

**BARANGAY PIAPI, HEREIN REPRESENTED BY ITS CHAIRMAN
ANDRES L. LUGNASIN AND LIBERATO LARGO, RITA LARGO, SABAS
MONTECALBO, SR., CARLOS ZAMORA, DONATA SESICAN, DIZAR
CASTILLO, ALEJA...**

G.R. NO. 138248. September 07, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.

Before us is a petition for review on certiorari[1] assailing the Orders dated January 12, 1999[2] and April 20, 1999[3] of the Regional Trial Court (RTC), Branch 18, Digos, Davao del Sur in Civil Case No. 3715 filed by the above-named petitioners against respondent Ignacio Talip representing the heirs of Juan Jayag.

The factual antecedents as borne by the records are:

On August 28, 1998, petitioners filed with the said RTC a complaint for reconveyance and damages with prayer for issuance of a temporary restraining order and/or writ of preliminary injunction against respondent, docketed as Civil Case No. 3715.

The complaint alleges that petitioners and their predecessors-in-interest have been in actual, peaceful, continuous and open possession for more than 30 years of a parcel of land consisting of 3.2 hectares situated in Piapi, Padada, Davao del Sur. It is covered by Original Certificate of Title (OCT) No. P-(3331)-4244 of the Registry of Deeds, same province, issued in the name of Juan Jayag and has a market value of P15,000.00. The same land was subdivided into lots consisting of 100 square meters each, where the individual petitioners built their houses. On the remaining portion were constructed their barangay center, multi-purpose gym and health center. Respondent fraudulently obtained from the said Registry of Deeds a Transfer Certificate of Title (TCT) in his name. In 1998, he paid real estate taxes and subsequently, he threatened to build a barb-wire fence around the land.

Instead of filing an answer, respondent moved to dismiss the complaint on the ground that the RTC has no jurisdiction over the case considering that the assessed value of the land is only P6,030.00. Respondent, citing Section 33 (3) of BP Blg. 129, as amended by R.A. No. 7691,[4] maintains that the case falls within the exclusive jurisdiction of the Municipal Circuit Trial Court of Padada-Kiblawan, Davao del Sur.

In their opposition to the motion to dismiss, petitioners alleged that jurisdiction is vested in the RTC considering that the total assessed value of the property is P41,890.00, as shown by a Real Property Field Appraisal and Assessment Sheet dated August 20, 1996 issued by Atty. Marcos D. Risonar, Jr., Provincial Assessor of Davao del Sur.[5]

On January 12, 1999, the trial court issued an Order dismissing the complaint for lack of jurisdiction.

Petitioners then filed a motion for reconsideration but was denied in an Order dated April 20, 1999.

Hence, petitioners directly filed with this Court the instant petition for review on certiorari assailing the trial

court's Order dismissing the complaint for lack of jurisdiction.

Petitioners contend that under Section 19 (1) of BP Blg. 129, as amended, the RTC has jurisdiction over the complaint for reconveyance since it is incapable of pecuniary estimation.

The contention is bereft of merit. This case is analogous to *Huguete vs. Embudo*.^[6] There, petitioners argued that a complaint for annulment of a deed of sale and partition is incapable of pecuniary estimation, and thus falls within the exclusive jurisdiction of the RTC. However, we ruled that "the nature of an action is not determined by what is stated in the caption of the complaint but by the allegations of the complaint and the reliefs prayed for. Where the ultimate objective of the plaintiffs, like petitioners herein, is to obtain title to real property, it should be filed in the proper court having jurisdiction over the assessed value of the property subject thereof."

Indeed, basic as a hornbook principle is that the nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.^[7]

Let us examine the pertinent allegations in petitioners' complaint below:

"x x x x x

- Plaintiffs by themselves and/or thru their predecessors-in-interest have been in actual possession, in the concept of an owner, in good faith and in a manner that is open, peaceful, uninterrupted, public, adverse and continuous, for more than 30 years, the following described parcel of land, viz:

'A parcel of land containing an area of 3.2 hectares, more or less, covered by OCT No. P-(3331)-4244, in the name of Juan Jayag and situated in Piapi, Padada, Davao del Sur.'

2a. The market value of the above-described land is Fifteen Thousand Pesos (P15,000.00).

- The respective areas that private plaintiffs occupy consisted of an average of 100 square meters on which their homes and houses are built while a large chunk of the above-described property has been used or set aside for the barangay site of and other infrastructures for Piapi, Padada, Davao del Sur.

x x x x x

- Defendant or his predecessor-in-interest has never been in possession, of the land in suit and except for the year 1998, has not paid taxes thereon nor declared the same for taxation purposes – a clear index that defendant's title over the same is not genuine.

- Defendant, in procuring title to the land in suit did so by fraud, mistake and/or misrepresentation, hence, he holds the title for the benefit and in trust of the landowner – that is, herein plaintiffs.

- Defendant is by law under obligation to reconvey the land in suit in favor of herein plaintiffs, x x x."

It can easily be discerned that petitioners' complaint involves title to, or possession of, real property. However, they failed to allege therein the assessed value of the subject property. Instead, what they stated is the market value of the land at P15,000.00.

Section 19 (2) of Batas Pambansa Blg. 129, as amended provides:

"SEC. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x x

(2) In all civil actions which involve the title to, or possession of, real property, or any interest thereon, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in

Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts."

The Rule requires that "the assessed value of the property, or if there is none, the estimated value thereof, shall be alleged by the claimant." [8] It bears reiterating that what determines jurisdiction is the allegations in the complaint and the reliefs prayed for. Petitioners' complaint is for reconveyance of a parcel of land. Considering that their action involves the title to or interest in real property, they should have alleged therein its assessed value. However, they only specified the market value or estimated value, which is P15,000.00. Pursuant to the provision of Section 33 (3) quoted earlier, it is the Municipal Circuit Trial Court of Padada-Kiblawan, Davao del Sur, not the RTC, which has jurisdiction over the case.

WHEREFORE, the petition is DENIED. The assailed Orders dated January 12, 1999 and April 20, 1999 of the Regional Trial Court, Branch 18, Digos, Davao del Sur in Civil Case No. 3715 are hereby AFFIRMED. Costs against petitioners.

SO ORDERED.

Panganiban (Acting Chief Justice) (Chairman), Corona, and Garcia, JJ., concur.
Carpio-Morales, J., On Official Leave.

[1] Pursuant to Rule 45 of the 1997 Rules of Civil Procedure.

[2] Annex "D", Petition for Review, Rollo at 30-31.

[3] Annex "E", id. at 32.

[4] Section 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:

x x x x x

(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots."

[5] Rollo at 29.

[6] G.R. No. 149554, July 1, 2003, 405 SCRA 273, 280.

[7] Dimo Realty & Development Inc. vs. Dimaculangan, G.R. No. 130991, March 11, 2004, 425 SCRA 376, 382, citing Intestate Estate of Alexander T. Ty vs. Court of Appeals, 356 SCRA 661 (2001).

[8] Section 7 (b), Rule 141 of the Revised Rules of Court, cited in Serrano vs. Delica, G.R. No. 136325, July 29, 2005 at 8-9.

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