

**MANUEL P. PARCON, PETITIONER, VS. HON. COURT OF APPEALS,
HON. NICOLAS SIAN MONTE-BLANCO, IN HIS CAPACITY AS
PRESIDING JUDGE OF BRANCH XXXI, RTC, ILOILO, JESSIE E.
BILLENA, ALFRE...**

G.R. No. 85740. November 09, 1990

Ponente: PARAS, J.

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PARAS, J.:

The sole issue presented for resolution in this case is whether or not the RTC of Iloilo can continue to exercise jurisdiction over an action for the annulment of the decision of the then CFI (now RTC) of Manila after the plaintiff therein (herein petitioner) had amended the complaint at a time when Batas Pambansa Bilang 129 was already in effect.

On November 9, 1982, the petitioner filed a complaint with the respondent RTC of Iloilo Branch XXXI docketed as Civil Case No. 14708 for the annulment of the decision dated October 28, 1980 of the then CFI of Manila, Branch XXX in Civil Case No. 116500. The defendants named were Producers Bank of the Philippines, the City Sheriff of Manila and the Branch Sheriff of the CFI of Manila, Branch XXX.

On September 11, 1984, the petitioner filed an amended complaint impleading Jessie R. Billena, and Alfredo T. Javellana, herein private respondents, together with the Intestate Estate of Federico Salvador and Gregorio Hechanova, as additional defendants. The RTC of Iloilo subsequently dismissed the amended complaint as against the said estate in view of the commencement of administration proceedings therefor.

Meanwhile, on March 2, 1987, private respondents filed a motion to dismiss anchored on the ground that the RTC of Iloilo no longer has jurisdiction over the case since at the time the amended complaint was filed, jurisdiction over actions for the annulment of judgments of Regional Trial Courts is already vested with the Court of Appeals under Batas Pambansa Bilang 129. The RTC of Iloilo denied the motion to dismiss.

On appeal, however, the Court of Appeals rendered a decision,[1] the dispositive portion of which reads:

"WHEREFORE, this Court renders judgment:

"1) declaring as null and void the Order of respondent judge dated December 28, 1987;

"2) declaring that Civil Case No. 14708 pending before respondent judge be dismissed for lack of jurisdiction and that the plaintiff in said case be advised to bring the complaint to the proper tribunal in accordance with Batas Pambansa Blg. 129." (p. 46, Rollo)

Hence the instant petition.

Batas Pambansa Bilang 129, which took effect on January 18, 1983, divested the CFI (now RTC) of its jurisdiction to hear and decide actions for the annulment of judgments of Regional Trial Courts, the same being now within the exclusive jurisdiction of the Court of Appeals.

We are in complete agreement with the observations and conclusions of the Court of Appeals that:

"From the records, We find that the original complaint was filed before the enactment of Batas Pambansa Bilang 129. However, the complaint was amended by impleading the petitioners after said law have taken effect. When a pleading is amended which introduces a new cause of action or includes additional defendants, the original pleading is deemed abandoned and the case now stands for trial on the amended complaint only. (See *Insular Veneer, Inc. v. Plan*, 73 SCRA 9). Considering that the amended complaint was filed after the effectivity of Batas Pambansa Blg. 129, the case falls under the exclusive original jurisdiction of the Court of Appeals (formerly Intermediate Appellate Court).

"Section 9, paragraph 2 of Batas Pambansa Blg. 129 provides, among others:

'Sec. 9. Jurisdiction. - The Intermediate Appellate Court shall exercise:

xxx xxx

'(2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Court:

xxx xxx

"Section 44 of Batas Pambansa Blg. 129 provides as follows:

"The provisions of this Act shall be immediately carried out in accordance with an Executive Order to be issued by the President. The Court of Appeals, the Courts of First Instance, the Circuit Criminal Courts, the Juvenile and Domestic Relations Courts, the Courts of Agrarian Relations, the City Courts, the Municipal Courts, and the Municipal Circuit Courts, shall continue to function as presently constituted and organized, until the completion of the reorganization provided in this Act as declared by the President. Upon such declaration, the said courts shall be deemed automatically abolished and the incumbents thereof shall cease to hold office. The cases pending in the old Courts shall be transferred to the appropriate Courts constituted pursuant to this Act, together with the pertinent functions, records, equipment, property and the necessary personnel." (Emphasis supplied)

"xxx xxx xxx."

(pp. 2-3, Decision)

Exclusive original jurisdiction having been conferred on the Court of Appeals, the RTC of Iloilo cannot continue exercising jurisdiction over Civil Case No 14708. Exclusive jurisdiction precludes the idea of co-existence and refers to jurisdiction possessed to the exclusion of others. (*Ong v. Parel*, 156 SCRA 768)

WHEREFORE, the petition is hereby DENIED and the decision of the Court of Appeals is hereby AFFIRMED.

SO ORDERED.

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

[1] Penned by Associate Justice Jose C. Campos, Jr. and concurred in by Associate Justices Ricardo J. Francisco and Alfredo L. Benipayo.

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