

**GERALDA CLAVERIA NAUNGAYAN, GUADALUPE CLAVERIA
MORDENO AND BONIFACIO C. ESCABARTE,?
PLAINTIFFS-APPELLEES, VS. FE CLAVERIA-CABAHUG, AGAPITO A.
CLAVERIA, JR., LUCIA A. CLAVERIA, R...**

Ponente: LAGURA-YAP, J.

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LAGURA-YAP, J.:

Before Us is an Appeal[1] from the August 13, 2008 Decision[2] and the November 11, 2008 Resolution[3] of the Regional Trial Court(RTC), Branch 18 of Hilongos, Leyte in Civil Case No. H-458, the decretal portions of which are respectively as follows:

“WHEREFORE, the DEED OF ABSOLUTE SALE OF PART OF PARCEL OF LAND dated May 6, 1991 being violative of the foregoing specific provisions of law, the same is hereby declared NULL AND VOID. Partition of the property is DIRECTED between and among the lawful and legitimate heirs of Faustina B. Claveria.

SO ORDERED.”

and

“Wherefore, finding no reason to modify the Decision dated August 13, 2008, the Motion for Reconsideration is denied for lack of merit.

SO ORDERED.”

Civil Case No. H-458 was commenced on August 25, 2003 by a Complaint[4] for Declaration of Nullity of Deed of Absolute Sale, Partition with Damages, filed by herein Plaintiffs-Appellees Geralda Claveria-Naungayan, Guadalupe Claveria-Mordeno and Bonifacia Claveria-Escabarte against herein Defendants-appellant Spouses Anecito A. Claveria and Gertrudes B. Claveria and six other defendants (who were subsequently dropped as parties[5]), before the RTC 18 of Hilongos Leyte, alleging therein, as follows:

- That plaintiffs-appellees are siblings, being children of the deceased Faustina Batocael-Claveria (Faustina), whose deceased brother Agapito Claveria, Sr is the father of defendants-appellants.

- That plaintiffs-appellees and defendants-appellants are co-owners of a ¼ portion of a parcel of a residential land originally inherited by their predecessor Faustina, from its registered owner Bernabe Basanez, which land is more particularly described, to wit

“A parcel of residential land located at Brgy. Tabok, Hindang Leyte, designated as Cad Lot No. 1147 of the Hindang Cadastre, being bounded on the North, by Lot No. 1148; on the East, by Provincial Road; on the South by Lot No. 1146; and on the West, by Lot No. 1148 , with a total land area of 531.78 sq. meters, more or less, and covered by Tax Declaration No. 02-15019-00355,[6] declared in the name of Bernabe Basanez.”

- That during the lifetime of Faustina, particularly when she was already of advanced age and showing signs of senility, she was living with one of her daughters, plaintiff-appellee Bonifacia (Bonifacia) Claveria-Escabarte, at

Tabok Hindang, Leyte.

- That barely one month from the death of Faustina, she was taken from the house of plaintiff-appellee Bonifacia by Agapito Claveria Sr. together with defendant-appellant Spouses Anecito and Gertrudes Claveria purportedly for a medical check up.

- That upon Faustina's return to the residence of Bonifacia, she was asked how her medical check up went, but she replied that she was taken to a big house and was made to sign a paper. When pressed to elaborate, she said she could no longer remember what happened.

- That on June 10, 1991, Faustina died at Bgry. Tabok, Hindang Leyte at the age of 86.[7]

- That after Faustina's burial, plaintiffs-appellees demanded for a partition of the $\frac{1}{4}$ share of their mother of Lot No. 1147, but Agapito Claveria Sr. opposed, claiming that the said portion had already been sold by Faustina to his eldest son, Aniceto A. Claveria and his wife Gertrudes B. Claveria. Agapito Claveria Sr. then showed to plaintiffs-appellees a copy of the Deed of Absolute Sale of Part of Parcel of Land.[8]

- That being informed of the alleged sale, plaintiffs-appellees, averred that the sale was impossible considering the physical condition of Faustina and the fact that she was already showing signs of senility prior her death. If indeed the subject portion was legally sold for a consideration of P6,000, Faustina would not have been insolvent when she died.

- That clearly, the sale of the subject portion of land was fraudulently made with undue influence to Faustina, at the behest of defendants-appellants, to the prejudice and damage of plaintiffs-appellees. That had Faustina only understood the circumstances of her action of disposing her property, she would not have signed the deed involving a prime residential lot for a measly amount and would have even informed her other children of the sale.

- That prior to the institution of the case, plaintiffs-appellees have exerted efforts to have the dispute settled but the same proved futile. The case was elevated to the Brgy. Authorities of Bgry. Tabok, Hindang Leyte but no settlement was made, hence the issuance of a Certification to File Action,[9] and hence the instant Complaint praying that the RTC render judgment in favor of the plaintiffs-appellees by:

- a. Declaring the annulment of the Deed of Absolute Sale of parcel of land executed by Faustina Batocael Claveria for being fraudulent made with undue influence therefore without force and effect;
- b. Ordering the partition of the one fourth ($\frac{1}{4}$) share of Faustina Batocael Claveria over the said portion of a parcel of residential land among the heirs that is the (plaintiffs-appellees) and (defendants-appellants) herein;
- c. Condemning the (defendants-appellants) to pay (plaintiffs-appellees) the amount of Php 50,000 as Moral Damages and Php 10,000 as exemplary damages;
- d. Ordering the (defendants-appellants) to pay the amount of Php 20,000 as Attorney fee; Php 5,000 as litigation expense and Php P1,000 for every court appearance;

On October 7, 2003, the RTC received from defendants-appellant Spouses Anecito Claveria and Gertrudes Claveria, their Answer With Special and Affirmative Defenses and Counterclaim.[10] There, they admitted their relations with plaintiffs-appellees but specifically denied that the latter were their co-owners of the $\frac{1}{4}$ portion of Cad Lot. No. 1147 which originally pertained to the late Faustina Claveria. They alleged that Faustina had already sold to them, on May 6, 1991, the said portion through a Deed of Absolute Sale of Part of Parcel of Land; and this disposal during her lifetime, prevented succession upon her death, moreso partition of the subject portion among her legitimate successors (plaintiffs-appellees herein) who only had an inchoate right to it before her death.

Further, defendants-appellant Spouses denied the issue of Faustina's senility. They alleged that prior Faustina's death, she was not confined in any hospital, and that the cause of her demise was congestive heart failure- an ailment that could not have affected her mental faculties around the time she entered into a contract of sale with them. Defendant-appellant Spouses also alleged that it was the late Faustina who personally went to their house to execute a public document in their favor with prior knowledge of the plaintiffs-appellees, thus they asserted that the issue of fraud or undue influence is equally untrue.

Accordingly, defendants-appellant Spouses concluded:1) that the action for Declaration of Nullity of Deed of Absolute Sale had no legal basis; 2) that partition can not lie against them after the cession of the subject property; and 3) that granting there was fraud and undue influence, the action for Annulment of the Deed had prescribed by virtue of Article 1391 of the Civil Code.[11]

Defendant-appellant Spouses posited that since they are the absolute owners “con justo titulo” of the subject property, who have been in actual, open, continuous possession of the same for more than 12 years already, the recent filing of the Complaint caused them undue suffering, mental anguish and besmirched reputation for which they are entitled to moral damages in the amount of Php 50,000.00, actual damage of Php 30, 000.00; litigation expense of Php10,000.00; Attorney's fees of Php 25, 000.00 and appearance fees of Php 1,500.00.

On October 6, 2003, plaintiffs-appellees filed their Reply.[12] The RTC then in an Order dated February 26, 2004,[13] directed the parties and their counsel to appear for a Pre-trial conference, and submit their pretrial briefs on March 26, 2004. However, with the filing of several motions for extension by the parties, it was only on May 10, 2005 that Pre-trial actually began.

Meanwhile, on August 3, 2005, defendants-appellant spouses filed a Motion to Dismiss[14] plaintiffs-appellees' Complaint on the ground that the court a quo had no jurisdiction to try and decide the case. Defendant-appellant spouses pointed out from the Tax Declaration attached to plaintiffs-appellees' Complaint, that the assessed value of Lot No.1147 is only P17,350; and that since the property subject of the Complaint is only ¼ of Lot No. 1147, the case clearly fell short of the jurisdictional requirement provided by Section 1(2) of RA 7691[15] which amended Section 19 of Batas Pambansa Blg. 129 on the jurisdiction of Regional Trial Courts. Defendant-appellant Spouses likewise pointed out that the claim for damages prayed for in the complaint had a total of only P86, 000, thus again falling short of the jurisdictional amount provided by law. They submitted that the case should have therefore been filed before the Municipal Trial Court of Hindang Inopacan Leyte, which too should have been the proper venue for the complaint.

On September 7, 2005, plaintiffs-appellees filed an Opposition to the Motion to Dismiss.[16] They countered that the case is mainly for Declaration of Nullity of Deed of Sale, in the nature of a case incapable of pecuniary estimation, and is thus rightfully under the jurisdiction of the RTC as provided by BP 129.

On November 29, 2005, Pre-trial ended.[17] A pre-trial Order was issued on December 5, 2005[18] and trial thereafter ensued.

On October 10, 2006, the case was referred to the Philippine Mediation Center (PMC) for possible amicable settlement,[19] but the case was referred back to the lower court for regular court proceedings[20] for failure of the parties to arrive at a compromise agreement.[21] Trial continued and the case was submitted for decision on May 30 2008.[22] Defendants-appellant Spouses submitted their Memorandum[23] on July 14, 2008 while Plaintiffs-Appellees submitted theirs on July 18, 2008.[24]

On August 13, 2008, the lower court rendered the assailed Decision in favor of plaintiffs-appellees. The court in its disquisition stated that:

“This court upholds the (plaintiffs-appellees). The issue of senility of Faustina B. Claveria is rejected as it is not supported by evidence. So with the issue of fraud and undue influence.

While prescription has already set in, the disposal of the property is governed by limitations as provided by law.

The law provided by the Civil Code follows:

Article 866. Legitime is that part of the testator's property which he cannot dispose of because the law has reserved it for certain heirs who are, therefore, called compulsory heirs.

Article 904. The testator cannot deprive his compulsory heirs of their legitime, except in cases expressly specified by law. Neither can he impose upon the same any burden, encumbrance, condition or substitution of any kind whatsoever.”[25]

Defendant-appellant Spouse's Motion for Reconsideration[26] of the August 13, 2008 Decision was subsequently denied, hence the instant Appeal, with the following Assignment of Errors:

I.

THE COURT ERRED IN ASSUMING JURISDICTION OVER REAL PROPERTY WITH ASSESSED VALUE OF LESS THAN 20, 000

II.

THE COURT ERRED IN ASSUMING JURISDICTION OVER CLAIM OF DAMAGES OF LESS THAN 100, 000

III.

THE COURT ERRED IN RENDERING THE DECISION WHICH DOES NOT DISTINCTLY STATE THE FINDINGS OF FACTS AND LAW;

IV.

THE COURT ERRED IN DECLARING THE DEED OF ABSOLUTE SALE NULL AND VOID AND VIOLATIVE OF THE SPECIFIC PROVISIONS OF LAW

V.

THE COURT ERRED IN ORDERING THE PARTITION OF THE PROPERTY AMONG THE LEGITIMATE HEIRS OF FAUSTINA CLAVERIA

VI.

THE COURT FAILED TO RESOLVE THE ISSUE OF PRESCRIPTION

VII.

THE COURT ERRONEOUSLY APPLIED THE LAW ON LEGITIME PROVIDED UNDER THE CIVIL CODE.

We now resolve the appeal.

On the issue of jurisdiction, We find for defendants-appellant Spouses and opine that the RTC erred in assuming original jurisdiction over, and in consequently hearing and deciding on plaintiffs-appellees' Complaint for Declaration of Nullity of Deed of Absolute Sale, Partition with Damages. The lower court procedurally erred in brushing aside the issue of jurisdiction by not acting on defendants-appellant Spouses' Motion to Dismiss filed on that ground. The court a quo likewise substantially erred in taking cognizance of the case, despite the evident fact that the subject matter thereof was outside its ambit as prescribed by law, particularly RA 7691 which amended

for the purpose, Batas Pambansa Blg. 129 or the Judiciary Reorganization Act of 1980. Adherence to this law is beyond cavil, for basic is the dictum that, “Jurisdiction over the subject matter is conferred by law”[27], and well-established is its corollary legal tenet that “Jurisdiction is determined by the cause or causes of action as alleged in the complaint.”[28] From the latter, what therefore comes within the pale of a statutory conferment of jurisdiction is determined by the allegations in the complaint,[29] irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein, and regardless of the defenses set up by the defendant in the answer.[30]

Prescinding from the foregoing, it can be surmised that the RTC's erroneous assumption of jurisdiction of the original case stems from a failure to consider the real nature of plaintiffs-appellees' action, the criteria of which are the allegations and the character of reliefs sought in the complaint.[31] For had the court a quo considered these, it could have found the case to be a real action, one where the assessed value of the property is determinative of whether the Regional Trial Courts (RTCs) or the Municipal Trial Courts acquire jurisdiction,[32] and not one beyond pecuniary estimation, over which the RTCs generally exercise original jurisdiction.[33]

Verily, the fact that plaintiffs-appellees' case is a real action is evident from the face of the complaint which is denominated “For: Declaration of Nullity of Deed of Sale, Partition with Damages”. This fact is also evident from the prayer thereof, which asked of the lower court that judgment be rendered in favor of plaintiffs-appellees, to wit:

a) Declaring the annulment of the Deed of Absolute Sale of parcel of land executed by Faustina Batocael Claveria for being fraudulent made with undue influence therefore without force and effect; b) Ordering the partition of the one fourth ($\frac{1}{4}$) share of Faustina Batocael Claveria over the said portion of a parcel of residential land among plaintiffs-appellees and defendants-appellants; c) Condemning the defendants-appellants to pay plaintiffs-appellees the amount of 50,000 as Moral Damages and 10,000 as exemplary damages; and d) Ordering defendants-appellants to pay the amount of 20,000 as Attorney fee; 5,000 as litigation expense and P1,000 for every court appearance.

For while the title itself already sufficiently suggests that one of the two main causes of action in the complaint is Partition, which generally falls under the category of a real action;[34] the allegations of and the reliefs sought by the complaint reveal that the other main action for Nullity of Deed of Absolute Sale has the ultimate objective of recovering and obtaining title to the real property subject of this case, which ownership and possession have been effectively transferred to defendant-appellant Spouses by virtue of the fraudulent Deed of Sale executed by the late Faustina in defendants-appellant spouses' favor. This being the primordial objective, plaintiffs-appellees' complaint falls in all four squares with the definition of a Real Action, which as explicitly laid down by the Rules is one “affecting title to or possession of real property, or interest therein”[35], and which by jurisprudence, seeks the recovery of real property,[36] or the partition or condemnation of, or foreclosure of a mortgage on a real property.[37]

Highly illustrative of the concept and scope of Real Actions is the 1989 case of *Fortune Motors Philippines Inc. vs. Honorable Court of Appeals, et.al.*[38] where the Highest Court highlighted its pronouncements in earlier case law, as follows:

“In a real action, the plaintiff seeks the recovery of real property, or as indicated in Sec. 2 (a) of Rule 4, a real action is an action affecting title to real property, or for the recovery of possession, or for the partition or condemnation of, or foreclosure of a mortgage on real property. (Comments on the Rules of Court by Moran, Vol. 1, p. 122)

Real actions or actions affecting title to, or for the recovery of possession, or for the partition or condemnation of, or foreclosure of mortgage on real property, must be instituted in the Court of First Instance of the province

where the property or any part thereof lies. (Enriquez v. Macadaeg, 84 Phil. 674, 1949; Garchitorena v. Register of Deeds, 101 Phil. 1207, 1957)

xxx

A prayer for annulment or rescission of contract does not operate to efface the true objectives and nature of the action which is to recover real property. (Inton, et al., v. Quintan, 81 Phil. 97, 1948)

An action for the annulment or rescission of a sale of real property is a real action. Its prime objective is to recover said real property. (Gavieres v. Sanchez, 94 Phil. 760, 1954)

xxx

"While it is true that petitioner does not directly seek the recovery of title or possession of the property in question, his action for annulment of sale and his claim for damages are closely intertwined with the issue of ownership of the building which, under the law, is considered immovable property, the recovery of which is petitioner's primary objective. The prevalent doctrine is that an action for the annulment or rescission of a sale of real property does not operate to efface the fundamental and prime objective and nature of the case, which is to recover said real property. It is a real action. Xxx (Punzalan, Jr. v. Vda. De Lacsamana, 121 SCRA 336, (1983))"

From the foregoing, when an action has as its fundamental and primary objective the recovery of real property, or when the subject matter thereof is primarily founded upon the privity of real estate, such as in this case, the action is real.

With the nature of plaintiffs-appellees' action having been settled to be real, We emphasize that the case should be governed by the pertinent law, RA 7691, which by amending Batas Pambansa Blg. 129, has made jurisdiction over real actions dependent on the valuation of the subject properties[39], to wit:

Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980", is hereby amended to read as follows:

"Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.

"xxx

"(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

xxx

Section 3. Section 33 of the same law is hereby amended to read as follows:

"Sec. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. – Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

"xxx

"(3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of, real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs: Provided, That in cases of land not declared for taxation purposes, the value of such property shall be determined by the assessed value of the adjacent lots."

Here the assessed value of the subject portion is inferrably only $\frac{1}{4}$ of the assessed value of Lot No. 1147, which as reflected on the attached Tax Declaration to the Complaint is only P17, 350. This amount, (excluding the damages incidentally prayed for by plaintiffs) does not exceed the jurisdictional threshold value of P20, 0000 fixed by law.[40] The RTC therefore was without power to take cognizance of the case and due to such want of jurisdiction, the proceedings had and the decision rendered thereon are null and void. Accordingly, the remaining issues posed by defendants-appellant Spouses are therefore unworthy of review.

WHEREFORE, premises considered, the instant appeal is GRANTED. The assailed August 13, 2008 Decision and the November 11, 2008 Resolution of the Regional Trial Court(RTC), Branch 18 of Hilongos, Leyte are SET ASIDE, and Civil Case No. H-458 for Declaration of Nullity of Deed of Absolute Sale, Partition with Damage is DISMISSED.

SO ORDERED.

[*]Delos Santos, (Chairperson), and [**]Quijano-Padilla, JJ., concur.

[*] Per Office Order 6-14-ELDS dated February 28, 2014.

[**] Acting Junior Member per Office Order No. 472-12-ABR dated December 12, 2013.

[1] Rollo, pp. 17-35.

[2] Rollo, pp. 60-63.

[3] Rollp, pp. 374-375.

[4] Record, pp. 1-7.

[5] Ibid p.114.

[6] Record, p.57.

[7] Record, p. 333.

[8] Record, p. 58.

[9] Record, p. 59.

[10] Record, pp. 33-37.

[11] Article 1391. The action for annulment shall be brought within four years.

[12] Record, pp. 40-41.

[13] Record, pp. 61-62.

[14] Record, 140-141.

[15] "Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.

(1) xxx:

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into

and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

[16] Record, 144-145.

[17] Record, p. 162.

[18] Record, p. 161.

[19] Record, p. 218.

[20] Record, p. 229.

[21] Record, p. 220.

[22] Record, p. 315.

[23] Record, pp. 336-340.

[24] Record, pp. 342-347.

[25] Rollo, pp. 62-63 (Decision)

[26] Record, pp. 359-361.

[27] Angelito P. Magno vs. People of the Philippines et.al., G.R. No. 171542, April 6, 2011; Felicitas M. Machado and Marcelino P. Machado, G.R. No. 156287, February 16, 2010.

[28] Allied Domecq Philippines Inc. vs. Hon. Seginando Villon, et. al., G.R. No. 156264, September 30, 2004.

[29] Gonzales v. Lacap, G.R. No. 180730, December 11, 2008, citing Quinagoran v. Court of Appeals, G.R. No. 155179, August 24, 2007; Philippine Coconut Producers Federation Inc. et.al., vs. Republic of the Philippines, G.R. Nos. 177857-17758, January 24, 2012.

[30] Magay vs. Estandian, No. L-28975, February 27, 1976, 69 SCRA 456.

[31] Hugute vs. Embudo, G.R. No. 149554, July 1, 2003, 405 SCRA 273; Tolosa vs. National Labor Relations Commissions, 401 SCRA 291; Caniza vs. Court of Appeals, G.R. No. 110427, February 24, 1997, 268 SCRA 640.

[32] Section 1. Section 19 of Batas Pambansa Blg. 129, otherwise known as the "Judiciary Reorganization Act of 1980", is hereby amended to read as follows:

"Sec. 19. Jurisdiction in civil cases. – Regional Trial Courts shall exercise exclusive original jurisdiction.

"(1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;

[33] Honorio Bernardo vs. Heirs of Eusebio Villegas, G.R. No. 183357, March 15, 2010.

[34] Riano, Willard., Civil Procedure (A Restatement For The Bar), (Quezon City: Rex Printing Company, Inc.2010), p.122.

[35] Rule 4, Section 1. Venue of real actions. - Actions affecting title to or possession of real property, or interest therein xxxx

[36] Jorge C. Paderanga vs. Hon. Dimalanes B. Buissan, etl. al., G.R. No. L-49475, September 28, 1193.

[37] Manuel Serrano vs. Eugenio Delica, G.R. No. 136325, July 29, 2005;

[38] Fortune Motors Philippines Inc. vs. the Honorable Court of Appeals, Metropolitan Bank and Trust Company, G.R. No. 76431, October 16, 1989.

[39] Heirs of Generoso Sebe, et. al vs. Heirs of Veronico Sevilla, et.al., G.R. No. 174497, October 12, 2009.

[40] Spouses Huguete v. Spouses Embudo 453 Phil. 170 (2003)

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