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DEDICATED TO OUR LADY, SEAT OF WISDOM

NOTES

REMEDIAL LAW

I. Jurisdiction of Justice of the Peace and Municipal Courts—Section 88, Judiciary Act of 1948.

"In all civil actions, including those mentioned in Rules 59 and 62 of the Rules of Court, arising in his municipality or city, and not exclusively cognizable by the Court of First Instance, the justice of the peace and the judge of a municipal court shall have exclusive original jurisdiction where the value of the subject-matter or amount of the demand does not exceed two thousand pesos, exclusive of interest and costs."

International Colleges, Inc. vs. Nieves Argonza et al., G.R. No. L-3884, Prom. November 29, 1951.—Twenty five dismissed teachers of the International Colleges, Inc. jointly sued this entity in the municipal court for unpaid salaries, all aggregating ₱14,211.13 but with the highest individual claim not exceeding ₱1,300. Defendant moved to dismiss, contending that there was misjoinder of parties-plaintiff and that the total amount was beyond the jurisdiction of the court. Held: As ruled in the case of *Soriano y Cia. vs. Jose, G.R. No. L-3211*, when two or more plaintiffs, each having separate and distinct demands, join in a single suit, the demand of each must be of the requisite jurisdictional amount. Aggregation of the claims to make up the jurisdictional amount is permitted only if the claims are of joint nature, as when it is sought to enforce a single right in which plaintiffs have common interest. Therefore, where several claimants have separate and distinct demands against a defendant or defendants, which may properly be joined in a single suit, the claims cannot be added together to make up the required jurisdictional amount; each separate claim furnishes the jurisdictional test.

A. Soriano y Cia. vs. Jose et al., G.R. No. L-3211, Prom. May 30, 1950—Soriano y Cia engaged the services of the plaintiffs and after ten months dismissed them without cause. The

plaintiffs, twenty-nine in number, brought a joint complaint against their employer in the municipal court for payment of one month's salary in lieu of the 30-day notice. The total of the claim is ₱5,235 and the largest single claim is ₱300. Defendant company filed motion to dismiss on the ground that the total amount was beyond the court's jurisdiction. Held: Petitioner contends that the joint complaint should be controlled by the principle bearing on the court's jurisdiction in suits where one plaintiff alleges in one complaint several independent causes of action, in which case it is the aggregate amount which determines the jurisdiction. But there is a fundamental difference between such cases and the one like that before us. In the first, the total demand accrues to one person; in the latter only part of the combined demand pertains to a single plaintiff.

II. Permissive Joinder of Parties—Section 6, Rule 3, Rules of Court.

"All persons in whom or against whom any right to relief in respect to or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, may, except as otherwise provided in these rules, join as plaintiffs or be joined as defendants in one complaint, where any question of law or fact common to all such plaintiffs or to all such defendants may arise in the action; * * *"

International Colleges, Inc. vs. Argonza et al., supra.—In our opinion all that the section requires is that there be a question of fact common to the several parties that have been joined as plaintiffs and that a right of relief exists in favor of all of them in respect to or arising out of the same transaction or series of transactions whether jointly, severally, or in the alternative. The requisites are fulfilled in the present case where the joint plaintiffs allege to have a right to relief arising out of the same transaction or series of transactions consisting in the mass dismissal of the plaintiffs from defendant's employ, an action or series of actions giving rise to a question of law common to all plaintiffs. Our conclusion, therefore, is that the joinder of the 25 plaintiffs in one single complaint was proper in this case.

Soriano y Cia. vs. Jose et al., supra.—The sole purpose of the new rule on the joinder of parties is to save them unnecessary work, trouble and expense, consistent with the liberal spirit of the

new Rules and not to enlarge the court's jurisdiction as applied to the amount in controversy.

III. Parties in Interest—Section 2, Rule 3, Rules of Court.

"Every action must be prosecuted in the name of the real party in interest."

Espiridion M. Brillo vs. Pedro Buklatan et al., G.R. No. L-2213, Prom. October 14, 1950.—Plaintiff, as president of the Leyte United Workers, seeks to recover from the defendants amounts of money which the latter collected from several groups of laborers as contribution to the funds of the Leyte United Workers Union. Defendants moved to dismiss, alleging that the labor union being duly registered under C.A. No. 213 has capacity to sue and therefore, plaintiff has no legal capacity to sue. Held: Plaintiff admits that this labor union has juridical capacity to sue. If this is so, then the action should be brought in its own name, and not in the name of its president, under Rule 3, Section 2.

IV. Petition for Certiorari—Section 1, Rule 67, Rules of Court.

"When any tribunal, board, or officer exercising judicial functions, has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board, or officer as the law requires, with costs."

Brillo vs. Buklatan, et al., supra.—Petitioner prays for writ of certiorari against the Secretary of Labor for having granted licenses to new unions, alleging that these unions were organized by the old members of the Leyte United Workers with the aid of the employers, the registration of which may be the death of the Leyte United Workers and therefore, constituting an excess of jurisdiction and grave abuse of discretion. Held: Certiorari does not lie because the Secretary of Labor did not exercise judicial function. These new Labor Unions cannot be denied registration and permission to operate under Section 2, C.A. No. 213 (*Umali vs. Lovina, G.R. No. L-2771, April 29, 1950*) unless they have the purpose of under-

mining or destroying the constituted Government or of violating any law or laws of the Philippines.

V. Jurisdiction of the Court of Industrial Relations—Section 1, Com. Act No. 103, as amended by Com. Act No. 254, as further amended by Com. Act No. 559.

The Court of Industrial Relations shall have:

“* * * jurisdiction over the entire Philippines to consider, investigate, decide and settle all questions, matters, controversies, or disputes arising between, and/or affecting employers and employees or laborers, and landlords and tenants or farm laborers, and regulate the relations between them subject to the provisions of Commonwealth Act Numbered Four hundred and sixty-one.”

Brillo vs. Buklatan et al., supra.—Plaintiff brings suit against the International Trust Corp. and Pacific Copra Export Co. for specific performance under a contract alleged to have been entered with the Leyte United Workers for a wage increase of 20%. Prior to this case, the Court of Industrial Relations denied plaintiff's demand of 50% wage increase from the same entity. Held: Under such circumstances, the union cannot now be allowed to press upon the supposed agreement of 20% increase abandoned in the Court of Industrial Relations which is the court with jurisdiction over that subject-matter.

Federico B. Moreno

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