

### Title: Cynthia V. Nittscher vs. Dr. Werner Karl Johann Nittscher (Deceased), Atty. Rogelio P. Nogales, and the Regional Trial Court of Makati (Branch 59)

### Facts:

1. **Initial Probate Petition:**

- On January 31, 1990, Dr. Werner Karl Johann Nittscher filed a petition with the Regional Trial Court (RTC) of Makati City for the probate of his holographic will and for the issuance of letters testamentary to Atty. Rogelio P. Nogales.

2. **RTC's Initial Approval:**

- On September 19, 1991, the probate court issued an order allowing the holographic will after a hearing and due notice to the compulsory heirs.

3. **Death of Dr. Nittscher:**

- Dr. Nittscher died on September 26, 1994.

4. **Petition for Letters Testamentary:**

- Atty. Nogales filed a petition for letters testamentary to administer the estate of the deceased.

- Cynthia V. Nittscher, the surviving spouse, moved to dismiss this petition, asserting issues regarding jurisdiction and due process.

5. **RTC's Denial of Motion to Dismiss:**

- On September 29, 1995, the RTC denied Cynthia's motion to dismiss and granted Atty. Nogales's petition for the issuance of letters testamentary.

6. **Issuance of Letters Testamentary:**

- On May 9, 1996, Atty. Nogales was issued letters testamentary and was sworn in as executor.

7. **Appeal to the Court of Appeals:**

- Cynthia appealed to the Court of Appeals, challenging the RTC's jurisdiction and asserting that she was denied due process.

8. **Court of Appeals Decision:**

- The Court of Appeals dismissed Cynthia's appeal in a decision dated July 31, 2003, affirming the RTC's order in toto.

- Cynthia's motion for reconsideration was also denied.

### Issues:

1. **Certification Against Forum-Shopping:**

- Whether the lack of a certification against forum-shopping warranted the dismissal of the petition for issuance of letters testamentary.

2. **Jurisdiction of the RTC:**

- Whether the RTC of Makati City had jurisdiction over the probate proceedings.

3. **Proper Issuance of Summons:**

- Whether the summons were properly issued to all interested parties in the probate proceedings.

4. **Due Process:**

- Whether Cynthia was denied due process in the probate proceedings.

### Court's Decision:

1. **Certification Against Forum-Shopping:**

- The Supreme Court held that the petition for the issuance of letters testamentary was not an initiatory pleading but a continuation of the probate proceedings. Thus, the absence of a certification against forum-shopping did not warrant dismissal.

2. **Jurisdiction of the RTC:**

- The Court affirmed that Dr. Nittscher was a resident of Las Piñas, Metro Manila, at the time of his death. Under Section 1, Rule 73 of the Rules of Court, the RTC of Makati City had proper jurisdiction since Las Piñas was under its territorial scope at that time.

3. **Proper Issuance of Summons:**

- Records showed that Cynthia and other heirs were duly notified by registered mail. Cynthia's active participation in the proceedings further invalidated her claim. The notice requirements under Section 4, Rule 76 of the Rules of Court were satisfied.

4. **Due Process:**

- The Supreme Court determined that Cynthia was not denied due process. She had multiple opportunities to challenge the proceedings and actively participated by filing motions and appearing in court.

### Doctrine:

- **Certification Against Forum-Shopping:**

The requirement of certification against forum-shopping applies only to initiatory pleadings, not to continuations of existing proceedings.

- **Jurisdiction:**

A probate court has jurisdiction if the decedent was an inhabitant of the province in question at the time of death or had an estate within that jurisdiction.

- **Due Process in Probate Proceedings:**

Proper notification and active participation in the proceedings fulfill due process requirements.

### Class Notes:

- **Probate Proceedings:**

- Generally pertains to the judicial process by which a will is “proved” in a court and accepted as a valid public document that is the true last testament of the deceased.

- **Relevant Statute:** Rule 76, Section 4 of the Rules of Court, Civil Code Article 838.

- **Certification Against Forum-Shopping:**

- **Revised Circular No. 28-91 and Administrative Circular No. 04-94:** Apply to initiatory pleadings, requiring certification to prevent multiple filings in different forums.

- **Jurisdiction:**

- **Rule 73, Section 1 of the Rules of Court:** Probate jurisdiction depends on the residence of the decedent or the location of the estate if the decedent was not a resident.

### Historical Background:

The case contextualizes the procedural and jurisdictional intricacies involved in probate proceedings in the Philippine judicial system. The focus is on ensuring due process and proper legal formalities are followed during the administration of estates, reflecting the evolving landscape of estate law post Martial Law era and codification under the New Civil Code. This particular case showcases the judiciary’s interpretation and enforcement of procedural rules intended to safeguard against forum shopping, reinforce judicial efficiency, and ensure appropriate jurisdictional handling of probate matters.