

SECOND DIVISION

[G.R. No. 175687, February 29, 2008]

**MATERRCO, INC., PETITIONER, VS. FIRST LANDLINK ASIA
DEVELOPMENT CORPORATION, RESPONDENT.**

R E S O L U T I O N

CARPIO MORALES, J.:

Petitioner, MATERRCO, Inc., via Motion for Reconsideration dated January 4, 2008, prays for a reconsideration of this Court's Decision of November 28, 2007.

After a thorough examination of the arguments proffered by petitioner-movant, the Court finds that none merits a reversal of the Decision.

Be that as it may, a considered discussion of the points raised in the motion, specifically with regard to the applicable filing fees as of 1996, is in order.

In the Decision, the Court stated that the filing fee then prevailing for ejectment cases was fixed at P150 by this Court's Administrative Circular No. 11-94^[1] (A.C. No. 11-94) issued on June 28, 1994 **amending Rule 141, Section 8**. As amended, Section 8 of Rule 141 reads:

"Sec. 8. CLERKS of Metropolitan and Municipal Trial Courts

(a) For each civil action or proceeding, where the value of the subject matter involved, or the amount of the demand, inclusive of interest, damages of whatever kind, attorney's fees, litigation expenses, and costs is:

1. Not more than P20,000.00P120.00
2. More than P20,000.00 but not more than P100,000.00
.....400.00
3. More than P100,000.00 but not more than P200,000.00
850.00

In a real action, the assessed value of the property or if not declared for taxation purposes, the assessed value of the adjacent lots, or if there is none, the estimated value thereof shall be alleged by the claimant and shall be the basis in computing the fees.

(b) For initiating proceedings for the allowance of wills, granting of letters of administration and settlement of estates of small value, where the value of the estate is:

1. Not more than P20,000.00 200.00
2. More than P20,000.00 but not more than P100,000.00
.....1,100.00
3. More than P100,000.00 but not more than P200,000.00
.....1,550.00

X X X X

4. **For each proceeding other than the allowance of wills (probate), granting of letter of administration, settlement of estates of small value, one hundred and fifty (150.00) pesos.** (Emphasis and underscoring supplied)

Petitioner argues that the applicable fee for ejectment cases pursuant to the above-quoted amended provision should not be computed on the basis of Section 8(b)(4) but on the graduated fees under Section 8(a). Petitioner rules out the applicability of Section 8(b)(4) to ejectment cases based on its interpretation thereof as covering only special proceedings.

The Court finds, however, that a broad interpretation of Section 8(b)(4) so as to cover ejectment cases, among others, is called for both to avoid an absurd consequence and to conform more closely to the intention behind the 1994 amendments.

Prior to its amendment by A.C. No. 11-94, Rule 141, Section 8 read as follows:

SEC. 8. Judges of Metropolitan and Municipal Trial Courts. –

(a) For each civil action or proceeding where the value of the subject matter involved or the amount of the demand, exclusive of interest, and costs, is:

1. Less than P5,000 P80.00
2. P5,000 or more but less than P10,000 100.00
3. P10,000 or more but not exceeding P20,000 120.00
4. For each proceeding including allowance of will, probate, settlement of estate of small value, one hundred and fifty (P150.00) pesos;
5. **For forcible entry and illegal detainer cases, one hundred (P100.00) pesos;**
6. **For appeals in all actions or proceedings, including forcible entry and detainer cases, taken from the Metropolitan and Municipal Trial Court, one hundred fifty (P150.00) pesos;**

(b) For the performance of marriage ceremony, including issuance of certificate of marriage, fifty (P50.00) pesos;