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of the improvements at that time. Should the lessor refuse to reimburse said amount, the lessee may remove the improvements, even though the principal thing may suffer damage thereby. He shall not, however, cause any more impairment upon the property leased than is necessary.

"xxx xxx xxx"

It is evident from the foregoing provision that the lessee may remove the improvements should the lessor refuse to reimburse, but the lessee does not have the right to buy the land. "The tenant cannot improve the landlord out of his property."

As a practical measure to end this controversy, the ₱3,000.00 consigned by petitioner can be deemed to be one-half of the value of the house built by private respondent on the land leased to him. As a matter of fact, if petitioner should opt not to pay said amount of ₱3,000.00, it would be private respondent's obligation to remove his house from the portion of the land occupied by him.

SECOND DIVISION

[G.R. No. L-47629. May 28, 1979]

MANUEL L. GARCIA, *petitioner, vs.* **JUDGE ANTONIO M. MARTINEZ,** ***ET AL.****, respondents.*

SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; JURISDICTION; LACK OF JURISDICTION CURED BY AN AMENDATORY LAW VESTING JURISDICTION IN THE COURT. — Where the court *lacks jurisdiction to entertain an action at the time it was filed,* but during its pendency an amendatory law which is in the nature of a curative statute with retrospective application to pending proceedings was issued vesting jurisdiction in the

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court, such lack of jurisdiction was cured by the amendatory statute.

RESOLUTION

AQUINO, *J.*:

Jose Velasco, Jr. filed a second motion for the reconsideration of the decision of August 3, 1978, holding that the Court of First Instance, Davao City Branch VI, had no jurisdiction to entertain Velasco's complaint of *August 2, 1976* for actual and moral damages amounting to ₱167,000 plus exemplary damages (without any prayer for reinstatement), allegedly arising from his dismissal as manager of a radio station (Civil Case No. 9657).

In that decision, it was ruled that the complaint should have been filed with the National Labor Relations Commission because the jurisdiction of its Labor Arbiters under Article 217 of the Labor Code includes claims for damages resulting from the unjustified dismissal of an employee.

Velasco bases his motion on Presidential Decree No. 1367, which took effect on May 1, 1978 and which amended Section 217(a) by providing that "the Regional Directors (of the Ministry of Labor) shall not indorse and Labor Arbiters shall not entertain claims for moral or other forms of damages." The full text of the amendment reads as follows:

"SECTION 1. Paragraph (a) of Art. 217 of the Labor Code as amended is hereby further amended to read as follows:

"a) The Labor Arbiters shall have exclusive jurisdiction to hear and decide the following cases involving all workers, whether agricultural or non-agricultural:

"1) Unfair labor practice cases;

"2) Unresolved issues in collective bargaining, including those which involve wages, hours of work, and other terms and conditions of employment; and

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"3) All other cases arising from employer-employee relations duly indorsed by the Regional Directors in accordance with the provisions of this Code:

Provided, that the Regional Directors shall not indorse and Labor Arbiters shall not entertain claims for moral or other forms of damages."

It now appears that at the time this case was decided the lower court had jurisdiction over Velasco's complaint although at the time it was filed said court was not clothed with such jurisdiction. The lack of jurisdiction was cured by the issuance of the amendatory decree which is in the nature of a curative statute with retrospective application to a pending proceeding, like Civil Case No. 9657 (See 82 C.J.S. 1004).

WHEREFORE, the decision in this case is set aside, the petition is dismissed and the lower court is directed to conduct further proceedings for the disposition of Civil Case No. 9657. No costs.

SO ORDERED.

Antonio (Actg. Chairman), Concepcion, Jr., Santos, and *Abad Santos, JJ.*, concur.

SECOND DIVISION

[A.M. No. P-8. May 31, 1979]

ALFREDO BRENCIS, *complainant, vs.* **ELY FAJARDO,** *respondent.*

SYLLABUS

ADMINISTRATIVE COMPLAINT; MOOT AND ACADEMIC. — Where respondent, in a previous administrative case, had been