

AMANDO UY ET AL., PLAINTIFFS AND APPELLANTS, VS. MARIA VILAFRANCA, DEFENDANT AND APPELLEE.

G. R. No. 43589. July 30, 1937

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This action was commenced in the justice court for the recovery of the sum of P167.44. A judgment was rendered for the plaintiffs, from which an appeal was taken to the Court of First Instance. When the case came on for hearing in the latter court, the defendant filed an amended answer in which she set up a counterclaim for the sum of P597.27. Plaintiffs objected to the allowance of the amended answer, but their objection was overruled. Upon the evidence presented by the parties in support of their respective pleadings, the Court of First Instance rendered judgment absolving the defendant from the complaint and condemning the plaintiffs to pay the defendant the sum of P547.27. From this judgment the plaintiffs appealed, and one of the errors urged in support of the appeal is that the court erred in allowing the amended answer against the plaintiffs' objection. The other errors assigned involve both questions of law and of fact.

The question now presented for determination is whether this is a case in which the jurisdiction of an inferior court is in issue within the meaning of section 138 (3) of the Administrative Code, as amended by Commonwealth Act No. 3, so as to sustain a direct appeal to this court.

In *People vs. Imas* (p. 419, ante), this court held that a mere claim in words is not enough to bring the case within the provision of section 138 (3) of the Administrative Code, amended as aforesaid; but the claim must be real and substantial. The point raised by the objection to the allowance of the amended answer did not go to the jurisdiction of the Court of First Instance which had already acquired jurisdiction of the parties and, in respect of the amount of the counterclaim, had concurrent jurisdiction with the justice court. The error committed, if any, in allowing the amended answer, was merely an error of law which did not put in issue the jurisdiction of the Court of First Instance.

It results that this case should be remanded to the Court of Appeals for further proceedings in accordance with section 145-H of the Administrative Code, as amended by Commonwealth Act No. 3. So ordered.

Avancena, C. J., Villa-Real, Imperial, Diaz, Laurel, and Concepcion, JJ., concur.

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