

THE PING-PONGED CASE

By: **Gregorio M. Batiller, Jr.**

This is about a case that was tossed by the MTC to the RTC, only to be tossed back to the MTC by the RTC and finally by the Supreme Court to the RTC.

A barangay in Cebu City instituted suit for expropriation of a parcel of land with the Municipal Trial Court. The MTC dismissed the complaint for lack of jurisdiction, ruling that:

“[e]minent domain is an exercise of the power to take private property for public use after payment of just compensation. In an action for eminent domain, therefore, the principal cause of action is the exercise of such power or right. The fact that the action also involves real property is merely incidental. An action for eminent domain is therefore with the exclusive original jurisdiction of the Regional Trial Court and not with this Court.”

However, when instituted anew with the RTC, the latter dismissed the complaint ruling that since an action for eminent domain affected title to real property, the value of the property to be expropriated would determine whether the complaint should be filed with the RTC or the MTC. And since the value of the property was alleged to be less than P20,000, then the MTC had jurisdiction.

Petitioner barangay appealed directly to the Supreme Court on a pure question of law.

The Supreme Court clarified thus:

“A review of the jurisprudence of this Court indicates that in determining whether an action is one 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 of money, the claim is considered capable of pecuniary estimation, and whether jurisdiction is in the municipal courts or in the court 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, or where the money claim is purely incidental to, or a consequence of, the principal relief sought, like in suits to have the defendant perform his part of the contract (specific performance) and inactions for support, or for annulment of a judgment or to

foreclose a mortgage, 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. The rationale of the rule is plainly that the second class cases, besides the determination of damages, demand an inquiry into other factors which the law has deemed to be more within the competence of courts of first instance, which were the lowest courts of record at that time that the first organic laws of the Judiciary were enacted (allocating jurisdiction) Act 136 of the Philippine Commission of June 11, 1901)."

In the present case, an expropriation suit does not involve the recovery of sum of money. Rather, it deals with the exercise by the government of its authority and right to take private property for public use."

Hence, the MTC was correct in finding that a petition for expropriation is not capable of pecuniary estimation.

(Barangay San Roque, Talisay Cebu vs. heirs of Francisco Pastor, 334 SCRA 127, June 20, 2000)