VICTORINO QUINAGORAN, PETITIONER, VS. COURT OF APPEALS AND THE HEIRS OF JUAN DE LA CRUZ, RESPONDENTS.

G.R. No. 155179. August 24, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the Decision[1] of the Court Appeals (CA) in CA-GR SP No. 60443 dated May 27, 2002 and its Resolution[2] dated August 28, 2002, which denied petitioner's Motion for Reconsideration.

The factual antecedents.

The heirs of Juan dela Cruz, represented by Senen dela Cruz (respondents), filed on October 27, 1994 a Complaint for Recovery of Portion of Registered Land with Compensation and Damages against Victorino Quinagoran (petitioner) before the Regional Trial Court (RTC) Branch XI of Tuao, Cagayan, docketed as Civil Case No. 240-T.[3]They alleged that they are the co-owners of a a parcel of land containing 13,100 sq m located at Centro, Piat, Cagayan, which they inherited from the late Juan dela Cruz;[4]that in the mid-70s, petitioner started occupying a house on the north-west portion of the property, covering 400 sq m, by tolerance of respondents; that in 1993, they asked petitioner to remove the house as they planned to construct a commercial building on the property; that petitioner refused, claiming ownership over the lot; and that they suffered damages for their failure to use the same.[5] Respondents prayed for the reconveyance and surrender of the disputed 400 sq m, more or less, and to be paid the amount of P5,000.00 monthly until the property is vacated, attorney's fees in the amount of P20,000.00, costs of suit and other reliefs and remedies just and equitable.[6]

Petitioner filed a Motion to Dismiss claiming that the RTC has no jurisdiction over the case under Republic Act (R.A.) No. 7691, which expanded the exclusive original jurisdiction of the Municipal Trial Court (MTC) to include all civil actions which involve title to, or possession of, real property, or any interest therein which does not exceed P20,000.00. He argued that since the 346 sq m lot which he owns adjacent to the contested property has an assessed value of P1,730.00, the assessed value of the lot under controversy would not be more than the said amount.[7]

The RTC denied petitioner's Motion to Dismiss in an Order dated November 11, 1999, thus:

> The Court finds the said motion to be without merit. The present action on the basis of the allegation of the complaint partakes of the nature of action publicciana (sic) and jurisdiction over said action lies with the Regional Trial Court, regardless of the value of the property. This is so because in paragraph 8 of the complaint, it is alleged that the plaintiff demanded from the defendant the removal of the house occupied by the defendant and the possession of which is "Only due to Tolerance (sic) of herein plaintiffs".
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> WHEREFORE, for lack of merit, the motion to dismiss is hereby denied.[8]

Petitioner's Motion for Reconsideration was also denied by the RTC.[9]

Petitioner then went to the CA on a Petition for Certiorari and Prohibition seeking the annulment of the Orders of the RTC.[10]

On May 27, 2002, the CA rendered the herein assailed Decision dismissing petitioner's action and affirming in toto the RTC.[11] Pertinent portions of said Decision, read:

> At the onset, we find that the complaint filed by the Heirs of Juan dela Cruz, represented by Senen dela Cruz adequately set forth the jurisdictional requirements for a case to be cognizable by the Regional Trial Court. The Complaint is captioned "recovery of portion of registered land" and it contains the following allegations:
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> - That since plaintiffs and defendant were neighbors, the latter being the admitted owner of the adjoining lot, the former's occupancy of said house by defendant was only due to the tolerance of herein plaintiffs;
>
> - That plaintiffs, in the latter period of 1993, then demanded the removal of the subject house for the purpose of constructing a commercial building and which herein defendant refused and in fact now claims ownership of the portion in which said house stands;
>
> - That repeated demands relative to the removal of the subject house were hence made but which landed on deaf ears;
>
> - That a survey of the property as owned by herein plaintiffs clearly establishes that the subject house is occupying Four Hundred (400) square meters thereof at the north-west portion thereof, as per the approved survey plan in the records of the Bureau of Lands.
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> x x x x
>
> It is settled that when the complaint fails to aver facts constitutive of forcible entry or unlawful detainer, as where it does not state how entry was effected or how and when dispossession started, the remedy should either be an accion publiciana or an accion reinvindicatoria in the proper regional trial court. In the latter instances, jurisdiction pertains to the Regional Trial Court.
>
> As another legal recourse from a simple ejectment case governed by the Revised Rules of Summary Procedure, an accion publiciana is the plenary action to recover the right of possession when dispossession has lasted more than one year or when dispossession was effected by means other than those mentioned in Rule 70 of the Rules of Court. Where there is no allegation that there was denial of possession through any of the methods stated in Section 1, Rule 70 of the Rules of Court, or where there is no lease contract between the parties, the proper remedy is the plenary action of recovery of possession. Necessarily, the action falls within the jurisdiction of the Regional Trial Court. Thus, we find that the private respondents [heirs of dela Cruz] availed of the proper remedy when they filed the action before the court a quo.
>
> Undoubtedly, the respondent court therefore did not act with grave abuse of discretion amounting to or in excess of jurisdiction in denying Quinagoran's Motion to Dismiss and the Motion for Reconsideration, thereof, because it has jurisdiction to hear and decide the instant case.
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> x x x x
>
> It would not be amiss to point out that the nature of the action and jurisdiction of courts are determined by the allegations in the complaint. As correctly held by the Regional Trial Court, "the present action on the basis of the allegation of the complaint partakes of the nature of action publiciana and jurisdiction over said action lies with the Regional Trial Court regardless of the value of the property. Therefore, we completely agree with the court a quo's conclusion that the complaint filed by the Heirs of Juan dela Cruz, represented by Senen dela Cruz, is in the nature of an accion publiciana and hence it is the Regional Trial Court which has jurisdiction over the action,

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regardless of the assessed value of the property subject of present controversy.[12]

Petitioner's Motion for Reconsideration was denied on August 28, 2002 for lack of merit.[13]

Petitioner now comes before this Court on a petition for review claiming that under R.A. No. 7691 the jurisdiction of the MTC, Metropolitan Trial Court (MeTC), and Municipal Trial Court in Cities (MTCC) was expanded to include exclusive original jurisdiction over civil actions when the assessed value of the property does not exceed P20,000.00 outside Metro Manila and P50,000.00 within Metro Manila.[14] He likewise avers that it is an indispensable requirement that the complaint should allege the assessed value of the property involved.[15] In this case, the complaint does not allege that the assessed value of the land in question is more than P20,000.00. There was also no tax declaration attached to the complaint to show the assessed value of the property. Respondents therefore failed to allege that the RTC has jurisdiction over the instant case.[16] The tax declaration covering Lot No. 1807 owned by respondents and where the herein disputed property is purportedly part -- a copy of which petitioner submitted to the CA -- also shows that the value of the property is only P551.00.[17]Petitioner then prays that the CA Decision and Resolution be annulled and set aside and that the complaint of herein respondents before the trial court be dismissed for lack of
jurisdiction.[18]

Respondents contend that: the petition is without factual and legal bases, and the contested decision of the CA is entirely in accordance with law;[19]nowhere in the body of their complaint before the RTC does it state that the assessed value of the property is below P20,000.00;[20] the contention of petitioner in his Motion to Dismiss before the RTC that the assessed value of the disputed lot is below P20,000.00 is based on the assessed value of an adjacent property and no documentary proof was shown to support the said allegation;[21] the tax declaration which petitioner presented, together with his Supplemental Reply before the CA, and on the basis of which he claims that the disputed property's assessed value is only P551.00, should also not be given credence as the said tax declaration reflects the amount of P56,100.00 for the entire property.[22]

The question posed in the present petition is not complicated, i.e., does the RTC have jurisdiction over all cases of recovery of possession regardless of the value of the property involved?

The answer is no. The doctrine on which the RTC anchored its denial of petitioner's Motion to Dismiss, as affirmed by the CA -- that all cases of recovery of possession or accion publiciana lies with the regional trial courts regardless of the value of the property -- no longer holds true. As things now stand, a distinction must be made between those properties the assessed value of which is below P20,000.00, if outside Metro Manila; and P50,000.00, if within.

Republic Act No. 7691[23] which amended Batas Pambansa Blg. 129[24] and which was already in effect[25] when respondents filed their complaint with the RTC on October 27, 1994,[26] expressly provides:

> SEC. 19. Jurisdiction in civil cases - Regional Trial Courts shall exercise exclusive original jurisdiction:
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> x x x x
>
> (2) In all civil actions which involve the title to or possession of, real property, or any interest therein, 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 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.
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> x x x x
>
> SEC. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts

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> in Civil Cases. --- Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
>
> 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 or 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.(Emphasis supplied)

The Court has also declared that all cases involving title to or possession of real property with an assessed value of less than P20,000.00 if outside Metro Manila, falls under the original jurisdiction of the municipal trial court.[27]In Atuel v. Valdez[28] the Court likewise expressly stated that:

> Jurisdiction over an accion publiciana is vested in a court of general jurisdiction. Specifically, the regional trial court exercises exclusive original jurisdiction "in all civil actions which involve x x x possession of real property." However, if the assessed value of the real property involved does not exceed P50,000.00 in Metro Manila, and P20,000.00 outside of Metro Manila, the municipal trial court exercises jurisdiction over actions to recover possession of real property.[29]

That settled, the next point of contention is whether the complaint must allege the assessed value of the property involved. Petitioner maintains that there should be such an allegation, while respondents claim the opposite.

In no uncertain terms, the Court has already held that a complaint must allege the assessed value of the real property subject of the complaint or the interest thereon to determine which court has jurisdiction over the action.[30] This is because the nature of the action and which court has original and exclusive jurisdiction over the same is determined by the material allegations of the complaint, the type of relief prayed for by the plaintiff and the law in effect when the action is filed, irrespective of whether the plaintiffs are entitled to some or all of the claims asserted therein.[31]

In this case, the complaint denominated as "Recovery of Portion of Registered Land with Compensation and Damages," reads:

> - That plaintiffs are the only direct and legitimate heirs of the late Juan dela Cruz, who died intestate on February 3, 1977, and are all residents of Centro, Piat, Cagayan;
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> x x x x
>
> - That plaintiffs inherited from x x x Juan dela Cruz x x x a certain parcel of land x x x containing an area of 13,111 square meters.
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> - That sometime in the mid-1960's, a house was erected on the north-west portion of the aforedescribed lot x x x.
>
> x x x x
>
> - That since plaintiffs and defendant were neighbors, the latter being the admitted owner of the adjoining lot, the former's occupancy of said house by defendant was only due to the tolerance of herein plaintiffs;
>
> - That plaintiffs, in the latter period of 1993, then demanded the removal of the subject house for the purpose of constructing a commercial building and which herein defendant refused and in fact now claims ownership of the portion in which said house stands;

- That repeated demands relative to the removal of the subject house were hence made but which landed on deaf ears;

- That a survey of the property as owned by herein plaintiffs clearly establishes that the subject house is occupying Four Hundred (400) square meters thereof at the north-west portion thereof, as per the approved survey plan in the records of the Bureau of Lands.[32]

Nowhere in said complaint was the assessed value of the subject property ever mentioned. There is therefore no showing on the face of the complaint that the RTC has exclusive jurisdiction over the action of the respondents.[33]Indeed, absent any allegation in the complaint of the assessed value of the property, it cannot be determined whether the RTC or the MTC has original and exclusive jurisdiction over the petitioner's action.[34] The courts cannot take judicial notice of the assessed or market value of the land.[35]

Jurisdiction of the court does not depend upon the answer of the defendant or even upon agreement, waiver or acquiescence of the parties.[36] Indeed, the jurisdiction of the court over the nature of the action and the subject matter thereof cannot be made to depend upon the defenses set up in the court or upon a motion to dismiss for, otherwise, the question of jurisdiction would depend almost entirely on the defendant.[37]

Considering that the respondents failed to allege in their complaint the assessed value of the subject property, the RTC seriously erred in denying the motion to dismiss. Consequently, all proceedings in the RTC are null and void,[38] and the CA erred in affirming the RTC.[39]

WHEREFORE, the petition is GRANTED. The Court of Appeals's Decision in CA-GR SP No. 60443 dated May 27, 2002 and its Resolution dated August 28, 2002, are REVERSED and SET ASIDE. The Regional Trial Court's Orders dated November 11, 1999 and May 11, 2000, and all proceedings therein are declared NULL and VOID. The complaint in Civil Case No. 240-T is dismissed without prejudice.

No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

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[1] Penned by Associate Justice Josefina Guevara-Salonga, with Associate Justices Eubulo G. Verzola and Bernardo P. Abesamis, concurring; rollo, pp. 45-53.

[2] Id. at 59.

[3]Id. at 18-21.

[4]Id. at 18-19.

The property is more particularly described as follows:

A parcel of land Lot No. 1807, Pls-149 (FV-7403) located at Centro, Piat, Cagayan, Bounded on the NE., by Lot 1809, Pls-149 on the SE., by Lots 1810 and 1900, Pls-149; on the SW., by Public Land and on the NW., by Lot 1808, Pls-149. Containing an area of Thirteen Thousand One Hundred (13,100) square meters, more or less, covered by Original Certificate of Title No. P-1670.

[5] Id. at 18-20.

[6] Id. at 20.

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[7] TCT No. T-4029 and covered by Tax Declaration No. 6303, id. at 22.

[8]Id. at 24-25.

[9]Id. at 28.

[10] Id. at 45.

[11] Id. at 53.

[12]Id. at 50-53.

[13] Id. at 59.

[14] Id. at 13.

[15] Id. at 88.

[16]Id. at 10-13.

[17] Id. at 14.

[18] Id. at 15.

[19] Id. at 62.

[20]Id. at 99.

[21] Id.

[22]Id. at 100.

[23] AN ACT EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980".

[24]JUDICIARY REORGANIZATION ACT OF 1980.

[25] Republic Act No. 7691 took effect on April 15, 1994, Administrative Circ. No. 09-94.

[26] Rollo, p. 21.

[27] See Aliabo v. Carampatan, 407 Phil. 31, 36 (2001).

[28] G.R. No. 139561, June 10, 2003, 403 SCRA 517.

[29]Id. at 527-528.

[30] Laresma v. Abellana, G.R. No. 140973, November 11, 2004, 442 SCRA 156, 172.

[31]Hilario v. Salvador, G.R. No. 160384, April 29, 2005, 457 SCRA 815, 824; Laresma v. Abellana, id. at 168.

[32] Rollo, pp. 18-20.

[33]See Laresma v. Abellana, supra note 30, at 173.

[34] Hilario v. Salvador, supra note 31, at 826.

[35] Id.

[36] Id. at 824.

[37]Laresma v. Abellana, supra note 30, at 168.

[38] Id. at 173; Hilario v. Salvador, supra note 31, at 829.

[39] Atuel v. Valdez, supra note 28, at 529.

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