

## TWENTY-SECOND DIVISION

[ CA-G.R. SP NO. 05949-MIN, July 25, 2014 ]

**DEL MONTE FRESH PRODUCE INTERNATIONAL, INC.,  
PETITIONER, VS. HON. EMMANUEL C. CARPIO, IN HIS CAPACITY  
AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, 11TH  
JUDICIAL REGION, BRANCH 16, DAVAO CITY, F.S. DIZON &  
SONS INC., AND COMVAL TROPICAL FRUIT INC., RESPONDENTS.**

### D E C I S I O N

**INTING, J.:**

Before Us is a Petition for Certiorari<sup>[1]</sup> filed by petitioner Del Monte assailing the Orders<sup>[2]</sup> of Branch 16, Regional Trial Court (RTC), Davao City which: (1) set aside and expunged its Supplement to the Opposition to the Petition to Set Aside ICC Award; (2) directed private respondents to pay the correct docket fee pursuant to Rule 20.1 of Rule 20 on Special ADR Rules; (3) set the case for oral hearing; and (4) denied its motion for reconsideration.

The facts of the case are as follows:

In November 2012 the ICC International Court of Arbitration rendered its Final Award<sup>[3]</sup> in favor of Del Monte directing private respondents to pay Del Monte over 4 million US dollars.

Private respondents received a copy of the final award on December 3, 2012.<sup>[4]</sup> They then filed a Petition to Set Aside ICC Award dated December 10, 2012 pursuant to the 2009 Special Rules of Court on Alternative Dispute Resolution.<sup>[5]</sup>

Del Monte filed its Opposition dated January 31, 2013<sup>[6]</sup> and prayed for the dismissal of the petition. In another pleading dated January 31, 2013, Del Monte filed a Petition for Recognition and Enforcement of Arbitral Award.<sup>[7]</sup> Later Del Monte filed, dated March 12, 2013, its Supplement to the Opposition to the Petition to Set Aside ICC Award alleging that the petition of private respondents should be dismissed for lack of jurisdiction for the failure of private respondents to pay necessary filing fee within the period allowed by the Special ADR Rules.<sup>[8]</sup>

Private respondents filed their Comment<sup>[9]</sup> to the Supplement alleging, among others, that: (1) they made the full payment of the docket fees based on the computation of the Clerk of Court; (2) they have no intention to defraud the government; and (3) if there is a deficiency, the party will be required to pay the deficiency but jurisdiction is not automatically lost.

After the filing of the memorandum of both parties, the RTC ruled to expunge the Supplement filed by Del Monte since its prayer is the dismissal of the petition and

under the Special ADR Rules a motion to dismiss is a prohibited pleading and also ordered private respondents to pay the correct docket fees.<sup>[10]</sup> The motion for reconsideration filed by Del Monte was also denied by the RTC.<sup>[11]</sup>

Aggrieved, Del Monte filed the instant petition and raised the following arguments:

I.

DEL MONTE RESPECTFULLY SUBMITS THAT THE RTC DAVAO ACTED WITH OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT REFUSED TO DISMISS THE PETITION TO SET ASIDE, BUT ALLOWED PRIVATE RESPONDENTS TO ADDITIONAL OPPORTUNITY TO PAY THE CORRECT AMOUNT OF DOCKET FEES IN SUPPORT OF THEIR PETITION TO SET ASIDE ALTHOUGH THE MANDATORY AND JURISDICTIONAL THREE-MONTH REGLEMENTARY PERIOD PROVIDED UNDER RULE 12.2(B) OF THE SPECIAL ADR RULES FOR THE FILING OF THE PETITION TO SET ASIDE THE FINAL AWARD HAD ALREADY LAPSED;

II.

DEL MONTE RESPECTFULLY SUBMITS THAT THE RTC DAVAO ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT CONSIDERED THE PETITION TO SET ASIDE AS FILED ON THE DATE OF ITS FILING ON DECEMBER 11, 2012, ALTHOUGH THE CORRECT DOCKET FEES WERE DEPOSITED ONLY ON JUNE 4, 2012, LONG AFTER THE MANDATORY AND JURISDICTIONAL THREE-MONTH REGLEMENTARY PERIOD FOR THE FILING OF THE PETITION TO SET ASIDE UNDER THE SPECIAL ADR RULES HAD PRESCRIBED, AND WHICH DEPOSIT WAS LATER RELEASED BACK TO PRIVATE RESPONDENTS, AND THUS EFFECTIVELY EXTENDING IN FAVOR OF PRIVATE RESPONDENTS THE SAID THREE-MONTH REGLEMENTARY PERIOD WITHIN WHICH THEY SHOULD HAVE FILED THEIR PETITION TO SET ASIDE.

**Our Ruling**

The petition is without merit.

The following are clear:

1. There is an arbitral award in favor of Del Monte<sup>[12]</sup>;
2. The award directed private respondents to pay Del Monte over 4 million US dollars<sup>[13]</sup>;
3. Private respondents received a copy of the arbitral award on December 3, 2012<sup>[14]</sup>;

4. Private respondents filed their Petition to Vacate the arbitral award before the RTC<sup>[15]</sup>;
5. The Clerk of Court of the RTC computed the legal fees at P7,765 and private respondents paid the amount<sup>[16]</sup>;
6. Del Monte filed its Opposition to the petition of private respondents<sup>[17]</sup>;
7. Rule 20.1 of the Special Rules on ADR provides that P50,000 shall be the filing fee if the arbitral award exceeds P1 million;
8. Rule 11.2(C) of the Special Rules on ADR provides that not later 30 days from receipt of the arbitral award, a party may petition the court to vacate that award;
9. Del Monte filed its Supplement to its opposition to the petition of the private respondents alleging lack of jurisdiction for failure to pay the correct docket fees within the reglementary period and prayed for the dismissal of the petition<sup>[18]</sup>.

The following are some of the jurisprudential jottings on the matter of payment of docket fees vis-a-vis jurisdiction:

"The Court acquires jurisdiction over any case only upon the payment of the prescribed docket fee.<sup>[19]</sup>"

"Thus, the Court rules as follows:

1. It is not simply the filing of the complaint or appropriate initiatory pleading, but the payment of the prescribed docket fee, that vests a trial court with jurisdiction over the subject matter or nature of the action. Where the filing of the initiatory pleading is not accompanied by payment of the docket fee, the court may allow payment of the fee within a reasonable time but in no case beyond the applicable prescriptive or reglementary period.
2. The same rule applies to permissive counterclaims, third party claims and similar pleadings, which shall not be considered filed until and unless the filing fee prescribed therefor is paid. The court may also allow payment of said fee within a reasonable time but also in no case beyond its applicable prescriptive or reglementary period.
3. Where the trial court acquires jurisdiction over a claim by the filing of the appropriate pleading and payment of the prescribed filing fee but, subsequently, the judgment awards a claim not specified in the pleading, or if