

FIRST DIVISION

[CA-G.R. SP No. 124450, June 11, 2014]

JONATHAN LIM, PETITIONER, VS. HON. PETRONILO A. SULLA, JR., IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF PASAY CITY BRANCH 110, AND MARGARITA ORTEGA, RESPONDENTS.

DECISION

BARRIOS, M. M., J.:

This is a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure assailing, on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction, the Order dated 26 January 2012^[1] of the Regional Trial Court, Branch 110 of Pasay City. The dispositive portion reads:

"x x x

WHEREFORE, the motion to dismiss filed by defendant Jonathan L. Lim is hereby DENIED for lack of merit.

SO ORDERED."

Also assailed is the Order^[2] dated 17 February 2012 denying petitioner's Motion for Reconsideration.

The Antecedents

This case stemmed from a complaint^[3] filed by private respondent against petitioner for Declaration of Nullity of Deed of Transfer, Condominium Certificates of Title Nos. 16904 and 16905 with Reconveyance and Damages. Private respondent averred therein that she is the owner of a condominium unit and a parking space covered by Condominium Certificates of Title Nos. 16556^[4] and 16557.^[5] However, through fraudulent misrepresentation and falsification of a Deed of Transfer^[6] perpetrated by petitioner, CCT Nos. 16556 and 16557 were cancelled and new titles were issued in the name of the latter.

In her Complaint, private respondent also seeks to recover from petitioner compensatory, moral and exemplary damages in the amount of not less than Fifty Thousand Pesos (P50,000.00) each, and One Hundred Thousand Pesos (P100,000.00) as attorney's fees.

However, when private respondent testified during the trials, she asked for Ten Million Pesos (P10,000,000.00) as moral damages, Two Million Pesos (P2,000,000.00) as exemplary damages and Five Hundred Twenty-Five Thousand Pesos (P525,000.000) as attorney's fees. Petitioner's counsel manifested therein that private respondent's claim for damages were beyond the amount prayed for in her complaint for which she paid the corresponding filing fees.

As a consequence, on 21 October 2011, petitioner filed a Motion to Dismiss the complaint for lack of jurisdiction for failure to pay the correct docket fees for amount of damages being sought, and also for failure to disclose in the complaint the assessed value of the properties which are the subject of the case. Private respondent contended, however, that she had paid the full amount of docket fees as assessed by the Office of the Clerk of Court and that, moreover, the complaint is actually one for rescission of contract which is incapable of pecuniary estimation.

As heretofore stated, public respondent denied petitioner's motion to dismiss on the premise that it does not automatically lose its jurisdiction over the case since private respondent paid the docket fees in accordance with the assessment of the Office of the Clerk of Court. If at all, any deficiency in the docket fees shall constitute a lien on the judgment award. Petitioner moved for reconsideration, but the same was denied.

Hence, this instant petition for certiorari posing these issues:

I

WHETHER OR NOT HON. JUDGE PETRONILO A. SULLA, JR. COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT DENIED PETITIONER'S MOTION TO DISMISS.

II

WHETHER OR NOT HON. JUDGE PETRONILO A. SULLA, JR. COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN IT DENIED PETITIONER'S MOTION FOR RECONSIDERATION.

III

WHETHER OR NOT THERE IS AN URGENT NECESSITY FOR THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND THEN A WRIT OF PRELIMINARY INJUNCTION TO ENJOIN RESPONDENT JUDGE FROM PROCEEDING WITH THE TRIAL OF THE CASE.

Our Ruling

In order to determine whether private respondent paid the correct amount of docket fees, it is necessary to determine the true nature of her complaint. The dictum adhered to in this jurisdiction is that the nature of an action is determined by the allegations in the body of the pleading or the complaint itself, rather than by its title or heading.^[7]

A scrutiny of the complaint filed by private respondent shows that the allegations and reliefs therein pertain to the recovery of the ownership and possession of the condominium unit and the parking lot from petitioner. Clearly, it is one that involves an action affecting title or possession of real property; it is, therefore, a real action. As defined in 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.^[8] Thus, the fair market value of the property, or if none, the value stated in litigation shall be the basis in