RAMON S. CHING AND PO WING PROPERTIES, INC., PETITIONERS, VS. HON. JANSEN R. RODRIGUEZ, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF MANILA, BRANCH 6, JOSEP...

G.R. No. 192828. November 28, 2011

Ponente: REYES, J.

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REYES, J.:

The Case

Before us is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court assailing the December 14, 2009 Decision[2] and July 8, 2010 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 99856. The dispositive portion of the assailed Decision reads:

> WHEREFORE, in view of all the foregoing premises, judgment is hereby rendered by us DENYING the petition filed in this case and AFFIRMING the assailed Orders dated March 15, 2007 and May 16, 2007 issued by the respondent Judge of the Regional Trial Court (RTC), Branch 6, in Manila in Civil Case No. 02-105251.[4]

The assailed Resolution denied the petitioners' Motion for Reconsideration.

The Factual Antecedents

Sometime between November 25, 2002 and December 3, 2002,[5] the respondents filed a Complaint[6] against the petitioners and Stronghold Insurance Company, Global Business Bank, Inc. (formerly PhilBank), Elena Tiu Del Pilar, Asia Atlantic Resources Ventures, Inc., Registers of Deeds of Manila and Malabon, and all persons claiming rights or titles from Ramon Ching (Ramon) and his successors-in-interest.

The Complaint, captioned as one for "Disinheritance, Declaration of Nullity of Agreement and Waiver, Affidavit of Extra-Judicial Settlement, Deed of Absolute Sale, Transfer Certificates of Title with Prayer for [the] Issuance of [a] Temporary Restraining Order and [a] Writ of Preliminary Injunction," was docketed as Civil Case No. 02-105251 and raffled to Branch 8 of the Regional Trial Court of Manila (RTC).

In the Complaint, the respondents alleged the following as causes of action:

First Cause of Action. They are the heirs of Lim San, also known as Antonio Ching / Tiong Cheng / Ching Cheng Suy (Antonio). Respondents Joseph Cheng (Joseph) and Jaime Cheng (Jaime) are allegedly the children of Antonio with his common-law wife, respondent Mercedes Igne (Mercedes). Respondent Lucina Santos (Lucina) claimed that she was also a common-law wife of Antonio. The respondents averred that Ramon misrepresented himself as Antonio's and Lucina's son when in truth and in fact, he was adopted and his birth certificate was merely simulated. On July 18, 1996, Antonio died of a stab wound. Police investigators identified Ramon as the prime suspect and he now stands as the lone accused in a criminal case for murder filed against him. Warrants of

arrest issued against him have remained unserved as he is at large. From the foregoing circumstances and upon the authority of Article 919[7] of the New Civil Code (NCC), the respondents concluded that Ramon can be legally disinherited, hence, prohibited from receiving any share from the estate of Antonio.

Second Cause of Action. On August 26, 1996, prior to the conclusion of the police investigations tagging Ramon as the prime suspect in the murder of Antonio, the former made an inventory of the latter's estate. Ramon misrepresented that there were only six real estate properties left by Antonio. The respondents alleged that Ramon had illegally transferred to his name the titles to the said properties. Further, there are two other parcels of land, cash and jewelries, plus properties in Hongkong, which were in Ramon's possession.

Third Cause of Action. Mercedes, being of low educational attainment, was sweet-talked by Ramon into surrendering to him a Global Business Bank, Inc. (Global Bank) Certificate of Time Deposit of P4,000,000.00 in the name of Antonio, and the certificates of title covering two condominium units in Binondo which were purchased by Antonio using his own money but which were registered in Ramon's name. Ramon also fraudulently misrepresented to Joseph, Jaime and Mercedes that they will promptly receive their complete shares, exclusive of the stocks in Po Wing Properties, Inc. (Po Wing), from the estate of Antonio. Exerting undue influence, Ramon had convinced them to execute an Agreement[8] and a Waiver[9] on August 20, 1996. The terms and conditions stipulated in the Agreement and Waiver, specifically, on the payment by Ramon to Joseph, Jaime and Mercedes of the amount of P22,000,000.00, were not complied with. Further, Lucina was not informed of the execution of the said instruments and had not received any amount from Ramon. Hence, the instruments are null and void.

Fourth Cause of Action. Antonio's 40,000 shares in Po Wing, which constitute 60% of the latter's total capital stock, were illegally transferred by Ramon to his own name through a forged document of sale executed after Antonio died. Po Wing owns a ten-storey building in Binondo. Ramon's claim that he bought the stocks from Antonio before the latter died is baseless. Further, Lucina's shares in Po Wing had also banished into thin air through Ramon's machinations.

Fifth Cause of Action. On October 29, 1996, Ramon executed an Affidavit of Extra-Judicial Settlement of Estate[10] adjudicating solely to himself Antonio's entire estate to the prejudice of the respondents. By virtue of the said instrument, new Transfer Certificates of Title (TCTs) covering eight real properties owned by Antonio were issued in Ramon's name. Relative to the Po Wing shares, the Register of Deeds of Manila had required Ramon to post a Surety Bond conditioned to answer for whatever claims which may eventually surface in connection with the said stocks. Co-defendant Stronghold Insurance Company issued the bond in Ramon's behalf.

Sixth Cause of Action. Ramon sold Antonio's two parcels of land in Navotas to co-defendant Asia Atlantic Business Ventures, Inc. Another parcel of land, which was part of Antonio's estate, was sold by Ramon to co-defendant Elena Tiu Del Pilar at an unreasonably low price. By reason of Ramon's lack of authority to dispose of any part of Antonio's estate, the conveyances are null and void ab initio.

Since Ramon is at large, his wife, Belen Dy Tan Ching, now manages Antonio's estate. She has no intent to convey to the respondents their shares in the estate of Antonio.

The respondents thus prayed for the following in their Complaint:

> 1. x x x a temporary restraining order be issued restraining the defendant RAMON CHING and/or his attorney-in-fact Belen Dy Tan Ching from disposing, selling or alienating any property that belongs to the estate of the deceased ANTONIO CHING;
>
> x x x
>
> 4. x x x

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a.) Declaring that the defendant RAMON CHING who murdered his father ANTONIO CHING disqualified as heir and from inheriting to (sic) the estate of his father;

b.) Declaring the nullity of the defendant RAMON CHING transfer (sic) of the six [6] parcels of land from the name of his father ANTONIO CHING to his name covered by TCT No. x x x;

c.) Declaring the nullity of the AGREEMENT and WAIVER executed by plaintiffs x x x in favor of x x x RAMON CHING for being patently immoral, invalid, illegal, simulated and (sic) sham;

d.) Declaring the nullity of the transfer of the shares of stocks at (sic) PO WING from the names of ANTONIO CHING and LUCINA SANTOS to the defendant ANTONIO CHING's name for having been illegally procured through the falsification of their signatures in the document purporting the transfer thereof;

e.) Declaring the nullity and to have no force and effect the AFFIDAVIT OF SETTLEMENT OF ESTATE executed by x x x RAMON CHING for being contrary to law and existing jurisprudence;

f.) Declaring the nullity of the DEED OF SALES (sic) executed by x x x RAMON CHING (i) over two (2) parcels of land x x x to defendant ASIA ATLANTIC BUSINESS VENTURES, Inc.; and (ii) one (1) parcel of land x x x sold to x x x ELENA TIU DEL PILAR for having illegally procured the ownership and titles of the above properties;

x x x.[11]

The petitioners filed with the RTC a Motion to Dismiss[12] alleging forum shopping, litis pendentia, res judicata and the respondents as not being the real parties in interest.

On July 30, 2004, the RTC issued an Omnibus Order[13] denying the petitioners' Motion to Dismiss.

The respondents filed an Amended Complaint[14] dated April 7, 2005 impleading Metrobank as the successor-in-interest of co-defendant Global Bank. The Amended Complaint also added a seventh cause of action relative to the existence of a Certificate of Premium Plus Acquisition (CPPA) in the amount of P4,000,000.00 originally issued by PhilBank to Antonio. The respondents prayed that they be declared as the rightful owners of the CPPA and that it be immediately released to them. Alternatively, the respondents prayed for the issuance of a hold order relative to the CPPA to preserve it during the pendency of the case.

On April 22, 2005, the petitioners filed their Consolidated Answer with Counterclaim.[15]

On October 28, 2005, the RTC issued an Order[16] admitting the respondents' Amended Complaint. The RTC stressed that Metrobank had already filed Manifestations admitting that as successor-in-interest of Global Bank, it now possesses custody of Antonio's deposits. Metrobank expressed willingness to abide by any court order as regards the disposition of Antonio's deposits. The petitioners' Motion for Reconsideration filed to assail the aforecited Order was denied by the RTC on May 3, 2006.

On May 29, 2006, the petitioners filed their Consolidated Answer with Counterclaim to the respondents' Amended Complaint.

On August 11, 2006, the RTC issued a pre-trial order.[17]

On January 18, 2007, the petitioners filed a Motion to Dismiss[18] the respondents' Amended Complaint on the alleged ground of the RTC's lack of jurisdiction over the subject matter of the Complaint. The petitioners argued that since the Amended Complaint sought the release of the CPPA to the respondents, the latter's declaration as heirs of Antonio, and the propriety of Ramon's disinheritance, the suit partakes of the nature of a special proceeding and not an ordinary action for declaration of nullity. Hence, jurisdiction pertains to a probate or

intestate court and not to the RTC acting as an ordinary court.

On March 15, 2007, the RTC issued an Order[19] denying the petitioners' Motion to Dismiss on grounds:

> In the case at bar, an examination of the Complaint would disclose that the action delves mainly on the question of ownership of the properties described in the Complaint which can be properly settled in an ordinary civil action. And as pointed out by the defendants, the action seeks to declare the nullity of the Agreement, Waiver, Affidavit of Extra-Judicial Settlement, Deed of Absolute Sale, Transfer Certificates of Title, which were all allegedly executed by defendant Ramon Ching to defraud the plaintiffs. The relief of establishing the status of the plaintiffs which could have translated this action into a special proceeding was nowhere stated in the Amended Complaint. With regard [to] the prayer to declare the plaintiffs as the rightful owner[s] of the CPPA and that the same be immediately released to them, in itself poses an issue of ownership which must be proved by plaintiffs by substantial evidence. And as emphasized by the plaintiffs, the Amended Complaint was intended to implead Metrobank as a co-defendant.
>
> As regards the issue of disinheritance, the court notes that during the Pre-trial of this case, one of the issues raised by the defendants Ramon Ching and Po Wing Properties is: Whether or not there can be disinheritance in intestate succession? Whether or not defendant Ramon Ching can be legally disinherited from the estate of his father? To the mind of the Court, the issue of disinheritance, which is one of the causes of action in the Complaint, can be fully settled after a trial on the merits. And at this stage, it has not been sufficiently established whether or not there is a will.[20] (Emphasis supplied.)

The above Order, and a subsequent Order dated May 16, 2007 denying the petitioners' Motion for Reconsideration, became the subjects of a petition for certiorari filed with the CA. The petition, docketed as CA-G.R. SP No. 99856, raised the issue of whether or not the RTC gravely abused its discretion when it denied the petitioners' Motion to Dismiss despite the fact that the Amended Complaint sought to establish the status or rights of the respondents which subjects are within the ambit of a special proceeding.

On December 14, 2009, the CA rendered the now assailed Decision[21] denying the petition for certiorari on grounds:

> Our in-depth assessment of the condensed allegations supporting the causes of action of the amended complaint induced us to infer that nothing in the said complaint shows that the action of the private respondents should be threshed out in a special proceeding, it appearing that their allegations were substantially for the enforcement of their rights against the alleged fraudulent acts committed by the petitioner Ramon Ching. The private respondents also instituted the said amended complaint in order to protect them from the consequence of the fraudulent acts of Ramon Ching by seeking to disqualify Ramon Ching from inheriting from Antonio Ching as well as to enjoin him from disposing or alienating the subject properties, including the P4 Million deposit with Metrobank. The intestate or probate court has no jurisdiction to adjudicate such issues, which must be submitted to the court in the exercise of its general jurisdiction as a regional trial court. Furthermore, we agree with the trial court that the probate court could not take cognizance of the prayer to disinherit Ramon Ching, given the undisputed fact that there was no will to be contested in a probate court.
>
> The petition at bench apparently cavils the subject amended complaint and complicates the issue of jurisdiction by reiterating the grounds or defenses set up in the petitioners' earlier pleadings. Notwithstanding, the jurisdiction of the court over the subject matter is determined by the allegations of the complaint without regard to whether or not the private respondents (plaintiffs) are entitled to recover upon all or some of the causes of action asserted therein. In this regard, the jurisdiction of the court does not depend upon the defenses pleaded in the answer or in the motion to dismiss, lest the question of jurisdiction would almost entirely depend upon the petitioners (defendants).[22] Hence, we focus our resolution on the issue of jurisdiction on the allegations in the amended complaint and not on the defenses pleaded in the motion to dismiss or in the

> subsequent pleadings of the petitioners.
>
> In fine, under the circumstances of the present case, there being no compelling reason to still subject the action of the petitioners in a special proceeding since the nullification of the subject documents could be achieved in the civil case, the lower court should proceed to evaluate the evidence of the parties and render a decision thereon upon the issues that it defined during the pre-trial in Civil Case No. 02-105251.[23] (emphasis supplied)

The petitioners' Motion for Reconsideration was denied by the CA through a Resolution[24] issued on July 8, 2010.

The Issue

The instant Petition for Review on Certiorari[25] is anchored on the issue of:

> WHETHER OR NOT THE RTC SHOULD HAVE GRANTED THE MOTION TO DISMISS FILED BY THE PETITIONERS ON THE ALLEGED GROUND OF THE RTC'S LACK OF JURISDICTION OVER THE SUBJECT MATTER OF THE AMENDED COMPLAINT, TO WIT, (A) FILIATIONS WITH ANTONIO OF RAMON, JAIME AND JOSEPH; (B) RIGHTS OF COMMON-LAW WIVES, LUCINA AND MERCEDES, TO BE CONSIDERED AS HEIRS OF ANTONIO; (C) DETERMINATION OF THE EXTENT OF ANTONIO'S ESTATE; AND (D) OTHER MATTERS WHICH CAN ONLY BE RESOLVED IN A SPECIAL PROCEEDING AND NOT IN AN ORDINARY CIVIL ACTION.

The petitioners argue that only a probate court has the authority to determine (a) who are the heirs of a decedent; (b) the validity of a waiver of hereditary rights; (c) the status of each heir; and (d) whether the property in the inventory is conjugal or the exclusive property of the deceased spouse.[26] Further, the extent of Antonio's estate, the status of the contending parties and the respondents' alleged entitlement as heirs to receive the proceeds of Antonio's CPPA now in Metrobank's custody are matters which are more appropriately the subjects of a special proceeding and not of an ordinary civil action.

The respondents opposed[27] the instant petition claiming that the petitioners are engaged in forum shopping. Specifically, G.R. Nos. 175507[28] and 183840,[29] both involving the contending parties in the instant petition were filed by the petitioners and are currently pending before this Court. Further, in Mendoza v. Hon. Teh,[30] the SC declared 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. Besides, the petitioners, having validly submitted themselves to the jurisdiction of the RTC and having actively participated in the trial of the case, are already estopped from challenging the RTC's jurisdiction over the respondents' Complaint and Amended Complaint.[31]

The Court's Ruling

We resolve to deny the instant petition.

The petitioners failed to comply with a lawful order of this Court directing them to file their reply to the respondents' Comment/Opposition to the instant Petition. While the prescribed period to comply expired on March 15, 2011, the petitioners filed their Manifestation that they will no longer file a reply only on October 10, 2011 or after the lapse of almost seven months.

Further, no reversible errors were committed by the RTC and the CA when they both ruled that the denial of the petitioners' second motion to dismiss Civil Case No. 02-105251 was proper.

Even without delving into the procedural allegations of the respondents that the petitioners engaged in forum

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shopping and are already estopped from questioning the RTC's jurisdiction after having validly submitted to it when the latter participated in the proceedings, the denial of the instant Petition is still in order. Although the respondents' Complaint and Amended Complaint sought, among others, the disinheritance of Ramon and the release in favor of the respondents of the CPPA now under Metrobank's custody, Civil Case No. 02-105251 remains to be an ordinary civil action, and not a special proceeding pertaining to a settlement court.

An action for reconveyance and annulment of title with damages is a civil action, whereas matters relating to settlement of the estate of a deceased person such as advancement of property made by the decedent, partake of the nature of a special proceeding, which concomitantly requires the application of specific rules as provided for in the Rules of Court.[32] A special proceeding is a remedy by which a party seeks to establish a status, a right, or a particular fact.[33] It is distinguished from an ordinary civil action where a party sues another for the enforcement or protection of a right, or the prevention or redress of a wrong.[34] To initiate a special proceeding, a petition and not a complaint should be filed.

Under Article 916 of the NCC, disinheritance can be effected only through a will wherein the legal cause therefor shall be specified. This Court agrees with the RTC and the CA that while the respondents in their Complaint and Amended Complaint sought the disinheritance of Ramon, no will or any instrument supposedly effecting the disposition of Antonio's estate was ever mentioned. Hence, despite the prayer for Ramon's disinheritance, Civil Case No. 02-105251 does not partake of the nature of a special proceeding and does not call for the probate court's exercise of its limited jurisdiction.

The petitioners also argue that the prayers in the Amended Complaint, seeking the release in favor of the respondents of the CPPA under Metrobank's custody and the nullification of the instruments subject of the complaint, necessarily require the determination of the respondents' status as Antonio's heirs.

It bears stressing that what the respondents prayed for was that they be declared as the rightful owners of the CPPA which was in Mercedes' possession prior to the execution of the Agreement and Waiver. The respondents also prayed for the alternative relief of securing the issuance by the RTC of a hold order relative to the CPPA to preserve Antonio's deposits with Metrobank during the pendency of the case. It can thus be said that the respondents' prayer relative to the CPPA was premised on Mercedes' prior possession of and their alleged collective ownership of the same, and not on the declaration of their status as Antonio's heirs. Further, it also has to be emphasized that the respondents were parties to the execution of the Agreement[35] and Waiver[36] prayed to be nullified. Hence, even without the necessity of being declared as heirs of Antonio, the respondents have the standing to seek for the nullification of the instruments in the light of their claims that there was no consideration for their execution, and that Ramon exercised undue influence and committed fraud against them. Consequently, the respondents then claimed that the Affidavit of Extra-Judicial Settlement of Antonio’s estate executed by Ramon, and the TCTs issued upon the authority of the said affidavit, are null and void as well. Ramon's averment that a resolution of the issues raised shall first require a declaration of the respondents' status as heirs is a mere defense which is not determinative of which court shall properly exercise jurisdiction.

In Marjorie Cadimas v. Marites Carrion and Gemma Hugo,[37] the Court declared:

> It is an elementary rule of procedural law that jurisdiction of the court over the subject matter is determined by the allegations of the complaint irrespective of whether or not the plaintiff is entitled to recover upon all or some of the claims asserted therein. As a necessary consequence, the jurisdiction of the court cannot be made to depend upon the defenses set up in the answer or upon the motion to dismiss, for otherwise, the question of jurisdiction would almost entirely depend upon the defendant. What determines the jurisdiction of the court is the nature of the action pleaded as appearing from the allegations in the complaint. The averments in the complaint and the character of the relief sought are the matters to be consulted.

In sum, this Court agrees with the CA that the nullification of the documents subject of Civil Case No. 02-105251 could be achieved in an ordinary civil action, which in this specific case was instituted to protect the respondents from the supposedly fraudulent acts of Ramon. In the event that the RTC will find grounds to grant the reliefs prayed for by the respondents, the only consequence will be the reversion of the properties subject of the dispute to the estate of Antonio. Civil Case No. 02-105251 was not instituted to conclusively resolve the issues relating to the administration, liquidation and distribution of Antonio's estate, hence, not the proper subject of a special proceeding for the settlement of the estate of a deceased person under Rules 73-91 of the Rules of Court.

The respondents' resort to an ordinary civil action before the RTC may not be strategically sound, because a settlement proceeding should thereafter still follow, if their intent is to recover from Ramon the properties alleged to have been illegally transferred in his name. Be that as it may, the RTC, in the exercise of its general jurisdiction, cannot be restrained from taking cognizance of respondents' Complaint and Amended Complaint as the issues raised and the prayers indicated therein are matters which need not be threshed out in a special proceeding.

WHEREFORE, the instant petition is DENIED. The petitioners' (a) Opposition to the respondents' Motion to Admit Substitution of Party;[38] and (b) Manifestation[39] through counsel that they will no longer file a reply to the respondents' Comment/Opposition to the instant petition are NOTED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Aranal-Sereno, JJ., concur.

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[1] Rollo, pp. 12-57.

[2] Penned by Associate Justice Isaias Dicdican, with Associate Justices Remedios A. Salazar-Fernando and Romeo F. Barza, concurring; id. at 59-70.

[3] Id. at 72-73.

[4] Id. at 69.

[5] The copy of the Complaint filed with this Court was dated November 25, 2002 and stamped as received by the RTC on December 3, 2002. However, the copy does not indicate if the Complaint was filed personally or by registered mail.

[6] Rollo, pp. 110-126.

[7] Art. 919. The following shall be sufficient causes for the disinheritance of children and descendants, legitimate as well as illegitimate:

> (1) When a child or descendant has been found guilty of an attempt against the life of the testator, his or her spouse, descendants, or ascendants;
>
> x x x
>
> (6) Maltreatment of the testator by word or deed, by the child or descendant;
>
> x x x.

[8] Rollo, p. 615.

[9] Id. at 616.

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[10] Id. at 617-620.

[11] Id. at 122-123.

[12] Id. at 127-136.

[13] Id. at 137-143.

[14] Id. at 242-259.

[15] Id. at 191-229.

[16] Id. at 271-272.

[17] Id. at 327-339.

[18] Id. at 348-356.

[19] Id. at 414-419.

[20] Id. at 418-419.

[21] Id. at 59-70.

[22] Fort Bonifacio Development Corp. v. Hon. Edwin D. Sorongon, G.R. No. 176709, May 8, 2009, 587 SCRA 613, 619-620, citing Caparros v. Court of Appeals, G.R. No. 56803, February 28, 1989, 170 SCRA 758, 761.

[23] Rollo, pp. 67-68.

[24] Id. at 72-73.

[25] Id. at 12-57.

[26] Citing Associate Justice Florenz Regalado, Remedial Law Compendium, Vol. 2, 9th Revised Ed., p. 11.

[27] Please see Comment/Opposition to the Petition for Certiorari, rollo, pp. 499-535. Lucina died on October 20, 2010, hence, substituted by Eduardo Santos Balajadia who claims to be her son.

[28] Id. at 536-570. G.R. No. 175507 originated from the RTC Order (Id. at 632) issued on November 22, 2002 dismissing Civil Case No. 02-103319 without prejudice. On the other hand, the petition now under this Court's consideration originated from Civil Case No. 02-105251.

[29] Id. at 571-612. Although G.R. No. 183840 involves the same parties, it originated from the RTC Omnibus Order issued on July 30, 2004 denying the petitioners' first motion to dismiss. The RTC Order issued on March 15, 2007 denying the petitioners' second motion to dismiss is the origin of the instant petition now under this Court's consideration.

[30] 336 Phil 735, 740 (1997).

[31] Citing Tijam, et al. v. Sibonghanoy, et al., 131 Phil 556 (1968), Melendres, Jr. v. COMELEC, 377 Phil 275 (1999), Antiporda v. Garchitorena, 378 Phil 1166, 1174 (1999).

[32] Natcher v. Court of Appeals, et al., 418 Phil 669, 677 (2001).

[33] Rules of Court, Rule 1, Section 3.

[34] Reyes v. Enriquez, G.R. No. 162956, April 10, 2008, 551 SCRA 86, 92.

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[35] Supra note 8.

[36] Supra note 9.

[37] G.R. No. 180394, September 29, 2008, 567 SCRA 101, 116, citing Serdoncillo v. Spouses Benolirao, 358 Phil. 83, 94-95 (1998).

[38] Rollo, pp. 670-675.

[39] Id. at 676-680.

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