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THIRD DIVISION

[G.R. No. 253531; July 10, 2023]

ELIZABETH VIDAL-PLUCENA, *Petitioner*, *v.* **HON. FLAVIANO BALGOS, JR., HARVEY GLENN VALENCIA, and MRS. FRANSON VALENCIA,** *Respondents*.

D E C I S I O N

SINGH, *J.*:

This Petition for Review on *Certiorari* filed under Rule 45 of the Rules of Court by petitioner Elizabeth Vidal-Plucena **(Plucena)** assails the Orders, dated March 9, 2020[1] and July 20, 2020,[2] of the Regional Trial Court, Branch 30, Bambang, Nueva Ecija **(RTC)** in Civil Case No. 1409. The RTC dismissed Plucena's complaint for Recovery of Possession and Damages.

The Facts

In her Complaint for Recovery of Possession and Damages,[3] Plucena averred that she is the registered owner of a parcel of land located in Balungao, San Leonardo, Bambang, Nueva Vizcaya, which is covered by Transfer Certificate of Title **(TCT)** No. T-19220. According to Plucena, she had been tilling the land since the 1980's, as she inherited the same from her late parents.[4]

Plucena averred that, sometime in 2013, she was surprised to see that someone had entered and fenced a portion of the subject land, and that small concrete houses and pigpens had been erected therein without her consent. Upon further inquiry, Plucena and her

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1 *Rollo*, pp. 27-29.

2 Id. at 30.

3 Id. at 31-35.

4 Id. at 32, Complaint.

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sister, Ruth G. Vidal **(Ruth)**, learned that the owner of the pigpens and small houses were then Mayor Flaviano Balgos, Jr. **(Mayor Balgos)** and Franson Valencia **(Mrs. Franson)** (collectively, the **respondents**). According to Plucena's neighbors, Mayor Balgos and Mrs. Franson ordered the construction of the small houses and the pigpens. When confronted, Mrs. Franson claimed that they owned the lot where the small houses and pigpens were erected. This prompted Plucena to raise her concern to Mayor Balgos, but the same fell on deaf ears.[5]

Plucena then had the subject land surveyed in order to know the exact portion which was illegally occupied by the respondents. The survey showed that the portion fenced and occupied by the respondents, which was more or less 60 square meters, belonged to Ruth. Plucena claimed that an estimated portion measuring about 60 square meters of the subject land was unlawfully occupied by the respondents. To prove her ownership over the subject land, Plucena presented a tax declaration under her name, which showed that the entire property has an assessed value of ₱34,160.00. Thus, Plucena prayed that the respondents be ordered to vacate the subject land and that the improvements erected therein be removed.[6]

In their Answer,[7] the respondents questioned the RTC's jurisdiction over the subject matter. The respondents claimed that the assessed value of ₱34,160.00 for the entire property cannot be the basis for determining the jurisdiction of the RTC, as the same should be based on the assessed value only of the 60 square meters allegedly encroached by the respondents. According to the respondents, the total assessed value of Plucena's entire property is merely ₱204.96, more or less. Thus, the respondents aver that jurisdiction over the subject matter belongs with the Municipal Trial Court.[8]

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5 Id.

6 Id.

7 Id. at 50-57.

8 Id. at 55, Answer.

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The Ruling of the RTC

In an Order,[9] dated March 9, 2020, the RTC dismissed the Complaint for lack of jurisdiction over the subject matter. According to the RTC, the complaint revealed that only 60 square meters is sought to be recovered from the respondents, and not the entire property. The RTC held that the basis in determining the assessed value of the property for purposes of determining which court has jurisdiction should be the portion sought to be recovered in the Complaint, and not the entire property.[10]

Plucena filed a Motion for Reconsideration[11] dated June 16, 2020, which was denied by the RTC in the Order, dated July 20, 2020.

Aggrieved, Plucena filed the present Petition before the Court. In essence, she claims that the RTC erred in dismissing her Complaint for Recovery of Possession for lack of jurisdiction over the subject matter. According to Plucena, although her claim over the subject of the case involved only a portion of 60 square meters, Batas Pambansa Blg. 129,[12] as amended by Republic Act No. 7691,[13] does not distinguish whether the title to or interest in the property be in whole or in part.[14] Moreover, she argued that there is no separate tax declaration for the 60-square meter portion of the lot.

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[9] Id. at 27-29.

[10] Id. at 22, Petition for Review on *Certiorari*.

[11] Id. at 66-69.

[12] Entitled "AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES," approved on August 14, 1981.

[13] Entitled "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,'" approved on March 25, 1994.

[14] *Rollo*, p. 19, Petition for Review on *Certiorari*.

In their Comment,[15] the respondents reiterated that the basis to determine which court has jurisdiction should be the assessed value of the 60-square meter portion sought to be recovered, and not the assessed value of the entire 10,000-square meter lot.[16]

The respondents likewise pointed out that Plucena has previously filed a Petition involving the same issues, docketed as G.R. No. 254294, and which was denied by the Court.[17]

In her Reply,[18] Plucena admitted that a prior Petition of the same nature was filed by her sister Ruth, docketed as G.R. No. 254294, which was denied by the Court for lack of merit. However, Plucena insists that the present Petition should be given due course as the facts and circumstances require the Court's interpretation of the law.[19]

The Issue

Did the RTC err in dismissing the Complaint for lack of jurisdiction over the subject matter?

The Ruling of the Court

The Petition is denied.

The Petition raises questions of facts, which are generally outside the province of a Rule 45 petition. The Court emphasizes that a petition for review on *certiorari* under Rule 45 of the Rules of Court is limited to questions of law, as factual questions are not the proper subject of an appeal by *certiorari*. This Court will not review facts, as it is not our function to analyze or weigh all over again evidence already considered in the proceedings below. While this rule is not absolute, none of the recognized exceptions, which allow the Court to review factual issues, is present in the case.

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[15] Id. at 88-97.

[16] Id. at 94, Comment.

[17] Id. at 96, Comment.

[18] Id. at 193-195.

[19] Id. at 194, Comment.

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The resolution of the issue of whether the assessed value of the entire 10,000-square meter lot, or that of the claimed 60-square meter portion of the same should be the basis in determining which court has jurisdiction over the subject matter is concededly a question of law.

Nevertheless, it will involve a determination of facts because the Court will have to inquire into the details of the valuation of the subject land, the size of the occupied portion, its location, and the valuation of such portion, not to mention the improvements erected by the respondents, are all questions of fact.

Moreover, the Court notes that Plucena comes directly to this Court *via* a Rule 45 petition on alleged pure questions of law. Under the principle of hierarchy of courts, direct recourse to this Court is improper because the Court is a court of last resort and must remain to be so in order for it to satisfactorily perform its constitutional functions, thereby allowing it to devote its time and attention to matters within its exclusive jurisdiction and preventing the overcrowding of its docket.[20]

To reiterate, the filing of the case directly with this Court runs afoul of the doctrine of hierarchy of courts. Pursuant to this doctrine, direct resort from the lower courts to the Court will not be entertained unless the appropriate remedy cannot be obtained in the lower tribunals. The Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the Constitution and immemorial traditional.[21]

Substantially, the Court finds that the RTC did not commit any reversible error in dismissing Plucena's Complaint for lack of jurisdiction.

Nothing is more settled in procedural law than the rule that jurisdiction over the subject matter is conferred by law and determined by the allegations in the complaint, including the character of the reliefs prayed for.[22]

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[20] *Dy v. Bibat-Palamos*, 717 Phil. 782 (2013).

[21] *Suarez v. Judge Villarama*, 526 Phil. 68, 74-76 (2006).

[22] *Cabiling v. Dangcalan*, 787 Phil. 187, 196 (2016).

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Batas Pambansa Blg. 129 is clear:

SEC. 19. Jurisdiction in civil cases. — The Regional Trial Courts shall exercise exclusive original jurisdiction:

x x x x

(2) In all civil actions which involve the title to, or possession of, real property, or **any interest therein**, where the assessed value of the property involved exceeds Twenty [T]housand [P]esos ([₱]20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos ([₱]50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts.

Likewise, Section 33(3) of the same law reads:

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 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 [T]housand [P]esos ([₱]20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty [T]housand [P]esos ([₱]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 and underscoring supplied)

Clearly, both the First and Second Level Courts exercise original jurisdiction over actions involving title to or possession of real property or any interest therein, but it is the assessed value of the realty involved which ordains which court shall acquire exclusive jurisdiction over a real action such as in this case.

Here, Plucena admits that she only seeks to recover from the respondents a 60-square meter portion of her 10,000-square meter land. To prove ownership of the same, Plucena presented TCT

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No. T-19220, as well as a tax declaration, which showed that the entire 10,000-square meter property has an assessed value of ₱34,160.00, which falls within the RTC's jurisdiction. Plucena averred that there is no separate tax declaration which shows the assessed value of the 60-square meter portion sought to be recovered. Here, she argues that the assessed value of the entire property should control.

The Court does not agree. The RTC correctly held:

> It is quite clear therefore that what determines jurisdiction is assessed value of the "property involved" or "interest therein." Surely, there could no other (*sic*) "property involved" or "interest therein" in this case than the 60 square meters portion allegedly encroached and occupied by and being recovered in this suit from the defendants. The assessed value of the entire ONE HECTARE property in the name of the plaintiff could not be the basis in determining the court's jurisdiction because such entire property is not involved in this case.[23]

To add, Section 33(3) of BP 129 clearly refers to "the assessed value of the property or interest therein." The party-plaintiff, Plucena, in this case, cannot be given the discretion as to which assessed value to use; otherwise, it will be an unintended license to forum shop.

The 60-square meter portion can always be the subject of segregation and thus, its approximate value can be easily determined through the extant records which, in this case, is a tax declaration. However, Plucena failed to do so.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The Orders, dated March 9, 2020, and July 20, 2020, of the Regional Trial Court, in Civil Case No. 1409, are **AFFIRMED**.

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[23] *Rollo*, p. 29, Order dated March 9, 2020.

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SO ORDERED.

Caguioa (Chairperson), Inting, Gaerlan, and *Dimaampao, JJ.*, concur.

APPEARANCES OF COUNSEL

Dena O. Ngittit for petitioner.
Garcia & Partners Law Office for respondents.