



Republic of the Philippines
Supreme Court
Manila

2014 BAR EXAMINATIONS

REMEDIAL LAW

October 26, 2014

8:00 A.M. – 12:00 NN.

INSTRUCTIONS

1. This Questionnaire contains FIFTEEN (15) pages including these Instructions pages. Check the number of pages and the page numbers at the upper right hand corner of each page of this Questionnaire and make sure it has the correct number of pages and their proper numbers.

There are TWENTY-NINE (29) Essay and Multiple Choice Questions (MCQs) to be answered within *four (4) hours*.

The essay questions are equivalent to *not less than 80%* of the whole examination, while the MCQ questions are equivalent to *not more than 20%*.

2. Read each question very carefully and write your answers in your Bar Examination Notebook *in the same order the questions are posed*. Write your answers only on the *front*, not the back, page of every sheet in your Notebook. Note well the allocated percentage points for each number, question, or sub-question. In your answers, use the numbering system in the questionnaire.

If the sheets provided in your Examination Notebook are not sufficient for your answers, use the back page of every sheet of your Examination Notebook, starting at the back page of the first sheet and the back of the succeeding sheets thereafter.

3. Answer the Essay questions *legibly, clearly, and concisely*. Start each number on a separate page. An answer to a sub-question under the same number may be written continuously on the same page and the immediately succeeding pages until completed.

Your answer should demonstrate your ability to analyze the facts presented by the question, to select the material from the immaterial facts, and to discern the points upon which the question turns. It should show your knowledge and understanding of the pertinent principles and theories of law involved and their qualifications and limitations. It should demonstrate your ability to apply the law to the given facts, and to reason logically in a lawyer-like manner to a sound conclusion from the given premises.

A mere “Yes” or “No” answer without any corresponding explanation or discussion will not be given any credit. Thus, always *briefly* but fully explain your answers although the question does not expressly ask for an explanation. At the same time, remember that a complete explanation does not require that you volunteer information or discuss legal doctrines that are not necessary or pertinent to the solution to the problem. You do not need to re-write or repeat the question in your Notebook.

4. MCQs are to be answered by writing in your Notebook the capital letter A, B, C, D, or E corresponding to your chosen answer. There is only one correct answer to every MCQ; choose the BEST answer from among the offered choices.

5. Make sure you do not write *your name* or any *extraneous note/s* or *distinctive marking/s* on your Notebook that can serve as an identifying mark/s (such as names that are not in the given questions, prayers, or private notes to the Examiner).

Writing, leaving or making any distinguishing or identifying mark in the exam Notebook is considered cheating and can disqualify you for the Bar examinations.

You can use the questionnaire for notes you may wish/need to write during the examination.

YOU CAN BRING HOME THIS QUESTIONNAIRE OR HAND IT TOGETHER WITH YOUR NOTEBOOK

J. DIOSDADO M. PERALTA
Chairman
2014 Bar Examinations

I.

Ludong, Balatong, and Labong were charged with murder. After trial, the court announced that the case was considered submitted for decision. Subsequently, the Clerk of Court issued the notices of promulgation of judgment which were duly received. On promulgation day, *Ludong* and his lawyer appeared. The lawyers of *Balatong* and *Labong* appeared but without their clients and failed to satisfactorily explain their absence when queried by the court. Thus, the judge ordered the Clerk of Court to proceed with the reading of the judgment convicting all the accused. With respect to *Balatong* and *Labong*, the judge ordered that the judgment be entered in the criminal docket and copies be furnished their lawyers. The lawyers of *Ludong, Balatong, and Labong* filed within the reglementary period a Joint Motion for Reconsideration. The court favorably granted the motion of *Ludong* downgrading his conviction from murder to homicide but denied the motion as regards *Balatong* and *Labong*. (4%)

- (A) Was the court correct in taking cognizance of the Joint Motion for Reconsideration?
- (B) Can *Balatong* and *Labong* appeal their conviction in case *Ludong* accepts his conviction for homicide?

II.

McJolly is a trouble-maker of sorts, always getting into brushes with the law. In one incident, he drove his Humvee recklessly, hitting a pedicab which sent its *driver* and *passengers* in different directions. The *pedicab driver* died, while two (2) of the *passengers* suffered slight physical injuries. Two (2) Informations were then filed against *McJolly*. One, for *Reckless Imprudence Resulting in Homicide and Damage to Property*, and two, for *Reckless Imprudence Resulting in Slight Physical Injuries*. The latter case was scheduled for arraignment earlier, on which occasion *McJolly* immediately pleaded guilty. He was meted out the penalty of public censure. A month later, the case for reckless imprudence resulting in homicide was also set for arraignment. Instead of pleading, *McJolly* interposed the defense of double jeopardy. Resolve. (4%)

III.

While passing by a dark uninhabited part of their *barangay*, *PO2 Asintado* observed shadows and heard screams from a distance. *PO2 Asintado* hid himself behind the bushes and saw a man beating a woman whom he recognized as his neighbor, *Kulasa*. When *Kulasa* was already in agony, the man stabbed her and she fell on the ground. The man hurriedly left thereafter.

PO2 Asintado immediately went to *Kulasa's* rescue. *Kulasa*, who was then in a state of hysteria, kept mentioning to *PO2 Asintado* “*Si Rene, gusto akong patayin! Sinaksak niya ako!*” When *PO2 Asintado* was about to carry her, *Kulasa* refused and said “*Kaya ko. Mababaw lang to. Habulin mo si Rene.*”

The following day, *Rene* learned of *Kulasa's* death and, bothered by his conscience, surrendered to the authorities with his counsel. As his surrender was broadcasted all over media, *Rene* opted to release his statement to the press which goes:

“I believe that I am entitled to the presumption of innocence until my guilt is proven beyond reasonable doubt. Although I admit that I performed acts that may take one's life away, I hope and pray that justice will be served the right way. God bless us all.

(Sgd.)

Rene”

The trial court convicted *Rene* of homicide on the basis of *PO2 Asintado's* testimony, *Kulasa's* statements, and *Rene's* statement to the press. On appeal, *Rene* raises the following errors:

1. The trial court erred in giving weight to *PO2 Asintado's* testimony, as the latter did not have any personal knowledge of the facts in issue, and violated *Rene's* right to due process when it considered *Kulasa's* statements despite lack of opportunity for her cross-examination.
2. The trial court erred in holding that *Rene's* statement to the press was a confession which, standing alone, would be sufficient to warrant conviction.

Resolve. (4%)

IV.

An order of the court requiring a retroactive re-dating of an order, judgment or document filing be entered or recorded in a judgment is: (1%)

- (A) *pro hac vice*
- (B) *non pro tunc*
- (C) *confession relicta verificatione*
- (D) *nolle prosequi*

V.

Landlord, a resident of Quezon City, entered into a lease contract with *Tenant*, a resident of Marikina City, over a residential house in Las Piñas City. The lease contract provided, among others, for a monthly rental of ₱25,000.00, plus ten percent (10%) interest rate in case of non-payment on its due date. Subsequently, *Landlord* migrated to the United States of America (*USA*) but granted in favor of his sister *Maria*, a special power of attorney to manage the property and file and defend suits over the property rented out to *Tenant*. *Tenant* failed to pay the rentals due for five (5) months.

Maria asks your legal advice on how she can expeditiously collect from *Tenant* the unpaid rentals plus interests due. (6%)

- (A) What judicial remedy would you recommend to *Maria*?
- (B) Where is the proper venue of the judicial remedy which you recommended?
- (C) If *Maria* insists on filing an ejectment suit against *Tenant*, when do you reckon the one (1)-year period within which to file the action?

VI.

As a rule, courts may not grant an application for provisional remedy without complying with the requirements of notice and hearing. These requirements, however, may be dispensed with in an application for: (1%)

- (A) writ of preliminary injunction
- (B) writ for preliminary attachment
- (C) an order granting support *pendente lite*
- (D) a writ of replevin

VII.

Co Batong, a Taipan, filed a civil action for damages with the Regional Trial Court (*RTC*) of Parañaque City against *Jose Penduko*, a news reporter of the Philippine Times, a newspaper of general circulation printed and published in Parañaque City. The complaint alleged, among others, that *Jose Penduko* wrote malicious and defamatory imputations against *Co Batong*; that *Co Batong*'s business address is in Makati City; and that the libelous article was first printed and published in Parañaque City. The complaint prayed that *Jose Penduko* be held liable to pay ₱200,000.00, as moral damages; ₱150,000.00, as exemplary damages; and ₱50,000.00, as attorney's fees.

Jose Penduko filed a Motion to Dismiss on the following grounds:

1. The RTC is without jurisdiction because under the Totality Rule, the claim for damages in the amount of ₱350,000.00 fall within the exclusive original jurisdiction of the Metropolitan Trial Court (*MeTC*) of Parañaque City.
2. The venue is improperly laid because what the complaint alleged is *Co Batong's* business address and not his residence address.

Are the grounds invoked in the Motion to Dismiss proper? (4%)

VIII.

Johnny, a naturalized citizen of the United States of America (USA) but formerly a Filipino citizen, executed a notarial will in accordance with the laws of the State of California, USA. *Johnny*, at the time of his death, was survived by his niece *Anastacia*, an American citizen residing at the condominium unit of *Johnny* located at Fort Bonifacio, Taguig City; a younger brother, *Bartolome*, who manages *Johnny's* fish pond in Lingayen, Pangasinan; and a younger sister, *Christina*, who manages *Johnny's* rental condominium units in Makati City. *Johnny's* entire estate which he inherited from his parents is valued at ₱200 million. *Johnny* appointed *Anastacia* as executrix of his will. (4%)

- (A) Can *Johnny's* notarial will be probated before the proper court in the Philippines?
- (B) Is *Anastacia* qualified to be the executrix of *Johnny's* notarial will?

IX.

Bayani, an overseas worker based in Dubai, issued in favor of *Agente*, a special power of attorney to sell his house and lot. *Agente* was able to sell the property but failed to remit the proceeds to *Bayani*, as agreed upon. On his return to the Philippines, *Bayani*, by way of a demand letter duly received by *Agente*, sought to recover the amount due him. *Agente* failed to return the amount as he had used it for the construction of his own house. Thus, *Bayani* filed an action against *Agente* for sum of money with damages. *Bayani* subsequently filed an *ex-parte* motion for the issuance of a writ of preliminary attachment duly supported by an affidavit. The court granted the *ex-parte* motion and issued a writ of preliminary attachment upon *Bayani's* posting of the required bond. *Bayani* prayed that the court's sheriff be deputized to serve and implement the writ of attachment. On November 19, 2013, the Sheriff served upon *Agente* the writ of attachment and levied

on the latter's house and lot. On November 20, 2013, the Sheriff served on *Agente* summons and a copy of the complaint. On November 22, 2013, *Agente* filed an *Answer with Motion to Discharge the Writ of Attachment* alleging that at the time the writ of preliminary attachment was issued, he has not been served with summons and, therefore, it was improperly issued.

(4%)

- (A) Is *Agente* correct?
- (B) Was the writ of preliminary attachment properly executed?

X.

Prince Chong entered into a lease contract with *King Kong* over a commercial building where the former conducted his hardware business. The lease contract stipulated, among others, a monthly rental of ₱50,000.00 for a four (4)-year period commencing on January 1, 2010. On January 1, 2013, *Prince Chong* died. *Kin Il Chong* was appointed administrator of the estate of *Prince Chong*, but the former failed to pay the rentals for the months of January to June 2013 despite *King Kong's* written demands. Thus, on July 1, 2013, *King Kong* filed with the Regional Trial Court (RTC) an action for rescission of contract with damages and payment of accrued rentals as of June 30, 2013. (4%)

- (A) Can *Kin Il Chong* move to dismiss the complaint on the ground that the RTC is without jurisdiction since the amount claimed is only ₱300,000.00?
- (B) If the rentals accrued during the lifetime of *Prince Chong*, and *King Kong* also filed the complaint for sum of money during that time, will the action be dismissible upon *Prince Chong's* death during the pendency of the case?

XI.

A search warrant was issued for the purpose of looking for unlicensed firearms in the house of *Ass-asin*, a notorious gun for hire. When the police served the warrant, they also sought the assistance of *barangay tanods* who were assigned to look at other portions of the premises around the house. In a *nipa* hut thirty (30) meters away from the house of *Ass-asin*, a *barangay tanod* came upon a kilo of marijuana that was wrapped in newsprint. He took it and this was later used by the authorities to charge *Ass-asin* with illegal possession of marijuana. *Ass-asin* objected to the introduction of such evidence claiming that it was illegally seized. Is the objection of *Ass-asin* valid? (4%)

XII.

Mary Jane met *Shiela May* at the recruitment agency where they both applied for overseas employment. They exchanged pleasantries, including details of their personal circumstances. Fortunately, *Mary Jane* was deployed to work as front desk receptionist at a hotel in Abu Dhabi where she met *Sultan Ahmed* who proposed marriage, to which she readily accepted. Unfortunately for *Shiela May*, she was not deployed to work abroad, and this made her envious of *Mary Jane*.

Mary Jane returned to the Philippines to prepare for her wedding. She secured from the National Statistics Office (NSO) a Certificate of No Marriage. It turned out from the NSO records that *Mary Jane* had previously contracted marriage with *John Starr*, a British citizen, which she never did. The purported marriage between *Mary Jane* and *John Starr* contained all the required pertinent details on *Mary Jane*. *Mary Jane* later on learned that *Shiela May* is the best friend of *John Starr*.

As a lawyer, *Mary Jane* seeks your advice on her predicament.

What legal remedy will you avail to enable *Mary Jane* to contract marriage with *Sultan Ahmed*? (4%)

XIII.

A foreign *dog* trained to sniff dangerous drugs from packages, was hired by *FDP Corporation*, a door to door forwarder company, to sniff packages in their depot at the international airport. In one of the routinary inspections of packages waiting to be sent to the United States of America (USA), the *dog* sat beside one of the packages, a signal that the package contained dangerous drugs. Thereafter, the guards opened the package and found two (2) kilograms of cocaine. The *owner* of the package was arrested and charges were filed against him. During the trial, the prosecution, through the trainer who was present during the incident and an expert in this kind of field, testified that the *dog* was highly trained to sniff packages to determine if the contents were dangerous drugs and the sniffing technique of these highly trained dogs was accepted worldwide and had been successful in dangerous drugs operations. The prosecution moved to admit this evidence to justify the opening of the package. The accused objected on the grounds that: (i) the guards had no personal knowledge of the contents of the package before it was opened; (ii) the testimony of the trainer of the *dog* is hearsay; and (iii) the accused could not cross-examine the *dog*. Decide. (4%)

XIV.

When a Municipal Trial Court (*MTC*), pursuant to its delegated jurisdiction, renders an adverse judgment in an application for land registration, the aggrieved party's remedy is: **(1%)**

- (A) ordinary appeal to the Regional Trial Court
- (B) petition for review on *certiorari* to the Supreme Court
- (C) ordinary appeal to the Court of Appeals
- (D) petition for review to the Court of Appeals

XV.

The Ombudsman, after conducting the requisite preliminary investigation, found probable cause to charge *Gov. Matigas* in conspiracy with *Carpintero*, a private individual, for violating Section 3(e) of Republic Act (RA) No. 3019 (*Anti-Graft and Corrupt Practices Act*, as amended). Before the information could be filed with the Sandiganbayan, *Gov. Matigas* was killed in an ambush. This, notwithstanding, an information was filed against *Gov. Matigas* and *Carpintero*.

At the Sandiganbayan, *Carpintero* through counsel, filed a Motion to Quash the Information, on the ground of lack of jurisdiction of the Sandiganbayan, arguing that with the death of *Gov. Matigas*, there is no public officer charged in the information.

Is the motion to quash legally tenable? **(4%)**

XVI.

Plaintiff filed a complaint denominated as *accion publiciana*, against *defendant*. In his answer, *defendant* alleged that he had no interest over the land in question, except as lessee of *Z*. *Plaintiff* subsequently filed an affidavit of *Z*, the lessor of *defendant*, stating that *Z* had sold to *plaintiff* all his rights and interests in the property as shown by a deed of transfer attached to the affidavit. Thus, *plaintiff* may ask the court to render: **(1%)**

- (A) summary judgment
- (B) judgment on the pleadings
- (C) partial judgment
- (D) judgment by default

XVII.

A was charged before the Sandiganbayan with a crime of plunder, a non-bailable offense, where the court had already issued a warrant for his arrest. Without A being arrested, his lawyer filed a *Motion to Quash Arrest Warrant and to Fix Bail*, arguing that the allegations in the information did not charge the crime of plunder but a crime of malversation, a bailable offense. The court denied the motion on the ground that it had not yet acquired jurisdiction over the person of the accused and that the accused should be under the custody of the court since the crime charged was non-bailable. The accused's lawyer counter-argued that the court can rule on the motion even if the accused was at-large because it had jurisdiction over the subject matter of the case. According to said lawyer, there was no need for the accused to be under the custody of the court because what was filed was a *Motion to Quash Arrest and to Fix Bail*, not a *Petition for Bail*.

- (A) If you are the Sandiganbayan, how will you rule on the motion? (3%)
- (B) If the Sandiganbayan denies the motion, what judicial remedy should the accused undertake? (2%)

XVIII.

A was charged with murder in the lower court. His *Petition for Bail* was denied after a summary hearing on the ground that the prosecution had established a strong evidence of guilt. No *Motion for Reconsideration* was filed from the denial of the *Petition for Bail*. During the reception of the evidence of the accused, the accused reiterated his petition for bail on the ground that the witnesses so far presented by the accused had shown that no qualifying aggravating circumstance attended the killing. The court denied the petition on the grounds that it had already ruled that: (i) the evidence of guilt is strong; (ii) the resolution for the *Petition for Bail* is solely based on the evidence presented by the prosecution; and (iii) no *Motion for Reconsideration* was filed from the denial of the *Petition for Bail*. (6%)

- (A) If you are the Judge, how will you resolve the incident?
- (B) Suppose the accused is convicted of the crime of homicide and the accused filed a Notice of Appeal, is he entitled to bail?

XIX.

A vicarious admission is considered an exception to the hearsay rule. It, however, does not cover: (1%)

- (A) admission by a conspirator
- (B) admission by a privy
- (C) judicial admission
- (D) adoptive admission

XX.

Tom Wallis filed with the Regional Trial Court (RTC) a Petition for Declaration of Nullity of his marriage with *Debi Wallis* on the ground of psychological incapacity of the latter. Before filing the petition, *Tom Wallis* had told *Debi Wallis* that he wanted the annulment of their marriage because he was already fed up with her irrational and eccentric behaviour. However, in the petition for declaration of nullity of marriage, the correct residential address of *Debi Wallis* was deliberately not alleged and instead, the residential address of their married son was stated. Summons was served by substituted service at the address stated in the petition. For failure to file an answer, *Debi Wallis* was declared *in default* and *Tom Wallis* presented evidence *ex-parte*. The RTC rendered judgment declaring the marriage null and void on the ground of psychological incapacity of *Debi Wallis*. Three (3) years after the RTC judgment was rendered, *Debi Wallis* got hold of a copy thereof and wanted to have the RTC judgment reversed and set aside. If you are the lawyer of *Debi Wallis*, what judicial remedy or remedies will you take? Discuss and specify the ground or grounds for said remedy or remedies. (5%)

XXI.

Goodfeather Corporation, through its President, *Al Pakino*, filed with the Regional Trial Court (RTC) a complaint for specific performance against *Robert White*. Instead of filing an answer to the complaint, *Robert White* filed a motion to dismiss the complaint on the ground of lack of the appropriate board resolution from the Board of Directors of *Goodfeather Corporation* to show the authority of *Al Pakino* to represent the corporation and file the complaint in its behalf. The RTC granted the motion to dismiss and, accordingly, it ordered the dismissal of the complaint. *Al Pakino* filed a motion for reconsideration which the RTC denied. As nothing more could be done by *Al Pakino* before the RTC, he filed an appeal before the Court of Appeals (CA). *Robert White* moved for dismissal of the appeal on the

ground that the same involved purely a question of law and should have been filed with the Supreme Court (SC). However, *Al Pakino* claimed that the appeal involved mixed questions of fact and law because there must be a factual determination if, indeed, *Al Pakino* was duly authorized by *Goodfeather Corporation* to file the complaint. Whose position is correct? Explain. (4%)

XXII.

Which of the following decisions may be appealed directly to the Supreme Court (SC)? (Assume that the issues to be raised on appeal involve purely questions of law) (1%)

- (A) Decision of the Regional Trial Court (RTC) rendered in the exercise of its appellate jurisdiction
- (B) Decision of the RTC rendered in the exercise of its original jurisdiction
- (C) Decision of the Civil Service Commission
- (D) Decision of the Office of the President

XXIII.

Mr. Humpty filed with the Regional Trial Court (RTC) a complaint against *Ms. Dumpty* for damages. The RTC, after due proceedings, rendered a decision granting the complaint and ordering *Ms. Dumpty* to pay damages to *Mr. Humpty*. *Ms. Dumpty* timely filed an appeal before the Court of Appeals (CA), questioning the RTC decision. Meanwhile, the RTC granted *Mr. Humpty's* motion for execution pending appeal. Upon receipt of the RTC's order granting execution pending appeal, *Ms. Dumpty* filed with the CA another case, this time a special civil action for *certiorari* assailing said RTC order. Is there a violation of the rule against forum shopping considering that two (2) actions emanating from the same case with the RTC were filed by *Ms. Dumpty* with the CA? Explain. (4%)

XXIV.

Solomon and *Faith* got married in 2005. In 2010, *Solomon* contracted a second marriage with *Hope*. When *Faith* found out about the second marriage of *Solomon* and *Hope*, she filed a criminal case for bigamy before the Regional Trial Court (RTC) of Manila sometime in 2011.

Meanwhile, *Solomon* filed a petition for declaration of nullity of his first marriage with *Faith* in 2012, while the case for bigamy before the RTC

of Manila is ongoing. Subsequently, *Solomon* filed a motion to suspend the proceedings in the bigamy case on the ground of prejudicial question. He asserts that the proceedings in the criminal case should be suspended because if his first marriage with *Faith* will be declared null and void, it will have the effect of exculpating him from the crime of bigamy. Decide. (4%)

XXV.

Mr. Boaz filed an action for ejectment against *Mr. Jachin* before the Metropolitan Trial Court (*MeTC*). *Mr. Jachin* actively participated in every stage of the proceedings knowing fully well that the *MeTC* had no jurisdiction over the action. In his mind, *Mr. Jachin* was thinking that if the *MeTC* rendered judgment against him, he could always raise the issue on the jurisdiction of the *MeTC*. After trial, the *MeTC* rendered judgment against *Mr. Jachin*. What is the remedy of *Mr. Jachin*? (1%)

- (A) File an appeal
- (B) File an action for nullification of judgment
- (C) File a motion for reconsideration
- (D) File a petition for *certiorari* under Rule 65

XXVI.

Parole evidence is an: (1%)

- (A) agreement not included in the document
- (B) oral agreement not included in the document
- (C) agreement included in the document
- (D) oral agreement included in the document

XXVII.

Mr. Avenger filed with the Regional Trial Court (*RTC*) a complaint against *Ms. Bright* for annulment of deed of sale and other documents. *Ms. Bright* filed a motion to dismiss the complaint on the ground of lack of cause of action. *Mr. Avenger* filed an opposition to the motion to dismiss.

State and discuss the appropriate remedy/remedies under each of the following situations: (6%)

- (A) If the *RTC* grants *Ms. Bright's* motion to dismiss and dismisses the complaint on the ground of lack of cause of action, what will be the remedy/remedies of *Mr. Avenger*?

- (B) If the RTC denies *Ms. Bright's* motion to dismiss, what will be her remedy/remedies?
- (C) If the RTC denies *Ms. Bright's* motion to dismiss and, further proceedings, including trial on the merits, are conducted until the RTC renders a decision in favor of *Mr. Avenger*, what will be the remedy/remedies of *Ms. Bright*?

XXVIII.

A was adopted by B and C when A was only a toddler. Later on in life, A filed with the Regional Trial Court (RTC) a petition for change of name under Rule 103 of the Rules of Court, as he wanted to reassume the surname of his natural parents because the surname of his adoptive parents sounded offensive and was seriously affecting his business and social life. The adoptive parents gave their consent to the petition for change of name. May A file a petition for change of name? If the RTC grants the petition for change of name, what, if any, will be the effect on the respective relations of A with his adoptive parents and with his natural parents? Discuss. (4%)

XXIX.

Estrella was the registered owner of a huge parcel of land located in a remote part of their *barrio* in *Benguet*. However, when she visited the property after she took a long vacation abroad, she was surprised to see that her childhood friend, *John*, had established a vacation house on her property. Both *Estrella* and *John* were residents of the same *barangay*.

To recover possession, *Estrella* filed a complaint for ejectment with the Municipal Trial Court (MTC), alleging that she is the true owner of the land as evidenced by her certificate of title and tax declaration which showed the assessed value of the property as ₱21,000.00. On the other hand, *John* refuted *Estrella's* claim of ownership and submitted in evidence a Deed of Absolute Sale between him and *Estrella*. After the filing of *John's* answer, the MTC observed that the real issue was one of ownership and not of possession. Hence, the MTC dismissed the complaint for lack of jurisdiction.

On appeal by *Estrella* to the Regional Trial Court (RTC), a full-blown trial was conducted as if the case was originally filed with it. The RTC reasoned that based on the assessed value of the property, it was the court of proper jurisdiction. Eventually, the RTC rendered a judgment declaring *John* as the owner of the land and, hence, entitled to the possession thereof. (4%)

- (A) Was the MTC correct in dismissing the complaint for lack of jurisdiction? Why or why not?
- (B) Was the RTC correct in ruling that based on the assessed value of the property, the case was within its original jurisdiction and, hence, it may conduct a full-blown trial of the appealed case as if it was originally filed with it? Why or why not?

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