

**DEOGRACIAS G. TRINIDAD AND CLARA B. TRINIDAD, PETITIONERS,
VS. HON. NICASIO YATCO, LINA SANTOS JACINTO, SHERIFF OF
RIZAL AND HELEN ZABALLERO, RESPONDENTS.**

G.R. No. 17288, March 27, 1961

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-17288/>

REYES, J.B.L., J.:

Petition for certiorari with preliminary injunction to declare null and void, for lack of jurisdiction, the decision of the Court of First Instance of Rizal in its Civil Case No. Q-4852, as well as all subsequent proceedings for the execution of said judgment.

Said civil case was filed in the lower court by Lina Santos Jacinto on December 8, 1959, to collect from the spouses Deogracias G. Trinidad and Clara B. Trinidad the amount of P2,750.00, evidenced by a promissory note dated August 17, 1959 signed by the spouses, or for the foreclosure of a chattel mortgage executed by them on certain personal properties to secure the principal obligation. The defendants failed to file any responsive pleading to the complaint within the reglementary period and were declared in default. Whereupon, plaintiff was allowed to present her evidence and thereafter, the court rendered judgment in her favor, the dispositive portion of which reads:

"Wherefore, judgment is rendered one in favor of plaintiff and against the defendants, by ordering the defendants to pay to plaintiff the sum of P2,750.00 with legal interest thereon from September 18, 1959 until fully paid for; that in case of defendants' failure to pay the aforesaid obligation and interest thereon within a period of not less than ninety days from notice of this judgment, the court shall issue an order for the sale of the properties subject of the herein mortgage and the disposition thereof in accordance with law; and for the defendants to pay the costs.

SO ORDERED."

A writ of execution was issued on May 18, 1960 and by virtue thereof, the provincial sheriff of Rizal levied upon the personal properties mortgaged and advertised them for sale on May 28, 1960.

Having learned of the judgment and execution proceedings against them, defendants, on May 14, 1960, filed a motion to set aside the order of default, the decision, and the writ of execution, on the ground that under section 44 (c) of the Judiciary Act of 1948, as amended by Republic Act No. 2613, which took effect on August 31, 1959, the trial court did not have jurisdiction over the amount involved and demanded in the complaint, which amount, being less than P5,000.00, falls within the exclusive original jurisdiction of the justice of the peace court. Said motion was denied by the lower court for the reason that it was filed more than three months from the time decision was rendered in the case. Defendants sought reconsideration of the order, insisting that the lack of jurisdiction of the court to entertain the case being patent on the face of the complaint, the judgment therein is void ab-initio, which could not be validated by the express or implied consent of the parties and could be set aside at any stage of the proceedings. Still the lower court refused to reconsider, and as a result, the provincial sheriff

sold the properties advertised for sale on May 28, 1960 to one Angelina Zaballero for the total amount of P2,103.00. The judgment in favor of plaintiff Santos not having been fully satisfied by the sale of May 28, 1960, she moved for another writ of execution for the sale of other properties belonging to defendants. Again defendants filed a motion for injunction with the lower court, which was denied; whereupon, defendants filed the present petition for certiorari before this Court, and upon petitioners' filing of a bond of P2,000.00, we issued a writ of preliminary injunction to restrain any further proceedings in Civil Case No. Q-4852 until further orders from this court.

The petition is clearly meritorious and should be granted.

Under the provisions of Republic Act No. 2613, amending sections 44 and 88 of the Judiciary Act of 1948, the inferior courts have now exclusive original jurisdiction over all civil actions "where the value of the subject-matter or amount of the demand does not exceed five thousand pesos, exclusive of interests and costs." The amount sought to be recovered by plaintiff's complaint (Annex "A", Petition) is P2,750.00, which is clearly outside the original jurisdiction of the court of first instance. The complaint likewise prays for the foreclosure of a chattel mortgage on certain personal properties. There is no allegation in the complaint, however, nor does the deed of mortgage show, that the properties mortgaged are valued at more than P5,000.00 to bring the case within the jurisdiction of the court below. Upon the other hand, paragraph 5 of the complaint avers that—

"the defendants are continuously using the property subject of the mortgage from September 18, 1959 up to the present thus diminishing their value and their further use will diminish more their value, making such properties insufficient to discharge the mortgage debt of two thousand seven hundred fifty pesos (P2,750.00),"

which averment justifies the assumption that the properties mortgaged, at the time of the filing of the complaint, can not be worth any more than the principal debt of P2,750.00. Whether as an ordinary action to collect an amount of P2,750.00 or an action for foreclosure of chattel mortgage over properties worth P2,750.00, therefore, the subject matter of the complaint is clearly outside the jurisdiction of the court below.

The lower court refused to set aside its judgment as well as the execution proceedings for the enforcement thereof on the ground that defendants filed their motion to set aside only after more than three months from the date said judgment was promulgated. But as correctly argued by petitioners, a judgment void for lack of jurisdiction over the subject-matter can be assailed at anytime, either directly or collaterally. When a judgment is void for lack of jurisdiction and its nullity is shown by virtue of its own recitals, "it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head" (*Banco Español-Filipino vs. Palanca*, 37 Phil., 921, 949). The provisions of Rule 38, Rules of Court, placing a time limit for the filing of a petition to set aside a final and executory judgment have no application where the judgment has been "entered without jurisdiction and which is therefore a nullity which may be 'stricken down or wholly disregarded' as the circumstances require, and vacated or set aside by the court being directed by motion or otherwise to the fact that it is void for lack of jurisdiction in the court to enter it" (*Anuran vs. Ana Aquino, et al.*, 38 Phil., 29; also *Ang Lam vs. Rosillosa*, 86 Phil., 447; 47 Off. Gaz., No. 12 Supp., 103).

Wherefore, all proceedings taken in the Court below in its Civil Case No. Q-4852 are declared null and void and set aside for lack of jurisdiction. The writ of preliminary injunction issued by this Court on August 31, 1960 is hereby made permanent. Costs against respondent Lina Santos-Jacinto.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, 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.