

SECOND DIVISION

[G.R. No. 212987, August 06, 2018]

ELIZABETH M. LANSANGAN, PETITIONER, VS. ANTONIO S. CAISIP, RESPONDENT.

D E C I S I O N

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari* ^[1] are the Decision ^[2] dated January 23, 2014 and the Resolution ^[3] dated May 20, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 129824, which affirmed the Decision ^[4] dated January 31, 2013 and the Order ^[5] dated April 2, 2013 of the Regional Trial Court of Capas, Tarlac, Branch 66 (RTC) in Special Civil Action Case No. 58-C-12, upholding the *motu proprio* dismissal of petitioner Elizabeth M. Lansangan's (petitioner) complaint for failure to refer the matter for barangay conciliation proceedings before recourse to the courts.

The Facts

This case stemmed from a Complaint for Sum of Money and Damages ^[6] dated June 27, 2012 filed before the 2nd Municipal Circuit Trial Court of Capas-Bamban-Concepcion, Tarlac (MCTC) by petitioner against respondent Antonio Caisip (respondent), docketed as Civil Case No. 2738-12.

Petitioner, a resident of Camanse Street, Purok 4, Rose Park, Concepcion, Tarlac, alleged that respondent, a resident of Barangay Sto. Niño, Concepcion, Tarlac, executed a promissory note ^[7] in her favor in the amount of €2,522.00 payable in three (3) installments. As respondent defaulted in his obligation under the promissory note and refused to heed petitioner's demands to comply therewith, the latter was constrained to file the said complaint. ^[8]

Since respondent failed to file any responsive pleading, petitioner moved to declare him in default and for the MCTC to render judgment, ^[9] which was granted in an Order ^[10] dated August 28, 2012. Accordingly, the case was submitted for resolution. ^[11]

The MCTC Ruling

In an Order ^[12] dated September 3, 2012, the MCTC *motu proprio* dismissed without prejudice the complaint for failure to comply with the provisions of Republic Act No. (RA) 7160, ^[13] otherwise known as "The Local Government Code of 1991," which requires the prior referral of the dispute between residents of the same barangay for

conciliation proceedings before the filing of a case in court.^[14]

Petitioner moved for reconsideration,^[15] which was, however, denied in an Order^[16] dated September 25, 2012. In the said Order, the MCTC opined that petitioner's failure to refer the matter for barangay conciliation proceedings rendered it without jurisdiction to rule on her complaint.^[17] Aggrieved, she filed a petition for *certiorari*^[18] before the RTC.

The RTC Ruling

In a Decision^[19] dated January 31, 2013, the RTC upheld the *motu proprio* dismissal of petitioner's complaint. It ruled that prior barangay conciliation proceedings before the filing of the instant complaint is jurisdictional; thus, non-compliance therewith warrants its dismissal.^[20]

Petitioner moved for reconsideration,^[21] but the same was denied in an Order^[22] dated April 2, 2013. Undeterred, she appealed^[23] to the CA.

The CA Ruling

In a Decision^[24] dated January 23, 2014, the CA affirmed the RTC Ruling. It held that since the party-litigants are both residents of Concepcion Tarlac, petitioner's complaint should have undergone the mandatory barangay conciliation proceedings before raising the matter before the courts.^[25]

Undaunted, Elizabeth moved for reconsideration,^[26] which was denied in a Resolution^[27] dated May 20, 2014; hence, this petition.

The Issue Before the Court

The issue for the Court's resolution is whether or not the CA erred in upholding the *motu proprio* dismissal of petitioner's complaint.

The Court's Ruling

The petition is meritorious.

Section 1, Rule 16 of the Rules of Court provides for the grounds that may be raised in a motion to dismiss a complaint, to wit:

Section 1. *Grounds.* – Within the time for but before filing the answer to the complaint or pleading asserting a claim, a motion to dismiss may be made on any of the following grounds:

(a) That the court has no jurisdiction over the person of the defending

party;

(b) That the court has no jurisdiction over the subject matter of the claim;

(c) That venue is improperly laid;

(d) That the plaintiff has no legal capacity to sue;

(e) That there is another action pending between the same parties for the same cause;

(f) That the cause of action is barred by a prior judgment or by the statute of limitations;

(g) That the pleading asserting the claim states no cause of action;

(h) That the claim or demand set forth in the plaintiff's pleading has been paid, waived, abandoned, or otherwise extinguished;

(i) That the claim on which the action is founded is unenforceable under the provisions of the statute of frauds; and

(j) That a condition precedent for filing the claim has not been complied with. (Emphasis and underscoring supplied)

As a general rule, the above-listed grounds must be invoked by the party-litigant at the earliest opportunity, as in a motion to dismiss or in the answer; otherwise, such grounds are deemed waived. As an exception, however, the courts may order the *motu proprio* dismissal of a case on the grounds of lack of jurisdiction over the subject matter, *litis pendentia*, *res judicata*, and prescription of action, pursuant to Section 1, Rule 9 of the Rules of Court, which reads:

Section 1. *Defenses and objections not pleaded.* — Defenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived. However, when it appears from the pleadings or the evidence on record that the court has no jurisdiction over the subject matter, that there is another action pending between the same parties for the same cause, or that the action is barred by a prior judgment or by statute of limitations, the court shall dismiss the claim.

In this case, the *motu proprio* dismissal of the complaint was anchored on petitioner's failure to refer the matter for barangay conciliation proceedings which in certain instances, is a condition precedent before filing a case in court. As Section 412 (a) of RA 7160 provides, the conduct of barangay conciliation proceedings is a pre-condition to the filing of a complaint involving any matter within the authority of the *lupon*, to wit: