

SECOND DIVISION

[G.R. No. 204970, February 01, 2016]

**SPOUSES CLAUDIO AND CARMENCITA TRAYVILLA,
PETITIONERS, VS. BERNARDO SEJAS AND JUVY PAGLINAWAN,
REPRESENTED BY JESSIE PAGLINAWAN, 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.

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 P30,000.00 as attorney's fees plus P1,500.00 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 P50,000.00 in moral damages, in addition to the P30,000.00 attorney's fees and P1,500.00 per court appearance of counsel originally prayed for in the Complaint.

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:

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-G4-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 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.

x x x x

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 fee 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 aption 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 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 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

x x x x

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.'

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

x x x x

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.