

ARTURO Q. SALIENTES, IN HIS CAPACITY AS RECEIVER OF AND REPRESENTING THE HEIRS OF THE REGISTERED CO-OWNERS OF THE MAYSILO ESTATE, PETITIONER, VS. COURT OF APPEALS, HON. PACITA C...*G.R. No. 85200. February 19, 1991*

Ponente: PARAS, J.

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This is a petition for review on certiorari assailing the July 19, 1988 decision[*] of the Court of Appeals, Thirteenth Division in CA-G.R. SP No. 14811 entitled “Arturo Q. Salientes, petitioner v. Hon. Pacita C. Nye, et al., respondents”, dismissing the petition filed by petitioner before this Court and referred to the Court of Appeals for disposition. The latter petition challenged the January 4, 1988 decision as well as the subsequent orders of the Regional Trial Court of Quezon City, Branch 92[**] in Civil Case No. Q-52034, “Arturo Salientes, et al., plaintiff v. Destilleria Limtuaco & Co., Inc., defendants”, likewise dismissing the complaint filed by herein petitioner for failure to pay the proper docket fees.

On September 29, 1987, petitioner Arturo Q. Salientes, in his capacity as receiver of and representing the heirs of the registered co-owners of Maysilo Estate, filed a complaint before the Regional Trial Court, seeking to recover possession of a portion of said estate allegedly occupied illegally by Destilleria Limtuaco & Co., Inc. to the extent of 6,885 square meters, more or less, valued at P500,000.00 and praying among others for an Order to said company to pay Salientes “actual or compensatory damages in the amount of not less than P500,000.00 and such other exemplary damages as the Honorable Court may allow x x x.”

Respondent company moved to dismiss or suspend the proceedings for failure to pay proper fees which motion was opposed by Salientes. After Destilleria Limtuaco filed an answer ad cautelam, the Clerk of Court of RTC Quezon City, Branch 92, filed a comment on the motion to dismiss. In her Comment, the Clerk of Court stated that the “filing fee was assessed and collected based on the value of the land (P500,000.00) and the damages (P500,000.00) in the total amount of P1,000,000.00 (p. 112, Rollo). Judge Pacita Nye of the same court dismissed the complaint as follows:

“Hence, the failure of the complaint to specify the amount of compensatory damages in the prayer, the phrase ‘in the amount of not less than P500,000.00’ (par. 3, prayer) not being a fixed amount for purposes of computing the payment of the prescribed docket fee, the assessment and payment of docket fee based on P500,000.00 was not proper. Consequently, in line with the foregoing ruling in the Manchester Development Corporation case (supra), this Court has not acquired jurisdiction over the case at bar.

WHEREFORE, premises considered, the above-entitled case is hereby ordered DISMISSED for lack of jurisdiction.” (Rollo, pp. 53-54).

Salientes’ motion and supplementary motion for reconsideration were both denied.

On March 25, 1988, Salientes then filed a petition with this Court which was eventually referred to the Court of Appeals for proper disposition. The appellate court dismissed the petition holding that:

“The doctrine in the Magaspi case relied upon by petitioner is no longer controlling. In the Manchester case, it was held that ‘the ruling in the Magaspi case in so far as it is inconsistent with this pronouncement is overturned and reversed.’

WHEREFORE, PREMISES CONSIDERED, the petition is hereby DISMISSED for lack of merit.

SO ORDERED.” (Decision of the Court of Appeals, Rollo, p. 102).

The subsequent motion for reconsideration filed by Salientes was likewise denied, hence, this petition. The sole issue in the case at bar is plain and simple, i.e., whether the court acquires jurisdiction over a case when there is an alleged failure to pay the proper and correct docket fees.

The petition is impressed with merit.

This Court has already laid this issue to rest in the recent case of *Maximo Tacay, et al. v. Regional Trial Court of Tagum, et al.*, G.R. Nos. 88075-77, December 20, 1989, which held among others as follows:

“xxx xxx xxx

“Circular No. 7 of this Court, dated March 24, 1988, cannot thus be invoked, as the petitioner does, as authority for the dismissal of the actions at bar. That circular avowedly inspired by the doctrine laid down in *Manchester Development Corporation v. Court of Appeals*, has but limited application to said actions xxx. Moreover, the rules therein laid down have since been clarified and amplified by the Court’s subsequent decision in *Sun Insurance Office, Ltd. (SIOL) v. Asuncion, et al.*, G.R. Nos. 79937-38, February 13, 1989.

xxx xxx xxx

The clarificatory and additional rules laid down in *Sun Insurance Office, Ltd. v. Asuncion, supra*, read as follows:

xxx xxx xxx

Where the action involves real property and a related claim for damages as well, the legal fees shall be assessed on the basis of both (a) the value of the property and (b) the total amount of related damages sought. The Court acquires jurisdiction over the action if the filing of the initiatory pleading is accompanied by the payment of the requisite fees, or, if the fees are not paid at the time of the filing of the pleading, as of the time of full payment of the fees within such reasonable time as the court may grant, unless, of course, prescription has set in in the meantime. But where - as in the case at bar - the fees prescribed action involving real property have been paid, but the amounts of certain related damages (actual, moral and nominal) being demanded are unspecified, the action may not be dismissed. The Court undeniably has jurisdiction over the action involving the real property, acquiring it upon the filing of the complaint or similar pleading and payment of the prescribed fee. And is not divested of that authority by the circumstance that it may not have acquired jurisdiction over the accompanying claims for damages because of lack of specification thereof. What should be done is simply to expunge those claims for damages as to which no amounts are stated, x x x or allow, on motion, a reasonable time for the amendment of the complaints so as to allege the precise amount of each item of damages and accept payment of the requisite fees therefor within the relevant prescriptive period.” (Underscoring supplied).

In the light of the foregoing, it is very clear that the courts below erred in peremptorily dismissing the complaint filed by Salientes.

WHEREFORE, the Court Resolved to REVERSE and SET ASIDE the assailed decision of the Court of Appeals

and to REMAND Civil Case No. Q-52034 to the Regional Trial Court for further proceedings, so that among other things, the prayer in the complaint can on motion be amended to make specific the amount of damages prayed for, the assessed fee can then be completely paid within the period of prescription, and the case can be fully tried on the merits.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Associate Justice Leonor Ines Luciano and concurred in by Associate Justices Jaime M. Lantin and Fernando A. Santiago.

[**] Judge Pacita Canizares-Nye rendered the decision.

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