

### Title:

Felicitias Aguilar Bollozos vs. Heirs of Luisa Abrio Vda. De Aguilar (G.R. No. [Case Number])

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### Facts:

1. **December 28, 2007:** Florentino Diputado, as the executor named in Luisa Abrio Vda. de Aguilar's will, filed a Verified Petition for probate before the Regional Trial Court (RTC) of Misamis Oriental, Branch 17.
  2. **January 7, 2008:** The RTC set the hearing for February 13, 2008, ordered the publication of the hearing notice for three consecutive weeks in a local newspaper, and notified interested parties to appear.
  3. **January 28, 2008:** Felicitias Aguilar Bollozos, claiming to be the sole surviving heir of Vda. de Aguilar, filed an Opposition with Motion to Dismiss grounded on the non-payment of proper docket fees.
  4. **October 23, 2008:** The RTC denied Bollozos's Opposition.
  5. **Post-October 23, 2008:** Bollozos filed two new motions — a motion for reconsideration of the October 23 decision and a Motion to Make Definite Appraisal of Estate Value on February 27, 2009. Both were denied by the RTC on March 10, 2009, and April 21, 2009.
  6. **After April 21, 2009:** Bollozos petitioned the Court of Appeals (CA) for certiorari, arguing RTC's grave abuse of discretion in assuming jurisdiction due to deficient docket fees and defective publication, and denying the motion for definite appraisal.
  7. **June 30, 2009:** CA dismissed the certiorari petition for not filing a motion for reconsideration, leading to Bollozos filing a petition for review on certiorari before the Supreme Court.
  8. **September 23, 2010:** CA denied Bollozos's Motion for Reconsideration.
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### Issues:

1. Did the CA err in dismissing the certiorari petition for lack of a motion for reconsideration?

2. Did the RTC fail to acquire jurisdiction due to improper payment of docket fees and defective publication?

3. Should there have been a republication of the notice after the scheduled hearing date was postponed?

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**### Court's Decision:**

The Supreme Court denied the petition for review, for the following reasons:

1. **Motion for Reconsideration Exception:** The general rule is that a motion for reconsideration is a sine qua non for filing a petition for certiorari unless specific exceptions apply, such as questions of jurisdiction or purely legal issues. Here, the exceptions applied — the issues raised had already been addressed by the RTC, and further reconsideration would be inutile.

2. **Jurisdiction on Docket Fees:** The RTC acquire jurisdiction upon the payment of assessed docket fees. Errors in the amount can be corrected later, and there was no fraudulent intent in the initial petition. As long as deficiencies are paid before case closure, jurisdiction remains intact.

3. **Republication of Notice:** Once all concerned parties are initially notified, further setting or postponement of the hearing does not necessitate republication. Since the initial publication and personal notices were properly done, due process requirements were satisfied.

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**### Doctrine:**

1. **Exceptions to Motion for Reconsideration Rule:** When jurisdiction is in question or the issues raised are purely legal, the filing of a motion for reconsideration prior to certiorari may be deemed unnecessary.

2. **Jurisdiction via Docket Fees:** Payment of docket fees assessed at filing secures jurisdiction. Errors or insufficiencies regarding fees can be rectified without affecting initial jurisdiction, provided discrepancies are addressed before the case concludes.

3. **Sufficiency of Initial Notice:** Proper initial publication of notice for hearings in

probate dissolution is sufficient to satisfy due process, even if the hearing date is reset. Interested parties must remain vigilant of new dates once notified.

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### ### Class Notes:

- **Key Concepts:** Probate jurisdiction, motion for reconsideration rule, docket fees payment, due process in probate proceedings.
- **Relevant Statutes:**
- Rule 76, Section 3-4 (1997 Rules of Court)
- Rule 141, Section 7a (Rules of Court, as amended)
- **Principles Applied:**
- Jurisdiction over the case is acquired upon payment of docket fees.
- Subsequent correction of docket fees does not negate original jurisdiction.
- Initial proper publication of notice in probate proceedings satisfies due process without requiring republication for a new hearing date.

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### ### Historical Background:

The case delves into the stringent procedural requirements and due process for probate proceedings in the Philippines, particularly in estate value declarations and the necessity of publication for hearings. This reflects the careful balance the judicial system maintains in ensuring all interested parties in probate cases are adequately informed and given their due process rights, a fundamental principle rooted deeply in Philippine jurisprudence. The inherent historical context shows a robust legal mechanism favoring transparency and fairness in probate cases, protecting heirs' and creditors' rights.