

PLATINUM TOURS AND TRAVEL, INCORPORATED, PETITIONER, VS. JOSE M. PANLILIO, RESPONDENT.

G.R. No. 133365. September 16, 2003

Ponente: CORONA, J.

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CORONA, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court assailing the January 15, 1998 decision[1] of the Court of Appeals which ruled that:

x x x

Consequently, the respondent judge committed grave abuse of discretion in allowing the consolidation of Civil Case No. 96-635 with Civil Case No. 94-1634.

x x x We also leave it to the respondent Judge to decide whether he will return Civil Case No. 96-635 to Branch 146 or keep it in his docket but should he opt for the latter, he should act on it as a separate case from Civil Case No. 94-1634.

WHEREFORE, the petition is partially granted and the assailed Orders dated July 23, 1996 and September 17, 1996, allowing the consolidation of Civil Case No. 96-635 with Civil Case No. 94-1634 and denying petitioner's motion for reconsideration, respectively, are ANNULLED and SET ASIDE, with the consequent complete severance of the two (2) cases.[2]

The facts follow:

On April 27, 1994, petitioner Platinum Tours and Travel Inc. (Platinum) filed a complaint for a sum of money with damages against Pan Asiatic Travel Corporation (PATC) and its president Nelida G. Galvez. Platinum sought to collect payment for the airline tickets which PATC bought from it. The case was docketed as Civil Case No. 94-1634.

On October 24, 1994, the Regional Trial Court of Makati City, Branch 62, rendered a judgment[3] by default in favor of Platinum and ordered PATC and Nelida G. Galvez to solidarily pay Platinum actual damages of P 359,621.03 with legal interest, P 50,000 attorney's fees and cost of suit.

On February 10, 1995, a writ of execution was issued on motion of Platinum. Pursuant to the writ, Manila Polo Club Proprietary Membership Certificate No. 2133 in the name of Nelida G. Galvez was levied upon and sold for P479,888.48 to a certain Ma. Rosario Khoo.

On June 2, 1995, private respondent Jose M. Panlilio filed a motion to intervene in Civil Case No. 94-1634. Panlilio claimed that, in October 1992, Galvez had executed in his favor a chattel mortgage over her shares of stock in the Manila Polo Club to secure her P1 million loan and that Galvez had already delivered to him the stock certificates valued at P5 million.

On June 9, 1995, the trial court denied Panlilio's motion for intervention:

Submitted for resolution is Jose M. Panlilio's Motion for Intervention dated May 31, 1995.

This Court has to deny the motion because (1) a decision had already been rendered in this case and that the only matters at issue is the propriety of the execution; (2) it will only delay or prejudice the adjudication of the rights of the original parties; and, (3) the Intervenor's rights may be fully protected in a separate action.[4]

On January 29, 1996, the trial court declared the execution sale null and void due to irregularities in the conduct thereof.

On May 3, 1996, Panlilio filed against Galvez a collection case with application for a writ of preliminary attachment of the disputed Manila Polo Club shares, docketed as Civil Case No. 96-365. The case was raffled to Branch 146 of the Regional Trial Court of Makati City[5]. In the meantime, Panlilio again attempted to intervene in Civil Case No. 94-1634, this time by incorporating in his complaint a motion to consolidate Civil Case No. 96-365 and Civil Case No. 94-1634.

On June 13, 1996, Judge Salvador Tensuan of Branch 146 granted the motion for consolidation on condition that Judge Roberto Diokno of Branch 62, who was trying Civil Case No. 94-1634, would not object thereto. Judge Diokno later issued an order, dated July 23, 1996, allowing the consolidation of the two cases and setting for hearing Panlilio's application for a writ of preliminary attachment.

Platinum, as plaintiff in Civil Case No. 94-1634, moved to reconsider the July 23, 1996 order of Judge Diokno but its motion was denied.

On January 31, 1997, Platinum filed a petition for certiorari at the Court of Appeals assailing, among others, the July 23, 1996 order of Judge Diokno allowing the consolidation of Civil Case No. 96-365 and Civil Case No. 94-1634.

In a decision dated January 15, 1998, the Court of Appeals annulled the assailed order but left it to Judge Diokno to decide whether to return Civil Case No. 96-365 to Judge Tensuan in Branch 146, or to keep it in his docket and decide it as a separate case.

Platinum filed a motion for partial reconsideration of the decision of the Court of Appeals, praying that Civil Case No. 96-365 be returned to Branch 146 or re-raffled to another RTC Branch of Makati. However, the motion was denied by the Court of Appeals on April 2, 1998.

In the instant petition, Platinum insists that the Makati RTC, Branch 62, has no jurisdiction to try Civil Case No. 96-365. It argues that, when Judge Diokno's July 23, 1996 order allowing the consolidation of the two cases was annulled and set aside, RTC Branch 62's basis for acquiring jurisdiction over Civil Case No. 96-365 was likewise extinguished.

We disagree.

Jurisdiction is the power and authority of the court to hear, try and decide a case.[6] In general, jurisdiction may either be over the nature of the action, over the subject matter, over the person of the defendants or over the issues framed in the pleadings.

Jurisdiction over the nature of the action and subject matter is conferred by law. It is determined by the allegations of the complaint, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.[7] Jurisdiction over the person of the plaintiff is acquired from the time he files his complaint; while jurisdiction over the person of the defendant is acquired by his voluntary appearance in court and his submission to its authority, or by the coercive power of legal processes exerted over his person.

Since jurisdiction is the power to hear and determine a particular case, it does not depend upon the regularity of the exercise by the court of that power or on the correctness of its decisions.

In the case at bar, there is no doubt that Panlilio's collection case docketed as Civil Case No. 96-365 falls within the jurisdiction of the RTC of Makati, Branch 62. The fact that the Court of Appeals subsequently annulled Judge Diokno's order granting the consolidation of Civil Case No. 96-365 and Civil Case No. 94-1634, did not affect the jurisdiction of the court which issued the said order.

"Jurisdiction" should be distinguished from the "exercise of jurisdiction." Jurisdiction refers to the authority to decide a case, not the orders or the decision rendered therein. Accordingly, where a court has jurisdiction over the person and the subject matter, as in the instant case, the decision on all questions arising from the case is but an exercise of such jurisdiction. Any error that the court may commit in the exercise of its jurisdiction is merely an error of judgment which does not affect its authority to decide the case, much less divest the court of the jurisdiction over the case.

We find no reversible error on the part of the Court of Appeals when it left to Judge Diokno of Branch 62 the discretion on whether to return Civil Case No. 96-365 to Branch 146 or to decide the same as a separate case in his own sala.

Moreover, we find the instant petition premature and speculative. Had Platinum waited until Judge Diokno decided on what to do with Civil Case No. 96-365, the parties would have been spared the trouble and the expense of seeking recourse from this Court, which in turn would have had one petition less in its docket.

The unfounded fear that Civil Case No. 96-365 would unduly delay the final resolution of Civil Case No. 94-1634, if the former were retained by Branch 62, made Platinum act with haste. In so doing, it wasted the precious time not only of the parties but also of this Court.

All told, nothing legally prevents the RTC of Makati, Branch 62, from proceeding with Civil Case No. 96-365. Should it decide to retain the case, it is hereby directed to resolve the same with dispatch.

WHEREFORE, petition is hereby DENIED.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.

[1] Penned by Associate Justice Salvador J. Valdez Jr. and concurred in by Associate Justices Eduardo G. Montenegro and Rodrigo V. Cosico of the Seventeenth Division.

[2] Rollo, p. 35.

[3] Penned by Judge Roberto C. Diokno.

[4] Rollo, p. 107.

[5] Presided by Judge Salvador S. Tensuan.

[6] *People vs. Mariano*, 71 SCRA 600 [1976].

[7] *Multinational Village Homeowners' Association vs. Court of Appeals*, 203 SCRA 104 [1991].

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