

THIRD DIVISION

[G.R. No. 171503, June 08, 2007]

ERIBERTO P. CRISOSTOMO, PETITIONER, VS. ARNIE R. DE GUZMAN, RESPONDENT.

DECISION

YNARES-SANTIAGO, J.:

This is a petition for review on certiorari of the Decision^[1] dated December 2, 2005 of the Regional Trial Court (RTC) of San Jose City, Branch 38, in Special Civil Action No. (05) 12-SJC, holding that the Municipal Trial Court in Cities (MTCC), Branch 1, San Jose City, did not gravely abuse its discretion in denying the motion to dismiss filed by petitioner Eriberto P. Crisostomo in Civil Case No. 3706.

The facts of the case are as follows:

Petitioner Crisostomo allegedly purchased bakery products from respondent De Guzman with a total value of P1,262,121.00, and left an unpaid balance of P277,121.00. Petitioner promised to pay respondent in June 2003 but failed to do so despite several demands. Thus, on March 24, 2004, respondent filed a Complaint^[2] for the collection of a sum of money against petitioner before the MTCC, San Jose City, where it was docketed as Civil Case No. 3706 and raffled to Branch 1.

On November 8, 2004, petitioner filed a motion to dismiss Civil Case No. 3706 alleging that the MTCC had no jurisdiction to entertain the complaint filed by respondent since, pursuant to Section 5 of Batas Pambansa Blg. 129 (BP 129), as amended by Republic Act No. 7691 (RA 7691), the jurisdiction of the MTCC over claims exceeding P200,000.00 took effect only on April 12, 2004. According to petitioner –

2. Under Section 1 of Supreme Court Administrative Circular No. 09-94 dated June 14, 1994, RA 7691 took effect on April 15, 1994. Thus, applying the provisions of Article 13 of the New Civil Code and Section 31, Chapter 8, Book I of Executive Order No. 292, otherwise known as the Revised Administrative Code of 1987 (EO 292), the first adjustment in the jurisdictional amount from P100,000.00 to P200,000.00 took effect on April 14, 1999, while the final adjustment from P200,000.00 to P300,000.00 five (5) years thereafter took effect on April 12, 2004.
3. Citing only Section 31 of EO 292, the Office of the Court Administrator (OCA), however, issued Circular No. 21-99 dated April 15, 1999 declaring that the first adjustment took effect on March 20, 1999. For the second adjustment, OCA issued OCA Circular No. 65-2004 dated May 13, 2004 declaring that the same took effect on

February 22, 2004. Herein defendant submits that such effectivity dates are erroneous and not in accord with Article 13 of the New Civil Code and Section 31 of EO 292.

4. Defendant wonders why the OCA, in the computation of the periods "after five (5) years from effectivity of this Act" and "five (5) years thereafter" found in Section 5 of RA 7691, used three hundred sixty (360) days only instead of three hundred sixty five (365) days for every year. Be it noted that the period of five (5) years covering April 15, 1994 to March 20, 1999 and from March 20, 1999 to February 22, 2004 consists only of 1,800 days. What misled the OCA in making such erroneous computation, and by using Section 31 of EO 292 only as basis, was the phrase "twelve calendar months" found in the definition of the term "years" i(n) said provision. OCA could have possibly understood it as "twelve months", hence, it instead used the general definition of "month" as comprising thirty days.
5. Also, by citing Section 31 of EO 292 only, and disregarding totally the provision of Article 13 of the New Civil Code, the OCA may be of the impression that there is an inconsistency in the definition of the term "years" between the two laws. x x x As used in Section 31 of EO 292, the phrase "twelve calendar months" *refers to specific calendar* months of January, February, March, April, May, June, July, August, September, October and November (which contain 31, 28, 31, 30, 31, 30, 31, 31, 30, 31, 30 and 31 days, respectively, or a total of 365 days). Therefore, the term "years" in Article 13, New Civil Code and "year" in EO 292 are understood to similarly contain three hundred sixty five days.^[3] (Underscoring supplied)

Petitioner claimed that since the complaint was filed on March 24, 2004 or before the second adjustment in jurisdictional amount allegedly took effect on April 12, 2004, the MTCC should dismiss the same for lack of jurisdiction.

On March 7, 2005, the MTCC issued an Order denying petitioner's motion to dismiss. The MTCC observed that petitioner was actually assailing the correctness and validity of OCA Circular Nos. 21-99 and 65-2004 fixing the effectivity dates of the increase in jurisdictional amount of first level courts. It held that it had no authority "to alter, modify or declare as invalid the Circulars issued by the Supreme Court," and that petitioner's argument had become moot since the jurisdictional amount of claims cognizable by first level courts had by then been adjusted.

Without filing a motion for reconsideration from the MTCC order, petitioner forthwith filed a Petition for Certiorari and Prohibition before the RTC of San Jose City, Branch 38, docketed as Special Civil Action No. (05) 12-SJC. In a Decision dated December 2, 2005, however, the RTC dismissed the petition on the ground that the MTCC did not gravely abuse its discretion in refusing to dismiss Civil Case No. 3706. The RTC held that the MTCC merely applied and followed the guidelines issued by the Supreme Court through the Office of the Court Administrator which is its administrative arm. Moreover, the order of the MTCC is in accord with Section 7 of RA 7691 which directs the transfer to first level courts of pending RTC cases that have not yet reached the pre-trial stage and are affected by the redefinition of

jurisdiction.

Petitioner filed a Motion for Reconsideration^[4] of the RTC decision which was denied.^[5] Hence, petitioner directly took this recourse under Rule 45 of the Rules of Court, arguing that:

I.

THE SECOND ADJUSTMENT IN THE JURISDICTIONAL AMOUNT OF FIRST LEVEL COURTS TOOK EFFECT ONLY ON APRIL 12, 2004.

II.

RTC SAN JOSE SERIOUSLY ERRED IN HOLDING THAT THE COURT A QUO VALIDLY ASSUMED JURISDICTION OVER THE CASE BELOW AND THAT ITS ACTION WAS IN ACCORD WITH SECTION 7 OF RA 7691.

III.

THE MOTION FOR RECONSIDERATION TENDERS NEW ISSUES AND ARGUMENTS, HENCE, IT IS NOT PRO FORMA.^[6]

The petition lacks merit.

The RTC correctly found that the MTCC did not abuse its discretion when it denied petitioner's motion to dismiss Civil Case No. 3706. Grave abuse of discretion exists only where an act of a court or tribunal is performed with a capricious or whimsical exercise of judgment equivalent to lack of jurisdiction. The abuse of discretion must be so patent and gross, as to amount to an evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law as where, by reason of personal hostility, the power is exercised in an arbitrary and despotic manner. Mere errors of fact or law committed by the lower court are not correctible in a special civil action for certiorari under Rule 65.^[7]

As correctly observed by the RTC, the MTCC merely followed the effectivity dates fixed by the OCA for the increase in the jurisdictional amounts and applied the OCA circulars in determining that it in fact had jurisdiction over the complaint filed by respondent. The MTCC did not evade any positive duty or refuse to perform an act enjoined by law when it refused to dismiss Civil Case No. 3706. On the contrary, it acted in accordance with law and in compliance with the OCA directives.

The provisions of RA 7691 which are pertinent to the instant case provide as follows:

SEC. 5. After five (5) years from the effectivity of this Act, the jurisdictional amounts mentioned in Sec. 19(3), (4), and (8); and Sec. 33(1) of Batas Pambansa Blg. 129 as amended by this Act, shall be adjusted to Two hundred thousand pesos (P200,000.00). Five (5) years thereafter, such jurisdictional amounts shall be adjusted further to Three hundred thousand pesos (P300,000.00): Provided, however, That in the case of Metro Manila, the abovementioned jurisdictional amounts shall be adjusted after five (5) years from the effectivity of this Act to Four