Supreme Court E-Library

Land Transportation Franchising and Regulatory Board, with the corresponding release to him of the differential of all emoluments reckoned from April 8, 1991.

No pronouncement as to costs.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-de Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and *Mendoza, JJ.,* concur.

SECOND DIVISION

[G.R. No. 173351. July 29, 2010]

BF CITILAND CORPORATION, *petitioner, vs.* **MARILYN B. OTAKE,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; APPEALS; APPEAL TO THE COURT OF APPEALS; APPEAL OF CASES FROM THE REGIONAL TRIAL COURT DECIDED IN ITS ORIGINAL JURISDICTION AND AS APPELLATE COURT, DISTINGUISHED. — In cases decided by the RTC in the exercise of its **original jurisdiction**, appeal to the Court of Appeals is taken by filing a notice of appeal. On the other hand, in cases decided by the RTC in the exercise of its **appellate jurisdiction**, appeal to the Court of Appeals is by a petition for review under Rule 42.

2. ID.; SPECIAL CIVIL ACTIONS; *CERTIORARI*; A PETITION FOR *CERTIORARI* UNDER RULE 65 IS AN ORIGINAL ACTION. — A petition for *certiorari* under Rule 65 does not

Supreme Court E-Library

interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction from further proceeding has been issued against the public respondent. A petition for *certiorari* under Rule 65 is, without a doubt, an original action.

3. ID.; APPEALS; DISMISSAL OF APPEALS PURELY ON TECHNICAL GROUNDS IS FROWNED UPON. — In numerous cases, this Court has allowed liberal construction of the rules when to do so would serve the demands of substantial justice. Dismissal of appeals purely on technical grounds is frowned upon. It is better to excuse a technical lapse rather than dispose of a case on technicality, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice. In the present case, a dismissal on a technicality would only mean a new round of litigation between the same parties for the same cause of action, over the same subject matter. Thus, notwithstanding petitioner's wrong mode of appeal, the Court of Appeals should not have so easily dismissed the petition.

4. ID.; CIVIL PROCEDURE; *ACCION PUBLICIANA*; JURISDICTION OF THE REGIONAL TRIAL COURT, AMENDED. — Under Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, the plenary action of *accion publiciana* must be brought before regional trial courts. With the modifications introduced by Republic Act No. 7691, the jurisdiction of regional trial courts has been limited to real actions where the assessed value exceeds ₱20,000.00 or ₱50,000.00 if the action is filed in Metro Manila. If the assessed value is below the said amounts, the action must be brought before first level courts. As so amended, BP 129 now provides: Sec. 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in Civil Cases*. — Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: x x x (3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the **assessed value of the property or interest therein does not exceed Twenty thousand pesos (₱20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos**

(₱50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs: *Provided*, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots. Under BP 129, as amended, jurisdiction even in *accion publiciana* cases is determined by the assessed value of the property. The Court recently explained in *Spouses Alcantara v. Nido* that assessed value is the worth or value of the property as fixed by the taxing authorities for the purpose of determining the applicable tax rate. The assessed value does not necessarily represent the true or market value of the property.

APPEARANCES OF COUNSEL

Edgar A. Pacis for petitioner.
Noel L. Duque for respondent.

D E C I S I O N

CARPIO, *J.*:

The Case

This is a petition for review[1] of the Resolutions dated 28 July 2005[2] and 5 July 2006[3] of the Court of Appeals in CA-G.R. SP No. 88995. The 28 July 2005 Resolution dismissed the petition for review filed by petitioner seeking the reversal of the 29 December 2004 Decision[4] of the Regional Trial Court (Branch 257) of Parañaque City. The 5 July 2006 Resolution denied petitioner's motion for reconsideration.

---

[1] Under Rule 45 of the Rules of Court.

[2] *Rollo*, pp. 44-46. Penned by Associate Justice Arcangelita M. Romilla-Lontok, with Associate Justices Rodrigo V. Cosico and Danilo B. Pine, concurring.

[3] *Id.* at 48-49. Penned by Associate Justice Arcangelita M. Romilla-Lontok, with Associate Justices Rodrigo V. Cosico and Andres B. Reyes, Jr., concurring.

[4] *Id.* at 212-218.

Supreme Court E-Library

The Antecedent Facts

Petitioner BF Citiland Corporation is the registered owner of Lot 2, Block 101 situated in Brisbane Street, Phase III, BF Homes Subdivision, Parañaque City and covered by Transfer Certificate of Title No. 52940.[5] Based on the tax declaration[6] filed in the Office of the Assessor, the lot has an assessed value of ₱48,000.00.

On 24 February 1987, respondent Merlinda B. Bodullo[7] bought the adjoining Lot 1, Block 101 covered by TCT No. 77549.[8] However, records show respondent occupied not just the lot she purchased. She also encroached upon petitioner's lot.

On 13 October 2000, petitioner filed in the Metropolitan Trial Court (Branch 77) of Parañaque City a complaint[9] for *accion publiciana* praying that judgment be rendered ordering respondent to vacate the subject lot. Petitioner also prayed that respondent be ordered to pay ₱15,000.00 per month by way of reasonable compensation for the use of the lot.

The Ruling of the MeTC

In its 25 April 2003 Decision,[10] the MeTC ruled in favor of petitioner, to wit:

> WHEREFORE, premises considered, this Court renders judgment in favor of the plaintiff and against the defendant and the latter, including any and all persons claiming rights under her is ORDERED:
>
> 1. To VACATE Lot 2, Block 101 subject lot in this instant case and SURRENDER peaceful possession to the plaintiff;

---

[5] *Id.* at 246-247.

[6] *Id.* at 56.

[7] "Marilyn B. Otake" in the complaint and subsequent case titles.

[8] *Rollo*, pp. 242-244.

[9] *Id.* at 50-53.

[10] *Id.* at 89-93.

Supreme Court E-Library

2. To PAY the plaintiff the sum of ₱10,000.00 per month by way of reasonable compensation for the use and occupancy of the subject lot from the filing of this case until the defendant shall have fully vacated the same;

3. To PAY the plaintiff the sum of ₱20,000.00 as and by way of attorney's fees; and

4. To PAY the costs of this suit.

SO ORDERED.[11]

Respondent filed a motion for reconsideration[12] claiming she was a lawful possessor and buyer in good faith of the disputed lot. In its Order dated 20 June 2003, the MeTC denied[13] the motion for reconsideration for lack of merit and for lack of the requisite notice of hearing. The MeTC then issued a writ of execution.[14] Respondent filed a motion[15] to quash the writ of execution on the ground that the MeTC had no jurisdiction over *accion publiciana* cases. In its 30 January 2004 Order,[16] the MeTC denied the motion to quash the writ of execution. It held that under Section 33 of Batas Pambansa Blg. 129, as amended by Republic Act 7691,[17] the MeTC had exclusive original jurisdiction in all civil actions involving title to or possession of real property with assessed value not exceeding ₱50,000.00.

Petitioner filed a motion for special order of demolition[18] alleging that the lot subject of execution contained improvements

---

[11] *Id.* at 93.

[12] *Id.* at 94-99.

[13] *Id.* at 106-107.

[14] *Id.* at 108-109.

[15] *Id.* at 114-128.

[16] *Id.* at 142.

[17] An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose *Batas Pambansa Blg*. 129, Otherwise Known as the "Judiciary Reorganization Act of 1980." Took effect on 15 April 1994.

[18] *Rollo*, pp. 143-144.

Supreme Court E-Library

introduced by respondent. Respondent opposed the motion for being premature[19] and moved for reconsideration[20] of the 30 January 2004 Order of the MeTC. Respondent argued that even if the MeTC had jurisdiction over *accion publiciana* cases, the total value of the lot together with the residential house she built on it exceeded ₱50,000.00.

In its 23 July 2004 Order,[21] the MeTC ruled that since the subject lot had an assessed value of ₱48,000.00, it had jurisdiction under Section 33 of BP 129, as amended. The MeTC held that since the action was only for the recovery of the lot, the residential house respondent built on it should not be included in computing the assessed value of the property. Thus, the MeTC granted petitioner's motion for demolition and denied respondent's motion for reconsideration of its 30 January 2004 Order.

Respondent filed in the Regional Trial Court (Branch 257) of Parañaque City a petition for *certiorari*[22] under Rule 65 of the Rules of Court seeking dismissal of the *accion publiciana* case for lack of jurisdiction of the MeTC.

The Ruling of the RTC

In its 29 December 2004 Decision,[23] the RTC held that *accion publiciana* was within the exclusive original jurisdiction of regional trial courts. The RTC further explained that BP 129, as amended, did not modify the jurisprudential doctrine that a suit for *accion publiciana* fell under the exclusive original jurisdiction of the RTC. It disposed of the petition for certiorari in this wise:

WHEREFORE, the preliminary injunction previously issued by this Court in the Order dated September 8, 2004 enjoining the court *a quo* and its sheriff from implementing the Writ of Execution is hereby made permanent. Since the court *a quo* has no jurisdiction

---

[19] *Id.* at 145-146.

[20] *Id.* at 148-159.

[21] *Id.* at 165-167.

[22] *Id.* at 168-196.

[23] *Id.* at 212-218.

Supreme Court E-Library

over Civil Case No. 11868, a suit for *accion publiciana* filed by BF Citiland Corporation against petitioner, the said case is dismissed. Consequently, all Orders and the Decision rendered on the said case by the court *a quo* are deemed void or without force and effect.

SO ORDERED.[24]

Petitioner filed a motion for reconsideration[25] insisting that *accion publiciana* was the civil action involving title to or possession of real property referred to in Section 33 of BP 129, as amended. Petitioner also claimed respondent was already estopped from assailing the jurisdiction of the MeTC because of respondent's participation in all the proceedings in the MeTC coupled with respondent's failure to timely object to the jurisdiction of the MeTC.

In her comment,[26] respondent reasoned that while Section 33 of BP 129, as amended, explicitly qualified the court's jurisdiction depending on the assessed value of the real property, *accion publiciana* conferred jurisdiction on regional trial courts regardless of the value of the property. Respondent further argued that lack of jurisdiction could be raised anytime.

Upon the RTC's denial[27] of petitioner's motion for reconsideration, petitioner filed in the Court of Appeals a petition for review[28] under Rule 42 of the Rules of Court contending that the RTC erred in ruling that the MeTC had no jurisdiction over *accion publiciana* cases. Petitioner maintained respondent was already estopped from questioning the jurisdiction of the MeTC. In her comment,[29] respondent stressed that the MeTC had no jurisdiction over *accion publiciana* cases. Respondent reiterated the argument that lack of jurisdiction could be raised

---

[24] *Id.* at 218.

[25] *Id.* at 219-227.

[26] *Id.* at 228-234.

[27] *Id.* at 251.

[28] *Id.* at 256-278.

[29] *Id.* at 279-293.

Supreme Court E-Library

anytime. In its reply,[30] petitioner cited *Refugia v. Court of Appeals*[31] in claiming that the MeTC had limited original jurisdiction in civil actions involving title to or possession of real property depending on the property's assessed value.

The Ruling of the Court of Appeals

In its 28 July 2005 Resolution,[32] the Court of Appeals dismissed the petition for review holding that appeal from a decision of the RTC rendered in the exercise of its original jurisdiction should be by way of a notice of appeal.

The Court of Appeals ruled that appeal by way of petition for review under Rule 42 of the Rules of Court could be resorted to only when what was appealed from was a decision of the RTC rendered in the exercise of its appellate jurisdiction. In its 5 July 2006 Resolution,[33] the Court of Appeals denied petitioner's motion for reconsideration.[34]

Hence, the instant petition for review.

The Issues

The issues for resolution are (1) whether a petition for review under Rule 42 is the proper mode of appeal from a decision of the RTC in a petition for *certiorari* under Rule 65; and (2) whether the RTC correctly ruled that the MeTC has no jurisdiction over *accion publiciana* cases.

The Court's Ruling

The petition is meritorious.

Petitioner posits that even if the RTC rendered the judgment in the exercise of its original jurisdiction, the Court of Appeals

---

[30] *Id.* at 295-301.

[31] G.R. No. 118284, 5 July 1996, 258 SCRA 347, 361.

[32] *Rollo*, pp. 44-46.

[33] *Id.* at 48-49.

[34] *Id.* at 303-309.

Supreme Court E-Library

still erred in dismissing the petition for review because a petition for review contains all the requisites of a notice of appeal. Petitioner argues the Court of Appeals erred in dismissing the petition for review on technicality without considering the merits of the case. Petitioner maintains the MeTC has jurisdiction since the assessed value of the lot subject of *accion publiciana* is only ₱48,000.00.

Respondent counters that the decision of the RTC was rendered in a petition for *certiorari* under Rule 65, unmistakably an original action. Respondent maintains that a petition for review cannot be treated as a form of a notice of appeal because of the inextendible nature of the latter. Respondent further argues that the RTC correctly ruled the MeTC has no jurisdiction in *accion publiciana* cases. Respondent claims she is not estopped from questioning the jurisdiction of the MeTC.

Section 2, Rule 41 of the Rules of Court states:

(a) *Ordinary appeal*. — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its **original jurisdiction** shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. x x x

(b) *Petition for review*. — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its **appellate jurisdiction** shall be by petition for review in accordance with Rule 42. (Emphasis supplied)

x x x x x x x x x

The Rule is clear. In cases decided by the RTC in the exercise of its **original jurisdiction**, appeal to the Court of Appeals is taken by filing a notice of appeal. On the other hand, in cases decided by the RTC in the exercise of its **appellate jurisdiction**, appeal to the Court of Appeals is by a petition for review under Rule 42.

A petition for *certiorari* under Rule 65 does not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction from further proceeding

Supreme Court E-Library

has been issued against the public respondent.[35] A petition for *certiorari* under Rule 65 is, without a doubt, an original action.[36]

Since the decision of the RTC in the petition for *certiorari* under Rule 65 was rendered in the exercise of its original jurisdiction, appeal from the said RTC decision to the Court of Appeals should have been made by filing a notice of appeal, not a petition for review under Rule 42.

However, in numerous cases, this Court has allowed liberal construction of the rules when to do so would serve the demands of substantial justice. Dismissal of appeals purely on technical grounds is frowned upon. It is better to excuse a technical lapse rather than dispose of a case on technicality, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.[37] In the present case, a dismissal on a technicality would only mean a new round of litigation between the same parties for the same cause of action, over the same subject matter. Thus, notwithstanding petitioner's wrong mode of appeal, the Court of Appeals should not have so easily dismissed the petition.

Under Batas Pambansa Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, the plenary action of *accion publiciana* must be brought before regional trial courts.[38] With the modifications introduced by Republic Act No. 7691, the jurisdiction of regional trial courts has been limited to real actions where the assessed value exceeds ₱20,000.00 or ₱50,000.00 if the action is filed in Metro Manila. If the assessed value is below the said amounts, the action must be brought before first level courts. As so amended, BP 129 now provides:

Sec. 33. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in Civil Cases*.

---

[35] Section 7, Rule 65 of the Rules of Court.

[36] *Tomas Claudio Memorial College, Inc. v. Court of Appeals*, 467 Phil. 541 (2004).

[37] *Barangay Sangalang v. Barangay Maguihan*, G.R. No. 159792, 23 December 2009.

[38] *Bernardo v. Heirs of Villegas,* G.R. No. 183357, 15 March 2010.

Supreme Court E-Library

— Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

x x x x x x x x x

(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the **assessed value of the property or interest therein does not exceed Twenty thousand pesos (₱20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (₱50,000.00)** exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs: *Provided*, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots. (Emphasis supplied)

Under BP 129, as amended, jurisdiction even in *accion publiciana* cases is determined by the assessed value of the property.[39] The Court recently explained in *Spouses Alcantara v. Nido*[40] that assessed value is the worth or value of the property as fixed by the taxing authorities for the purpose of determining the applicable tax rate. The assessed value does not necessarily represent the true or market value of the property.[41]

In the present case, the complaint,[42] which was filed after the enactment of R.A. 7691, contained a statement that, based on the tax declaration[43] filed in the Office of the Assessor, the lot subject of the *accion publiciana* has an assessed value of ₱48,000.00. A copy of the tax declaration was attached as Annex "B" of the complaint. The subject lot, with an assessed value below the jurisdictional limit of ₱50,000.00 for Metro Manila, comes within the exclusive original jurisdiction of the MeTC under BP 129, as amended. Thus, the RTC erred in holding that the MeTC had no jurisdiction in this case.

---

[39] *Id.*

[40] G.R. No. 165133, 19 April 2010 citing *Geonzon Vda. de Barrera v. Heirs of Vicente Legaspi,* G.R. No. 174346, 12 September 2008, 565 SCRA 192, 197.

[41] *Id.*

[42] *Rollo*, p. 51.

[43] *Id.* at 56.

Supreme Court E-Library

WHEREFORE, we *GRANT* the petition. We *SET ASIDE* the Resolutions dated 28 July 2005 and 5 July 2006 of the Court of Appeals in CA-G.R. SP No. 88995. We *REINSTATE* the 25 April 2003 Decision and the 20 June 2003 Order of the Metropolitan Trial Court (Branch 77) of Parañaque City in Civil Case No. 11868.

Costs against petitioner.

SO ORDERED.

Nachura, Peralta, Abad, and *Mendoza, JJ.,* concur.

THIRD DIVISION

[G.R. No. 180010. July 30, 2010]

CENITA M. CARIAGA, *petitioner, vs.* **PEOPLE OF THE PHILIPPINES,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; APPEALS; AS A RULE, AN APPEAL ERRONEOUSLY TAKEN TO THE COURT OF APPEALS SHALL NOT BE TRANSFERRED BUT SHALL BE DISMISSED OUTRIGHT; EXCEPTION; RATIONALE. — Section 2 of Rule 50 of the Rules of Court provides: SEC. 2. Dismissal of improper appeal to the Court of Appeals. x x x **An appeal erroneously taken to the Court of Appeals shall not be transferred to the appropriate court but shall be dismissed outright**. That appellate jurisdiction in this case pertains to the Sandiganbayan is clear. Section 4 of Presidential Decree No. 1606, as amended by Republic Act No. 8249, so directs: Sec. 4. Jurisdiction. — The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving: