**Digest – G.R. No. 221815**

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| G.R. Number | G.R. No. 221815 |
| Date of Trial | November 29, 2017 |
| Court Level | Court Of Appeals |
| Division | Second Division |
| Is En Banc | No |
| Petitioners | Glynna Foronda-Crystal, Petitioner |
| Respondents | Aniana Lawas Son , Respondent |
| Ponente | Reyes J. |

**FACTS**

The Court is presented with a Petition for Review on Certiorari under Rule 45 of the Rules of Court.  
 The Petition challenges the Court of Appeals (CA) Decision in CA-G.R. CV No. 02226, promulgated on March 12, 2015.  
 The CA Decision affirmed the Regional Trial Court (RTC), Branch 55 of Mandaue City Decision dated November 24, 2006.  
 The Petition also challenges the CA Resolution promulgated on October 19, 2015, which upheld the earlier CA Decision.  
 Glynna Foronda-Crystal (Petitioner) is the daughter of Eddie Foronda, the registered owner of a parcel of land in Barrio Magay, Municipality of Compostela, Province of Cebu.  
 Eddie Foronda's title was derived from Free Patent No. VII-519533, covered by Original Certificate of Title (OCT) No. OP-37324.  
 The property is identified as Lot 1280, Case 3, Pls .962, situated in Barrio Magay, Municipality of Compostela, Province of Cebu.  
 On March 15, 1999, Aniana Lawas Son (Respondent) filed an action for reconveyance and damages against Glynna Foronda-Crystal (Petitioner).  
 Aniana Lawas Son (Respondent) claimed ownership and possession of the subject lot for twelve and a half years.  
 Aniana Lawas Son (Respondent) alleged she purchased the lot from Eleno T. Arias (Arias) on August 4, 1986, for ₱200,000.00.  
 Aniana Lawas Son (Respondent) claimed to have been paying real property taxes, evidenced by Tax Declaration No. 16408A issued in her name.  
 Aniana Lawas Son (Respondent) alleged the Free Patent issuance to Eddie Foronda was due to gross error or other cause.  
 Aniana Lawas Son (Respondent) stated there was no tax declaration in Eddie Foronda's name, indicating he was not the owner of Lot 1280 and neither he nor his heirs paid real estate taxes.  
 On April 13, 1999, Glynna Foronda-Crystal (Petitioner) filed a motion to dismiss based on lack of jurisdiction, improper venue, prescription, and lack of cause of action.  
 On April 20, 1999, the RTC dismissed the case for lack of jurisdiction, citing a property market value of ₱2,830.00 per Tax Declaration No. 16408.  
 On July 23, 1999, the RTC reconsidered its dismissal in response to Aniana Lawas Son's (Respondent) motion.  
 The RTC's reconsideration was based on the property's stated value of P200,000.00 in the Complaint, BIR zonal valuation exceeding ₱20,000.00, and the unreliability of the tax declaration.  
 On November 24, 2006, the RTC rendered a Decision in favor of Aniana Lawas Son (Respondent).  
 The RTC ordered the Register of Deeds of Cebu to cancel OCT No. OP-37324 and issue a new one in Aniana Lawas Son's (Respondent) name.  
 Glynna Foronda-Crystal (Petitioner) appealed the RTC Decision to the CA.  
 Glynna Foronda-Crystal (Petitioner) argued undue haste in the RTC decision, failure of Aniana Lawas Son (Respondent) to prove the lot's identity and her possession, erroneous order to cancel OCT No. OP-37324, and prescription/laches.  
 On March 12, 2015, the CA affirmed the RTC decision.  
 On October 19, 2015, the CA denied the petitioner's motion for reconsideration.

**ISSUES**

The petitioner seeks reversal of the assailed decision.  
 The petitioner asserts the Court of Appeals erred in not dismissing the case.  
 The asserted ground for dismissal is lack of jurisdiction of the RTC of Mandaue City.  
 The asserted reason for lack of jurisdiction is that the assessed value of the property is ₱1,030.00.  
 The property is located in Compostela, Cebu.  
 The petitioner asserts the Court of Appeals erred in not declaring the proceedings and judgment of the RTC as void.  
 The petitioner asserts the Court of Appeals erred in not applying Article 434 of the Civil Code.  
 The petitioner asserts the Court of Appeals erred in not holding Lot No. 1280 was a public grant.  
 Eddie Foronda was issued a free patent for Lot No. 1280, according to the petitioner.  
 The petitioner asserts the Court of Appeals erred in not holding the action is barred by prescription.  
 The petitioner asserts the Court of Appeals erred in not holding the action is barred by prescription.  
 The petitioner asserts the Court of Appeals erred in not holding that the validity and integrity of the RTC decision is questionable.  
 The RTC decision was rendered with undue haste, according to the petitioner.  
 One main issue is whether the RTC validly acquired jurisdiction over the case.  
 Another main issue is whether the RTC decision was void ab initio.  
 Another main issue is whether the Original Certificate of Title issued under the name of the petitioner's father should be canceled and set aside.  
 The cancellation is sought based on the respondent's allegations of ownership.  
 Another main issue is whether the action is barred by prescription.

**RULINGS**

The Court found merit in the petition.  
 Jurisdiction is the power of a court to hear, try, and decide a case, including jurisdiction over the subject matter.  
 Jurisdiction over the subject matter is conferred by law, not by consent or belief.  
 The Judiciary Reorganization Act of 1980, as amended by Republic Act No. 7691, delineates jurisdiction between Regional Trial Courts and Metropolitan Trial Courts/Municipal Trial Courts.  
 RTCs have exclusive original jurisdiction in civil actions involving title to or possession of real property where the assessed value exceeds ₱20,000.00, or ₱50,000.00 in Metro Manila.  
 MTCs have exclusive jurisdiction when the assessed value is below those thresholds.  
 Jurisdiction is determined by the assessed value of the properties, not the fair market value.  
 The Heirs of Concha, Sr. v. Spouses Lumocso case established that only the assessed value should be considered in determining jurisdiction.  
 The 1994 amendment by R.A. No. 7691 divided jurisdiction based on assessed value to unclog RTC dockets.  
 The case of Malana, et al. v. Tappa, et al. affirmed the MTC's exclusive original jurisdiction when the assessed value does not exceed ₱20,000.00.  
 Jurisdiction is determined by examining the allegations in the complaint.  
 A failure to allege the assessed value in the complaint can lead to dismissal.  
 Courts cannot take judicial notice of assessed or market value.  
 In Tumpag v. Tumpag, an exception to the rule was provided where the assessed value, while not alleged in the complaint, could still be identified through a facial examination of the documents already attached to the complaint.  
 The rule for determining assessed value for jurisdictional purposes is two-tiered: generally, jurisdiction is determined by the assessed value alleged in the complaint, but this rule can be liberally applied if the assessed value is identifiable from documents attached to the complaint.  
 The cases of Barangay Piapi v. Talip and Trayvilla v. Sejas used market value instead of assessed value to determine jurisdiction.  
 The market value was considered because the complaint did not allege the assessed value of the subject property.  
 These cases referred to Section 7(b), Rule 141 of the Rules of Court, which deals with Legal Fees.  
 Rule 141 of the Rules of Court concerns the amount of the prescribed filing and docket fees, the payment of which bestows upon the courts the jurisdiction to entertain the pleadings to be filed.  
 The latest iteration of the same provision already deleted the phrase "estimated value thereof," such that the determination of the amount of prescribed filing and docket fees are now based on the following: (a) the fair market value of the real property in litigation stated in the current tax declaration or current zonal valuation of the Bureau of Internal Revenue; or (b) the stated value of the real or personal property in litigation as alleged by the claimant.  
 The discussion on this would indicate that the jurisdiction referred to above does not deal with the delineation of the jurisdictions of the first and second level courts, but with the acquisition of jurisdiction by the courts through the payment of the prescribed filing and docket fees.  
 These cases must perforce be read in the context of the determination of the actual amount of prescribed filing and docket fees provided for in Rule 141 of the Rules of Court.  
 In the current case, the respondent alleged the market value of the property, not the assessed value.  
 The petitioner asserted that the assessed value was ₱1,030.00, indicating a lack of RTC jurisdiction.  
 Generally, the failure to allege the assessed value would result in dismissal.  
 The court can look to the documents annexed to the complaint for assessed value per Tumpag.  
 The tax declaration attached to the complaint showed the property valued at ₱2,826.00.  
 Based on the tax declaration, the MTC, not the RTC, had jurisdiction.  
 The RTC should have upheld its Order dated November 8, 2006 which dismissed the same.  
 An order issued by a court declaring that it has original and exclusive jurisdiction over the subject matter of the case when under the law it has none cannot likewise be given effect, per Maslag v. Monzon.  
 A void judgment for want of jurisdiction is no judgment at all, per Diona v. Balangue.  
 The assailed Decision in CA-G.R. CV No. 02226 dated March 12, 2015, and the Resolution dated October 19, 2015 of the Court of Appeals, as well as the Decision dated November 24, 2006 of the Regional Trial Court, Branch 55 of Mandaue City, are ANNULLEDand SET ASIDE for being issued without jurisdiction.  
 The case is dismissed without prejudice to filing a new one in the MTC.  
 Other issues raised by the petitioner were not discussed.