

## FIFTH DIVISION

[ CA-G.R. SP No. 131070, May 12, 2014 ]

**TERESITA GUTIERREZ AND CATHERINE GUTIERREZ,  
PETITIONERS, VS. HON. MARY JOSEPHINE P. LAZARO, IN HER  
CAPACITY AS THE HONORABLE PRESIDING JUDGE OF THE  
REGIONAL TRIAL COURT OF ANTIPOLO CITY, BRANCH 74, AND  
LINKAGE REAL ESTATE AND MANAGEMENT CORPORATION, AND  
PROVINCIAL ASSESSOR OF THE PROVINCE OF RIZAL,  
RESPONDENTS.**

### D E C I S I O N

**GONZALES-SISON, M., J:**

By Petition for Certiorari under Rule 65 of the Rules of Court, petitioners seek to annul and set aside: (1) the Order dated 23 May 2012 issued by Presiding Judge of the Regional Trial Court of Antipolo City, Branch 74 in Civil Case No. 98-5035 entitled *Sps. Espedito Gutierrez & Teresita Gutierrez v. Linkage Real Estate and Management Corporation, et. al.*, in so far as it dismissed the case for lack of jurisdiction; and (2) the subsequent Order dated 28 January 2013 denying petitioners' Motion for Reconsideration.

On 05 October 1998, a Complaint for Annulment of Documents and Quieting of Title with Damages was filed entitled *Spouses Espedito Gutierrez and Teresita Gutierrez v. Linkage Real Estate and Management Corporation, Alexander Lim and Miguel Zialcita*.

On 18 September 2000, petitioners then filed a Motion for Leave to Admit Amended Complaint and attached thereto the Amended Complaint entitled *Spouses Espedito Gutierrez and Teresita Gutierrez v. Linkage Real Estate and Management Corporation, Alexander Lim and Provincial Assessor of Rizal* and the same was admitted in an Order dated 07 February 2001.

Trial then ensued and while petitioners were presenting their witnesses, they received the impugned Order dated 23 May 2012, the dispositive portion of which states, thus:

"WHEREFORE, and for lack of jurisdiction, the instant complaint is hereby DISMISSED without prejudice. Furthermore, the trial on August 9, 2012 is hereby CANCELLED.

SO ORDERED."<sup>[1]</sup>

Petitioners filed a Motion for Reconsideration and the same was denied in an Order dated 28 January 2013 for lack of merit.

Hence, petitioners filed this Petition for Certiorari under Rule 65 of the Rules of Court on the sole ground, to wit:

THE HON. PRESIDING JUDGE WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF *[sic]* EXCESS OF JURISDICTION ISSUED THE ASSAILED ORDERS IN PATENT DISREGARD OF EXISTING JURISPRUDENCE.

Petitioners allege that:

1. At the time of the filing of the RTC case, the subject real property has no assessed value. When the RTC case was filed on 05 October 1994, the subject real property has not been assessed/declared for taxation purposes and this was stated in the Complaint:

*"1. That the plaintiffs do not know the private complainants herein except when they lately filed an Adverse Claim in T.C.T. No. 1669 belonging to plaintiffs and has written the **Provincial Assessor of Rizal not to issue any Tax Declaration in plaintiffs' name although said tax declaration was already prepared and was ready for delivery to the plaintiffs.***

The subject real property was declared only for taxation purposes on 28 June 2003 hence, there was no way that petitioners could have alleged the assessed value of the subject real property.

2. The trial court had jurisdiction over the RTC case considering that one of the prayers of the petitioners in their Complaint is the cancellation of the adverse claim, which is incapable of pecuniary estimation.

3. The dismissal of the RTC case for purportedly non-compliance with R.A. 7691 would only work injustice to herein petitioners considering that the assessed value of the subject real property is One Million Twenty-Two Thousand Nine Hundred Pesos (Php1,022,900.00) under Tax Declaration No. 00-TY-004-19538.

On the other hand, private respondent essentially echoes the pronouncement of the trial court and submits that no grave abuse of discretion maybe imputed upon the respondent court as the issuance of the assailed orders dated 23 May 2012 and 28 January 2013 were soundly based on law and jurisprudence. Private respondent likewise asserts that respondent court is correct in dismissing the complaint of petitioners for lack of jurisdiction because their complaint as well as their Amended Complaint clearly shows that it is one for annulment of documents and quieting of title which fall under the classification of cases that involve "title to or possession of real property or any interest therein".

We see no merit in the petition, and rule that the trial court did not commit any reversible error in the assailed Orders.

In their Amended Complaint, petitioners prayed, thus:

- a) Declaring T.C.T. No. 626020 in the name of defendant corporation as Null and Void;
- b) To declare O.C.T. No. 1669 in the name of plaintiffs-spouses as valid and subsisting and ordering the cancellation of the Adverse Claim annotated at the back thereof;

- c) Ordering defendants corporation and Alex Lim to pay, jointly and severally, plaintiffs the following amount:
- 1) P1,000,000.00 – as moral damages;
  - 2) P 200,000.00 – as actual damages;
  - 3) P300,000.00 – as and for attorney's fee, plus the sum of P3,000.00 for every appearance in court; and
  - 4) P50,000.00 – as necessary expenses; and such damages incurred by them as result of this case;
- d) Ordering defendant Provincial Assessor to issue the corresponding tax declaration in the name of the plaintiffs.

In **Cañiza v. Court of Appeals**,<sup>[2]</sup> it was held that what determines the nature of an action as well as which court has jurisdiction over it are the allegations of the complaint and the character of the relief sought. Moreover, in **Singsong v. Isabela Sawmill**,<sup>[3]</sup> the Supreme Court ruled that:

*"In 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 the 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)."*

Whether a court has jurisdiction over the subject matter of a particular action is determined by the plaintiff's allegations in the complaint and the principal relief he seeks in the light of the law that apportions the jurisdiction of courts.<sup>[4]</sup>

Petitioners' argument that the present action is one incapable of pecuniary estimation considering that it is for annulment of deed of sale and partition is not well-taken. As stated above, 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, as in this case, the ultimate objective of the petitioners is the cancellation of the adverse claim in the title of a real property, it should be filed in the proper court having jurisdiction over the assessed value of the property subject thereof.

Based on the allegations and prayers of the Amended Complaint, the law that applies to the action is Batas Pambansa 129, as amended. The amendment expanded the exclusive original jurisdiction of the first level courts to include real actions involving property with an assessed value of less than P20,000.00.<sup>[5]</sup>