

****Title:****

Generosa Almeda Latorre vs. Luis Esteban Latorre

****Facts:****

In October 2000, Generosa Almeda Latorre (petitioner) filed a Complaint for Collection and Declaration of Nullity of Deed of Absolute Sale with application for Injunction against her son, Luis Esteban Latorre (respondent), and Ifzal Ali (Ifzal) in the RTC of Muntinlupa City.

1. ****Contract of Lease:**** On September 28, 1999, respondent and Ifzal entered into a lease contract for a property located at No. 1366 Caballero St., Dasmariñas Village, Makati City, with respondent declaring himself as the sole owner.
2. ****Alleged Co-ownership:**** Petitioner argued she was a co-owner of the property, which was jointly donated to The Porfirio D. Latorre Memorial & Fr. Luis Esteban Latorre Foundation, Inc. in 1989 but later revoked in 1994 without registration.
3. ****Adverse Claim on TCT:**** Petitioner discovered an adverse claim on the title by respondent, citing a forged Deed of Absolute Sale dated March 21, 2000.
4. ****Motions:**** Respondent moved to dismiss based on improper venue, asserting the case should be filed in Makati not Muntinlupa. Ifzal claimed diplomatic immunity.
5. ****RTC Orders:****
 - ****TRO issued:**** On November 6, 2000, preventing Ifzal from paying and the respondent from receiving rentals.
 - ****Dismissal Denial:**** On January 2, 2001, the RTC denied the respondent's motion to dismiss.
6. ****Trial Disposition:**** On May 15, 2003, the RTC dismissed claims against Ifzal. The final decision on April 29, 2008, ruled improper venue, dismissing the entire case.

****Issues:****

1. ****Proper Venue:**** Whether the venue of the case was properly laid in the RTC of Muntinlupa City or if it should have been in Makati City.
2. ****Real vs. Personal Action:**** Whether the action was real (affecting title/possession) or personal (other claims).
3. ****Motion to Dismiss:**** Whether the RTC erred by denying the respondent's motion to dismiss based on improper venue.
4. ****Procedural Aspects:**** The procedural correctness of actions taken by the parties and the RTC.
5. ****Jurisdiction of Supreme Court:**** Whether it was appropriate for the petitioner to bring the case directly to the Supreme Court on a purported question of law rather than using

appropriate appellate channels.

Court's Decision:

- Venue:** The Supreme Court affirmed that the proper venue for actions affecting title to or possession of real property is the court with territorial jurisdiction where the property is located, which is Makati City in this case.
- Nature of Action:** The Court reiterated the principles that the nature of an action is determined by the allegations in the complaint, not its title, and that this case, seeking nullification of a deed affecting property title and possession, is a real action.
- Errors by RTC and Respondent:** The RTC's denial of the motion to dismiss was procedurally incorrect. The Supreme Court noted that the RTC should have dismissed the case outright for improper venue and lack of jurisdiction. The respondent, instead of participating further, should have filed a petition for certiorari/prohibition upon denial of his motion to dismiss.
- Petitioner's Procedural Error:** The Supreme Court held that the petitioner mistakenly filed directly with the Supreme Court under Rule 45 which is for pure questions of law, when the case involved factual determinations and should have followed procedure to appeal through the Court of Appeals.
- Dismissal Affirmed:** The petition lacked merit, showing no reversible error in the RTC's dismissal due to improper venue.

Doctrine:

- **Venue Jurisdiction Distinction:** Venue pertains to the place where a case is heard; it is not a matter of jurisdiction. Misvenue can warrant case dismissal if challenged timely.
- **Nature of Actions:** The character of an action, whether real or personal, is determined by its primary allegations and objectives, not its title.
- **Hierarchy of Courts:** Direct resort to the Supreme Court is allowed only when no other remedy is available in lower courts, emphasizing judicious procedural adherence.

Class Notes:

- **Venue (Rule 4, Rules of Civil Procedure):** Proper court based on property location for real actions; plaintiff or defendant residence for personal actions.
- **Procedural Remedies:** Use of certiorari/prohibition for addressing improper RTC actions without subjecting oneself to further trial procedures.
- **Adherence to Hierarchy:** Abide by appellate procedures before seeking Supreme Court intervention.

****Historical Background:****

This case reflects ongoing disputes over land ownership and formalities within the Philippines, highlighting procedural mechanisms to resolve interconnected issues of personal and real actions, venue, and jurisdictional understanding.