Supreme Court E-Library

Verily, the Gultians had nothing to gain by telling anybody about the crime. On the contrary, they would just risk its discovery.

WHEREFORE, the appeal under consideration is hereby *DISMISSED* and the appealed decision, dated April 27, 1994, of the Regional Trial Court, Branch 31, Dapa, Surigao del Norte, in Criminal Case No. 115693 *AFFIRMED*, with the modification that the award of ₱10,000.00 for moral and exemplary damages is deleted for want of legal and factual basis. Costs against the appellants.

SO ORDERED.

Romero (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur.

FIRST DIVISION

[G.R. No. 119347. March 17, 1999]

EULALIA RUSSELL, RUPERTO TAUTHO, FRANCISCO TAUTHO, SUSANA T. REALES, APITACIO TAUTHO, DANILO TAUTHO, JUDITHA PROS, GREGORIO TAUTHO, DEODITA T. JUDILLA, AGRIPINO TAUTHO, FELIX TAUTHO, WILLIAM TAUTHO, AND MARILYN PERALES, *petitioners, vs.* **HONORABLE AUGUSTINE A. VESTIL, ADRIANO TAGALOG, MARCELO TAUTHO, JUANITA MENDOZA, DOMINGO BANTILAN, RAUL BATALUNA AND ARTEMIO CABATINGAN,** *respondents.*

SYNOPSIS

This is a Petition for *Certiorari* to set aside the Orders issued by respondent Judge of the Regional Trial Court of Mandaue

Supreme Court E-Library

City, Branch 56, dismissing the complaint filed by petitioners on ground of lack of jurisdiction, as well as denying petitioners' Motion for Reconsideration.

Petitioners maintained the view that the complaint filed before the Regional Trial Court is for the annulment of a document denominated as "Declaration of Heirs and Deed of Confirmation of Previous Oral Partition," which is clearly one incapable of pecuniary estimation, thus, cognizable by the Regional Trial Court. Private respondents, on the other hand, insisted that the action is one for re-partition and since the assessed value of the property as stated in the complaint is ₱5,000.00, then, the case is within the jurisdiction of the Municipal Circuit Trial Court of Liloan, Compostela, Cebu.

The Supreme Court agreed with the petitioners. The complaint filed before the Regional Trial Court is incapable of pecuniary estimation and therefore within the jurisdiction of said court. The main purpose of petitioners in filing the complaint is to declare null and void the document in which private respondents declared themselves as the only heirs of the late spouses Casimero Tautho and Cesaria Tautho and divided his property among themselves to the exclusion of petitioners who also claim to be legal heirs and entitled to the property. While the complaint also prayed for the partition of the property, this is just incidental to the main action, which is the declaration of nullity of the document above-described. It is axiomatic that jurisdiction over the subject matter of a case is conferred by law and is determined by the allegations in the complaint and the character of the relief sought, irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.

Petition granted.

SYLLABUS

1. **REMEDIAL LAW; COURTS; REGIONAL TRIAL COURT; HAS JURISDICTION OVER ACTIONS INCAPABLE OF PECUNIARY ESTIMATION; EXAMPLE OF ACTIONS INCAPABLE OF PECUNIARY ESTIMATION, CITED.**— The complaint filed before the Regional Trial Court is doubtless one incapable of pecuniary estimation and therefore within the jurisdiction of said court. In *Singsong vs. Isabela Sawmill*, we

Supreme Court E-Library

had the occasion to rule that: [I]n determining whether an action is one the subject matter of which is not capable of pecuniary estimation this Court has adopted the criterion of first ascertaining the nature of the principal action or remedy sought. If it is primarily for the recovery of a sum of money, the claim is considered capable of pecuniary estimation, and whether jurisdiction is in the municipal courts or in the courts of first instance would depend on the amount of the claim. However, where the basic issue is something other than the right to recover a sum of money, where the money claim is purely incidental to, or a consequence of, the principal relief sought, this Court has considered such actions as cases where the subject of the litigation may not be estimated in terms of money, and are cognizable exclusively by courts of first instance (now Regional Trial Courts). Examples of actions incapable of pecuniary estimation are those for specific performance, support, or foreclosure of mortgage or annulment of judgment; also actions questioning the validity of a mortgage, annulling a deed of sale or conveyance and to recover the price paid and for rescession, which is a counterpart of specific performance.

2. **ID.; ID.; ID.; HAS JURISDICTION OVER ACTION FOR DECLARATION OF NULLITY OF A DOCUMENT DENOMINATED AS "DECLARATION OF HEIRS AND DEED OF CONFIRMATION OF A PREVIOUS ORAL AGREEMENT OF PARTITION."**— While actions under Sec. 33(3) of B.P. 129 are also incapable of pecuniary estimation, the law specifically mandates that they are cognizable by the MTC, METC, or MCTC where the assessed value of the real property involved does not exceed ₱20,000.00 in Metro Manila, or ₱50,000.00, if located elsewhere. If the value exceeds ₱20,000.00 or ₱50,000.00 as the case may be, it is the Regional Trial Courts which have jurisdiction under Sec. 19(2). However, the subject matter of the complaint in this case is annulment of a document denominated as "DECLARATION OF HEIRS AND DEED OF CONFIRMATION OF PREVIOUS ORAL PARTITION." The main purpose of petitioners in filing the complaint is to declare null and void the document in which private respondents declared themselves as the only heirs of the late spouses Casimero Tautho and Cesaria Tautho and divided the property among themselves to the exclusion of petitioners who also claim to be legal heirs and entitled to the property. While the complaint also prays for the partition of the property,

Supreme Court E-Library

this is just incidental to the main action, which is the declaration of nullity of the document above-described. It is axiomatic that jurisdiction over the subject matter of a case is conferred by law and is determined by the allegations in the complaint and the character of the relief sought, irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.

APPEARANCES OF COUNSEL

Anacleto L. Caminade for petitioners.
Walter S. Lawas for private respondents.

D E C I S I O N

KAPUNAN, *J.*:

Before us is a Petition for *Certiorari* to set aside the Order dated January 12, 1995 issued by respondent Judge Augustine A. Vestil of the Regional Trial Court of Mandaue City, Branch 56, dismissing the complaint filed by petitioners on ground of lack of jurisdiction, as well as his Order dated February 13, 1995 denying petitioners' Motion for Reconsideration of the order of dismissal.

The facts of the case are as follows:

On September 28, 1994, petitioners filed a complaint against private respondents, denominated "DECLARATION OF NULLITY AND PARTITION," with the Regional Trial Court of Mandaue City, Branch 56, docketed as Civil Case No. MAN-2275. The complaint, in substance, alleged that petitioners are co-owners of that parcel of land, Lot 6149 situated in Liloan, Cebu and containing an area of 56,977.40 square meters, more or less. The land was previously owned by the spouses Casimero Tautho and Cesaria Tautho. Upon the death of said spouses, the property was inherited by their legal heirs, herein petitioners and private respondents. Since then, the lot had remained undivided until petitioners discovered a public document denominated "DECLARATION OF HEIRS AND DEED OF CONFIRMATION OF A PREVIOUS ORAL AGREEMENT

Supreme Court E-Library

OF PARTITION," executed on June 6, 1990. By virtue of this deed, private respondents divided the property among themselves to the exclusion of petitioners who are also entitled to the said lot as heirs of the late spouses Casimero Tautho and Cesaria Tautho. Petitioners claimed that the document was false and perjurious as the private respondents were not the only heirs and that no oral partition of the property whatsoever had been made between the heirs. The complaint prayed that the document be declared null and void and an order be issued to partition the land among all the heirs.[1]

On November 24, 1994, private respondents filed a Motion to Dismiss[2] the complaint on the ground of lack of jurisdiction over the nature of the case as the total assessed value of the subject land is ₱5,000.00 which under Section 33 (3)[3] of Batas Pambansa Blg. 129, as amended by R.A. No. 7691,[4] falls within

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[1] *Rollo*, pp. 13-17.

[2] *Id.*, at 21.

[3] Sec. 3. Section 33 of the same law is hereby amended to read as follows:

> 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 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.

[4] 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.

Supreme Court E-Library

the exclusive jurisdiction of the Municipal Circuit Trial Court of Liloan, Compostela.[5]

Petitioners filed an Opposition to the Motion to Dismiss[6] saying that the Regional Trial Court has jurisdiction over the case since the action is one which is incapable of pecuniary estimation within the contemplation of Section 19(l) of B.P. 129, as amended.[7]

On January 12, 1995, the respondent judge issued an Order granting the Motion to Dismiss.[8] A Motion for Reconsideration of said order was filed by petitioners on January 30, 1995 alleging that the same is contrary to law because their action is not one for recovery of title to or possession of the land but an action to annul a document or declare it null and void,[9] hence, one incapable of pecuniary estimation falling within the jurisdiction of the Regional Trial Court. Private respondents did not oppose the motion for reconsideration.

On February 13, 1995, the respondent judge issued another Order denying the motion for reconsideration.[10]

Hence, this petition wherein the sole issue raised is whether or not the Regional Trial Court has jurisdiction to entertain Civil Case No. MAN-2275.

We find merit in the petition.

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[5] *Id.*, at 21.

[6] *Id.*, at 22-23.

[7] Sec. 19. Jurisdiction in civil cases. — Regional Trial Courts shall exercise exclusive original jurisdiction:

(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

x x x x x x x x x

[8] *Id.*, at 24.

[9] *Id.*, at 26-28.

[10] *Id.*, at 29.

Supreme Court E-Library

Petitioners maintain the view that the complaint filed before the Regional Trial Court is for the annulment of a document denominated as "DECLARATION OF HEIRS AND DEED OF CONFIRMATION OF PREVIOUS ORAL PARTITION," which is clearly one incapable of pecuniary estimation, thus, cognizable by the Regional Trial Court.

Private respondents, on the other hand, insists that the action is one for re-partition and since the assessed value of the property as stated in the complaint is ₱5,000.00, then, the case falls within the jurisdiction of the Municipal Circuit Trial Court of Liloan, Compostela, Cebu.

For better appreciation of the facts, the pertinent portions of the complaint are reproduced hereunder:

x x x x x x x x x

3. That the plaintiffs and the defendants are the legal heirs of spouses Casimero Tautho and Cesaria N. Tautho who died long time ago;

4. That in life the spouses became the owners in fee simple of a certain parcel of land, which is more particularly described as follows:

> A parcel of land containing 56,977.40 square meters, more or less, located at Cotcot, Liloan, Cebu.

designated as Lot 6149 per Technical Description and Certification issued by the Office of the Land Management copy of which are hereto attached as Annexes "A" and "A-1" and are made part hereof: total assessed value is ₱5,000.00;

5. That the land passed to the children of the spouses (who are all deceased except for defendant Marcelo Tautho), namely: Zacarias, Epifania, Vicenta, Felicisimo, Maria, Lorencia and Marcelo, and which in turn passed to the plaintiffs and defendants upon their death they being their descendants and legal heirs;

6. That the subject parcel of land has for year been undivided by and among the legal heirs of said previous owners;

7. That, very recently, plaintiffs discovered a public document, which is a declaration of heirs and deed of confirmation of a previous oral agreement of partition, affecting the land executed by and among

Supreme Court E-Library

the defendants whereby defendants divided the property among themselves to the exclusion of plaintiffs who are entitled thereto; attached hereto as Annex "B" and is made part hereof is xerox copy of said document;

8. That the instrument (Annex "B") is false and perjurious and is a complete nullity because the defendants are not the only heirs of Casimero Tautho; plaintiffs are also legal heirs and descendants of said deceased; moreover, there has been no oral partition of the property;

9. That pursuant to said document (Annex "B"), defendants had procured tax declarations of the land for their supposed "shares" to the great damage and prejudice of plaintiffs;

10. That the property in controversy should be divided into seven (7) equal parts since Casimero Tautho and Cesaria N. Tautho had seven children;

11. That the parties had failed to settle the controversy amicably at the barangay level; attached hereto as Annex "C" is Certification to file Action;

12. That by reason of the foregoing unjust and illegal act of defendants, plaintiffs were forced to bring instant action and contract the services of the undersigned counsel with whom they bind themselves to pay ₱30,000.00 as attorney's fees.

WHEREFORE, it is most respectfully prayed of this Honorable Court to declare null and void the document (Annex "B") of declaration of heirs and confirmation and to order the partition of the land into seven (7) equal parts; each part shall respectively go to the seven (7) children of Casimero Tautho and considering six (6) of them died already the same shall go to their children or descendants, and to order the defendants to pay plaintiffs attorney's fees in the amount of ₱30,000.00.

Plaintiffs further pray for such other reliefs and remedies just and equitable under the premises.[11]

We agree with petitioners.

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[11] *Id.*, at 14-16.

Supreme Court E-Library

The complaint filed before the Regional Trial Court is doubtless one incapable of pecuniary estimation and therefore within the jurisdiction of said court.

In *Singsong vs. Isabela Sawmill*,[12] we had the occasion to rule that:

> [I]n determining whether an action is one the subject matter of which is not capable of pecuniary estimation this Court has adopted the criterion of first ascertaining the nature of the principal action or remedy sought. If it is primarily for the recovery of a sum of money, the claim is considered capable of pecuniary estimation, and whether jurisdiction is in the municipal courts or in the courts of first instance would depend on the amount of the claim. However, where the basic issue is something other than the right to recover a sum of money, where the money claim is purely incidental to, or a consequence of, the principal relief sought, this Court has considered such actions as cases where the subject of the litigation may not be estimated in terms of money, and are cognizable exclusively by courts of first instance (now Regional Trial Courts).[13]

Examples of actions incapable of pecuniary estimation are those for specific performance, support, or foreclosure of mortgage or annulment of judgment;[14] also actions questioning the validity of a mortgage,[15] annulling a deed of sale or conveyance and to recover the price paid[16] and for rescession, which is a counterpart of specific performance.[17]

While actions under Sec. 33(3) of B.P. 129 are also incapable of pecuniary estimation, the law specifically mandates that they are cognizable by the MTC, METC, or MCTC where the assessed

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[12] 88 SCRA 623 (1979).

[13] See also: *Raymundo v. Court of Appeals*, 213 SCRA 457 (1992).

[14] *Amorganda v. Court of Appeals*, 166 SCRA 203; *De Jesus v. Garcia*, 19 SCRA 554.

[15] *Bunayog v. Tunos*, 106 Phil. 715.

[16] *Philippine Farming Corporation, Ltd. v. Llanos*, 14 SCRA 949; *Arroz v. Alojada*, 19 SCRA 711.

[17] *Lapitan v. Scandia*, 24 SCRA 479.

Supreme Court E-Library

value of the real property involved does not exceed ₱20,000.00 in Metro Manila, or ₱50,000.00, if located elsewhere. If the value exceeds ₱20,000.00 or ₱50,000.00 as the case may be, it is the Regional Trial Courts which have jurisdiction under Sec. 19(2).[18] However, the subject matter of the complaint in this case is annulment of a document denominated as "DECLARATION OF HEIRS AND DEED OF CONFIRMATION OF PREVIOUS ORAL PARTITION."

The main purpose of petitioners in filing the complaint is to declare null and void the document in which private respondents declared themselves as the only heirs of the late spouses Casimero Tautho and Cesaria Tautho and divided the property among themselves to the exclusion of petitioners who also claim to be legal heirs and entitled to the property. While the complaint also prays for the partition of the property, this is just incidental to the main action, which is the declaration of nullity of the document above-described. It is axiomatic that jurisdiction over the subject matter of a case is conferred by law and is determined by the allegations in the complaint and the character of the relief sought, irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.[19]

WHEREFORE, premises considered, the petition is hereby *GRANTED*. The Order dismissing Civil Case No. MAN-2275,

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[18] Sec. 19. *Jurisdiction in civil cases.*— Regional Trial Courts shall exercise exclusive original jurisdiction:

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(2)In all civil actions which involve title to, or possession of real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (₱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;

x x x x x x x x x

[19] *Garcia v. Court of Appeals*, 273 SCRA 239; *Caniza v. Court of Appeals*, 268 SCRA 640.

Supreme Court E-Library

as well as the Order denying the motion for reconsideration of said Order, is *SET ASIDE.*

The Regional Trial Court, Branch 56, Mandaue City is *ORDERED* to proceed with dispatch in resolving Civil Case No. MAN-2275. No costs.

SO ORDERED.

Davide, Jr., C.J., Melo, and *Pardo, JJ.,* concur.

THIRD DIVISION

[G.R. No. 120751. March 17, 1999]

PHIMCO INDUSTRIES, INC., *petitioner, vs.* **HONORABLE ACTING SECRETARY OF LABOR JOSE BRILLANTES and PHIMCO INDUSTRIES LABOR ASSOCIATION,** *respondents.*

SYNOPSIS

The case under consideration is a petition for *certiorari* under Rule 65 of the Rules of Court seeking to set aside the order of then acting Secretary Jose Brillantes of the Department of Labor and Employment on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction. Records show that public respondent assumed jurisdiction over the labor dispute between Phimco Industries Labor Association (PILA) and Phimco Industries, Inc.,(PHIMCO) and issued an order ordering all the striking workers, except those who have been handed down termination papers on June 26, 1995, to return to work within 24 hours from receipt thereof and for the company to accept them back under the same terms and conditions prevailing prior to the strike. In this petition, petitioner contended that the Honorable Acting Secretary acted with grave abuse of discretion in issuing the assailed order and in assuming jurisdiction over the labor dispute.