



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 19, 2021** which reads as follows:*

“G.R. No. 237781 (Heirs of Fernando V. Majam: Elizabeth Majam and Fernancita Majam-Javier, represented by their Attorney-in-Fact, Atty. Prudencio F. Jatayna, Petitioners, v. Amanda Abad Santos Madrigal, as represented by Ms. Cynthia R. Colorico and the Register of Deeds of Tagaytay City, Respondents). – In this petition for review (petition), petitioners seek to reverse and set aside the Decision dated 28 February 2018¹ promulgated by the Court of Appeals (CA) in CA-G.R. SP No. 147519 denying their petition for *certiorari* to assail the Order dated 01 August 2016² of Branch 18, Regional Trial Court (RTC) of Tagaytay City in Civil Case No. TG-1834.

Antecedents

The CA summarized the factual antecedents of the case in the following manner:

The instant Petition stemmed from a Complaint for quieting of title filed by Respondent Amanda Abad Santos Madrigal (**Amanda**) represented by her attorney-in-fact Ms. Cynthia R. Celorico (**Cynthia**) against Fernando V. Majam (**Fernando**) and the Register of Deeds of Tagaytay City (**Register of Deeds**).

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In the Complaint filed by Amanda, she alleged that since 1937 or thereabout, she has been and still, is the registered owner

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¹ *Rollo*, pp. 19-26; penned by Associate Justice Ronaldo Roberto B. Martin, and concurred in by Associate Justices Ricardo R. Rosario (now a Member of this Court) and Eduardo B. Peralta, Jr. of the Fourteenth Division, Court of Appeals, Manila.

² *Id.* at 53-54; penned by RTC Acting Presiding Judge Jaime B. Santiago.

in fee simple and possessor of a parcel of land containing an area of 191,736 square meters, more or less, situated in Barrio Caloocan, Tagaytay City, covered by Transfer Certificate of Title (TCT) No. T-20145 (**subject property**). She further alleged that recently, she learned that Fernando had been trying to sell to unwary parties the said subject property belonging to her at an incredibly give away price, far below its true market value. According to Amanda, Fernando's title over the subject property, TCT No. (1605) T33575, while apparently valid and effective upon its face, is *in esse* invalid, void and inefficacious. Hence, the filing of the Complaint for quieting of title to remove clouds of doubt foisted by the alleged unlawful and injurious fake title of Fernando.

Fernando filed a Motion to Dismiss the Complaint on the alleged ground of improper venue since the subject property as per his title is located in Barrio Caloocan, Talisay, Batangas under the territorial jurisdiction of the RTC of Tanauan City and not under the RTC of Tagaytay City. To prove his claim that Tagaytay City is not part of the Province of Batangas, he attached a copy of the Certification issued by Engr. Emilma Pello, City Planning and Development Coordinator of Tagaytay City.

Amanda filed an Opposition (Re: Motion to Dismiss dated 20 March 2010) contending that the court has jurisdiction over the subject property since the same is covered by a title issued by the Register of Deeds of Tagaytay City and is located in Barrio Caloocan, Tagaytay City.

Finding the Motion to Dismiss to be without merit, Public Respondent denied the same in an Order dated 17 February 2014. Fernando filed a Motion for Reconsideration of the said Order of denial.

Meanwhile, Public Respondent set the case for pre-trial on 15 April 2014 and 3 June 2014. During the pre-trial on 3 June 2014, Amanda's counsel failed to appear. Although Amanda's attorney-in-fact, Cynthia, was present, she had no more authority to represent her principal as the latter was already dead. Hence, in an Order of even date, Public Respondent dismissed the Complaint without prejudice for failure of Amanda's counsel to appear despite notice and there being no authorized representative of Amanda.

Amanda's counsel filed a Motion for Reconsideration contending that the dismissal of the Complaint was premature as there was still a pending Motion for Reconsideration filed by Fernando of the denial of his earlier Motion to Dismiss to which Amanda filed a Vigorous Opposition. According to Amanda's counsel, her client's alleged death is not a ground to dismiss the case since her heirs should be given the opportunity to act as substitute plaintiffs pursuant to Section 16, Rule 3 of the Rules of Court.³

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³ *Id.* at 20-21.

Ruling of the RTC

On 01 August 2016, the RTC issued an order denying the motion for reconsideration filed by Fernando Majam (Fernando) of the RTC's denial of his motion to dismiss, to wit:

ALL THE FOREGOING CONSIDERED, the Motion for Reconsideration filed by the defendants is hereby DENIED and, in the best interest of justice and fair play, the Motion for Reconsideration dismissing the case without prejudice for failure of the plaintiff to appear is hereby GRANTED.

Let this case be set for ***Pre-trial*** on September 20, 2016 at 8:30 o'clock in the morning.

SO ORDERED.⁴ (Underscoring in the original)

The RTC reiterated its ruling in its Order dated 17 February 2014, which denied Fernando's motion to dismiss on the ground of improper venue. Since Transfer Certificate of Title (TCT) No. T-20145, owned by private respondent Amanda Abad Santos Madrigal (Amanda) and issued by the Register of Deeds of Tagaytay City, indicates Tagaytay City as the location of the subject property, then venue was properly laid before the RTC of Tagaytay City. Further, the RTC reconsidered its earlier dismissal without prejudice of the case in the interest of justice and fair play. It allowed the case to proceed despite the death of Amanda to give her heirs the opportunity to act as substitute plaintiffs.⁵

Ruling of the CA

Aggrieved, petitioners assailed the Order dated 01 August 2016 issued by the RTC through a petition for *certiorari* filed before the CA. The appellate court, however, found no grave abuse of discretion on the part of the RTC and ruled as follows:

WHEREFORE, premises considered, the instant Petition is **DENIED**. The 1 August 2016 Order issued by Hon. Jaime B. Santiago of the Regional Trial Court of Tagaytay City, Branch 18 in Civil Case No. TG-1834 is **AFFIRMED**.

SO ORDERED.⁶

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⁴ *Id.* at 54.

⁵ *Supra* at note 2.

⁶ *Rollo*, p. 25.

According to the CA, venue of an action depends on whether it is a real or personal action. A real action is to be commenced or tried in the proper court having jurisdiction over the area wherein the real property involved, or a portion thereof, is situated. Since the complaint filed by Amanda is a real action, it was only proper to have filed it where the property is situated. Moreover, the RTC did not commit grave abuse of discretion when it reconsidered its earlier order dismissing the complaint without prejudice for failure of Amanda to appear during pre-trial. Substantial justice can be best served if both parties are given full opportunity to litigate their claims in a full-blown trial.⁷

Issues

The primordial issue for resolution is whether the CA erred in dismissing the petition for *certiorari* filed by petitioners to assail the Order dated 1 August 2016 rendered by the RTC.

Ruling of the Court

The petition lacks merit.

In determining whether the CA committed any reversible error in its assailed Decision dated 28 February 2018, the Court necessarily examines from the perspective of whether the RTC acted with grave abuse of discretion amounting to lack or excess of jurisdiction in ruling that venue was properly laid and in reconsidering its earlier order to dismiss the action for quieting of title in the interest of justice and fair play.

The present petition proffers questions of fact outside the ambit of this Court in a petition for review on certiorari under Rule 45 of the Rules of Court

In essence, petitioners' arguments rest mainly on the nullity of Amanda's TCT No. T-20145 *vis-à-vis* Fernando's TCT No. (1605) T-33575. According to petitioners, the latter title, being the valid one, should determine the venue of the case.

The Court, however, notes that the contentions raised by petitioners essentially involve factual issues not cognizable in a

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⁷ *Id.* at 22-25.

petition for review on *certiorari* under Rule 45 of the Rules of Court. The Court only entertains questions of law as jurisdiction over factual questions has been devolved to the trial courts as a matter of efficiency and practicality in the administration of justice. For such reasons, the petition, having essentially raised factual issues, may already be denied pursuant to the Court's discretionary appellate jurisdiction.⁸

Venue was properly laid

Venue is the “place where the case is to be heard or tried.” Based on the Rules of Court, the venue of an action depends on whether the complaint filed is a real or personal action. “Real actions are those affecting the title or possession of a real property, or interest therein, to 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. All other actions, called personal actions, may be commenced and tried where the plaintiff or any of the principal plaintiffs reside, or where the defendant or any of the principal defendants reside, at the election of the plaintiff.”⁹ An action for quieting of title, being a real action affecting title or possession of real property, should be tried in the court having jurisdiction over the area wherein the real property is situated.¹⁰

Amanda instituted the complaint for quieting of title to remove any cloud over her title, TCT No. T-20145, issued by the Registry of Deeds of Tagaytay City. A perusal of said TCT shows that the subject property is situated in Tagaytay City. While petitioners claim the property is located in Batangas, the allegations of the complaint remain controlling insofar as jurisdiction and venue are concerned. Indeed, jurisdiction over the subject matter of the complaint is conferred by law and is determined by the allegations of the complaint and the relief prayed for by the plaintiff, irrespective of whether said plaintiff is entitled to the reliefs prayed for. Neither does it depend upon the defenses of the defendant in his or her answer or in a motion to dismiss.¹¹ Hence, the CA did not err in finding no grave abuse of discretion on the part of the RTC in ruling that venue was properly laid.

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⁸ *Yap v. Lagtapon*, G.R. No. 196347, 23 January 2017, 803 Phil. 652 (2017) [Per J. Caguioa].

⁹ *Kane v. Roggenkamp*, G.R. No. 214326, 06 July 2020 [Per J. Leonen].

¹⁰ *Salvador v. Patricia, Inc.*, G.R. No. 195834, 09 November 2016, 799 Phil. 116 (2016) [Per J. Bersamin].

¹¹ *Spouses Sanchez v. De Aguilar*, G.R. No. 228680, 17 September 2018 [Per J. Peralta].

Giving opportunity to implead the heirs of a deceased party does not constitute grave abuse of discretion

Equally, the Court cannot give merit to petitioners' argument that the RTC acted with grave abuse of discretion when it reconsidered its earlier order to dismiss the complaint without prejudice for failure of Amanda to appear during pre-trial.

Grave abuse of discretion connotes a capricious and whimsical exercise of judgment, done in a despotic manner by reason of passion or personal hostility, the character of which being so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.¹²

Section 16, Rule 3¹³ of the Rules of Court clearly recognizes that the death of party does not automatically extinguish an action. Hence, parties are given opportunity to implead the heirs of a deceased. With such legal premise, the act of the RTC in reconsidering its earlier order of dismissal without prejudice can hardly be considered as done with grave abuse of discretion. Undoubtedly, such order was issued to uphold justice and allow the parties to fully litigate their claims through a full-blown trial.

WHEREFORE, the Court hereby **DENIES** the present petition and **AFFIRMS** the Decision dated 28 February 2018 promulgated by the Court of Appeals in CA-G.R. SP No. 147519.

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¹² *Symex Security Services, Inc. v. Rivera, Jr.*, G.R. No. 202613, 08 November 2017 [Per J. Caguioa].

¹³ SECTION 16. *Death of Party; Duty of Counsel.* — Whenever a party to a pending action dies, and the claim is not thereby extinguished, it shall be the duty of his counsel to inform the court within thirty (30) days after such death of the fact thereof, and to give the name and address of his legal representative or representatives. Failure of counsel to comply with this duty shall be a ground for disciplinary action.

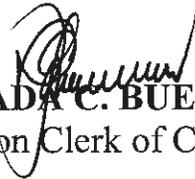
The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint a guardian *ad litem* for the minor heirs.

The court shall forthwith order said legal representative or representatives to appear and be substituted within a period of thirty (30) days from notice.

If no legal representative is named by the counsel for the deceased party, or if the one so named shall fail to appear within the specified period, the court may order the opposing party, within a specified time, to procure the appointment of an executor or administrator for the estate of the deceased and the latter shall immediately appear for and on behalf of the deceased. The court charges in procuring such appointment, if defrayed by the opposing party, may be recovered as costs.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Heirs of Fernando V. Majam
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(CA-G.R. SP No. 147519)

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The Hon. Presiding Judge
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Tagaytay City, 4120 Cavite
(Civil Case No. TG-1834)

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