

Title: Ang Kek Chen vs. Spouses Atty. Eleazar S. Calasan and Leticia B. Calasan

Facts:

Ang Kek Chen, a non-lawyer residing in Manila, clashed with Atty. Eleazar S. Calasan and his spouse in a series of legal battles due to libel and defamation claims stemming from Chen's allegations against a corporation linked to Calasan. Calasan, domiciled in Aparri, Cagayan but primarily residing in Las Piñas due to his profession, sought reparation for damages in Aparri. Chen's motion to dismiss was initially granted by the Aparri RTC due to improper venue. Upon Calasan's appeal, the CA reversed its decision, prompting Chen to escalate the matter to the Supreme Court under a Petition for Review on Certiorari.

Procedural Posture:

- Chen files motion to dismiss in Aparri RTC: Granted.
- Calasans appeal to CA via Petition for Certiorari: Initially dismissed; later granted upon reconsideration.
- Chen proceeds to the Supreme Court with Petition for Review on Certiorari.

Issues:

1. Was the CA correct in dismissing the petition for certiorari, thereby supporting the Aparri RTC's conclusion on improper venue?
2. Did the CA err in reversing its decision upon the respondents' reconsideration motion?
3. Can a Petition for Certiorari substitute for a lost appeal?

Court's Decision:

The Supreme Court clarified the distinction between "actual residence" and "domicile", upholding that for purposes of determining venue, one's place of residence, where one physically inhabits, is paramount over legal domicile. It reinstated the original CA decision dismissing the complaint for being filed in the incorrect venue, correcting the CA's reversal upon reconsideration.

Doctrine:

This case reiterates the principle that "residence" and "domicile" possess distinct legal meanings, especially relevant in determining the appropriate venue for filing lawsuits. "Residence" is interpreted as the actual, physical habitation of a person, divergent from

“domicile” which is more permanently tied to legal identity.

Class Notes:

- **Domicile vs. Residence**: Domicile denotes legal, permanent residence with intent to return; residence is actual, physical habitation. One may have multiple residences but only one domicile.
- **Venue for Libel Cases**: Under Article 360 of the Revised Penal Code, the venue in libel cases is determined by the place where the libelous material is printed/published or the actual residence of any offended party at the time of the offense.
- **Petition for Certiorari as a Remedy**: Used to challenge decisions/actions perceived as done with grave abuse of discretion but cannot substitute for a direct appeal lost due to procedural errors.

Historical Background:

The distinction between domicile and residence has evolved, impacting various legal contexts, including election laws, tax obligations, and judicial proceedings like libel. This case highlights the judiciary’s role in clarifying these distinctions, shaping legal interpretations suited to contemporary circumstances.