

****Title:** Rosa Cayetano Cuenco vs. The Court of Appeals and the Heirs of Senator Mariano Jesus Cuenco - G.R. No. L-23416******

****Facts:****

1. On February 25, 1964, Senator Mariano Jesus Cuenco passed away at the Manila Doctors' Hospital, Manila. He left behind his widow, Rosa Cayetano Cuenco, and their two minor sons, Mariano Jesus Jr., and Jesus Salvador, residing in Quezon City. Also surviving him were his children from a previous marriage: Manuel, Lourdes, Concepcion, Carmen, Consuelo, and Teresita, all residents of Cebu.
2. On March 5, 1964, Lourdes Cuenco filed a petition for letters of administration with the Court of First Instance (CFI) of Cebu, alleging that the senator died intestate and was a resident of Cebu.
3. Later, on March 12, 1964, Rosa Cayetano Cuenco filed a petition for the probate of the senator's last will and testament in the CFI of Rizal (Quezon City).
4. The Cebu CFI, holding the allegations of the intestate proceedings initiated by Lourdes Cuenco, deferred its decision upon learning about the probate petition pending in Quezon City.
5. The Quezon City court, denying a motion to dismiss the probate filed by the respondents (Senator's children from the first marriage), ruled that the decedent's residence was in Quezon City and admitted the last will to probate.
6. The respondents contested the Quezon City court's jurisdiction by elevating the matter to the Court of Appeals.
7. The Court of Appeals ruled in favor of the respondents, holding that the CFI of Cebu had the correct jurisdiction being the first to take cognizance of the petition.
8. Rosa Cayetano Cuenco filed a petition for certiorari to the Supreme Court to review the decision of the Court of Appeals.

****Issues:****

1. Whether the CFI of Cebu or the CFI of Quezon City had the jurisdiction to settle the estate of Senator Mariano Jesus Cuenco.
2. Whether the Quezon City court acted correctly in admitting the will to probate and appointing Rosa Cayetano Cuenco as the executrix.

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

The Supreme Court reversed the decision of the Court of Appeals, finding that:

1. ****Jurisdiction over Probate and Intestate Proceedings:****
 - The Judiciary Act grants original jurisdiction over probate matters to all Courts of First

Instance.

- Rule 73, Section 1, establishes venue and specifies that the court first taking cognizance of the settlement shall exercise jurisdiction to the exclusion of others. However, here it was about venue, not jurisdiction, making them waivable.

- The Cebu court deferred to the Quezon City court upon determining the latter's venue as the decedent's chosen residence, thus, the Quezon City court properly took cognizance of the probate petition.

2. **Probate vs. Intestate Proceedings:**

- Probate proceedings take precedence over intestate proceedings. This principle was upheld reinforcing the legitimacy of the Quezon City court's action.

3. **Right to Challenge and Finality:**

- Respondents failed to seek timely recourse through certiorari from the Cebu court's order deferring to Quezon City court.

- The Quezon City court's order admitting the will for probate and appointing petitioner as executrix stands final due to the non-appeal by the respondents.

Doctrine:

- **Rule of Venue vs Jurisdiction:**

- Procedural rules on venue, as in probate cases, do not strictly affect jurisdiction. Jurisdiction over the subject matter is not contingent on residence but procedural rules define procedural propriety.

- **Precedence of Probate Proceedings:**

- When a decedent is believed to have a will, probate proceedings should replace intestate proceedings. The court must resolve any question of the decedent's place of residence in connection to the proper forum.

- **Deference and Comity among Courts:**

- When one court defers jurisdiction in favor of another, respecting each court's procedural progression is pertinent. The litigation aim should not revolve around mere technicalities but heeding actual merits for justice delivery.

Class Notes:

1. **Probate Proceedings:** Take precedence over intestate proceedings (`Uriarte vs. Court of First Instance of Negros Occidental`).

2. **Jurisdiction vs. Venue:** Venue in probate is procedural, not affecting jurisdiction (`Sy Oa vs. Co Ho` , 74 Phil. 239, 1943).

3. **Deference:** Practical judicial administration necessitates deference and coordination between courts (`33 SCRA 252`).

4. **Rule 73, Section 1 and Doctrine of Venue:**

- The court first taking cognizance of estate settlement jurisdiction to exclude others unless waived (Rule 73, sec.1).

5. **Finality of Court Orders:** Unappealed probate orders stand binding and final, not subjected to collateral proceedings.

Historical Background:

This case arose amid the post-war reconstruction era, with a reinforced Philippines legal system reflecting on colonial procedural borrowings and evolved Filipino jurisprudence. It highlights the jurisdictional interplay amongst regional courts, streamlining the procedures for settling estates and reinforcing judicial comity. Through these proceedings, critical doctrines surrounding probate and testate versus intestate disputes were solidified, underlining the judiciary's adaptive mechanisms to administer justice swiftly and justly.