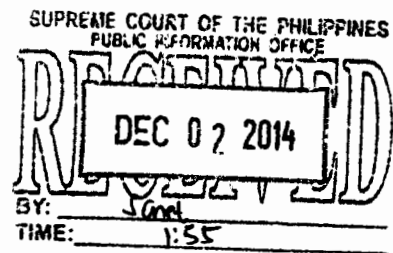




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 12 November 2014 which reads as follows:

G.R. No. 187557 - *Julfa Alcoran Murphy v. Helen P. Dy, et al.*

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules seeking the reversal of the February 13, 2009 Order¹ and the March 27, 2009 Resolution² of the Regional Trial Court, Branch 8, Dipolog City (RTC) which dismissed *motu proprio* the Complaint for Annulment of Sale, Annulment of Donation, Redemption, Partition and Damages filed by petitioner Julfa Alcoran Murphy (*petitioner*), for lack of jurisdiction.

The Facts:

Petitioner is one of the heirs of decedent Teodorica Alcoran, a co-owner of the subject property, a riceland situated in Galas, Dipolog City, consisting of 17,224 square meters. On February 10, 2009, petitioner filed before the RTC a complaint³ for annulment of sale, annulment of donation, redemption, partition, and damages against the respondents.

Petitioner alleged, among others, that, in 1994, respondent Nelly Montesclaros (*Montesclaros*), executed a deed of extrajudicial settlement of estate with the other heirs; that the Deed of Extrajudicial Settlement of Estate was not signed by the other heirs; that subsequently, Montesclaros executed a deed of sale conveying her share and the respective shares of the other heirs in favor respondent Helen Dy (*Dy*); that Montesclaros also executed a deed of donation in favor of Eusebio Polaran (*Polaran*); and that the other heirs subsequently executed the Deed of Conformity to the Extrajudicial Settlement making the Deed of Sale and the Deed of Donation not valid since the purported right of Montesclaros to convey portions of the subject property stemmed from a fatally defective deed of extrajudicial settlement.

Petitioner further averred that the sale and the donation of portions of the subject property were consummated without her knowledge; that she was neither informed by his co-heirs of the said sale nor was given the chance to

¹ *Rollo*, pp. 60-62.

² *Id.* at 69-72.

³ *Id.* at 25-33.

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of money, the claim is considered capable of pecuniary estimation, and whether jurisdiction is in the municipal courts or in the courts of first instance would depend on the amount of the claim. However, where the basic issue is something other than the right to recover a sum of money, where the money claim is purely incidental to, or a consequence of, the principal relief sought, this Court has considered such actions as cases where the subject of the litigation may not be estimated in terms of money, and are cognizable exclusively by courts of first instance (now Regional Trial Courts).

In the present case, the main purpose of petitioner in filing the complaint was to redeem the subject property which was conveyed by her co-heirs to Dy without her knowledge. Her cause of action was based on her right as a co-owner of the subject property based on Article 1623¹⁰ of the Civil Code. In her complaint, petitioner alleged that her co-heirs executed a deed of extrajudicial settlement without her consent and subsequently conveyed their respective shares to Dy. Petitioner, thus, prayed for the issuance of a court order:

- I. Allowing Plaintiff, Julfa Alcoran Murphy, to exercise her right of redemption over the portions of the property conveyed to the defendants Helen Dy and Alex Lim at a reasonable price;
- II. Directing the partition of this property, and the portions thereof determined by raffle;
- III. Directing defendants Helen Dy and Alex Lim to demolish the improvements they constructed over their alleged portions at their own expense
- IV. Directing defendants Helen Dy and Alex Lim to pay plaintiff the following amounts:

MORAL DAMAGES -----	₱50,000.00
ACTUAL DAMAGES ----	70,000.00
EXEMPLARY DAMAGES --	50,000.00
ATTORNEY'S FEES -----	30,000.00
COSTS OF THE SUIT.	

₱200,000.00

Plaintiff also prays for such other relief as may be just and equitable under the circumstances.

¹⁰ ART. 1623. The right of legal pre-emption or redemption shall not be exercised except within thirty days from the notice in writing by the prospective vendee, or by the vendor, as the case may be. The deed of sale shall not be recorded in the Registry of Property, unless accompanied by an affidavit of the vendee that he has given written notice thereof to all possible redemptioners.

The right of redemption of co-owners excludes that of adjoining owners.

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of extrajudicial settlement, the deed of sale and the deed of donation executed by Montesclaros for and in behalf of the other heirs without the consent of all the heirs.

The issue to be resolved is whether or not petitioner’s action fall within the jurisdiction of the RTC.

The petition is without merit.

Jurisdiction over the subject matter of a case is conferred by law and is determined by the material averments in the complaint and the character of the relief sought.⁷ Under Section 1 of Republic Act (R.A.) No. 7691,⁸ amending Batas Pambansa Blg. 129, the RTC shall exercise exclusive jurisdiction on the following actions:

Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the “Judiciary Reorganization Act of 1980,” is hereby amended to read as follows:

Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.

(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty Thousand Pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty Thousand Pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

(3) x x x

In the case of *Singson v. Isabela Sawmill*,⁹ the Court held that:

In determining whether an action is one the subject matter of which is not capable of pecuniary estimation this Court has adopted the criterion of first ascertaining the nature of the principal action or remedy sought. If it is primarily for the recovery of a sum

⁷ *Heirs of Juanita Padilla v. Magdua*, G.R. No. 176858, September 15, 2010, 630 SCRA 573; *Russell v. Vestil*, 364 Phil. 392 (1999).

⁸ An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, amending for the purpose BP Blg. 129.

⁹ 177 Phil. 575 (1979).

exercise her pre-emptive right under the Civil Code; that the sale and the donation of the subject property were executed without a deed of partition and her co-owners merely arrogated into themselves their respective portions without her consent; that what was left to her was a landlocked portion in the middle and surrounded by Dy and respondent Alex Lim (*Lim*); that the subject property had been leveled and filled up with materials by Dy where a fence and a residential building were erected; and that Lim actually owned and possessed the property.

Petitioner prayed that she be allowed to exercise her right of redemption over the portions of the subject property conveyed to Dy and Polaran; that the subject property be partitioned and raffled among the heirs; that Dy and Lim be directed to demolish the improvements they constructed over the subject property; and that the respondents be ordered to pay damages, attorney's fees and costs of suit.

On February 13, 2009, complaint was dismissed *motu proprio* for lack of jurisdiction. The RTC ruled that petitioner failed to allege the value of the subject property and to attach the tax declaration evidencing the assessed value of the lot.⁴

Petitioner filed a motion for reconsideration, but it was denied in the RTC Resolution,⁵ dated March 27, 2009.

Hence, this petition with this lone

ASSIGNED ERROR:

IT IS MOST RESPECTFULLY SUBMITTED THAT THE REGIONAL TRIAL COURT COMMITTED A REVERSIBLE ERROR OF LAW WHEN IT DISMISSED THE INSTANT CASE *MOTU PROPRIO* FOR LACK OF JURISDICTION, WHEN IT INVOLVES PARTITION, REDEMPTION AND DETERMINATION OF THE VALIDITY OF AN EXTRAJUDICIAL SETTLEMENT, DEEDS OF SALE AND DONATION, WHICH ARE ALL INCAPABLE OF PECUNIARY ESTIMATION.⁶

Petitioner submits that the case falls within the jurisdiction of the RTC as the complaint was one which was incapable of pecuniary estimation. Petitioner points out that the complaint did not merely pray for redemption of the subject property but also asked for a ruling on the validity of the deed

⁴ Id. at 60-62.

⁵ Id. at 69-72.

⁶ Id. at 11-12.


Without a quibble, petitioner's complaint was one which was not beyond pecuniary estimation. An exercise of the right of redemption of a co-owner involves a title to real property or any interest therein. Accordingly, the complaint should have alleged the assessed value of the real property subject of the complaint or the interest thereon to determine which court had jurisdiction over the action.¹¹

Petitioner's contention that her complaint was not only for redemption but also for annulment of the extrajudicial sale, the deed of sale and deed of donation, does not persuade. The basic rule is that the nature of an action is determined by the allegations in the complaint and the reliefs being prayed for, and not what the caption of the complaint stated.

WHEREFORE, the petition is **DENIED**. The February 13, 2009 Order and the March 27, 2009 Resolution of the Regional Trial Court, Branch 8, Dipolog City (*RTC*) in Civil Case No. 6436 are **AFFIRMED**.

SO ORDERED.

Very truly yours,


MA. LOURDES C. PERFECTO
Division Clerk of Court *by 11/21*

¹¹ *Quinagoran v. Court of Appeals.*, 557 Phil. 650, 659 (2007).

ATTY. PERSEPHONE DC EVANGELISTA (reg)
Counsel for Petitioner
499 Batinguel
6200 Dumaguete City

HEIRS OF EUSEBIO POLARAN (reg)
Respondents
Galas, 7100 Dipolog City

NORMA CURABO RAINEY (reg)
Respondent
Biasong, 7100 Dipolog City

ARTURO G. BELCINA (reg)
Respondent
704-H San Roque Street
Mambaling, 6000 Cebu City

SATURNINO BELCINA &
VICTOR ALCORAN (reg)
Respondents
704-H San Roque Street, Sitio Tugas
Mambaling, 6000 Cebu City

CORAZON B. GALLOPIN (reg)
ARTURO G. BELCINA (reg)
Respondents
704-H San Roque Street
Mambaling, 6000 Cebu City

NELLY VDA DE MONTESCLAROS (reg)
c/o ARTURO G. BELCINA
704-H San Roque Street
Mambaling, 6000 Cebu City

ATTY. ELIEZER C. BACHO (reg)
Counsel for Respondents Helen Dy & Alex Lim
A. Bonifacio cor. F. Gonzales Street
7100 Dipolog City

NORMA CURABO RAINEY (reg)
c/o ARTURO G. BELCINA
704-H San Roque Street
Mambaling, 6000 Cebu City *affixed*

ROSELIN REDILLAS MURA (reg)
Respondent
Biasong, 7100 Dipolog City

LALAINA IBARRA HOLGADO (reg)
Block 14, Lot 20, Duhat Street, I-A
San Lorenzo South, Sta. Rosa, 4026 Laguna

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 8
7100 Dipolog City
Civil Case No. 6436

JUDGMENT DIVISION (x)
Supreme Court, Manila

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