

## THIRD DIVISION

[ G.R. NO. 138248, September 07, 2005 ]

**BARANGAY PIAPI, HEREIN REPRESENTED BY ITS CHAIRMAN ANDRES L. LUGNASIN AND LIBERATO LARGO, RITA LARGO, SABAS MONTECALBO, SR., CARLOS ZAMORA, DONATA SESICAN, DIZAR CASTILLO, ALEJANDOR GICALE, SALVACION SALE, PABLO MORASTIL, JOSE JAVELOSA, ISIDRA BERNAL, FELIX EGHOT, CORAZON EGHOT, ROSALINA REMONDE, ROA EGHOT, CEFERINA LAGROSA, MARIO ARANEZ, ALBERTO CAMARILLO, BOBBY DULAOTO, NOEL ZAMORA, MARTINO MORALLAS, DANILO FAILAGA, MARITA BRAGAT, NATIVIDAD LAGRAMON, RAQUEL GEROZAGA, SHIRLY CESAR, PIO ZAMORA, ANDRES LUGNASIN, ELPIDIO SESICAN, CRESENTA BORJA, CARLITO TANEZA, JR., MARCIAL RELLON, JEANILITO SUMALINOG, ALBERTO ZAMORA, AND LUISITO LAGROSA, PETITIONERS, VS. IGNACIO TALIP REPRESENTING THE HEIRS OF JUAN JAYAG, RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.**

Before us is a petition for review on *certiorari*<sup>[1]</sup> assailing the Orders dated January 12, 1999<sup>[2]</sup> and April 20, 1999<sup>[3]</sup> of the Regional Trial Court (RTC), Branch 18, Digos, Davao del Sur in Civil Case No. 3715 filed by the above-named petitioners against respondent Ignacio Talip representing the heirs of Juan Jayag.

The factual antecedents as borne by the records are:

On August 28, 1998, petitioners filed with the said RTC a complaint for reconveyance and damages with prayer for issuance of a temporary restraining order and/or writ of preliminary injunction against respondent, docketed as Civil Case No. 3715.

The complaint alleges that petitioners and their predecessors-in-interest have been in actual, peaceful, continuous and open possession for more than 30 years of a parcel of land consisting of 3.2 hectares situated in Piapi, Padada, Davao del Sur. It is covered by Original Certificate of Title (OCT) No. P-(3331)-4244 of the Registry of Deeds, same province, issued in the name of Juan Jayag and has a **market value of P15,000.00**. The same land was subdivided into lots consisting of 100 square meters each, where the individual petitioners built their houses. On the remaining portion were constructed their barangay center, multi-purpose gym and health center. Respondent fraudulently obtained from the said Registry of Deeds a Transfer Certificate of Title (TCT) in his name. In 1998, he paid real estate taxes and subsequently, he threatened to build a barb-wire fence around the land.

Instead of filing an answer, respondent moved to dismiss the complaint on the

ground that the RTC has no jurisdiction over the case considering that the **assessed value of the land is only P6,030.00**. Respondent, citing Section 33 (3) of BP Blg. 129, as amended by R.A. No. 7691,<sup>[4]</sup> maintains that the case falls within the exclusive jurisdiction of the Municipal Circuit Trial Court of Padada-Kiblawan, Davao del Sur.

In their opposition to the motion to dismiss, petitioners alleged that jurisdiction is vested in the RTC considering that the **total assessed value of the property is P41,890.00**, as shown by a Real Property Field Appraisal and Assessment Sheet dated August 20, 1996 issued by Atty. Marcos D. Risonar, Jr., Provincial Assessor of Davao del Sur.<sup>[5]</sup>

On January 12, 1999, the trial court issued an Order **dismissing the complaint for lack of jurisdiction**.

Petitioners then filed a motion for reconsideration but was denied in an Order dated April 20, 1999.

Hence, petitioners directly filed with this Court the instant **petition for review on certiorari** assailing the trial court's Order dismissing the complaint for lack of jurisdiction.

Petitioners contend that under Section 19 (1) of BP Blg. 129, as amended, the RTC has jurisdiction over the complaint for reconveyance since it is incapable of pecuniary estimation.

The contention is bereft of merit. This case is analogous to *Huguete vs. Embudo*.<sup>[6]</sup> 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, we 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.**"

Indeed, basic as a hornbook principle is that the nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.<sup>[7]</sup>

Let us examine the pertinent allegations in petitioners' complaint below:

"x x x

x x x

2. Plaintiffs by themselves and/or thru their predecessors-in-interest have been in actual possession, in the concept of an owner, in good faith and in a manner that is open, peaceful, uninterrupted, public, adverse and continuous, for more than 30 years, the following described parcel of land, viz:

'A parcel of land containing an area of 3.2 hectares, more or less,