

**ADELIA C. MENDOZA, FOR HERSELF AND ADMINISTRATRIX OF THE
INTESTATE ESTATE OF THE LATE NORBERTO B. MENDOZA,
PETITIONERS, VS. HON. ANGELITO C. TEH, PRESIDING JUDGE,
BRANCH 87, RTC...**

G.R. No. 122646. March 14, 1997

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

On October 28, 1994, petitioner “for herself and as administratrix of the intestate estate” of her deceased husband Norberto Mendoza filed before the Regional Trial Court (RTC) of Batangas a complaint for “reconveyance of title (involving parcels of lot in Batangas) and damages with petition for preliminary injunction” docketed as Civil Case No. R94-009.[1] Paragraphs 2 and 3 of said complaint states:

“2. That Adelia C. Mendoza likewise represents her co-plaintiff, the Intestate Estate of the late Norberto B. Mendoza in her capacity as the surviving wife of the deceased Norberto B. Mendoza who died on December 29, 1993;

“3. That Adelia C. Mendoza should be appointed by this Honorable Court as the judicial administratrix of her co-plaintiff for purposes of this case;”[2]

Private respondents filed on January 21, 1995[3] their “answer with motion to dismiss”[4] alleging among others that the complaint states no cause of action and that petitioner’s demand had already been paid.[5] On February 17, 1995, private respondents filed another pleading entitled “motion to dismiss” invoking, this time, lack of jurisdiction, lack of cause of action, estoppel, laches and prescription. In support of their argument of lack of jurisdiction, private respondents contend that a special proceedings case for appointment of administratrix of an estate cannot be incorporated in the ordinary action for reconveyance. In her opposition to the motions, petitioner asserts among others, that the allegation seeking appointment as administratrix is only an incidental matter which is not even prayed for in the complaint. Replying to the opposition, private respondents argued that since petitioner’s husband resided in Quezon City at the time of his death, the appointment of the estate administratrix should be filed in the RTC of that place in accordance with Section 1 Rule 73 of the Rules of Court. Accordingly, it is their argument that the RTC of Batangas has no jurisdiction over the case.

In a Resolution dated June 14, 1995, the RTC of Batangas thru respondent Judge Teh “dismissed without prejudice” the complaint for lack of jurisdiction “on the ground that the rules governing an ordinary civil action and a special proceeding are different.” Accordingly, the lower court found it unnecessary to discuss the other grounds raised in the motion to dismiss.[6] Upon denial of petitioner’s motion for reconsideration, he filed this petition under Rule 45 on pure questions of law. The Court thereafter gave due course to the petition.

The issue is whether or not in an action for reconveyance, an allegation seeking appointment as administratrix of an estate, would oust the RTC of its jurisdiction over the whole case?

We rule in the negative. First, Section 19 of B.P. 129 as amended by RA 7691 provides:

“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;
- (2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of property involved exceeds Twenty thousand pesos (P20,000.00)...

xxx xxx xxx

- (4) In all matters of probate, both testate and intestate

Likewise, Section 33 of the same law provides that:

Metropolitan Trial Court shall exercise:

- (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate...” (italics ours).

The above law is clear. An action for reconveyance, which involves title to property worth millions of pesos, such as the lots subject of this case, is cognizable by the RTC. Likewise falling within its jurisdiction are actions “incapable of pecuniary estimation,” such as the appointment of an administratrix for an estate. Even the Rules on venue of estate proceedings (Section 1 of Rule 73[7]) impliedly recognizes the jurisdiction of the RTC over petitions for granting of letters of administration. On the other hand, probate proceedings for the settlement of estate are within the ambit of either the RTC or MTC depending on the net worth of the estate. By arguing that the allegation seeking such appointment as administratrix ousted the RTC of its jurisdiction, both public and private respondents confuses jurisdiction with venue. Section 2 of Rule 4 as revised by Circular 13-95[8] provides that actions involving title to property shall be tried in the province where the property is located, in this case, - Batangas. The mere fact that petitioner’s deceased husband resides in Quezon City at the time of his death affects only the venue but not the jurisdiction of the Court.[9]

Second, the cases cited[10] by private respondents are not at point as they involve settlement of estate where the probate court was asked to resolve questions of ownership of certain properties. In the present suit, no settlement of estate is involved, but merely an allegation seeking appointment as estate administratrix which does not necessarily involve settlement of estate that would have invited the exercise of the limited jurisdiction of a probate court. The above allegation is not even a jurisdictional fact which must be stated in an action for reconveyance. The Court therefore, should have at least, proceeded with the reconveyance suit rather than dismiss the entire case.

Third, jurisprudential rulings that a probate court cannot generally decide questions of ownership or title to property[11] is not applicable in this case, because: there is no settlement of estate involved and the RTC of Batangas was not acting as a probate court. It should be clarified that whether a particular matter should be resolved by the RTC in the exercise of its general jurisdiction or its limited probate jurisdiction, is not a jurisdictional issue but a mere question of procedure.[12] Moreover, the instant action for reconveyance does not even invoke the limited jurisdiction of a probate court.[13] Considering that the RTC has jurisdiction, whether it be on the reconveyance suit or as to the appointment of an administratrix, it was improper for respondent judge to dismiss the whole complaint for alleged lack of jurisdiction.

Finally, judges should not dismiss with precipitate haste, complaints or petitions filed before them, just so they can comply with their administrative duty to dispose cases within 90 days at the expense of their judicial responsibility.

WHEREFORE, the Resolutions dated June 14, 1995 and November 14, 1995 of the RTC of Batangas are REVERSED and SET ASIDE. The trial court is ordered to immediately proceed with the disposition of the case in accordance with this Decision.

SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Panganiban, JJ., concur.

[1] Annex "C", Rollo, p. 73.

[2] Rollo, p. 74.

[3] The RTC Resolution dated June 14, 1995 initially stated that the Answer was filed on January 27, 1995, but in the body of the Resolution, the said pleading was filed on January 21, 1995; Rollo, p. 54.

[4] Annex "D", Rollo, p. 165.

[5] Rollo, p. 170.

[6] Rollo, p. 65.

[7] Where estate of deceased persons settled. - If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Regional Trial Court in the province in which he resides at the time of death, x x x."

[8] Sec. 2, Rule 4 Venue in RTC. - (a) Actions affecting title to, x x x, real property, shall be commenced and tried in the province where the property or any part thereof lies. The Revised Circular which took effect on August 1, 1995 states: Actions affecting title to or possession of real property, or interest therein, shall be commenced and tried in the proper court which has jurisdiction over the area wherein the real property involved, or a portion thereof, is situated.

[9] *Rodriguez vs. Borja*, 17 SCRA 418 (1976).

[10] Private respondents invoked before the lower court the cases of *Guzman v. Anog*, 37 Phil. 61 (1917), *Ongsingco v. Tan*, 97 Phil. 330 (1955), *Tagle v. Manalo*, 105 Phil. 1124 (unrep. 1959). These cases, however, involved settlement of an estate and not appointment of an administrator nor does it involve actions for reconveyance. The cases of *Buermann v. Casas*, 10 Phil. 386 (1908) cited in their comment involve liquidation of business. The other cases cited are *Manalo v. Manalo*, 65 Phil. 534 (1938), *Recto v. Dela Rosa*, 75 SCRA 226 (1977) and *Morales v. CFI of Cavite*, 146 SCRA 373 (1986) which pertain to settlement of estates. The case of *Ferraris v. Rodas*, 65 Phil. 732 (1938) pertains to the power of an administrator to lease estate properties.

[11] *Pascual vs. Pascual*, 73 Phil. 561 (1942); *Alvarez vs. Espiritu*, 14 SCRA 892 and 122 Phil. 229, 236 (1965); *Cunanan vs. Amparo*, 80 Phil. 227, 232 (1948); *Lachenal vs. Salas*, 71 SCRA 262, 266 (1966).

[12] *Coca vs. Borromeo*, 81 SCRA 278, 283 (1978).

[13] See *Mangaliman vs. Gonzales*, 36 SCRA 462 (1970); *Register of Deeds of Pampanga vs. PNB*, 84 Phil. 600, 607 (1949).

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