

**NOTRE DAME DE LOURDES HOSPITAL, OWNED AND OPERATED BY
THE SISTERS OF ST. PAUL DE CHARTRES HEREIN REPRESENTED BY
SISTER MARIA LINDA TANALGO, SPC., PETITIONER, VS. HON.
HEILLA S. ...**

G.R. No. 96630. May 15, 1991

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

In this petition for certiorari, the petitioner, Notre Dame de Lourdes Hospital (or ND LH) of Baguio city, owned and operated by the Sisters of St. Paul de Chartres, herein represented by sister Maria Linda Tanalgo, SPC, as defendant in an injunction suit (Civil Case No. 90-CV-0541) which the private respondents filed in the Regional Trial Court of Baguio and Benguet at La Trinidad, Benguet, seeks a review of the trial court's order dated January 11, 1991, denying petitioner's motion to dismiss the complaint for lack of jurisdiction and improper venue, upholding its jurisdiction over the action and maintaining that the venue was properly laid.

The lone ground of the petition is that:

"The Regional Trial Court, Branch VIII at La Trinidad, Benguet is without jurisdiction to entertain or hear the complaint and has acted with grave abuse of discretion in denying the motion to dismiss interposed by the petitioners." (p. 9, Rollo.)

The petition has no merit.

Pursuant to Section 18 of B.P. 129, which provides:

"SEC. 18. Authority to define territory appurtenant to each branch. - The Supreme Court shall define the territory over which a branch of the Regional Trial Court shall exercise its authority. The territory thus defined shall be deemed to be the territorial area of the branch concerned for purposes of determining the venue of all suits, proceedings or actions, whether civil or criminal, as well as determining the Metropolitan Trial Courts Municipal Trial Courts, and Municipal Circuit Trial Courts over which the said branch may exercise appellate jurisdiction. The power herein granted shall be exercised with a view to making the courts readily accessible to the people of the different parts of the region and making the attendance of litigants and witnesses as inexpensive as possible."

the Supreme Court issued Administrative Order No. 7 defining the territorial jurisdiction of every regional trial court. As later amended by Supreme Court Administrative Order No. 67, the territorial jurisdiction of Branches III to VII of the Regional Trial Court of the First Judicial Region, with seat in the City of Baguio, extends over the City of Baguio alone, while that of Branches VIII to X of the same court, with seat in La Trinidad, Benguet covers all the thirteen (13) municipalities of Benguet province, namely, Atok, Bokod, Buguias, Itogon, Kabayan, Mankayan, Sablan, Tuba, Bakun, Kapanggan, Kibungan, La Trinidad, and Tublay.

The action for injunction filed by the private respondents is a civil action in which the subject of the litigation is

incapable of pecuniary estimation, hence, the regional trial court has exclusive original jurisdiction over it (Sec. 19, B.P. Blg. 129). It is also a personal action because it does not affect the title to, or possession, of real property nor asks for the partition, condemnation, or foreclosure of mortgage on real property. As such, it may be commenced and tried where the defendant or any of the defendants resides, or may be found, or where the plaintiffs or any of the plaintiffs resides, at the election of the plaintiff (Sec. 2[b], Rule 4, Rules of Court).

Since two of the plaintiffs in Civil Case No. 90-CV-0541 - Drs. Felipe Tabanda, Jr. and Rosann Sta. Cruz - are residents of La Trinidad, Benguet (par. 1, Complaint), the complaint could properly be filed in the Regional Trial Court at La Trinidad, Benguet. That choice of venue is sanctioned by Sec. 2(b), Rule 4 of the Rules of Court. It does not matter that Drs. Tabanda and Sta. Cruz are only two among thirty-six (36) plaintiffs. It is of no moment that, according to the petitioner, Dr. Tabanda, an employee of the Benguet Corporation, is not a real party in interest, and that Dr. Sta. Cruz, a resident physician of NDLH, has no cause of action against the said hospital because she has been assured that a certificate of residency will be issued to her even if the defendant closes its hospital. What determines jurisdiction and venue are the allegations of the complaint, not the allegations in defendant's answer (*People vs. Grospe*, 157 SCRA 154; *Ching vs. Malaya*, 153 SCRA 412).

Since the First Judicial Region consists of the provinces of Abra, Benguet, Ilocos Norte, Ilocos Sur, La Union, Mountain Province, and Pangasinan, and the cities of Baguio, Dagupan, Laoag, and San Carlos (Sec. 13, B.P. Blg. 129), a writ of injunction issued by the regional trial court sitting in La Trinidad, Benguet, is enforceable in the City of Baguio. Section 21, subparagraph 1, B.P. Blg. 129 provides:

"Sec. 21. Original jurisdiction in other cases. - Regional Trial Courts shall exercise original jurisdiction:

"(1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions; x x x." (Underscoring supplied.)

Clearly, the Regional Trial Court, Branch VIII, in La Trinidad, Benguet, did not abuse its discretion in denying the petitioner's motion to dismiss the complaint for injunction filed against NDLH by the private respondents, for that court does have jurisdiction over the action and the venue is properly laid before it.

WHEREFORE, the petition for certiorari is dismissed for lack of merit. The temporary restraining order which was issued by this Court on January 16, 1991 is hereby set aside. Costs against the petitioner.

SO ORDERED.

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

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