

VENANCIO FIGUEROA Y CERVANTES, PETITIONER, VS. PEOPLE OF THE PHILIPPINES RESPONDENT.

G.R. No. 147406. July 14, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

When is a litigant estopped by laches from assailing the jurisdiction of a tribunal? This is the paramount issue raised in this petition for review of the February 28, 2001 Decision[2] of the Court of Appeals (CA) in CA-G.R. CR No. 22697.

Pertinent are the following antecedent facts and proceedings:

On July 8, 1994, an information[3] for reckless imprudence resulting in homicide was filed against the petitioner before the Regional Trial Court (RTC) of Bulacan, Branch 18.[4] The case was docketed as Criminal Case No. 2235-M-94.[5] Trial on the merits ensued and on August 19, 1998, the trial court convicted the petitioner as charged.[6] In his appeal before the CA, the petitioner questioned, among others, for the first time, the trial court's jurisdiction.[7]

The appellate court, however, in the challenged decision, considered the petitioner to have actively participated in the trial and to have belatedly attacked the jurisdiction of the RTC; thus, he was already estopped by laches from asserting the trial court's lack of jurisdiction. Finding no other ground to reverse the trial court's decision, the CA affirmed the petitioner's conviction but modified the penalty imposed and the damages awarded.[8]

Dissatisfied, the petitioner filed the instant petition for review on certiorari raising the following issues for our resolution:

- Does the fact that the petitioner failed to raise the issue of jurisdiction during the trial of this case, which was initiated and filed by the public prosecutor before the wrong court, constitute laches in relation to the doctrine laid down in *Tijam v. Sibonghanoy*, notwithstanding the fact that said issue was immediately raised in petitioner's appeal to the Honorable Court of Appeals? Conversely, does the active participation of the petitioner in the trial of his case, which is initiated and filed not by him but by the public prosecutor, amount to estoppel?
- Does the admission of the petitioner that it is difficult to immediately stop a bus while it is running at 40 kilometers per hour for the purpose of avoiding a person who unexpectedly crossed the road, constitute enough incriminating evidence to warrant his conviction for the crime charged?
- Is the Honorable Court of Appeals justified in considering the place of accident as falling within Item 4 of Section 35 (b) of the Land Transportation and Traffic Code, and subsequently ruling that the speed limit thereto is only 20 kilometers per hour, when no evidence whatsoever to that effect was ever presented by the prosecution during the trial of this case?
- Is the Honorable Court of Appeals justified in convicting the petitioner for homicide through reckless

imprudence (the legally correct designation is "reckless imprudence resulting to homicide") with violation of the Land Transportation and Traffic Code when the prosecution did not prove this during the trial and, more importantly, the information filed against the petitioner does not contain an allegation to that effect?

- Does the uncontroverted testimony of the defense witness Leonardo Hernal that the victim unexpectedly crossed the road resulting in him getting hit by the bus driven by the petitioner not enough evidence to acquit him of the crime charged?[9]

Applied uniformly is the familiar rule that the jurisdiction of the court to hear and decide a case is conferred by the law in force at the time of the institution of the action, unless such statute provides for a retroactive application thereof.[10] In this case, at the time the criminal information for reckless imprudence resulting in homicide with violation of the Automobile Law (now Land Transportation and Traffic Code) was filed, Section 32(2) of Batas Pambansa (B.P.) Blg. 129[11] had already been amended by Republic Act No. 7691. [12] The said provision thus reads:

Sec. 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases.--Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

x x x x

(2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.

As the imposable penalty for the crime charged herein is prision correccional in its medium and maximum periods or imprisonment for 2 years, 4 months and 1 day to 6 years,[13] jurisdiction to hear and try the same is conferred on the Municipal Trial Courts (MTCs). Clearly, therefore, the RTC of Bulacan does not have jurisdiction over Criminal Case No. 2235-M-94.

While both the appellate court and the Solicitor General acknowledge this fact, they nevertheless are of the position that the principle of estoppel by laches has already precluded the petitioner from questioning the jurisdiction of the RTC--the trial went on for 4 years with the petitioner actively participating therein and without him ever raising the jurisdictional infirmity. The petitioner, for his part, counters that the lack of jurisdiction of a court over the subject matter may be raised at any time even for the first time on appeal. As undue delay is further absent herein, the principle of laches will not be applicable.

To settle once and for all this problem of jurisdiction vis-à-vis estoppel by laches, which continuously confounds the bench and the bar, we shall analyze the various Court decisions on the matter.

As early as 1901, this Court has declared that unless jurisdiction has been conferred by some legislative act, no court or tribunal can act on a matter submitted to it.[14] We went on to state in *U.S. v. De La Santa* [15] that:

It has been frequently held that a lack of jurisdiction over the subject-matter is fatal, and subject to objection at any stage of the proceedings, either in the court below or on appeal (Ency. of Pl. & Pr., vol. 12, p. 189, and large array of cases there cited), and indeed, where the subject-matter is not within the jurisdiction, the court may dismiss the proceeding ex mero motu. (4 Ill., 133; 190 Ind., 79; *Chipman vs. Waterbury*, 59 Conn., 496.)

Jurisdiction over the subject-matter in a judicial proceeding is conferred by the sovereign authority which organizes the court; it is given only by law and in the manner prescribed by law and an objection based on the

lack of such jurisdiction can not be waived by the parties. x x x [16]

Later, in *People v. Casiano*, [17] the Court explained:

4. The operation of the principle of estoppel on the question of jurisdiction seemingly depends upon whether the lower court actually had jurisdiction or not. If it had no jurisdiction, but the case was tried and decided upon the theory that it had jurisdiction, the parties are not barred, on appeal, from assailing such jurisdiction, for the same "must exist as a matter of law, and may not be conferred by consent of the parties or by estoppel" (5 C.J.S., 861-863). However, if the lower court had jurisdiction, and the case was heard and decided upon a given theory, such, for instance, as that the court had no jurisdiction, the party who induced it to adopt such theory will not be permitted, on appeal, to assume an inconsistent position--that the lower court had jurisdiction. Here, the principle of estoppel applies. The rule that jurisdiction is conferred by law, and does not depend upon the will of the parties, has no bearing thereon. Thus, *Corpus Juris Secundum* says:

Where accused has secured a decision that the indictment is void, or has been granted an instruction based on its defective character directing the jury to acquit, he is estopped, when subsequently indicted, to assert that the former indictment was valid. In such case, there may be a new prosecution whether the indictment in the former prosecution was good or bad. Similarly, where, after the jury was impaneled and sworn, the court on accused's motion quashed the information on the erroneous assumption that the court had no jurisdiction, accused cannot successfully plead former jeopardy to a new information. x x x (22 C.J.S., sec. 252, pp. 388-389; italics ours.)

Where accused procured a prior conviction to be set aside on the ground that the court was without jurisdiction, he is estopped subsequently to assert, in support of a defense of previous jeopardy, that such court had jurisdiction." (22 C.J.S. p. 378.) [18]

But in *Pindañgan Agricultural Co., Inc. v. Dans*, [19] the Court, in not sustaining the plea of lack of jurisdiction by the plaintiff-appellee therein, made the following observations:

It is surprising why it is only now, after the decision has been rendered, that the plaintiff-appellee presents the question of this Court's jurisdiction over the case. Republic Act No. 2613 was enacted on August 1, 1959. This case was argued on January 29, 1960. Notwithstanding this fact, the jurisdiction of this Court was never impugned until the adverse decision of this Court was handed down. The conduct of counsel leads us to believe that they must have always been of the belief that notwithstanding said enactment of Republic Act 2613 this Court has jurisdiction of the case, such conduct being born out of a conviction that the actual real value of the properties in question actually exceeds the jurisdictional amount of this Court (over P200,000). Our minute resolution in G.R. No. L-10096, *Hyson Tan, et al. vs. Filipinas Compañia de Seguros, et al.*, of March 23, 1956, a parallel case, is applicable to the conduct of plaintiff-appellee in this case, thus:

x x x that an appellant who files his brief and submits his case to the Court of Appeals for decision, without questioning the latter's jurisdiction until decision is rendered therein, should be considered as having voluntarily waived so much of his claim as would exceed the jurisdiction of said Appellate Court; for the reason that a contrary rule would encourage the undesirable practice of appellants submitting their cases for decision to the Court of Appeals in expectation of favorable judgment, but with intent of attacking its jurisdiction should the decision be unfavorable: x x x [20]

Then came our ruling in *Tijam v. Sibonghanoy* [21] that a party may be barred by laches from invoking lack of jurisdiction at a late hour for the purpose of annulling everything done in the case with the active participation of said party invoking the plea. We expounded, thus:

A party may be estopped or barred from raising a question in different ways and for different reasons. Thus, we speak of estoppel in pais, of estoppel by deed or by record, and of estoppel by laches .

Laches, in a general sense, is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to

assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

The doctrine of laches or of "stale demands" is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.

It has been held that a party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (Dean vs. Dean, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated-- obviously for reasons of public policy.

Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (Pease vs. Rathbun-Jones etc., 243 U.S. 273, 61 L. Ed. 715, 37 S.Ct. 283; St. Louis etc. vs. McBride, 141 U.S. 127, 35 L. Ed. 659). And in Littleton vs. Burgess, 16 Wyo. 58, the Court said that it is not right for a party who has affirmed and invoked the jurisdiction of a court in a particular matter to secure an affirmative relief, to afterwards deny that same jurisdiction to escape a penalty.

Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (supra)--to the effect that we frown upon the "undesirable practice" of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse--as well as in *Pindañgan etc. vs. Dans et al.*, G.R. L-14591, September 26, 1962; *Montelibano et al. vs. Bacolod-Murcia Milling Co., Inc.*, G.R. L-15092; *Young Men Labor Union etc. vs. The Court of Industrial Relations et al.*, G.R. L-20307, Feb. 26, 1965, and *Mejia vs. Lucas*, 100 Phil. p. 277.

The facts of this case show that from the time the Surety became a quasi-party on July 31, 1948, it could have raised the question of the lack of jurisdiction of the Court of First Instance of Cebu to take cognizance of the present action by reason of the sum of money involved which, according to the law then in force, was within the original exclusive jurisdiction of inferior courts. It failed to do so. Instead, at several stages of the proceedings in the court a quo, as well as in the Court of Appeals, it invoked the jurisdiction of said courts to obtain affirmative relief and submitted its case for a final adjudication on the merits. It was only after an adverse decision was rendered by the Court of Appeals that it finally woke up to raise the question of jurisdiction. Were we to sanction such conduct on its part, We would in effect be declaring as useless all the proceedings had in the present case since it was commenced on July 19, 1948 and compel the judgment creditors to go up their Calvary once more. The inequity and unfairness of this is not only patent but revolting.[22]

For quite a time since we made this pronouncement in *Sibonghanoy*, courts and tribunals, in resolving issues that involve the belated invocation of lack of jurisdiction, have applied the principle of estoppel by laches. Thus, in *Calimlim v. Ramirez*,[23] we pointed out that *Sibonghanoy* was developing into a general rule rather than the exception:

A rule that had been settled by unquestioned acceptance and upheld in decisions so numerous to cite is that the jurisdiction of a court over the subject-matter of the action is a matter of law and may not be conferred by consent or agreement of the parties. The lack of jurisdiction of a court may be raised at any stage of the proceedings, even on appeal. This doctrine has been qualified by recent pronouncements which stemmed principally from the ruling in the cited case of *Sibonghanoy*. It is to be regretted, however, that the holding in

said case had been applied to situations which were obviously not contemplated therein. The exceptional circumstance involved in *Sibonghanoy* which justified the departure from the accepted concept of non-waivability of objection to jurisdiction has been ignored and, instead a blanket doctrine had been repeatedly upheld that rendered the supposed ruling in *Sibonghanoy* not as the exception, but rather the general rule, virtually overthrowing altogether the time-honored principle that the issue of jurisdiction is not lost by waiver or by estoppel.

In *Sibonghanoy*, the defense of lack of jurisdiction of the court that rendered the questioned ruling was held to be barred by estoppel by laches. It was ruled that the lack of jurisdiction having been raised for the first time in a motion to dismiss filed almost fifteen (15) years after the questioned ruling had been rendered, such a plea may no longer be raised for being barred by laches. As defined in said case, laches is "failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert has abandoned it or declined to assert it. [24]

In *Calimlim*, despite the fact that the one who benefited from the plea of lack of jurisdiction was the one who invoked the court's jurisdiction, and who later obtained an adverse judgment therein, we refused to apply the ruling in *Sibonghanoy*. The Court accorded supremacy to the time-honored principle that the issue of jurisdiction is not lost by waiver or by estoppel.

Yet, in subsequent cases decided after *Calimlim*, which by sheer volume are too plentiful to mention, the *Sibonghanoy* doctrine, as foretold in *Calimlim*, became the rule rather than the exception. As such, in *Soliven v. Fastforms Philippines, Inc.*, [25] the Court ruled:

While it is true that jurisdiction may be raised at any time, "this rule presupposes that estoppel has not supervened." In the instant case, respondent actively participated in all stages of the proceedings before the trial court and invoked its authority by asking for an affirmative relief. Clearly, respondent is estopped from challenging the trial court's jurisdiction, especially when an adverse judgment has been rendered. In *PNOC Shipping and Transport Corporation vs. Court of Appeals*, we held:

Moreover, we note that petitioner did not question at all the jurisdiction of the lower court x x x in its answers to both the amended complaint and the second amended complaint. It did so only in its motion for reconsideration of the decision of the lower court after it had received an adverse decision. As this Court held in *Pantranco North Express, Inc. vs. Court of Appeals* (G.R. No. 105180, July 5, 1993, 224 SCRA 477, 491), participation in all stages of the case before the trial court, that included invoking its authority in asking for affirmative relief, effectively barre petitioner by estoppel from challenging the court's jurisdiction. Notably, from the time it filed its answer to the second amended complaint on April 16, 1985, petitioner did not question the lower court's jurisdiction. It was only on December 29, 1989 when it filed its motion for reconsideration of the lower court's decision that petitioner raised the question of the lower court's lack of jurisdiction. Petitioner thus foreclosed its right to raise the issue of jurisdiction by its own inaction. (italics ours)

Similarly, in the subsequent case of *Sta. Lucia Realty and Development, Inc. vs. Cabrigas*, we ruled:

In the case at bar, it was found by the trial court in its 30 September 1996 decision in LCR Case No. Q-60161(93) that private respondents (who filed the petition for reconstitution of titles) failed to comply with both sections 12 and 13 of RA 26 and therefore, it had no jurisdiction over the subject matter of the case. However, private respondents never questioned the trial court's jurisdiction over its petition for reconstitution throughout the duration of LCR Case No. Q-60161(93). On the contrary, private respondents actively participated in the reconstitution proceedings by filing pleadings and presenting its evidence. They invoked the trial court's jurisdiction in order to obtain affirmative relief - the reconstitution of their titles. Private respondents have thus foreclosed their right to raise the issue of jurisdiction by their own actions.

The Court has constantly upheld the doctrine that while jurisdiction may be assailed at any stage, a litigant's participation in all stages of the case before the trial court, including the invocation of its authority in asking for affirmative relief, bars such party from challenging the court's jurisdiction (PNOC Shipping and Transport Corporation vs. Court of Appeals, 297 SCRA 402 [1998]). A party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (Asset Privatization Trust vs. Court of Appeals, 300 SCRA 579 [1998]; Province of Bulacan vs. Court of Appeals, 299 SCRA 442 [1998]). The Court frowns upon the undesirable practice of a party participating in the proceedings and submitting his case for decision and then accepting judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse (Producers Bank of the Philippines vs. NLRC, 298 SCRA 517 [1998], citing Ilocos Sur Electric Cooperative, Inc. vs. NLRC, 241 SCRA 36 [1995]). (italics ours)[26]

Noteworthy, however, is that, in the 2005 case of *Metromedia Times Corporation v. Pastorin*,[27] where the issue of lack of jurisdiction was raised only in the National Labor Relations Commission (NLRC) on appeal, we stated, after examining the doctrines of jurisdiction vis-à-vis estoppel, that the ruling in *Sibonghanoy* stands as an exception, rather than the general rule. *Metromedia*, thus, was not estopped from assailing the jurisdiction of the labor arbiter before the NLRC on appeal.[28]

Later, in *Francel Realty Corporation v. Sycip*,[29] the Court clarified that:

Petitioner argues that the CA's affirmation of the trial court's dismissal of its case was erroneous, considering that a full-blown trial had already been conducted. In effect, it contends that lack of jurisdiction could no longer be used as a ground for dismissal after trial had ensued and ended.

The above argument is anchored on estoppel by laches, which has been used quite successfully in a number of cases to thwart dismissals based on lack of jurisdiction. *Tijam v. Sibonghanoy*, in which this doctrine was espoused, held that a party may be barred from questioning a court's jurisdiction after being invoked to secure affirmative relief against its opponent. In fine, laches prevents the issue of lack of jurisdiction from being raised for the first time on appeal by a litigant whose purpose is to annul everything done in a trial in which it has actively participated.

Laches is defined as the "failure or neglect for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it."

The ruling in *Sibonghanoy* on the matter of jurisdiction is, however, the exception rather than the rule. Estoppel by laches may be invoked to bar the issue of lack of jurisdiction only in cases in which the factual milieu is analogous to that in the cited case. In such controversies, laches should be clearly present; that is, lack of jurisdiction must have been raised so belatedly as to warrant the presumption that the party entitled to assert it had abandoned or declined to assert it. That *Sibonghanoy* applies only to exceptional circumstances is clarified in *Calimlim v. Ramirez*, which we quote:

A rule that had been settled by unquestioned acceptance and upheld in decisions so numerous to cite is that the jurisdiction of a court over the subject-matter of the action is a matter of law and may not be conferred by consent or agreement of the parties. The lack of jurisdiction of a court may be raised at any stage of the proceedings, even on appeal. This doctrine has been qualified by recent pronouncements which stemmed principally from the ruling in the cited case of *Sibonghanoy*. It is to be regretted, however, that the holding in said case had been applied to situations which were obviously not contemplated therein. The exceptional circumstance involved in *Sibonghanoy* which justified the departure from the accepted concept of non-waivability of objection to jurisdiction has been ignored and, instead a blanket doctrine had been repeatedly upheld that rendered the supposed ruling in *Sibonghanoy* not as the exception, but rather the general rule, virtually overthrowing altogether the time-honored principle that the issue of jurisdiction is not lost by

waiver or by estoppel .

Indeed, the general rule remains: a court's lack of jurisdiction may be raised at any stage of the proceedings, even on appeal. The reason is that jurisdiction is conferred by law, and lack of it affects the very authority of the court to take cognizance of and to render judgment on the action. Moreover, jurisdiction is determined by the averments of the complaint, not by the defenses contained in the answer.[30]

Also, in *Mangaliag v. Catubig-Pastoral*,[31] even if the pleader of lack of jurisdiction actively took part in the trial proceedings by presenting a witness to seek exoneration, the Court, reiterating the doctrine in *Calimlim*, said:

Private respondent argues that the defense of lack of jurisdiction may be waived by estoppel through active participation in the trial. Such, however, is not the general rule but an exception, best characterized by the peculiar circumstances in *Tijam vs. Sibonghanoy*. In *Sibonghanoy*, the party invoking lack of jurisdiction did so only after fifteen years and at a stage when the proceedings had already been elevated to the CA. *Sibonghanoy* is an exceptional case because of the presence of laches, which was defined therein as failure or neglect for an unreasonable and unexplained length of time to do that which, by exercising due diligence, could or should have been done earlier; it is the negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert has abandoned it or declined to assert it.[32]

And in the more recent *Regalado v. Go*,[33] the Court again emphasized that laches should be clearly present for the *Sibonghanoy* doctrine to be applicable, thus:

Laches is defined as the "failure or neglect for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier, it is negligence or omission to assert a right within a reasonable length of time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it."

The ruling in *People v. Regalario* that was based on the landmark doctrine enunciated in *Tijam v. Sibonghanoy* on the matter of jurisdiction by estoppel is the exception rather than the rule. Estoppel by laches may be invoked to bar the issue of lack of jurisdiction only in cases in which the factual milieu is analogous to that in the cited case. In such controversies, laches should have been clearly present; that is, lack of jurisdiction must have been raised so belatedly as to warrant the presumption that the party entitled to assert it had abandoned or declined to assert it.

In *Sibonghanoy*, the defense of lack of jurisdiction was raised for the first time in a motion to dismiss filed by the Surety almost 15 years after the questioned ruling had been rendered. At several stages of the proceedings, in the court a quo as well as in the Court of Appeals, the Surety invoked the jurisdiction of the said courts to obtain affirmative relief and submitted its case for final adjudication on the merits. It was only when the adverse decision was rendered by the Court of Appeals that it finally woke up to raise the question of jurisdiction.

Clearly, the factual settings attendant in *Sibonghanoy* are not present in the case at bar. Petitioner Atty. Regalado, after the receipt of the Court of Appeals resolution finding her guilty of contempt, promptly filed a Motion for Reconsideration assailing the said court's jurisdiction based on procedural infirmity in initiating the action. Her compliance with the appellate court's directive to show cause why she should not be cited for contempt and filing a single piece of pleading to that effect could not be considered as an active participation in the judicial proceedings so as to take the case within the milieu of *Sibonghanoy*. Rather, it is the natural fear to disobey the mandate of the court that could lead to dire consequences that impelled her to comply.[34]

The Court, thus, wavered on when to apply the exceptional circumstance in *Sibonghanoy* and on when to apply the general rule enunciated as early as in *De La Santa* and expounded at length in *Calimlim*. The general rule should, however, be, as it has always been, that the issue of jurisdiction may be raised at any stage of the

proceedings, even on appeal, and is not lost by waiver or by estoppel. Estoppel by laches, to bar a litigant from asserting the court's absence or lack of jurisdiction, only supervenes in exceptional cases similar to the factual milieu of *Tijam v. Sibonghanoy*. Indeed, the fact that a person attempts to invoke unauthorized jurisdiction of a court does not estop him from thereafter challenging its jurisdiction over the subject matter, since such jurisdiction must arise by law and not by mere consent of the parties. This is especially true where the person seeking to invoke unauthorized jurisdiction of the court does not thereby secure any advantage or the adverse party does not suffer any harm.[35]

Applying the said doctrine to the instant case, the petitioner is in no way estopped by laches in assailing the jurisdiction of the RTC, considering that he raised the lack thereof in his appeal before the appellate court. At that time, no considerable period had yet elapsed for laches to attach. True, delay alone, though unreasonable, will not sustain the defense of "estoppel by laches" unless it further appears that the party, knowing his rights, has not sought to enforce them until the condition of the party pleading laches has in good faith become so changed that he cannot be restored to his former state, if the rights be then enforced, due to loss of evidence, change of title, intervention of equities, and other causes.[36] In applying the principle of estoppel by laches in the exceptional case of *Sibonghanoy*, the Court therein considered the patent and revolting inequity and unfairness of having the judgment creditors go up their Calvary once more after more or less 15 years. [37] The same, however, does not obtain in the instant case.

We note at this point that estoppel, being in the nature of a forfeiture, is not favored by law. It is to be applied rarely--only from necessity, and only in extraordinary circumstances. The doctrine must be applied with great care and the equity must be strong in its favor.[38] When misapplied, the doctrine of estoppel may be a most effective weapon for the accomplishment of injustice.[39] Moreover, a judgment rendered without jurisdiction over the subject matter is void.[40] Hence, the Revised Rules of Court provides for remedies in attacking judgments rendered by courts or tribunals that have no jurisdiction over the concerned cases. No laches will even attach when the judgment is null and void for want of jurisdiction.[41] As we have stated in *Heirs of Julian Dela Cruz and Leonora Talaro v. Heirs of Alberto Cruz*,[42]

It is axiomatic that the jurisdiction of a tribunal, including a quasi-judicial officer or government agency, over the nature and subject matter of a petition or complaint is determined by the material allegations therein and the character of the relief prayed for, irrespective of whether the petitioner or complainant is entitled to any or all such reliefs. Jurisdiction over the nature and subject matter of an action is conferred by the Constitution and the law, and not by the consent or waiver of the parties where the court otherwise would have no jurisdiction over the nature or subject matter of the action. Nor can it be acquired through, or waived by, any act or omission of the parties. Moreover, estoppel does not apply to confer jurisdiction to a tribunal that has none over the cause of action.x x x

Indeed, the jurisdiction of the court or tribunal is not affected by the defenses or theories set up by the defendant or respondent in his answer or motion to dismiss. Jurisdiction should be determined by considering not only the status or the relationship of the parties but also the nature of the issues or questions that is the subject of the controversy. x x x The proceedings before a court or tribunal without jurisdiction, including its decision, are null and void, hence, susceptible to direct and collateral attacks .[43]

With the above considerations, we find it unnecessary to resolve the other issues raised in the petition.

WHEREFORE, premises considered, the petition for review on certiorari is GRANTED. Criminal Case No. 2235-M-94 is hereby DISMISSED without prejudice.

SO ORDERED.

Quisumbing, Ynares-Santiago, Austria-Martinez, and Reyes, JJ., concur.

[1] In the records, "Venancio" is also spelled as "Vinancio."

* In lieu of Associate Justice Minita V. Chico-Nazario per Special Order No. 508, dated June 25, 2008.

[2] Penned by Associate Justice Conchita Carpio Morales (now an Associate Justice of this Court), with Associate Justices Candido V. Rivera and Rebecca de Guia- Salvador concurring; rollo, pp. 23-31.

[3] The indictment reads:

That on or about the 16[th] day of January 1994, in the Municipality of Bocaue, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the driver and person-in-charge of German Espiritu Bus bearing plate no. PHZ-542, did then and there willfully, unlawfully and feloniously drive and operate the same along the highway in the said municipality, in a negligent, careless and imprudent manner, without due regard to the traffic laws, rules and regulations and without taking the necessary precautions to prevent death or injuries to persons and damage to property, causing by such negligence, carelessness and imprudence, said German Espiritu Bus driven by him to hit and bump one Rodolfo Lopez y Amparado, thereby causing physical injuries to the latter which caused his death. (Id. at 23-24.)

[4] Id. at 26.

[5] Id. at 55.

[6] The dispositive portion of the trial court's decision reads:

WHEREFORE, in view of the foregoing, the Court finds the accused Vinancio Figueroa y Cervantes GUILTY beyond reasonable doubt of the crime of reckless imprudence resulting to (sic) homicide, as defined and penalized under Article 365 of the Revised Penal Code, sentencing him to suffer imprisonment of two (2) years, ten (10) months and twenty-one (21) days to four (4) years and two (2) months and to indemnify the heirs of the deceased in the amount of:

- P50,000.00 indemnity;
- P3,034,560.00 for loss of earning capacity;
- P24,000 for cemetery lot;
- P45,000 for funeral expenses;
- P54,221.00 for wake expenses.

SO ORDERED.

(Id. at 24-25 and 56.)

[7] Id. at 25.

[8] The dispositive portion of the CA decision reads:

WHEREFORE, the appealed judgment is AFFIRMED with MODIFICATION. As modified, the judgment reads: Appellant Vinancio Figueroa is found guilty beyond reasonable doubt of Homicide Through Reckless Imprudence with violation of the Land Transportation and Traffic Code (formerly the Automobile Law) and is accordingly hereby sentenced to suffer an indeterminate penalty of One (1) Year, Four (4) Months and One (1)

Day of prision correccional as minimum to Three (3) Years, Six (6) Months and Twenty (20) Days of prision correccional as maximum, and to pay the heirs of the victim the following:

- P50,000.00 as civil indemnity;
 - P339,840.00 as damages for loss of earning capacity;
 - P45,000 for funeral expenses; and
 - P24,000 for burial expenses
- SO ORDERED.

(Id. at 30.)

[9] Id. at 156-158.

[10] *Alarilla v. Sandiganbayan*, 393 Phil. 143, 155 (2000); *Escobal v. Justice Garchitorena*, 466 Phil. 625, 635 (2004).

[11] Entitled "The Judiciary Reorganization Act of 1980," approved on August 14, 1981.

[12] Entitled "An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Muncipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the `Judiciary Reorganization Act of 1980,'" approved on March 25, 1994, and took effect on April 15, 1994, fifteen days after publication in the *Malaya* and in the *Times Journal* on March 30, 1994, pursuant to Section 8 thereof.

[13] Revised Penal Code, Art. 365.

[14] *In Re: Calloway*, 1 Phil. 11, 12 (1901).

[15] 9 Phil. 22 (1907).

[16] Id. at 26. (Emphasis ours.)

[17] 111 Phil. 73 (1961).

[18] Id. at 93-94. (Emphasis ours).

[19] No. L-14591, September 26, 1962, 6 SCRA 14.

[20] Id. at 16-17.

[21] 131 Phil. 556 (1968).

[22] Id. at 563-565.

[23] 204 Phil. 25 (1982).

[24] Id. at 34-35.

[25] G.R. No. 139031, October 18, 2004, 440 SCRA 389.

[26] Id. at 395-396.

[27] G.R. No. 154295, July 29, 2005, 465 SCRA 320.

[28] Id. at 337.

[29] G.R. No. 154684, September 8, 2005, 469 SCRA 424.

[30] Id. at 429-431.

[31] G.R. No. 143951, October 25, 2005, 474 SCRA 153.

[32] Id. at 162.

[33] G.R. No. 167988, February 6, 2007, 514 SCRA 616.

[34] Id. at 635-636. (Citations omitted.)

[35] *Jolley v. Martin Bros. Box Co.*, 109 N.E. 2d, 652, 661 (1952).

[36] *Wisdom's Adm'r v. Sims*, 144 S.W. 2d 232, 235, 236, 284 Ky. 258.

[37] *Tijam v. Sibonghanoy*, *supra*, at 37.

[38] *C & S Fishfarm Corp. v. Court of Appeals*, 442 Phil. 279, 290-291 (2002).

[39] *Smith v. Smith*, 265 N.C. 18, 27; 143 S.E. 2d 300, 306 (1965).

[40] *Veneracion v. Mancilla*, G.R. No. 158238, July 20, 2006.

[41] *Arcelona v. Court of Appeals*, G.R. No. 102900, October 2, 1997, 280 SCRA 20, 53.

[42] G.R. No. 162890, November 22, 2005, 475 SCRA 743.

[43] Id. at 755-757. (Italics supplied.)

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