by the courts below relative to one particular aspect of Republic Act ("R.A.") No. 7691 (expanding the jurisdiction of municipal and metropolitan trial courts).

It would appear that in a complaint filed, on 27 April 1994 (a few days after the effectivity of Republic Act No. 7691, amending Batas Pambansa Blg. 129), with the Makati Regional Trial Court ("RTC"), private respondent Lolita Encelan sought to recover from petitioner Rizal Commercial Banking Corporation actual damages of \$5,000.00 or its Philippine peso equivalent of approximately P137,675.00. Petitioner thereupon moved to dismiss the case for lack of jurisdiction on the ground that the complaint was cognizable by the metropolitan trial court (in Metro Manila), not the RTC, the principal demand prayed for not being in excess of Two Hundred Thousand Pesos (P200,000.00).

Respondent RTC Judge Lucia V. Isnani, instead of dismissing the complaint, transferred, on 08 July 1994, the entire records of the case to the Metropolitan Trial Court ("MTC"). The case was assigned to the sala of MTC Judge Felicidad Y. Navarro-Quiambao. Upon learning of the transfer, petitioner sought (with the MTC) a reconsideration thereof. On 16 September 1994, respondent MTC Judge Navarro-Quiambao issued an Order denying the motion.

Hence, this petition.

The pertinent provisions of R.A. No. 7691 provide:

"SEC. 3. Section 33 of the same law is hereby amended to read as follows:

"SEC. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. - Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise:

‘(1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate, or amount of the demand does not exceed One hundred thousand pesos (P100,000.00) or, in Metro Manila where such personal property, estate, or amount of the demand does not exceed Two hundred thousand pesos

(P200,000.00), exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs, the amount of which must be specifically alleged: Provided, That interest, damages of whatever kind, attorney's fees, litigation expenses, and costs shall be included in the determination of the filing fees: Provided further, That where there are several claims or causes of actions between the same or different parties, embodied in the same complaint, the amount of the demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of action arose out of the same or different transactions.'

"xxx xxx xxx.

"SEC. 7. The provisions of this Act shall apply to all civil cases that have not yet reached the pretrial stage. However, by agreement of all the parties, civil cases cognizable by municipal and metropolitan courts by the provisions of this Act may be transferred from the Regional Trial Courts to the latter. The executive judge of the appropriate Regional Trial Court shall define the administrative procedure of transferring the cases affected by the redefinition of jurisdiction to the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts."

The above rules, in easy graphic presentation, may be restated thusly:

- Civil actions and settlement of estate proceedings, testate or intestate, including the grant of provisional remedies when warranted, where the value of the personal property, estate, or amount of the demand does not exceed One Hundred Thousand Pesos (P100,000.00), or Two Hundred Thousand Pesos (P200,000.00) in Metro Manila, exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs (the amount of which must be specifically alleged), shall, after the effectivity of R.A. 7691, be filed with the metropolitan and municipal trial courts.

- Civil actions or a settlement of estate proceedings, aforesaid, pending with regional trial courts which have already reached the pretrial stage at the time of the effectivity of R.A. 7691 shall remain with said courts for proper disposition. The transfer of pending cases (which have already reached the pretrial stage) to metropolitan or municipal trial courts may be allowed, however, provided the following conditions concur; viz:

- (a) The case is cognizable by the municipal or metropolitan trial court under the present provisions of the Act; and

- (b) The parties agree to the transfer of the case from the regional trial court to the municipal or metropolitan trial court.

- R.A. 7691 took effect on 15 April 1994 or fifteen (15) days after its publication on 30 March 1994. Cases filed on or after such effectivity date must accord with the new jurisdictional mandate; a disregard thereof shall constitute a ground for the dismissal of the action or proceeding for lack of jurisdiction.

In the instant case, the principal demand prayed for in the complaint filed on 27 April 1994, or after R.A. 7691 had already become effective, with the Makati RTC, is only for US\$5,000.00, or approximately P137,675.00 in Philippine currency, and thusly within the exclusive jurisdiction of the Metro Manila MTCs. Instead of ordering the transfer of the complaint to the MTC, respondent RTC judge, therefore, should have dismissed the case prayed for by petitioner for lack of jurisdiction.

WHEREFORE, the motion for reconsideration is GRANTED. The appealed order of RTC Judge Lucia V. Isnani denying petitioner's motion to dismiss and transferring the case instead to the MTC and the order issued by MTC Judge Felicidad Y. Navarro-Quiambao (to whom the case was transferred), denying petitioner's motion for reconsideration, are hereby set aside. The complaint in RTC Civil Case No. 94-1633 against petitioner is hereby ordered DISMISSED without prejudice, however, to petitioner's instituting an original action with the court of proper jurisdiction. No costs.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Francisco, JJ., concur.

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