

MRCA, INC., PETITIONER, VS. HON. COURT OF APPEALS, HON. BENJAMIN V. PELAYO, JUDGE, REGIONAL TRIAL COURT, NATIONAL CAPITAL JUDICIAL REGION, BRANCH 168, PASIG, M.M., SPOUSES DOMIN...

G.R. No. 86675. December 19, 1989

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

The petitioner prays this Court to set aside the decision promulgated on January 18, 1989 by the Court of Appeals in CA-G.R. No. SP 15745, affirming the order of the Regional Trial Court dismissing the complaint for non-payment of the proper filing fees as the prayer of the complaint failed to specify the amounts of moral damages, exemplary damages, attorney's fees and litigation expenses sought to be recovered by it from the defendants, but left them "to the discretion of this Honorable Court" or "to be proven during the trial." (p. 32, Rollo.)

Invoking the decision of this Court in *Manchester Development Corporation vs. Court of Appeals*, 149 SCRA 562, the private respondents (defendants in Civil Case No. 55740 of the Regional Trial Court of Pasig, Metro Manila, entitled "*MRCA, Inc. vs. Spouses Domingo Sebastian, Jr., et al.*") filed a motion to dismiss the complaint on July 15, 1988. The petitioner opposed the motion, but the trial court granted it in its order of August 10, 1988 (p. 54, Rollo). The Court of Appeals upheld the trial court, hence, this petition for review under Rule 45 of the Rules of Court.

Petitioner argues that since the decision in *Manchester* had not yet been published in the Official Gazette when its complaint was filed, the ruling therein was ineffective; that said ruling may not be given retroactive effect because it imposes a new penalty for its non-observance: the dismissal of the complaint for want of jurisdiction; and, that it should not apply to the present case because the petitioner herein (plaintiff in the trial court) had no fraudulent intent to deprive the government of the proper docketing fee, unlike the *Manchester* case where enormous amounts of damages were claimed in the body of the complaint, but the amounts were not mentioned in the prayer thereof, to mislead the clerk of court in computing the filing fees to be paid.

Petitioner's argument regarding the need for publication of the *Manchester* ruling in the Official Gazette before it may be applied to other cases is not well taken. As pointed out by the private respondents in their comment on the petition, publication in the Official Gazette is not a prerequisite for the effectivity of a court ruling even if it lays down a new rule of procedure, for "it is a doctrine well established that the procedure of the court may be changed at any time and become effective at once, so long as it does not affect or change vested rights." (*Aguillon vs. Director of Lands*, 17 Phil. 508). In a later case, this Court held thus:

"It is a well-established rule of statutory construction that statutes regulating the procedure of the courts will be construed as applicable to actions pending and undetermined at the time of their passage. Procedural laws are retrospective in that sense and to that extent. As the resolution of October 1, 1945, relates to the mode of

procedure, it is applicable to cases pending in courts at the time of its adoption; but it can not be invoked in and applied to the present case in which the decision had become final before said resolution became effective. In this case, the motion for reconsideration filed by the defendant was denied on July 17, 1944, and a second motion for re-hearing or consideration could not be filed after the expiration of the period of fifteen days from promulgation of the order or judgment deducting the time in which the first motion had been pending in this Court (Section 1, Rule 54); for said period had already expired before the adoption of the resolution on October 1, 1945. Therefore, the Court cannot now permit or allow the petitioner to file any pleading or motion in the present case." (People vs. Sumilang, 77 Phil. 765-766.)

The Manchester ruling was applied retroactively in *Sun Insurance Office, Ltd., et al. vs. Asuncion, et al.*, G.R. Nos. 79937-38, February 13, 1989, a case that was already pending before Manchester was promulgated.

The complaint in this case was filed on March 24, 1988, or ten months after Manchester was promulgated on May 7, 1987, hence, Manchester should apply except for the fact that it was modified in the *Sun Insurance* case, where we ruled that the court may allow payment of the proper filing fee "within a reasonable time but in no case beyond the prescriptive or reglementary period." We quote:

"1. It is not simply the filing of the complaint or appropriate initiatory pleading, but the payment of the prescribed docket fee, that vests a trial court with jurisdiction over the subject-matter or nature of the action. Where the filing of the initiatory pleading is not accompanied by payment of the docket fee, the court may allow payment of the fee within a reasonable time but in no case beyond the applicable prescriptive or reglementary period. (p. 80, Rollo.)

Intent to cheat the government of the proper filing fees may not be presumed from the petitioner's omission to specify in the body and prayer of its complaint the amounts of moral and exemplary damages and attorney's fees that it claims to have suffered and/or incurred in its transaction with the private respondents. The petitioner might not have computed its damages yet, or probably did not have the evidence to prove them at the time it filed its complaint. In accordance with our ruling in *Sun Insurance Office, Ltd.*, the petitioner may be allowed to amend its complaint for the purpose of specifying, in terms of pesos, how much it claims as damages, and to pay the requisite filing fees therefor, provided its right of action has not yet prescribed. This the petitioner is ready to do.

WHEREFORE, the petition for review is granted. The Order of the Regional Trial Court is hereby set aside. The complaint in Civil Case No. 55740 (*MRCA, Inc. vs. Domingo Sebastian, Jr. and Lilia Tioseco Sebastian*) is reinstated and the petitioner is allowed to amend the same by specifying the amounts of damages it seeks to recover from the defendants (private respondents) and to pay the proper filing fees therefor as computed by the Clerk of Court.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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