

MATERRCO, INC., PETITIONER, VS. FIRST LANDLINK ASIA DEVELOPMENT CORPORATION, RESPONDENT.

G.R. No. 175687. February 29, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Petitioner, MATERRCO, Inc., via Motion for Reconsideration dated January 4, 2008, prays for a reconsideration of this Court's Decision of November 28, 2007.

After a thorough examination of the arguments proffered by petitioner-movant, the Court finds that none merits a reversal of the Decision.

Be that as it may, a considered discussion of the points raised in the motion, specifically with regard to the applicable filing fees as of 1996, is in order.

In the Decision, the Court stated that the filing fee then prevailing for ejectment cases was fixed at P150 by this Court's Administrative Circular No. 11-94[1] (A.C. No. 11-94) issued on June 28, 1994 amending Rule 141, Section 8. As amended, Section 8 of Rule 141 reads:

“Sec. 8. CLERKS of Metropolitan and Municipal Trial Courts

(a) For each civil action or proceeding, where the value of the subject matter involved, or the amount of the demand, inclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs is:

- Not more than P20,000.00 P120.00
- More than P20,000.00 but not more than P100,000.00 400.00
- More than P100,000.00 but not more than P200,000.00 850.00

In a real action, the assessed value of the property or if not declared for taxation purposes, the assessed value of the adjacent lots, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees.

(b) For initiating proceedings for the allowance of wills, granting of letters of administration and settlement of estates of small value, where the value of the estate is:

- Not more than P20,000.00 200.00
- More than P20,000.00 but not more than P100,000.00 1,100.00
- More than P100,000.00 but not more than P200,000.00 1,550.00

x x x x

- For each proceeding other than the allowance of wills (probate), granting of letter of administration, settlement of estates of small value, one hundred and fifty (150.00) pesos.” (Emphasis and underscoring

supplied)

Petitioner argues that the applicable fee for ejectment cases pursuant to the above-quoted amended provision should not be computed on the basis of Section 8(b)(4) but on the graduated fees under Section 8(a). Petitioner rules out the applicability of Section 8(b)(4) to ejectment cases based on its interpretation thereof as covering only special proceedings.

The Court finds, however, that a broad interpretation of Section 8(b)(4) so as to cover ejectment cases, among others, is called for both to avoid an absurd consequence and to conform more closely to the intention behind the 1994 amendments.

Prior to its amendment by A.C. No. 11-94, Rule 141, Section 8 read as follows:

SEC. 8. Judges of Metropolitan and Municipal Trial Courts. –

(a) For each civil action or proceeding where the value of the subject matter involved or the amount of the demand, exclusive of interest, and costs, is:

- Less than P5,000 P80.00

- P5,000 or more but less than P10,000 100.00

- P10,000 or more but not exceeding P20,000 120.00

- For each proceeding including allowance of will, probate, settlement of estate of small value, one hundred and fifty (P150.00) pesos;

- For forcible entry and illegal detainer cases, one hundred (P100.00) pesos;

- For appeals in all actions or proceedings, including forcible entry and detainer cases, taken from the Metropolitan and Municipal Trial Court, one hundred fifty (P150.00) pesos;

(b) For the performance of marriage ceremony, including issuance of certificate of marriage, fifty (P50.00) pesos;

x x x x[2] (Emphasis and underscoring supplied)

If Section 8(a)(5) of the immediately quoted Rule 141 before its amendment no longer applied as of 1994 on account of its omission in A.C. No. 11-94, then the inevitable conclusion is that Sections 8(a)(6) of the same Rule before amendment fixing the fee for appeals from the MeTC and MTC, and 8(b) fixing the fee for marriage ceremonies, both of which provisions were similarly omitted in A.C. No. 11-94, are also no longer applicable. And if Section 8(b)(4) of the A.C. is interpreted narrowly so as to apply only to special proceedings, the result is that there would no longer be legal fees for appeals and marriage ceremonies after the issuance of said A.C. in 1994.

The Court could not have intended to introduce such a wide lacuna in the Rules on legal fees, where there was none before, when it amended the same via the A.C. in 1994. To avoid this absurd consequence, Section 8(b)(4) of the A.C. must be interpreted as a catch-all provision covering all proceedings which prescribed specific fees before its issuance.

The reasonableness of such interpretation becomes more pronounced when note is taken of the fact that it was not the intention of A.C. No. 11-94 to drastically alter the fees for ejectment cases, if indeed it intended to alter them at all.

As stated in A.C. No. 11-94, the amendments introduced therein were “IN VIEW OF THE EXPANDED

JURISDICTION OF THE LOWER COURTS UNDER REPUBLIC ACT NO. 7691.”

R.A. No. 7691,[3] it bears recalling, amended B.P. No. 129[4] by expanding the jurisdiction of lower courts in certain respects. What is significant in the context of this case, however, is that there is nothing in the amendments introduced by R.A. No. 7691 that could have prompted the Court to modify the fees for ejectment cases, much less to drastically alter them.[5] The provision of Section 33(2) of B.P. No. 129, which covers ejectment cases, remains as it was before amendments were introduced in R.A. No. 7691.[6]

It is reasonable to infer then that the Court in 1994 did not intend to introduce any major change in the fees for ejectment cases. Hence, given that the old fee for ejectment cases was P100, applying the P150 fee in Section 8(b)(4) of the A.M. would conform more closely to the limited scope of the 1994 amendments compared to applying the graduated fees of up to P850 under Section 8(a).

But even if the P150 fee under Section 8(b)(4) were not applicable, what would apply is not the P850 fee under Section 8(a) but the old fee of P100, in which case respondent would still have complied with the required legal fee.

WHEREFORE, the Motion for Reconsideration is DENIED.

SO ORDERED.

Carpio (Acting Chairperson), Azcuna,[*] Tinga, and Velasco, Jr. JJ., concur.

Quisumbing, J., (Chairperson), on official leave per Special Order No. 485 dated February 14, 2008.

[*] Additional member pursuant to Special Order No. 485 dated February 14, 2008.

[1] AMENDMENTS TO SECTION 7 (a) and (d) AND SECTION 8 (a) and (b), RULE 141, RULES OF COURT, AS LAST AMENDED ON SEPTEMBER 4, 1990, AND EFFECTIVE NOVEMBER 2, 1990, IN VIEW OF THE EXPANDED JURISDICTION OF THE LOWER COURTS UNDER REPUBLIC ACT NO. 7691.

[2] Resolution of the Court En Banc Re: Proposed Amendments to Rule 141 on Legal Fees, dated September 4, 1990

[3] “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’,” approved on March 25, 1994.

[4] “AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,” effective August 14, 1981.

[5] With regard to the jurisdiction of the MeTC, MTC, and MCTC in civil cases, R.A. No. 7691 amended Section 33 of B.P. No. 129 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: x x x

"(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the questions of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession; and

"(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." (Emphasis and underscoring supplied)

[6] B.P. No. 129, Section 33(2) previously read in its entirety as follows:

"(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession."

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