

THIRD DIVISION

[G.R. NO. 132260, August 30, 2005]

**AMANTE SIAPNO, CRISTINA LOPEZ AND MINDA GAPUZ,
PETITIONERS, VS. MANUEL V. MANALO, RESPONDENT.**

D E C I S I O N

GARCIA, J.:

As far back as 1987, in *Manchester Development Corporation, et al. vs. Court of Appeals*,^[1] this Court has made it clear that any complaint, petition, answer and other similar pleading that does not specify in its body and prayer the amount of damages claimed should not be accepted or admitted or otherwise expunged from the records. It is unfortunate that to this date, there are still those who failed to hearken to our teaching in *Manchester*. The present case exemplifies one.

Before the Court is this petition for review on certiorari to nullify and set aside the decision dated 13 January 1998^[2] of the Court of Appeals (CA) in CA- G.R. SP No. 45434, dismissing, for lack of merit, the earlier petition for certiorari and prohibition thereat filed by the petitioners against the Hon. Eudario B. Valencia, Presiding Judge, RTC, Quezon City, Branch 222, and the herein respondent, Manuel V. Manalo.

The underlying facts are not disputed:

As then Administrator of the National Tobacco Administration (NTA), petitioner *Amando Siapno*, thru a special order dated 12 April 1995, created a negotiating panel with the responsibility of undertaking the disposal of NTA's 31,159 square-meter real property at Barrio Prinza, Las Piñas City, and accepting offers relative to the purchase thereof by interested party/parties. As constituted, the panel was composed of Ricardo Briones, as chairman, and petitioners *Cristina Lopez* and *Minda Gapuz*, as members.

Thru a letter dated 02 June 1995, respondent Manuel Manalo offered to buy the real property in question, which offer was accepted and approved by the NTA Board of Directors in its Resolution No. 336-95 bearing date 15 June 1995, of which respondent Manalo was duly informed by the NTA Corporate Secretary.

In yet another Resolution dated 19 June 1995, the NTA Board of Directors directed the Corporate Secretary to assist the negotiating panel in the preparation of the necessary document for the final disposition and transfer of ownership of the subject real asset in favor of Manalo.

Accordingly, there was prepared a format of a Deed of Sale to be entered into by and between NTA and Manalo, which format was duly approved by the NTA Board of Directors in its Resolution No. 341-95 dated 23 June 1995.

On 27 June 1995, Manalo signed the prepared Deed of Sale, with one NTA Board member acting as a witness. However, the chairman of the negotiating panel Ricardo Briones, deferred affixing his signature thereon unless and until Manalo shall have paid twenty percent (20%) of the agreed purchase price, as downpayment.

The next day - 28 June 1995 - Manalo paid NTA the sum of P4,424,598.00 by way of downpayment, and, on 24 July 1995, he sent a letter to NTA attaching thereto the original of the domestic letter of credit he established in NTA's favor for the balance.

However, despite the above, petitioners refused to implement NTA Board Resolutions No. 336-95 and 431-95, hence the sale to Manalo of the subject real property was never consummated.

Such was the state of things when, on 20 August 1995, in the Regional Trial Court at Quezon City, Manalo filed against petitioners a petition for *Mandamus with Damages*, thereat docketed as *Civil Case No. Q-95-24792* which was raffled to Branch 222 of the court. In it, Manalo prayed for the following reliefs, to wit:

WHEREFORE, it is respectfully prayed that:

1. Immediately upon filing of this petition, an order be issued requiring Corporate Secretary Lino Eugenio, Jr. or anyone acting in his behalf, to turn over to the Court all the minutes --- and other documents/vouchers including the partially signed Deed of Sale allied thereto --- of the meetings of the NTA Board of Directors wherein Resolutions Nos. 336-95- 339-95 and 341-95 were adopted, in order to insure preservation of their integrity;
2. After hearing, to compel respondents [now petitioners] to honor, respect [and] implement NTA Board Resolutions Nos. 336-95, 339-95 and 341-95 by signing in behalf of NTA the prepared Deed of Sale covering the Prinza, Las Piñas property.

Petitioner further prays for such other reliefs as may be deemed, just and equitable in the premises.^[3]

On 25 August 1998, or before the petitioners could have submitted their responsive pleading, Manalo filed directly with the Branch Clerk of Branch 222 instead of with the Clerk of Court an *Amended Petition for Mandamus with Revocation of Title and Damages*,^[4] thereunder impleading Stanford East Realty Corporation (Stanford), as additional respondent, it being alleged in the same amended petition that herein petitioner Amante Siapno as NTA Administrator, unlawfully executed a deed of sale over the same NTA property in favor of Stanford, on the basis of which the Register of Deeds of Las Piñas issued in Stanford's favor TCT No. T-4948 for said property. Manalo thus prayed in his amended petition for a judgment declaring the sale to Stanford and the latter's title as null and void and adjudging the petitioners liable to pay him P1,000,000.00 as moral damages; P1,000,000.00 as exemplary damages; P2,000,000.00 by way of actual damages; and P500,000.00 as and for attorney's fees. We quote Manalo's prayer in his amended petition:

WHEREFORE, it is respectfully prayed of this Hon. Court that

IMMEDIATELY UPON FILING OF THIS PETITION

1. A temporary restraining order be issued to all the respondents to stop and desist from making any transaction involving the subject property;
2. An order be issued requiring Corporate Secretary Lino Eugenio Jr. or anyone acting or substituting in his behalf to turn over [to] the court all the minutes --- and other documents/vouchers including the partially signed Deed of Sale allied thereto -- of meetings of the NTA Board of Directors wherein Resolutions Nos. 336-95, 339-95 and 341-95 were adopted, in order to ensure preservation of their integrity;

AFTER NOTICE AND HEARING

3. A writ of preliminary injunction of the same tenor as in first prayer be issued;
4. A decision rendered:
 - 4.1 Compelling the respondent NTA officials to honor, respect and implement NTA Board Resolutions Nos. 336-95, 339-95 and 341-95 by signing in behalf of NTA the prepared Deed of Sale covering the Prinza, Las Piñas property;
 - 4.2 Declaring as null and void the Deed of Sale executed by the NTA in favor of respondent Stanford and TCT No. 49418 issued in the latter's name on the basis thereof;
 - 4.3 Ordering the respondents to jointly and severally pay the petitioner: P1 million as moral damages; P1 million as exemplary damages; P2 million as actual damages and P500,000.00 as attorney's fees.

Petitioner further prays for such other reliefs as may be deemed just equitable in the premises.^[5]

On 29 November 1995, petitioners filed their Answer With Counter-claim and Crossclaim, thereunder raising the defense, *inter alia*, that the suit filed by Manalo involves a conveyance of real property, hence the docket fee therefor should be based on the value of the real asset involved in the suit but which is not stated in Manalo's amended petition. And since Manalo has not paid the proper amount of docket fee for his amended petition, the trial court never acquired jurisdiction over the case.

On 24 April 1996, petitioners filed a third-party complaint, which the trial court admitted in open court on 23 May 1996. Manalo, however, moved to strike out petitioners' third-party complaint, arguing that the docket fees therefor were not paid.

To Manalo's motion to strike, petitioners interposed an opposition with an accompanying motion for preliminary hearing on their affirmative defense of lack of jurisdiction based on Manalo's deficient filing fee for his amended petition.

On 08 June 1996, Manalo paid the sum of P15,150.00 as additional docket fee, followed by his manifestation to that effect.

In an *order dated 08 August 1996*, the trial court deemed the question of inadequate filing fee as having become moot and academic by reason of Manalo's subsequent payment of the additional filing fee.

In yet another *order dated 09 August 1996*, the trial court denied petitioners' prayer for a preliminary hearing on their affirmative defense of lack of jurisdiction, explaining that Manalo has already paid the additional docketing fee. In the same order, the trial court set the case for pre-trial.

In time, petitioners moved for reconsideration of the trial court's two (2) aforementioned orders, which motion was likewise denied by the court in its subsequent order of *08 August 1997*.

Therefrom, petitioners went to the Court of Appeals on a petition for certiorari and prohibition, thereat docketed as CA-G.R. SP No. 45434, imputing grave abuse of discretion amounting to lack or in excess of jurisdiction on the part of the trial court in issuing its three (3) aforementioned orders of *08 August 1996*, *09 August 1996* and *08 August 1997*.

As stated at the outset hereof, the appellate court, in its assailed decision of 13 January 1998, denied petitioner's recourse "for lack of merit".

Hence, petitioners' present petition for review on *certiorari* under Rule 45 of the Rules of Court, it being their submission that the appellate court erred:

I.

IN HOLDING, PER THE QUESTIONED DECISION DATED 13 JANUARY 1998, THAT RESPONDENT'S PETITION IN THE COURT OF ORIGIN IS A PERSONAL ACTION, NOT A REAL ACTION, THEREBY SANCTIONING THE COGNIZANCE BY THE COURT A QUO OF WHAT IS IN ESSENCE A REAL ACTION WITHOUT THE PAYMENT OF THE PRESCRIBED AND CORRECT DOCKET FEES THEREFOR, WHICH IS A CONDITION SINE QUA NON TO THE COURT'S ACQUISITION AND EXERCISE OF JURISDICTION.

II.

IN SANCTIONING AND APPROVING, IN CONTRAVENTION OF APPLICABLE JURISPRUDENCE AND IN CLEAR DEPARTURE FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, THE DELIBERATE PLOY OF RESPONDENT IN STATING THE DAMAGES HE CLAIMS ONLY IN THE BODY BUT NOT IN THE PETITORY (PRAYER) PORTION OF THE PETITION TO EVADE PAYMENT OF THE CORRECT DOCKET/FILING FEES THEREFOR.

Simply put, the issue is: whether or not the trial court acted with or without jurisdiction in its Civil Case No. Q-95-24791. Upon the resolution of this issue rests the corollary question of whether or not the appellate court acted with grave abuse of discretion or in excess of jurisdiction in coming out with its challenged decision of 13 January 1998, sustaining the trial court's three (3) orders in the basic case for