GENERAL MILLING CORPORATION, PETITIONER, VS. TIRSO UYTENGSU III, KATHLEEN UYTENGSU-TAN AND BARBARA UYTENGSU-TAN, RESPONDENTS.[]

G.R. NO. 160514. June 30, 2006

Ponente: CORONA, J.

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CORONA, J.:

This is a review of the Court of Appeals decision[1] and resolution[2] dated February 28, 2003 and September 24, 2003, respectively, in CA G.R. SP No. 72140. The sole issue before us is whether or not the Court of Appeals erred in finding no grave abuse of discretion on the part of the Regional Trial Court[3] (RTC) in denying petitioner's[4] motion to dismiss in Civil Case No. 6570.[5]

The facts follow.

Respondents Tirso Uytengsu III, Kathleen Uytengsu-Tan and Barbara Uytengsu-Tan instituted Civil Case No. 6570 for the "recovery of possession of duplicate original copies of Original Certificate of Title (OCT) Nos. 6612 and 6613"[6] against Luis Wee, George Young and the Registrar of Deeds of General Santos City.

Petitioner General Milling Corporation was impleaded as defendant on September 15, 1999 in a second amended complaint setting forth the new allegation that petitioner had possession of the OCTs. After petitioner filed its answer, respondents filed a third amended complaint stating that petitioner fraudulently obtained the OCTs and petitioner's refusal to surrender the same caused great damage and prejudice to the respondents.[7]

On June 19, 2001, petitioner filed a motion to dismiss[8] the third amended complaint on the ground of lack of jurisdiction. RA 7691[9] vested the RTCs with jurisdiction over all civil actions involving title to or possession of real property or any interest therein where the assessed value of the property involved exceeded Twenty Thousand Pesos (P20,000):

> "The failure to allege such jurisdictional fact is fatal because absent the amount of the assessed value there is no way the court can acquire jurisdiction over the amended complaint."[10]

On August 28, 2001, the trial court denied the motion to dismiss.[11] The motion for reconsideration was denied on April 25, 2002.

In a petition for certiorari[12] to the Court of Appeals, petitioner assailed the trial court's resolution denying the motion to dismiss as having been issued with grave abuse of discretion. The Court of Appeals, however, was not persuaded:

> "[T]he question for resolution is whether or not the [petitioner had] the legal right to hold on to the certificates of title issued to [respondents]. The issue was clearly incapable of pecuniary estimation."[13]

The motion for reconsideration was denied.[14] Hence, this recourse.

The petition is denied.

The case was no doubt one for recovery of possession of the OCTs:

> "[R]espondents merely [sought] that [petitioner] be required to deliver the owner's copy of [respondents'] duplicate of OCT Nos. 6612 and 6613 which were in possession of [petitioner]."[15]

In particular, petitioner was rather hasty in assuming that the case was an action for quieting of title.

> "Under Article 476 of the New Civil Code, the remedy [of quieting of title] may be availed of only when, by reason of any instrument, record, claim, encumbrance or proceeding, which appears valid but is, in fact, invalid, ineffective, voidable or unenforceable, a cloud is thereby casts on the complainant's title to real property or any interest therein."[16]

In this case, the trial court and the Court of Appeals found no such allegation in the complaint.

Settled is the rule that the jurisdiction of the court is determined by the relevant allegations in the complaint and the character of the relief sought.[17] It cannot be made to depend on the defenses made by the defendant in his answer or motion to dismiss. If such were the rule, the question of jurisdiction would depend almost entirely on the defendant.[18]

The complaint based its cause of action on petitioner's refusal to surrender the OCTs. As primary relief, the complaint sought the delivery by petitioner of the said OCTs. Clearly, the subject matter of the case at bar was not a real action requiring an allegation of the assessed value of the property but one which was incapable of pecuniary estimation. Hence, it was within the jurisdiction of the RTC. Any other consequence of the primary relief sought in the complaint could not properly be a basis for impugning the jurisdiction of the trial court.

> "In determining whether an action is one the subject matter of which is not capable of pecuniary estimation this Court has adopted the criterion of first ascertaining the nature of the principal action or remedy sought. ... Where the basic issue is something other than the right to recover a sum of money ... this Court has considered such actions as cases where the subject of the litigation may not be estimated in terms of money and are cognizable by [the regional trial courts]."[19]

The denial of the motion to dismiss was based on a correct appreciation of the relevant allegations in the complaint. We agree with the Court of Appeals that petitioner failed to establish a whimsical or capricious exercise of judgment on the part of the trial court as to merit the grant of the extraordinary writ of certiorari.

After many years of delay, it is time this issue was laid to rest. Let the proceedings before the trial court continue with dispatch for a just resolution of the case.

WHEREFORE, the petition is hereby DENIED. The decision of the Court of Appeals dated February 28, 2003 and its resolution dated September 24, 2003 are hereby AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, Acting C.J., (Chairperson), Azcuna and Garcia, JJ., concur.
Sandoval-Gutierrez, J., on official business.

[***] In the petition for review, the Court of Appeals and Regional Trial Court, Branch 23, General Santos City were named as respondents. This is not necessary since this is a petition for review under Rule 45 of the Rules of

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Court.

[1] Penned by Associate Justice Eugenio S. Labitoria and concurred in by Associate Justices Renato Dacudao and Danilo Pine of the Fifth Division of the Court of Appeals; rollo,, pp. 27-36.

[2] Penned by Associate Justice Eugenio S. Labitoria and concurred in by Associate Justices Renato Dacudao and Danilo Pine of the Former Fifth Division of the Court of Appeals; rollo,, pp. 38-39.

[3] Presided by Judge Jose S. Majaducon, RTC of General Santos City, Branch 23.

[4] Defendant in Civil Case No. 6570.

[5] Third Amended Complaint entitled, "Tirso Uytengsu III, Kathleen Anne Uytengsu-Tan and Barbara Anne Uytengsu-Tan v. Luis Wee, George Young, General Milling Corporation, Connie Kokseng and Registrar of Deeds (General Santos City)."

[6] Per CA decision; rollo,, p. 28.

[7] Per CA decision citing the third amended complaint dated February 26, 2001; rollo,, pp. 32-34.

[8] Rollo,, pp. 61-63.

[9] Amending BP 129 known as "The Judiciary Reorganization Act of 1980." Among other things, RA 7691 sets forth and delineates the jurisdiction vested on the different courts in the Philippines.

[10] Per Petitioner's Motion to Dismiss dated June 18, 2001; rollo,, p. 62.

[11] Resolution penned by Judge Jose Majaducon, RTC of General Santos City, Branch 23; rollo,, p. 66.

[12] Under Rule 65 of the Rules of Court.

[13] CA decision, rollo,, p. 34.

[14] Penned by Pairing Judge Antonio Lubao, RTC of General Santos City, Branch 23; rollo,, p. 68.

[15] Per CA decision, rollo,, p. 35.

[16] Gaspar Calacala, et al. v. Republic of the Philippines, G.R. No. 154415, 28 July 2005, 464 SCRA 438.

[17] R.V. Marzan Freight, Inc. v. Court of Appeals, G.R. No. 128064, 4 March 2004, 424 SCRA 596.

[18] De la Cruz v. Court of Appeals, G.R. No. 151298, 17 November 2004, 442 SCRA 492.

[19] Raymundo v. Court of Appeals, G.R. No. 97805, 2 September 1992, 213 SCRA 457.

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