

DAVAO LIGHT AND POWER CO., INC. PETITIONER, VS. HON. CRISTETO D. DINOPOL, PRESIDING JUDGE OF BRANCH XIII, REGIONAL TRIAL COURT OF DAVAO CITY, AND ABUNDIO T. MERCED, RESPONDENTS.

G.R. No. 75195. August 29, 1988

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-75195/>

FERNAN, C.J.:

Petition for certiorari seeking to set aside the Order dated February 14, 1986 of respondent Judge Cristeto D. Dinopol of the Regional Trial Court of Davao City, Branch 13, denying petitioner's motion and supplemental motion to require private respondent to pay additional docket fees.

On July 31, 1984, private respondent Abundio T. Merced doing business under the name and style of Southern Engineering Works, filed an action in the trial court for damages with preliminary mandatory injunction against petitioner Davao Light and Power Co., Inc. for abruptly disconnecting his electric meter as a result of which he suffered moral damages, loss of business and credit standing, and loss of profits.[1]

In his original and amended complaints, private respondent did not quantify his various claims for damages except for attorney's fees of P20,000.00 and expenses of litigation of P5,000.00. In both complaints, he stated that his principal claims would either be proven at the trial or left to the discretion of the court. As a consequence, he was only required to pay docket fees amounting to P82.50 based on the quantified claims for attorney's fees and expenses of the suit.

In his direct examination during the hearings on November 22, 1985 and January 24, 1986, private respondent finally declared the specific amounts of his principal demands as follows: P2,000,000 for loss of business and credit standing; P5,000,000 for moral damages, and P1,845,384.50 for loss of profits from cancelled job orders and proposals, or a grant total of P8,845,384.50.

On December 11, 1985 and January 27, 1986, petitioner filed a motion and supplemental motion, respectively, to require private respondent to pay additional docket fees on his quantified claims for damages, alleging that pursuant to Batas Pambansa Blg. 129 and Section 5 of Rule 141 of the Rules of Court, he is supposed to pay graduated docket fees based on the total amount of his money claims, or an additional sum of P35,080.00 as assessed by the clerk of court.[2]

On February 14, 1986, respondent Judge Dinopol denied the two motions, reasoning out that while the determination of the amount of the filing fees is at the time the action is filed, there is no law which prohibits claims to be proven during the trial or that the assessment thereof be left to the sound discretion of the court. Moreover, it is premature to require another assessment for filing fees as the court has yet to determine whether the moral damages and business losses allegedly incurred by therein plaintiff Merced were by reason of the acts of therein defendant Davao Light and Power Co., Inc. Furthermore, respondent judge stated that in the event he awards a monetary judgment, the filing fees shall be a lien on said award.[3]

On February 28, 1986, petitioner filed a motion for reconsideration. When more than four (4) months had elapsed without respondent judge resolving the same, petitioner took the instant recourse.

Petitioner contends that respondent judge has the clear and positive duty to enforce the provisions of the Rules of Court requiring the payment of docket fees, the amount of which is based on the total amount of the various claims. Where he evades that duty or when he virtually refuses to perform that duty by denying petitioner's motion to require private respondent to pay additional docket fees and by sitting on petitioner's motion for reconsideration for an unreasonable length of time, he clearly acts in excess of jurisdiction and with grave abuse of discretion.

There is merit in petitioner's contention.

The Interim Rules of Court provide:

"Rule 11. Application of the totality rule. — In actions where the jurisdiction of the court is dependent on the amount involved, the test of jurisdiction shall be the aggregate sum of all the money demands, exclusive only of interest and costs, irrespective of whether or not the separate claims are owned by or due to different parties. If any demand is for damages in a civil action, the amount thereof must be specifically alleged." (Underscoring supplied).

The last sentence of Rule 11 is new. While the accepted practice in the past was where the damages alleged in a civil complaint were not specified, the action would pertain to the jurisdiction of the courts of first instance, under the Interim Rules, this no longer holds true. All claims for damages must now be specifically alleged for the purpose of determining jurisdiction. This innovation is aimed at doing away with the pernicious practice by litigants of omitting any specification of the amount of damages in the complaint, not only to be able to choose the forum for their case, but also in order to mislead the docket clerk in the assessment of the filing fees and thus evade the payment of the correct charges.

This Court, in the case of *Manchester Development Corporation, et al. vs. Court of Appeals, Cityland Development Corporation, et al.*, G.R. No. 75919, May 7, 1987, minced no words in condemning such unethical practice. For the guidance of the bench and bar, it formulated the following guideline:

"The Court serves warning that it will take drastic action upon a repetition of this unethical practice. To put a stop to this irregularity, henceforth, all complaints, petitions, answers and other similar pleadings should specify the amount of damages being prayed for not only in the body of the pleading but also in the prayer, and said damages shall be considered in the assessment of the filing fees in any case. Any pleading that fails to comply with this requirement shall not be accepted nor admitted, nor shall otherwise be expunged from the record." (Underscoring supplied).

When respondent judge refused in the instant case to order the re-assessment of the filing fees based on the totality of the principal demands, he committed grave abuse of discretion. He acted in contravention of Rule 11 of the Interim Rules of Court which was already in effect when the complaint for damages was brought before his sala. Such actuation calls for the corrective writ of certiorari.

If we were to apply the ruling in the *Manchester Development Corporation* case, all the proceedings held in connection with Civil Case No. 17122 should peremptorily be considered null and void because, for all legal purposes, the trial court never acquired jurisdiction over the case by the payment of only P82.50 as filing fees.

The Court, however, takes note of the fact that the assailed Order of February 14, 1986 was issued prior to the resolution in the aforecited *Manchester Development Corporation* case. Its strict application to the case at bar would therefore be unduly harsh.

WHEREFORE, the instant petition is GRANTED. The questioned Order of February 14, 1986 is hereby set aside. However, so as not to further delay the adjudication of the subject civil suit for damages, private respondent Abundio T. Merced is given a non-extendible period of five (5) days from notice of this decision to AMEND his complaint by specifying the amount of damages being sought, not only in the body of the pleading but also in the prayer, or his action will be DISMISSED. The docket clerk should base the assessment of the filing fees on the aggregate amount of the demand appearing in the complaint.

Respondent Judge Cristeto D. Dinopol is ADMONISHED to strictly adhere to the guideline laid down in the Manchester Development Corporation resolution to preclude a recurrence of a similar incident to the end that the courts will not be deprived of the correct docket fees.

SO ORDERED.

Feliciano, Bidin and Cortes, JJ., concur.

Gutierrez, Jr., J., in the result.

[1] Civil Case No. 17122.

[2] Rollo, at pages 31, 33 and 13.

[3] Rollo, at pages 11-12.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.