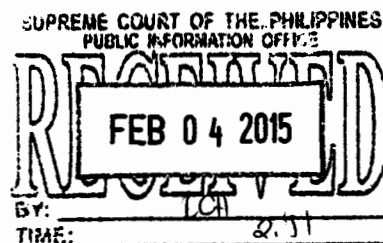




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 10, 2014** which reads as follows:*

“G.R. No. 206243 (Mahogany Grove Homeowners Association, Inc. v. Spouses Bernardo S. Turno, Jr. and Rouella G. Turno).

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the April 2, 2012 Decision¹ and February 6, 2013 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 05896 for failure of petitioner Mahogany Grove Homeowners Association, Inc. (MGHAI) to sufficiently show that the CA committed any reversible error in denying their motion to dismiss.

As correctly ruled by the CA, respondents-spouses Bernardo S. Turno and Rouella G. Turno’s complaint did not allege that they were members of MGHAI, and, in fact, had denied that they were affiliated with it. Thus, given that the complaint does not readily show their membership in the said homeowner’s association, it cannot be said that the Housing and Land Use Regulatory Board had jurisdiction over the case, at least, for the purpose of granting MGHAI’s motion to dismiss. It is well-settled that in a motion to dismiss based on lack of jurisdiction, the movant hypothetically admits the veracity of the allegations in the complaint, and accordingly,

- over – two (2) pages

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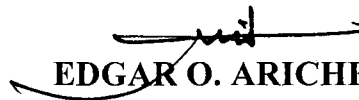
¹ Rollo, pp. 42-53. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Pampio A. Abarintos and Ramon Paul L. Hernando, concurring.

² Id. at 56-57. Penned by Associate Justice Pampio A. Abarintos with Associate Justices Ramon Paul L. Hernando and Carmelita Salandanan-Manahan, concurring.

jurisdiction is not affected by the pleas or theories set forth in an answer or a motion to dismiss; otherwise, it would become almost entirely dependent upon the whims and caprices of the defendant or movant.³ Verily, the allegations in the complaint and the reliefs prayed for determine the nature of the action and of which court has jurisdiction over the subject matter,⁴ as in this case.

SO ORDERED.” BERSAMIN, J., on official leave; **REYES, J.,** designated acting member per S.O. No. 1892 dated November 28, 2014. **PEREZ, J.,** on official leave; **CARPIO, J.,** designated acting member per S.O. No. 1899 dated December 3, 2014.

Very truly yours,


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Division Clerk of Court₂₀₁₄
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Supreme Court

The Hon. Presiding Judge
Regional Trial Court, Br. 56
Mandaue City 6014
(Civil Case No. MAN-6369)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

SR

³ See *Sta. Clara Homeowners' Association v. Sps. Gaston*, 425 Phil. 221, 237-238 (2002); citation omitted.

⁴ “Basic as a hornbook principle is that jurisdiction over the subject matter of a case is conferred by law and determined by the allegations in the complaint which comprise a concise statement of the ultimate facts constituting the plaintiff’s cause of action. The nature of an action, as well as which court or body has jurisdiction over it, is determined based on the allegations contained in the complaint of the plaintiff, irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein. The averments in the complaint and the character of the relief sought are the ones to be consulted. Once vested by the allegations in the complaint, jurisdiction also remains vested irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein.” (*Padlan v. Dinglasan*, G.R. No. 180321, March 20, 2013, 694 SCRA 91, 98-99; citation omitted.)

