Supreme Court E-Library

until all the monetary awards for damages are fully paid, in accordance with prevailaing jurisprudence.[38]

WHEREFORE, the instant appeal is **DISMISSED** and the Decision dated July 19, 2011 of the Court of Appeals in CA-G.R. CEB CR-H.C. No. 00888 is hereby **AFFIRMED** with the following **MODIFICATIONS:** (1) accused-appellant VICTOR P. PADIT is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (2) that said accused-appellant is additionally ordered to pay the victim interest of six percent (6%) per annum on all damages awarded from the date of finality of this Decision until fully paid.

SO ORDERED.

Carpio,[*] *Velasco*, *Jr.* (*Chairperson*)*, Perez,* and *Reyes, JJ.,* concur.

SECOND DIVISION

[G.R. No. 204970. February 1, 2016]

SPOUSES CLAUDIO and CARMENCITA TRAYVILLA, *petitioners, vs.* **BERNARDO SEJAS and JUVY PAGLINAWAN, represented by JESSIE PAGLINAWAN,** *respondents.*

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[38] *Id. People of the Philippines v. Obaldo Bandril y Tabling,* G.R. No. 212205, July 6, 2015.

[*] Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated September 10, 2014.

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SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; REAL ACTIONS; THE FAIR MARKET VALUE OF THE SUBJECT PROPERTY AS STATED IN THE CURRENT TAX DECLARATION OR ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE, OR IF THERE IS NONE, THE STATED VALUE OF THE PROPERTY IN LITIGATION AS ALLEGED BY THE CLAIMANT SHALL BE THE BASIS FOR DETERMINING JURISDICTION AND THE AMOUNT OF DOCKET FEES TO BE PAID.— [W]hile petitioners' Amended Complaint was denominated as one mainly for specific performance, they additionally prayed for reconveyance of the property, as well as the cancellation of Paglinawan's TCT T-46,627. In other words, petitioners' aim in filing Civil Case No. 4633-2K5 was to secure their claimed ownership and title to the subject property, which qualifies their case as a real action. Pursuant to Section 1, Rule 4 of the 1997 Rules of Civil Procedure, a real action is one that affects title to or possession of real property, or an interest therein. Since Civil Case No. 4633-2K5 is a real action made so by the Amended Complaint later filed, petitioners should have observed the requirement under A.M. No. 04-2-04-SC relative to declaring the fair market value of the property as stated in the current tax declaration or zonal valuation of the Bureau of Internal Revenue (BIR). Since no such allegation was made in the Amended Complaint, then the value of the subject property as stated in the handwritten document sued upon and restated in the Amended Complaint should be the basis for determining jurisdiction and the amount of docket fees to be paid. The CA is correct in its general observation that in the absence of the required declaration of the fair market value as stated in the current tax declaration or zonal valuation of the property, it cannot be determined whether the RTC or first level court has original and exclusive jurisdiction over the petitioners' action, since the jurisdiction of these courts is determined on the basis of the value of the property. x x x However, the CA failed to consider that in determining jurisdiction, it could rely on the declaration made in the Amended Complaint that the property is valued at ₱6,000.00. The handwritten document sued upon and the pleadings indicate that the property was purchased by petitioners for

Supreme Court E-Library

the price of ₱6,000.00. For purposes of filing the civil case against respondents, this amount should be the stated value of the property in the absence of a current tax declaration or zonal valuation of the BIR x x x, [pursuant to] Rule 141 of the Rules of Court, as amended by A.M. No. 04-2-04-SC and Supreme Court Amended Administrative Circular No. 35-2004 x x x. Since the value of the subject property as stated in the Amended Complaint is just ₱6,000.00, then the RTC did not have jurisdiction over petitioners' case in the first instance; it should have dismissed Civil Case No. 4633-2K5. But it did not. In continuing to take cognizance of the case, the trial court clearly committed grave abuse of discretion.

APPEARANCES OF COUNSEL

Cabrido & Associates Law Firm for petitioners.
Percy M. Moron for respondents.

D E C I S I O N

DEL CASTILLO, *J.*:

Assailed in this Petition for Review on *Certiorari*[1] are the following dispositions of the Court of Appeals (CA): 1) November 29, 2011 Decision[2] in CA-G.R. SP No. 02315 which granted respondents' Petition for *Certiorari* and nullified the September 3, 2007[3] and February 21, 2008[4] Orders of Branch 18 of the Regional Trial Court (RTC), 9th Judicial Region, Pagadian City in Civil Case No. 4633-2K5; and 2) November 19, 2012 Resolution[5] denying the petitioners' motion for reconsideration.

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[1] *Rollo*, pp. 21-34.

[2] *Id*. at 36-47; penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Edgardo A. Camello and Pamela Ann Abella Maxino.

[3] CA *rollo*, p. 31; penned by Judge Reinerio (Abraham) B. Ramas.

[4] *Id*. at 37-38.

[5] *Rollo* , pp. 5-6; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Renato C. Francisco and Oscar V. Badelles.

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Factual Antecedents

In 2005, petitioners Claudio and Carmencita Trayvilla instituted before the RTC Civil Case No. 4633-2K5 against respondent Bernardo Sejas (Sejas). In their Complaint[6] for specific performance and damages, petitioners claimed among others that Sejas was the registered owner of a 434-square meter parcel of land in Tukuran, Zamboanga del Sur covered by Transfer Certificate of Title No. T-8,337[7] (TCT T-8,337); that by virtue of a private handwritten document,[8] Sejas sold said parcel of land to them in 1982; that thereafter, they took possession of the land and constructed a house thereon; that they resided in said house and continued to reside therein; that Sejas later reasserted his ownership over said land and was thus guilty of fraud and deceit in so doing; and that they caused the annotation of an adverse claim. They prayed that Sejas be ordered to execute a final deed of sale over the property and transfer the same to them, and that they be awarded the sum of ₱30,000.00 as attorney's fees plus ₱1,500.00 per court appearance of counsel.

In an Amended Complaint,[9] this time for specific performance, reconveyance, and damages, petitioners impleaded respondent Juvy Paglinawan (Paglinawan) as additional defendant, claiming that Sejas subsequently sold the subject property to her, after which she caused the cancellation of TCT T-8,337 and the issuance of a new title – TCT T-46,627 – in her name. Petitioners prayed that Sejas be ordered to execute a final deed of sale in their favor and transfer the property to them; that Paglinawan's TCT T-46,627 be canceled and the property be reconveyed to them; and that they be awarded ₱50,000.00 in moral damages, in addition to the ₱30,000.00 attorney's fees and ₱1,500.00 per court appearance of counsel originally prayed for in the Complaint.

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[6] *Id*. at 48-52.

[7] *Id*. at 53.

[8] *Id*. at 54.

[9] *Id*. at 63-68.

Supreme Court E-Library

However, the additional docket fees for the moral damages prayed for in the Amended Complaint were not paid.[10] Likewise, for the additional causes of action, no docket fees were charged and paid.

Respondents moved for dismissal of the case, claiming lack of jurisdiction over the subject matter and prescription. The RTC denied the motion in a September 3, 2007 Order.[11]

Respondents filed a Motion for Reconsideration,[12] arguing that petitioners' case was not for specific performance but was in reality a real action or one involving title to and possession of real property, in which case the value of the property should be alleged in the complaint in order that the proper filing fee may be computed and paid; that since the value of the land was not alleged in the Amended Complaint, the proper filing fee was not paid, and for this reason the case should be dismissed; and that petitioners' cause of action is barred by prescription since the 10-year period to sue upon the handwritten contract – counted from their purchase of the land in 1982 – had already lapsed when they filed the case in 2005. However, in a February 21, 2008 Order,[13] the RTC denied the motion, stating among others that petitioners' case is not a real action but indeed one for specific performance and thus one which is incapable of pecuniary estimation.

Ruling of the Court of Appeals

Respondents filed an original Petition for *Certiorari*[14] before the CA, which was docketed as CA-G.R. SP No. 02315. On November 29, 2011, the CA issued the assailed Decision, which contained the following pronouncement:

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[10] *Id*. at 23.

[11] CA *rollo*, p. 31.

[12] *Id*. at 32-36.

[13] *Id*. at 37-38.

[14] *Id*. at 3-13.

Supreme Court E-Library

The petition is meritorious.

Jurisdiction is defined as the authority to hear and determine a cause or the right to act in a case. In addition to being conferred by the Constitution and the law, the rule is settled that a court's jurisdiction over the subject matter is determined by the relevant allegations in the complaint, the law in effect when the action is filed, and the character of the relief sought irrespective of whether the plaintiff is entitled to all or some of the claims asserted.

Consistent with Section 1, Rule 141 of the Revised Rules of Court which provides that the prescribed fees shall be paid in full "upon the filing of the pleading or other application which initiates an action or proceeding", the well-entrenched rule is to the effect that a court acquires jurisdiction over a case only upon the payment of the prescribed filing and docket fees.

Rule 141 of the Rules of Court, as amended by A.M. No. 04-2-04-SC and Supreme Court Amended Administrative Circular No. 35-2004, provides that:

SEC. 7. Clerks of Regional Trial Courts. –

(a) For filing an action or a permissive OR COMPULSORY counterclaim, CROSSCLAIM, or money claim against an estate not based on judgment, or for filing a third-party, fourth-party, etc. complaint, or a complaint-in-intervention, if the total sum claimed, INCLUSIVE OF INTERESTS, PENALTIES, SURCHARGES, DAMAGES OF WHATEVER KIND, AND ATTORNEY'S FEES, LITIGATION EXPENSES AND COSTS and/or in cases involving property, the FAIR MARKET value of the REAL property in litigation STATED IN THE CURRENT TAX DECLARATION OR CURRENT ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE, WHICHEVER IS HIGHER, OR IF THERE IS NONE, THE STATED VALUE OF THE PROPERTY IN LITIGATION OR THE VALUE OF THE PERSONAL PROPERTY IN LITIGATION x x x AS ALLEGED BY THE CLAIMANT, is:

[Table of fees omitted.]

If the action involves both a money claim and relief pertaining to property, then THE fees will be charged on both the amounts

Supreme Court E-Library

claimed and value of property based on the formula prescribed in this paragraph a.

(b) For filing:

1. Actions where the value of the subject matter cannot be estimated

2. Special civil actions, except judicial foreclosure of mortgage, EXPROPRIATION PROCEEDINGS, PARTITION AND QUIETING OF TITLE which will [sic]

3. All other actions not involving property

[Table of fees omitted.]

The docket fees under Section 7(a), Rule 141, in cases involving real property depend on the fair market value of the same: the higher the value of the real property, the higher the docket fees due. In contrast, Section 7(b)(1), Rule 141 imposes a fixed or flat rate of docket fees on actions incapable of pecuniary estimation.

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As can be gleaned from the records, the Amended Complaint was styled as one for 'Specific Performance and Damages,' whereby private respondents[15] sought to compel petitioner Sejas to execute the deed of sale over the subject land in their favor on the premise that they bought the said land from petitioner Sejas through a private document. They declared themselves to be the true and real owners of the subject land and had in fact taken possession over it to the exclusion of others including petitioner Sejas.

While it may appear that the suit filed is one for specific performance, hence an action incapable of pecuniary estimation, a closer look at the allegations and reliefs prayed for in the Complaint, however, shows that private respondents were not merely seeking the execution of the deed of sale in their favor. They were also asking the lower court earnestly to cancel TCT No. T-46,627 which was allegedly issued to petitioner Paglinawan through fraudulent means and have the same reconveyed to them as the owners of the subject land. The ultimate purpose then of private respondents in

[15] Herein petitioners.

Supreme Court E-Library

filing the complaint before the RTC is to secure their vaunted ownership and title to the subject land which they claimed was purchased from petitioner Sejas. Their cause of action clearly springs from their right as purchaser of the subject land. Under these circumstances, the suit before the RTC is a real action, affecting as it did title to the real property sought to be reconveyed. A real action is one in which the plaintiff seeks the recovery of real property; or, as indicated in what is now Section 1, Rule 4 of the Rules of Court, a real action is an action affecting title to or recovery of possession of real property.

Section 7, Rule 141 of the Rules of Court, prior to its amendment by A.M. No. 04-2-04-SC, had a specific paragraph governing the assessment of the docket fees for real action, to wit:

> In a real action, the assessed value of the property, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees.

But it is important to note that, with the amendments introduced by A.M. No. 04-2-04-SC, which became effective on 16 August 2004, the paragraph in Section 7, Rule 141 of the Rules of Court, pertaining specifically to the basis for the computation of docket fees for real actions was deleted. Instead, Section 7(1) of Rule 141, as amended, provides that 'in cases involving real property, the FAIR MARKET value of the REAL property in litigation STATED IN THE CURRENT TAX DECLARATION OR CURRENT ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE, WHICH [sic] IS HIGHER, OR IF THERE IS NONE, THE STATED VALUE OF THE PROPERTY IN LITIGATION x x x' shall be the basis for the computation of the docket fees.

Unfortunately, private respondents never alleged in their Amended Complaint, much less in the prayer portion thereof, the fair market value of the subject *res* as stated in the Tax Declaration or current zonal valuation of the Bureau of Internal Revenue, which [sic] is higher, or if there is none, the stated value thereof, to serve as basis for the receiving clerk in computing and arriving at the proper amount of filing fee due thereon. In the absence of such allegation, it cannot be determined whether the RTC or the MTC has original and exclusive jurisdiction over the petitioners' action. There is therefore no showing on the face of the complaint that the RTC has exclusive jurisdiction over the action of the private respondents. Hence, the RTC erred

Supreme Court E-Library

in taking cognizance of the case despite private respondents' non-payment of the correct docket fees which must be computed in accordance with Section 7(1), Rule 141 of the Rules of Court, as amended.

The consistent rule is that 'a case is deemed filed only upon payment of the docket fee regardless of the actual date of filing in court,' and that jurisdiction over any case is acquired only upon the payment of the prescribed docket fee which is both mandatory and jurisdictional. x x x

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This case at bench bears similarity to *Gochan v. Gochan*,[16] where the Supreme Court held that although the caption of the complaint filed by therein respondents Mercedes Gochan, et al. with the RTC was denominated as one for 'specific performance and damages,' the relief sought was the conveyance or transfer of real property, or ultimately, the execution of deeds of conveyance in their favor of the real properties enumerated in the provisional memorandum of agreement. Under these circumstances, the case before the RTC was actually a real action, affecting as it did title to or possession of real property. Consequently, the basis for determining the correct docket fees shall be the assessed value of the property, or the estimated value thereof as alleged in the complaint. But since Mercedes Gochan failed to allege in their complaint the value of the real properties, the Court found that the RTC did not acquire jurisdiction over the same for non-payment of the correct docket fees.

More to the point is *Huguete v. Embudo*.[17] There, petitioners argued that a complaint for annulment of a deed of sale and partition is incapable of pecuniary estimation, and thus falls within the exclusive jurisdiction of the RTC. However, the Supreme Court ruled that 'the nature of an action is not determined by what is stated in the caption of the complaint but by the allegations of the complaint and the reliefs prayed for. Where the ultimate objective of the plaintiffs, like petitioners herein, is to obtain title to real property, it should be filed in the proper court having jurisdiction over the assessed value of the property subject thereof.'

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[16] 423 Phil. 491 (2001).

[17] 453 Phil. 170 (2003).

Supreme Court E-Library

Likewise, in *Siapno v. Manalo*,[18] the Supreme Court disregarded the title/denomination of therein plaintiff Manalo's amended petition as one for Mandamus with Revocation of Title and Damages; and adjudged the same to be a real action, the filing fees for which should have been computed based on the assessed value of the subject property or, if there was none, the estimated value thereof. x x x

xxx xxx xxx

In fine, We rule and so hold that the RTC never acquired jurisdiction over Civil Case No. 4633-2K5, hence, its act of taking cognizance of the subject Complaint was tainted with grave abuse of discretion amounting to lack or excess of jurisdiction. Grave abuse of discretion is defined as capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction.

Given the foregoing, this Court finds it unnecessary to dwell on the issue of prescription raised by petitioners.

WHEREFORE, premises considered, the instant Petition is hereby GRANTED. The Orders dated 03 September 2007 and 21 February 2008, respectively, of the Regional Trial Court (RTC), 9th Judicial Region, Branch 18, Pagadian City, are DECLARED NULL and VOID for having been issued without jurisdiction. The Amended Complaint filed [sic] private respondents docketed as Civil Case No. 4633-2K5 is hereby DISMISSED.

SO ORDERED.[19]

Petitioners filed a Motion for Reconsideration,[20] which the CA denied in its assailed November 19, 2012 Resolution. Hence, the present Petition.

In a March 19, 2014 Resolution,[21] the Court resolved to give due course to the instant Petition.

Issues

Petitioners raise the following issues:

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[18] 505 Phil. 430 (2005).

[19] *Rollo*, pp. 39-47.

[20] CA *rollo*, pp. 70-77.

[21] *Rollo*, pp. 113-114.

Supreme Court E-Library

1. Did the Court of Appeals ruled [sic] correctly when it dismissed the complaint by reason of Petitioner-Appellants' alleged non-payment of the correct dockets [sic] fees due to its [sic] failure to alleged [sic] the fair market value or the stated value of the subject property in the amended complaint?

2. Did the filing of the amended complaint sufficiently divested [sic] and ousted [sic] the trial court of its jurisdiction over the case that had initially validly attached by virtue of the Original complaint for specific performance?[22]

Petitioners' Arguments

In praying that the assailed CA dispositions be set aside and that their Amended Complaint in Civil Case No. 4633-2K5 be reinstated, petitioners contend in their Petition and Reply[23] that it was error for the CA to order the dismissal of their Amended Complaint simply because additional causes of action were alleged and new reliefs were prayed for, and the additional docket fees therefor were not paid; that while reconveyance was sought in the Amended Complaint, the principal action was still for specific performance, and the reconveyance prayed for was merely incidental thereto; that since the trial court acquired jurisdiction over the case with the filing of the original Complaint, it did not lose the same as a result of the filing of the Amended Complaint; that jurisdiction continued to attach even with the submission of the Amended Complaint; that their failure to pay the additional docket fees required for the Amended Complaint does not result in loss of jurisdiction over the case – instead, the Amended Complaint is simply not admitted and the original Complaint remains;[24] that instead of dismissing the case, the Amended Complaint should have been disregarded, or petitioners should have been ordered to pay the deficiency in docket fees within a reasonable period of time; that "the rule now is that the court may allow a reasonable time for the payment of the

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[22] *Id*. at 26.

[23] *Id*. at 106-108; Manifestation treated as petitioners' Reply.

[24] Citing *Home Guaranty Corporation v. R-II Builders, Inc.*, 660 Phil. 517 (2011).

Supreme Court E-Library

prescribed fees, or the balance thereof, and upon such payment, the defect is cured and the court may properly take cognizance of the action, unless in the meantime prescription has set in and consequently barred the right of action;"[25] and that the rules of procedure should be liberally applied in their case, as there is no intention to evade the payment of additional docket fees, as is shown by the payment of the original filing fees when the case was instituted.

Respondents' Arguments

Respondents, on the other hand, argue in their Comment[26] that the CA was correct in ruling that Civil Case No. 4633-2K5 should be dismissed; that while the complaint is for specific performance, the relief prayed for includes reconveyance, which is a real action – in which case the assessed value of the property should have been alleged for the proper computation of the docket fees. Thus, they pray for the denial of the Petition, with double costs against petitioners.

Our Ruling

The Court denies the Petition.

As correctly ruled by the CA, while petitioners' Amended Complaint was denominated as one mainly for specific performance, they additionally prayed for reconveyance of the property, as well as the cancellation of Paglinawan's TCT T-46,627. In other words, petitioners' aim in filing Civil Case No. 4633-2K5 was to secure their claimed ownership and title to the subject property, which qualifies their case as a real action. Pursuant to Section 1, Rule 4 of the 1997 Rules of Civil Procedure,[27] a real action is one that affects title to or possession of real property, or an interest therein.

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[25] Citing *Tacay v. Regional Trial Court of Tagum, Davao del Norte, Branches 1 & 2*, 259 Phil. 927, 938 (1989).

[26] *Rollo*, pp. 97-102.

[27] Section 1. Venue of real actions. – Actions affecting title to or possession of real property, or interest therein, shall be commenced and tried in the

Supreme Court E-Library

Since Civil Case No. 4633-2K5 is a real action made so by the Amended Complaint later filed, petitioners should have observed the requirement under A.M. No. 04-2-04-SC[28] relative to declaring the fair market value of the property as stated in the current tax declaration or zonal valuation of the Bureau of Internal Revenue (BIR). Since no such allegation was made in the Amended Complaint, then the value of the subject property as stated in the handwritten document sued upon and restated in the Amended Complaint should be the basis for determining jurisdiction and the amount of docket fees to be paid.

The CA is correct in its general observation that in the absence of the required declaration of the fair market value as stated in the current tax declaration or zonal valuation of the property, it cannot be determined whether the RTC or first level court has original and exclusive jurisdiction over the petitioners' action, since the jurisdiction of these courts is determined on the basis of the value of the property. Under applicable rules,

Jurisdiction of RTCs, as may be relevant to the instant petition, is provided in Sec. 19 of BP 129,[29] which reads:

> 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;

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proper court which has jurisdiction over the area wherein the real property involved, or a portion thereof, is situated.

Forcible entry and detainer actions shall be commenced and tried in the municipal trial court of the municipality or city wherein the real property involved, or a portion thereof, is situated.

[28] REVISED RULES ON COURT LEGAL FEES.

[29] As amended by Republic Act No. 7691, 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'."

Supreme Court E-Library

> 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 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.

On the other hand, jurisdiction of first level courts is prescribed in Sec. 33 of BP 129, which 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:
>
> xxx xxx xxx
>
> 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.[30]

However, the CA failed to consider that in determining jurisdiction, it could rely on the declaration made in the Amended Complaint that the property is valued at ₱6,000.00. The handwritten document sued upon and the pleadings indicate that the property was purchased by petitioners for the price of ₱6,000.00. For purposes of filing the civil case against respondents, this amount should be the stated value of the property in the absence of a current tax declaration or zonal valuation

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[30] *Surviving Heirs of Alfredo R. Bautista v. Lindo*, G.R. No. 208232, March 10, 2014, 718 SCRA 321, 328-329.

of the BIR. Rule 141 of the Rules of Court, as amended by A.M. No.04-2-04-SC and Supreme Court Amended Administrative Circular No. 35-2004, provides that –

> a) For filing an action or a permissive OR COMPULSORY counter-claim, CROSS-CLAIM, or money claim against an estate not based on judgment, or for filing a third-party, fourth-party, etc. complaint, or a complaint-in-intervention, if the total sum claimed, INCLUSIVE OF INTERESTS, PENALTIES, SURCHARGES, DAMAGES OF WHATEVER KIND, AND ATTORNEY'S FEES, LITIGATION EXPENSES AND COSTS and/or in cases involving property, the FAIR MARKET value of the REAL property in litigation STATED IN THE CURRENT TAX DECLARATION OR CURRENT ZONAL VALUATION OF THE BUREAU OF INTERNAL REVENUE, WHICHEVER IS HIGHER, **OR IF THERE IS NONE, THE STATED VALUE OF THE PROPERTY IN LITIGATION** OR THE VALUE OF THE PERSONAL PROPERTY IN LITIGATION AS ALLEGED BY THE CLAIMANT x x x (Emphasis supplied)

shall be the basis for the computation of the docket fees to be paid. Since the value of the subject property as stated in the Amended Complaint is just ₱6,000.00, then the RTC did not have jurisdiction over petitioners' case in the first instance; it should have dismissed Civil Case No. 4633-2K5. But it did not. In continuing to take cognizance of the case, the trial court clearly committed grave abuse of discretion.

WHEREFORE, the Petition is **DENIED**. The assailed November 29, 2011 Decision and November 19, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 02315 are **AFFIRMED**.

SO ORDERED.

Carpio (*Chairperson*), *Brion, Mendoza,* and *Leonen, JJ.,* concur.