

CARLOS EUSEBIO, PETITIONER, VS. MERCEDES B. EUSEBIO AND JUVENILE AND DOMESTIC RELATIONS COURT OF QUEZON CITY, RESPONDENTS.

G.R. No. L-39581. March 31, 1976

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/91a4aca0adbc/>

ESGUERRA, J.:

Petition for review on certiorari of the orders dated August 16, 1974, and October 16, 1974, of the Juvenile and Domestic Relations Court of Quezon City issued in its Civil Case No. QE-00807, entitled "Carlos V. Eusebio vs. Mercedes B. Eusebio, for judicial authorization to sell conjugal properties". The two orders are as follows:

"Order

"It appears from the petition that neither petitioner nor respondent is a resident of Quezon City; hence, this Court has no jurisdiction over them.

"Wherefore, let the petition be as it is hereby ordered Dismissed.

"So Ordered.

"Quezon City, Philippines, August 16, 1974"

"Order

"For lack of merit, plaintiffs motion for reconsideration dated September 15, 1974 is hereby Denied.

"So Ordered.

"Quezon City, Philippines, October 16, 1974"

Petitioner claims, and this is the lone vital issue, that the respondent Court committed grave abuse of discretion amounting to lack of jurisdiction in dismissing *motu proprio*, Civil Case No. QE-00807, even before private respondent Mercedes B. Eusebio could be served with summons, just because neither petitioner nor respondent is a resident of Quezon City and, hence, said court has no jurisdiction over them.

Petitioner firmly anchors his contention on the argument that the respondent Court undoubtedly has jurisdiction over the subject matter of the petition for judicial authorization to sell conjugal properties because under Section 29-A, No. 4, of Republic Act No. 4836, creating the Juvenile and Domestic Relations Court of Quezon City, proceedings brought under the provisions of Title 6 and 7 of the Civil Code are within the exclusive jurisdiction of said Court and the petition for judicial authorization to sell conjugal properties is authorized by Art. 166 of the Civil Code which is found in Chapter IV, Title 6 of said Code. Petitioner correctly argues that venue is properly laid because the conjugal properties sought to be alienated are located in Quezon City. Under Rule 4, Sec. 2 of the Revised Rules of Court, all actions affecting title to, or for recovery of possession or for partition and condemnation or foreclosure of real properties or any part thereof shall be commenced and tried where the

properties or any portion thereof lies.

As to the respondent court's acquisition of jurisdiction (authority to hear and determine a cause) over the parties in a civil case, We have no doubt that it acquired jurisdiction over the plaintiff (petitioner in this case) the moment he filed his petition for judicial authorization to sell conjugal properties before the respondent Court (Manila Railroad Co. vs. Atty. General 20 Phil. 523). Respondent Court could have acquired jurisdiction over the defendant (private respondent) either by her voluntary appearance in court and her submission to its authority, or by the coercive power of legal process exercised over her person (Banco Español-Filipino vs. Palanca, 37 Phil. 921).

We are in full accord with petitioner's contention that under the circumstances prevailing in this case, the residence of plaintiff and defendant are of no moment and they become an issue of venue and not jurisdiction. It is fundamental in the law concerning jurisdiction and venue that venue, which is the place where the case is to be heard or tried, and which is a matter of relation between plaintiff and defendant, may be conferred by the parties, and objections thereto may be waived by them unless venue and jurisdiction happen to coincide.

The issues raised herein by private respondent in his answer dated September 19, 1975, and those in the petitioner's reply dated October 18, 1975, as well as the former's rejoinder of November 21, 1975, relating to the merits of the principal case filed with respondent Court, which are totally foreign to the question of whether or not respondent Court committed gross abuse of discretion in dismissing the petition for judicial authorization to sell conjugal property, should be properly raised before the respondent Court and not before this Court.

In the light of the foregoing, We cannot do otherwise than to conclude definitely that the respondent Court committed grave abuse of discretion amounting to lack of jurisdiction when it dismissed *motu proprio* the petition for judicial authorization to sell conjugal property before defendant (private respondent) was summoned, on the lone flimsy ground that plaintiff and defendant are not residents of Quezon City and hence the Court did not have jurisdiction over them. The respondent Court simply overlooked the fundamental nature of jurisdiction and its various categories, such as jurisdiction over subject matter, jurisdiction over the parties and jurisdiction over the issues raised before it, as well as the distinctions between jurisdiction and venue.

WHEREFORE, the respondent Court's orders dated August 16, 1974, and October 16, 1974, are hereby nullified and set aside, the petition in its Special Proceedings No. QE-00807 revived, and reinstated; and respondent Court is enjoined to proceed therein in accordance with law.

Costs against private respondent.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Martin, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.