

IN THE MATTER OF GUARDIANSHIP OF THE MINORS CECILIA, REBECCA, FLORIDA, RAPHAEL, RODOLFO, LUISITO, TEODORO, ALL SURNAMED LAVIDES, ALBERTO C. LAVIDES, PETITIONER, VS. CITY COURT O...

G.R. No. 50261. May 31, 1982

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

This is a petition for review on certiorari of the two (2) orders of respondent City Court of Lucena, Branch I, one dated December 5, 1978 dismissing petitioner's petition for guardianship for lack of jurisdiction and the other, dated December 27, 1978 denying petitioner's motion for reconsideration of the order of December 5, 1978.

There is no dispute as to the following facts:

Upon the death of his wife, petitioner Alberto Lavides instituted on April 5, 1971 before respondent City Court a guardianship proceeding (Special Proceeding No. 0609) with respect to the person and property of their seven (7) minor children named Cecilia, Rebecca, Florida, Raphael, Rodolfo, Luisito and Teodoro, all surnamed Lavides. Said petition alleged that the estate left by the deceased wife of herein petitioner, mother of the above-named minors, has a total value of thirty-five thousand pesos (P35,000.00) or an amount of P5,000.00 pertaining to each minor. Although there had been no previous settlement of the estate of the deceased, petitioner was appointed and qualified as judicial guardian on May 10, 1971.

On June 23, 1971, respondent City Court, then presided by Honorable Judge Filemon Juntereal, upon motion, authorized petitioner to settle the estate extra judicially and to sell a portion thereof consisting of shares of stocks. Pursuant to said authority, petitioner extra judicially settled the estate, and on August 28, 1971, sold the said shares of stocks for the sum of P64,512.00.

On November 22, 1978, petitioner filed a motion for confirmation and approval of a Deed of Exchange Agreement dated November 18, 1978. While this latter motion was still pending consideration, the respondent court, now presided by Honorable Judge Jose J. Parentela, Jr., reviewed the records of the case and finding that the undivided estate left by the deceased was worth at least P35,000.00, dismissed the case in an Order dated December 5, 1978, for lack of jurisdiction, revoked the appointment of petitioner as guardian and annulled all proceedings taken prior to the issuance of the said order of December 5, 1978.

Petitioner filed a motion for reconsideration of said order which was denied by respondent city court in its order dated December 27, 1978. Hence, this instant petition, petitioner raising the following issues, namely:

- a. Whether or not respondent city court's jurisdiction over a petition for general guardianship is based on the total value of the estate or on the value of the individual share of the minors in the estate of their deceased mother; and
- b. Whether or not the promulgation of the Revised Rules of Court which was made effective on January 1,

1964 overruled the doctrine laid down by this Honorable Tribunal in the case of "Delgado vs. Gamboa," G. R. No. L-14326, February 28, 1962, 4 SCRA 505.

It appears that respondent city court dismissed the petition for guardianship on ground of lack of jurisdiction 1) because a perusal of the records of the case shows that the undivided estate left by the deceased is worth P35,000.00 which is clearly outside its jurisdiction, pursuant to Section 1, Rule 92 of the Revised Rules of Court, and 2) because of this Court's ruling in the case of Delgado vs. Gamboa, supra, to the effect that the concurrent jurisdiction of the Justice of the Peace Courts with the Court of First Instance over the guardianship of the person and properties of the minors and incompetents cannot be exercised when the estate has a value in excess of the jurisdictional amount for the former courts.

Petitioner, on the other hand, contends that in the case of petition for guardianship of more than one minor, the individual share of each minor which is then the estate of said minors determines the jurisdiction of the court pursuant to Section 1, Rule 92 of the Revised Rules of Court; that inasmuch as there are seven (7) minor children sought to be placed under guardianship and that the total value of the estate is P35,000.00, then by simple mathematical computation, the value of the property of each minor is P5,000.00, already a determined estate, which is well within the jurisdiction of the respondent city court; that the case of Delgado vs. Gamboa, promulgated in 1962, invoked by respondent city court in dismissing his petition has been overruled and abandoned by the promulgation of the Revised Rules of Court, which took effect in 1964.

Section 1, Rule 92 of the Revised Rules of Court granting concurrent jurisdiction to the municipal and city courts with the Court of First Instance in the appointment of guardians, provides:

"Section 1. Where to institute proceedings. - Guardianship of the person or estate of a minor or incompetent may be instituted in the Court of First Instance of the province, or in the justice of the peace court of the municipality, or in the municipal court of the chartered city where the minor or incompetent person resides, and if he resides in a foreign country, in the Court of First Instance of the province wherein his property or part thereof is situated; provided, however, that where the value of the property of such minor or incompetent exceeds the jurisdiction of the justice of the peace or municipal court, the proceedings shall be instituted in the Court of First Instance.

"In the City of Manila the proceedings shall be instituted in the Juvenile and Domestic Relations Court."

The above section, in clear terms, grants concurrent jurisdiction between municipal and city court and Courts of First Instance in the appointment of guardians either with respect to the person or property of the minor or incompetent, except that where the value of the property of such minor or incompetent exceeds the jurisdiction of the municipal or city courts, the guardianship proceedings shall be instituted in the Court of First Instance. It is clear, therefore, that the value of the property of the minor or incompetent sought to be placed in guardianship determines which court has jurisdiction. And that property referred to is the individual estate of the minor so much so that when there are more than one minor or incompetent sought to be placed under guardianship, what determines which court has jurisdiction is the value of the individual property of each minor or incompetent.

In the case at bar, it appears that respondent city court dismissed the petition for guardianship on ground of lack of jurisdiction because a perusal of the records of the case shows that the undivided estate left by the deceased mother is worth P35,000.00 which amount is clearly outside its jurisdiction. This reasoning must be rejected for it overlooks the fact that the petition for guardianship filed by herein petitioner before the respondent city court clearly alleged that the individual estate or share of each of the seven minor children sought to be placed under guardianship is P5,000.00, which amount is well within the jurisdiction of the respondent city court (Section 88, Judiciary Act of 1948, as amended by R.A. No. 3828). That the respondent city court has jurisdiction over the case cannot be denied, for the rule is well-settled that jurisdiction of the court over the subject matter is

determined by the allegations of the complaint and/or petition.[1] That each of the seven (7) minor children became owner of a one-seventh (1/7) share or an amount of P5,000 from the estate left by the deceased mother valued at P35,000.00 upon the death of the latter cannot also be denied, for Article 777 of the New Civil Code expressly provides that "the rights to the succession are transmitted from the moment of death of the decedent," [and from then on, the heir becomes the absolute owner of the decedent's] property, subject to the rights and obligations of the decedent and he cannot be deprived of such right except by methods provided for by law.[2]

Respondent city court, however, would also base its dismissal of the case in the light of this Court's ruling in the case of *Delgado vs. Gamboa*, supra, to the effect that the concurrence of jurisdiction between Courts of First Instance and inferior courts over guardianship of the minors or incompetents cannot be exercised when the estate has a value in excess of the jurisdictional amount for the latter courts. The respondent Court, however, overlooked one vital fact. A more careful examination of the facts of said case, decided in 1962, reveals that it involved guardianship proceeding over the person and property of three (3) minor children of decedent and an undivided estate valued at P7,000.00. That would make a share of P2,333.33 for each minor child, which amount is also in excess of the jurisdictional amount for inferior courts.[3] In the case at bar, there are seven (7) minor children to share in an undivided estate valued at P35,000.00 or a share of P5,000.00 for each minor, which amount is well within the jurisdiction of the respondent city court,[4] which, therefore, cannot validly invoke the case of *Delgado vs. Gamboa* to support its dismissal of the petition for guardianship. For what is decisive is not the total value of the estate of the decedent, but the value of the individual share of each of the minor heirs for whom a guardian is sought to be appointed individually not collectively.

But petitioner would contend, as raised in the second issue of this petition, that the doctrine laid down by this Court in the aforecited case of *Delgado vs. Gamboa*, has been overruled by the promulgation of the Revised Rules of Court, particularly Section 1 of Rule 92. He argued that the case of *Delgado vs. Gamboa*, promulgated on February 28, 1962, was decided when Section 1, Rule 93 of the former Rules of Court was still effective, which rule commands that guardianship shall be originally cognizable by the Court of First Instance; that when the Revised Rules of Court took effect on January 1, 1964, the institution of guardianship proceedings is now governed by Section 1 of Rule 92 which states that guardianship proceedings may be instituted in the Courts of First Instance or in the municipal courts.

A perusal of the case of *Delgado vs. Gamboa*, decided when Section 1 of former Rule 93, as amended by R.A. No. 643, was still effective, shows that it merely restated and confirmed the doctrine laid down in the case of *Morales vs. Maiquez*, G.R. No. L-7463, May 27, 1955, which in effect, expounded the grant of concurrent jurisdiction between inferior courts and Court of First Instance, as provided for by R.A. No. 643. And a comparison of the provisions of Section 1 of former Rule 93, as amended, and Section 1 of the present Rule 92 shows that the latter rule restates the former rule. Under the former rule, municipal or city courts have concurrent jurisdiction with the Court of First Instance in cases where the value of the property of such minor or incompetent falls within the jurisdiction of the former courts. Likewise, under the present rule, concurrent jurisdiction was also granted except that "where the value of the property of such minor or incompetent exceeds the jurisdiction of the inferior courts, the proceedings shall, be instituted in the Court of First Instance." The criterion, therefore, in determining in which court the guardianship proceeding shall be instituted under the provision of both the former Rule 93 and the present Rule 92 remains the same. Hence, it cannot be accurately stated that the *Delgado* ruling has been abandoned. In any case, the *Delgado* doctrine, as already demonstrated, does not militate against petitioner's contention that the City Court has jurisdiction over the instant guardianship case.

Lastly, there is still one aspect of this case which must not be overlooked. It is not disputed that the respondent City Court has entertained and granted petitioner's petition for guardianship in its Order as early as May 10, 1971

and has exercised its jurisdiction by granting authority to petitioner to settle the estate extra judicially and to sell a portion thereof consisting of shares of stock; that after the lapse of seven (7) years or on November 22, 1978, respondent City Court dismissed the case for lack of jurisdiction, revoked the appointment of petitioner as guardian and annulled all proceedings taken. Would it serve the interest of justice to dismiss the case at this stage and let a new petition for guardianship be filed in another court? To draw a tenuous jurisdictional line is to undermine stability in litigations. The time to be lost, effort wasted, anxiety augmented, additional expense incurred--these are considerations which weigh heavily if this situation is allowed to happen. As aptly stated by the petitioner--"To let the respondent court reverse its stand now will pave a pattern of judicial instability which, to reason and logic, is definitely not healthy administration of justice and not inducive of court's veneration." [5]

IN VIEW OF THE FOREGOING, the Order of respondent City Court of December 5, 1978 dismissing the petition and the Order of December 27, 1978 denying petitioner's motion for reconsideration thereof are hereby set aside and the case is remanded to it for further proceedings. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

Aquino, J., concur.

The concurrent jurisdiction in guardianship cases of inferior courts and the CFI is provided for in section 90 of the Judiciary Law as amended by RA No. 643.

[1] *Paraguya vs. Tiro*, 41 SCRA 137; *Tumalad vs. Vicencio*, 41 SCRA 143; *Union Obrera de Tabaco, Inc. vs. Quicho*, 40 SCRA 589; *Bautista vs. Fernandez*, 38 SCRA 548.

[2] *Baun vs. Heirs of Baun*, 53 Phil. 654; *Cuison vs. Villanueva, et al.*, 90 Phil. 850.

[3] Originally, the jurisdictional amount was fixed at no more than P2,000.00 (Section 88, Judiciary Act of 1948).

[4] Presently, the jurisdictional amount was fixed at not more than P10,000.00 (Sec. 88, Judiciary Act of 1948, as amended by R.A. No. 3828, approved on June 22, 1963).

[5] Memorandum for the Petitioner, p. 6; Rollo, p. 126.

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