

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JUAN M. GACAD, JR.,

Petitioner,

G.R. No. 216107

Present:

GESMUNDO, C.J.,

Chairperson,

HERNANDO,

ZALAMEDA,

ROSARIO, and

MARQUEZ, JJ.

- versus -

**HON. ROGELIO P. CORPUZ, in
his capacity as Presiding Judge of
Branch 27, Regional Trial Court,
Bayombong, Nueva Vizcaya,**

Respondent.

Promulgated:

AUG 03 2022

X-----X

DECISION

HERNANDO, J.:

Before this Court is a Petition for *Certiorari*¹ (Petition) challenging the September 23, 2014 Order² of the Regional Trial Court (RTC), Branch 27 of Bayombong, Nueva Vizcaya in Special Proceedings No. 2658 which dismissed *motu proprio* a petition for the probate of a will executed by the late Ermelinda Gacad on the ground of improper venue.

¹ *Rollo*, pp. 6-14.

² *Id.* at 15-16.

Antecedent Facts

Petitioner Juan M. Gacad, Jr. (Gacad) filed a Petition for the Probate of the Last Will and Testament of the late Ermelinda Gacad³ with the RTC of Bayombong, Nueva Vizcaya, which was raffled to Branch 27. The petition alleged that the testator passed away on May 30, 2013 in Quezon City. Her Certificate of Death indicates Marikina Heights, Marikina City as her residence at the time of her death.⁴

In its July 1, 2014 Order,⁵ the RTC directed petitioner to show cause on why the petition should not be dismissed for violation of the rule on venue.⁶ The *fallo* of the July 1, 2014 Order reads:

WHEREFORE, for all the foregoing, the petitioner is hereby directed to show cause, within ten (10) days from receipt of this Order, why this petition should not be dismissed for utter violation of the rule on venue as mandated by Section 1, Rule 73 of the Revised Rules of Court in conjunction with Section 4, Rule 4 of the 1997 Rules of Civil Procedure.

SO ORDERED.⁷

In so ruling, the trial court opined that Rule 73, Section 1 of the Rules of Court, as amended, fixes jurisdiction for purposes of special proceedings for the settlement of estate so far as it depends on the place of residence of the decedent, or of the location of his estate; thus, it is the RTC of the province or city where the decedent resided at the time of her death that has exclusive jurisdiction over decedent's estate. Noting that the decedent's death certificate states Marikina City as her residence, the trial court opined that it is the RTC of Marikina City that has exclusive jurisdiction over the petition for probate.⁸

Gacad filed a Comment⁹ to assail the July 1, 2014 Order and contended therein that the trial court cannot *motu proprio* dismiss the petition for probate on the ground of improper venue, that the location of the decedent's property is in Nueva Vizcaya, and improper venue is not one of the grounds for the dismissal of an action under the Rules of Court.¹⁰

³ Id. at 44.

⁴ Id.

⁵ Id. at 44-45.

⁶ Id. at 45.

⁷ Id.

⁸ Id.

⁹ Id. at 15.

¹⁰ Id. See also Reply to the Comment, pp. 74-81.

In its September 23, 2014 Order,¹¹ the trial court dismissed the petition for probate for violation of the rule on venue (Assailed Order). The trial court held that the arguments submitted by petitioner in his Comment were insufficient to justify allowing the petition to remain in its dockets, and that it did not *motu proprio* dismiss the petition for probate, considering that it directed petitioner to show cause why the petition should not be dismissed for violation of the rule on venue in its previous order.¹² The dispositive of the Assailed Order reads:

WHEREFORE, for the foregoing reasons, the instant petition is hereby DISMISSED for utter violation of the rule on venue as mandated by Section 1, Rule 73 of the Revised Rules of Court in conjunction with Section 4(a), Rule 4 of the 1997 Rules of Civil Procedure.

SO ORDERED.¹³

Hence, this Petition.

In the main, petitioner alleges that the RTC committed grave abuse of discretion tantamount to excess of jurisdiction when it *motu proprio* dismissed the petition for probate without any motion coming from the other heirs or party having an interest. Venue can be waived if not raised by the parties through a motion to dismiss, and until then, venue cannot be said to have been improperly laid.¹⁴ Moreover, the power to settle decedents' estates is conferred by law upon all courts of first instance, and the domicile of the testator only affects and venue but not the jurisdiction of the court.¹⁵ Thus, petitioner prays for the remand and reinstatement of the case to the court of origin for the probate of the will of the decedent.¹⁶

In justifying the propriety of the instant petition, petitioner asserts that filing a motion for reconsideration against the Assailed Order is an exercise in futility since the public respondent, in the Assailed Order, treated the Comment as a motion for reconsideration. The original jurisdiction of the Court may be invoked when absolutely necessary, or where serious and important reasons exist, such as the instant case wherein the heirs are already above 50 years of age, and that it may take some time before the CA may remand it to the court *a quo* for trial.¹⁷

¹¹ Id. at 15-16.

¹² Id. at 16.

¹³ Id.

¹⁴ Id. at 10, 75.

¹⁵ Id. at 11.

¹⁶ Id. at 80.

¹⁷ Id. at 11-12, 78-79.

On the other hand, aside from asserting that petitioner violated the rule on hierarchy of courts, public respondent maintains that the venue for the settlement of estate of a deceased person who was a resident of the Philippines, is the proper court of the place of residence of the deceased at the time of death, pursuant to Section 1, Rule 73 of the Rules of Court. Public respondent asserts that the dismissal of the petition for violation of the rule on venue does not constitute grave abuse of direction considering that the court first directed petitioner to show cause why this petition should not be dismissed for violation of the rule on venue. Moreover, public respondent avers that the fact of death of the decedent and her residence are foundational facts relating to the jurisdiction of the trial court.¹⁸

Issues

1. Whether the Petition should be dismissed for failure of petitioner to file a motion for reconsideration of the Assailed Order;
2. Whether petitioner violated the principle of hierarchy of courts by filing his Petition before this Court instead of the CA; and
3. Whether respondent judge committed grave abuse of discretion in *motu proprio* dismissing the petition for probate on the ground of improper venue.

Our Ruling

The petition is granted.

Petitioner's failure to file a motion for reconsideration of the Assailed Order may be excused since the questions have been duly raised and passed upon by the trial court

At the outset, We note that petitioner failed to file a motion for reconsideration against the assailed Order before seeking recourse with this Court. While petitioner concedes his failure to file a motion for reconsideration against the Assailed Order, he asserts that doing so would be an exercise in futility since the RTC already treated the Comment as a motion to reconsider.

¹⁸ Id. at 68-71.

Certiorari under Rule 65 inherently requires the filing of a motion for reconsideration to enable the court or agency to rectify its mistakes without the intervention of a higher court.¹⁹ Nevertheless, this rule admits certain exceptions, such as: (a) where the order is a patent nullity, as where the court *a quo* has no jurisdiction; (b) where the questions raised in the *certiorari* proceedings have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government, or of the petitioner, or the subject matter of the petition is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceeding was *ex parte* or in which the petitioner had no opportunity to object; and, (i) where the issue raised is one purely of law or public interest is involved.²⁰

We find that the second exception applies to the case at bench. The trial court was already given an opportunity to reconsider its findings when petitioner filed its Comment to the July 1, 2014 Order, which the RTC considered to be a motion to reconsider. The principal issues raised in the instant *certiorari* proceedings are the same as those raised in and duly passed upon by the trial court in its September 23, 2014 Order, *i.e.*, whether the trial court can *motu proprio* dismiss the petition for probate on the ground of improper venue. Thus, petitioner's failure to file a motion for reconsideration is not a sufficient ground to warrant the dismissal of the instant Petition.

Despite petitioner's violation of the principle on hierarchy of courts, the relaxation of the rules is warranted considering the circumstances of the instant case

Public respondent asserts that the petition should be dismissed since, among others, petitioner violated the hierarchy of courts by filing the instant petition directly with the Court instead of the CA.²¹ To justify its invocation of the Court's jurisdiction, petitioner asserts that the heirs are already above 50

¹⁹ *Bureau of Customs v. Gallegos*, 826 Phil. 867, 879 (2018).

²⁰ *Rapid Manpower Consultants, Inc. v. De Guzman*, 770 Phil. 334, 339-340 (2015).

²¹ *Rollo*, pp. 68-69.

years of age and that it may take some time before the CA may remand it to the court *a quo* for trial.²²

We stress that the direct filing of this petition in this Court is in disregard of the doctrine of hierarchy of courts. Although the Court has concurrent jurisdiction with the CA in issuing the writ of *certiorari*, direct resort is allowed only when there are special, extraordinary, or compelling reasons that justify the same. The Court enforces the observance of the hierarchy of courts in order to free itself from unnecessary, frivolous, and impertinent cases and, thus, afford time for it to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. Hence, absent any special, important, or compelling reason herein, petitioner's failure to observe the hierarchy of courts warrants the dismissal of his petition.²³

Here, it is unclear why any action by the appellate court, which has concurrent original jurisdiction in petitions for *certiorari* under Rule 65, cannot be considered as sufficient for review of petitioner's case. Moreover, petitioner's justification that the heirs are already above 50 years of age at the time of the filing of the petition, and his perceived potential delay on the part of the CA, are not reasons that are special and important enough to successfully invoke this Court's original jurisdiction.

However, the doctrine on hierarchy of courts is not an ironclad rule. This Court has entertained direct recourse to this Court as an exception to the rule in exceptional cases as when there are compelling reasons clearly set forth in the petition, or when what is raised is a pure question of law.²⁴ The Court has likewise enumerated the other specific instances when direct resort to the Court may be allowed, to wit: (a) when there are genuine issues of constitutionality that must be addressed at the most immediate time; (b) when the issues involved are of transcendental importance; (c) cases of first impression; (d) when the constitutional issues raised are best decided by this Court; (e) when the time element presented in this case cannot be ignored; (f) when the petition reviews the act of a constitutional organ; (g) when there is no other plain, speedy, and adequate remedy in the ordinary course of law; (h) when public welfare and the advancement of public policy so dictates, or when demanded by the broader interest of justice; (i) when the orders complained of are patent nullities; and (j) when appeal is considered as clearly an inappropriate remedy.²⁵

²² *Id.* at 11-12.

²³ *Heirs of Derecho v. Duro*, G.R. No. 240295, March 27, 2019.

²⁴ *Aala v. Uy*, 803 Phil. 36, 57 (2017), citing *Spouses Chua v. Ang*, 614 Phil. 416, 426-428 (2009).

²⁵ *Rama v. Moises*, 815 Phil. 954, 959 (2017).

Moreover, this Court has stressed time and again that every party-litigant must be afforded the fullest opportunity to properly ventilate and argue his or her case, free from the constraints of technicalities, and that a strict application of the rules should not amount to straight-jacketing the administration of justice.²⁶ Thus, this Court has held that a strict and rigid application of technicalities must be avoided if it tends to frustrate rather than promote substantial justice, as when the merit of a party's cause is apparent and outweighs consideration of noncompliance with certain formal requirements.²⁷ Circumstances that may merit the relaxation of procedural rules are enumerated in *Barnes v. Padilla*, viz.:

In the *Sanchez* case, the Court restated the range of reasons which may provide justification for a court to resist a strict adherence to procedure, enumerating the elements for an appeal to be given due course by a suspension of procedural rules, such as: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances, (c) the merits of the case, (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules, (e) a lack of any showing that the review sought is merely frivolous and dilatory, and (f) the other party will not be unjustly prejudiced thereby.²⁸

While the exact date of the filing of the petition for probate is unclear, it may be inferred from the record that at least seven years had lapsed from the filing of the petition for probate of the decedent's will, and more than eight years since the decedent passed away. Moreover, the fundamental issue raised herein is a pure question of law on jurisdiction and venue over probate proceedings, of which this Court is the final arbiter. It is worthy to note that in petitions involving pure questions of law, this Court has the ultimate discretion whether to abbreviate the review process by opting to hear and decide the legal issues outright considering the unique circumstances of the case.²⁹ In this case, considering the merits of petitioner's case, and there being no prejudice caused to other parties herein, and to prevent any further delay in the settlement of the decedent's estate, We deem it best to relax the strict observance of the judicial hierarchy of courts and to resolve this case on its merits.

The trial court gravely abused its discretion in ordering, *motu proprio*, the dismissal of the petition for probate on the ground of improper venue

²⁶ *Cortal v. Inaki A. Larrazabal Enterprises*, 817 Phil. 464, 476 (2017).

²⁷ *Heirs of Deleste v. Land Bank of the Philippines*, 666 Phil. 350, 371 (2011); *Bañez v. Court of Appeals*, 336 Phil. 759, 763 (1997).

²⁸ *Barnes v. Hon. Quijano Padilla*, 500 Phil. 303, 311 (2005), citing *Sanchez v. Court of Appeals*, 452 Phil. 665, 674 (2003).

²⁹ *Spouses Chua v. Ang*, 614 Phil. 416, 426 (2009).

Petitioner alleges that the trial court committed grave abuse of discretion tantamount to excess of jurisdiction when it *motu proprio* dismissed the petition for probate without any motion coming from the other heirs or party having an interest. Petitioner emphasized that venue can be waived if not raised by the parties through a motion to dismiss, and until then, venue cannot be said to have been improperly laid.³⁰ Moreover, petitioner asserts that the power to settle decedents' estates is conferred by law upon all courts of first instance, and the domicile of the testator only affects venue but not the jurisdiction of the court.³¹

On the other hand, public respondent maintains that the venue for settlement of estate of a deceased person who was a resident of the Philippines, is the proper court of the place of residence of the deceased at the time of death pursuant to Rule 73, Section 1 of the Rules of Court. Public respondent also asserts that the dismissal of the petition for violation of the rule on venue does not constitute grave abuse of discretion considering that the trial court gave him the opportunity to show cause why the petition should not be dismissed for violation of the rule on venue, and that the fact of death of the decedent and her residence are foundational facts relating to the jurisdiction of the trial court.³²

We rule for petitioner.

A writ of *certiorari* is limited in scope and narrow in character. To justify its grant, the petitioner must satisfactorily show that the court gravely abused the discretion conferred upon it. Grave abuse of discretion connotes judgment exercised in a capricious and whimsical manner that is tantamount to lack of jurisdiction. To be considered 'grave,' discretion must be exercised in a despotic manner by reason of passion or personal hostility, and must be 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.³³ Grave abuse of discretion attends when the trial court manifestly disregarded the basic rules and procedures, or acted with obstinate disregard of basic and established rule of law or procedure.³⁴

Guided by the foregoing considerations, the Court finds that the trial court gravely abused its discretion in ordering the outright dismissal of the petition for probate of the decedent's will on the ground of improper venue. At the crux of the controversy is Section 1, Rule 73 of the Rules of Court, which provides that the petition for probate of a will should be filed in the RTC of the province where the decedent resides at the time of his death:

³⁰ *Rollo*, pp. 10, 75.

³¹ *Id.* at 11.

³² *Id.* at 70-71.

³³ *Briones v. Court of Appeals*, 750 Phil. 891, 897 (2015).

³⁴ *Spouses Crisologo v. JEWMA Agro-Industrial Corp.*, 728 Phil. 315, 328 (2014).

Sec. 1. Where estate of deceased persons settled. — If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance [now Regional Trial Court] **in the province in which he resides at the time of his death**, and if he is an inhabitant of a foreign country, the Court of First Instance [now Regional Trial Court] of any province in which he had estate. The court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts. The jurisdiction assumed by a court, so far as it depends on the place of residence of the decedent, or of the location of his estate, shall not be contested in a suit or proceeding, except in an appeal from that court, in the original case, or when the want of jurisdiction appears on the record. (Emphasis supplied).

As early as *Fule v. Court of Appeals*,³⁵ We explained that Rule 73, Section 1 merely relates to the venue of estate proceedings when it refers to the place of residence of the decedent in settlement of estates, probate of will, and issuance of letters of administration, and does not purport to define jurisdiction over estate proceedings:

The aforementioned Section 1, Rule 73 (formerly Rule 75, Section 1), specifically the clause “so far as it depends on the place of residence of the decedent, or of the location of the estate,” is in reality a matter of venue, as the caption of the Rule indicates: “Settlement of Estate of Deceased Persons. Venue and Processes.” It could not have been intended to define the jurisdiction over the subject matter, because such legal provision is contained in a law of procedure dealing merely with procedural matters. Procedure is one thing; jurisdiction over the subject matter is another. The power or authority of the court over the subject matter “existed and was fixed before procedure in a given cause began.” That power or authority is not altered or changed by procedure, which simply directs the manner in which the power or authority shall be fully and justly exercised. There are cases though that if the power is not exercised conformably with the provisions of the procedural law, purely, the court attempting to exercise it loses the power to exercise it legally. However, this does not amount to a loss of jurisdiction over the subject matter. Rather, it means that the court may thereby lose jurisdiction over the person or that the judgment may thereby be rendered defective for lack of something essential to sustain it. The appearance of this provision in the procedural law at once raises a strong presumption that it has nothing to do with the jurisdiction of the court over the subject matter. In plain words, it is just a matter of method, of convenience to the parties.

The Judiciary Act of 1948, as amended, confers upon Courts of First Instance jurisdiction over all probate cases independently of the place of residence of the deceased. Because of the existence of numerous Courts of First Instance in the country, the Rules of Court, however purportedly fixes the venue or the place where each case shall be brought. *A fortiori*, **the place of residence of the deceased in settlement of estates, probate of will, and**

³⁵ 165 Phil. 785 (1976).

issuance of letters of administration does not constitute an element of jurisdiction over the subject matter. It is merely constitutive of venue. And it is upon this reason that the Revised Rules of Court properly considers the province where the estate of a deceased person shall be settled as “venue.”³⁶
(Emphasis supplied)

The court *a quo* confused the concepts of jurisdiction and venue when it asserted that the residence of the decedent is a foundational fact relating to jurisdiction, and it *motu proprio* dismissed the petition for probate on the ground of improper venue under Rule 73, Section 1. Jurisdiction treats of the power of the court to decide a case on the merits; while venue deals on the locality, the place where the suit may be had.³⁷ The rules on venue are intended to provide convenience to the parties, rather than restrict their access to the courts. It simply arranges for the convenient and effective transaction of business in the courts and do not relate to their power, authority, or jurisdiction over the subject matter of the action. Venue is procedural, not jurisdictional; a party's objections to venue must be brought at the earliest opportunity either in a motion to dismiss or in the answer, otherwise, the objection shall be deemed waived.³⁸

Thus, it is settled that courts may not *motu proprio* dismiss the case on the ground of improper venue. In *Dacoycoy v. Intermediate Appellate Court (Dacoycoy)*,³⁹ We ruled that it was grossly erroneous for the trial court to take a procedural shortcut by dismissing the plaintiff's complaint on the ground of improper venue even before summons was served on the defendant therein, and without any of the parties raising objections to the venue:

Dismissing the complaint on the ground of improper venue is certainly not the appropriate course of action at this stage of the proceeding, particularly as venue, in inferior courts as well as in the Courts of First Instance (now RTC), may be waived expressly or impliedly. Where defendant fails to challenge timely the venue in a motion to dismiss as provided by Section 4 of Rule 4 of the Rules of Court, and allows the trial to be held and a decision to be rendered, he cannot on appeal or in a special action be permitted to challenge belatedly the wrong venue, which is deemed waived.

Thus, unless and until the defendant objects to the venue in a motion to dismiss, the venue cannot be truly said to have been improperly laid, as for all practical intents and purposes, the venue, though technically wrong, may be acceptable to the parties for whose convenience the rules on venue had been devised. **The trial court cannot pre-empt the defendant's prerogative to object to the improper laying of the venue by *motu proprio* dismissing the case.**

³⁶ Id. at 796-797.

³⁷ *Dacoycoy v. Intermediate Appellate Court*, 273 Phil. 1, 5 (1991).

³⁸ *Cabrera v. Philippine Statistics Authority*, G.R. No. 241369, June 3, 2019.

³⁹ *Supra*.

Indeed, it was grossly erroneous for the trial court to have taken a procedural short-cut by dismissing *motu proprio* the complaint on the ground of improper venue without first allowing the procedure outlined in the Rules of Court to take its proper course. Although we are for the speedy and expeditious resolution of cases, justice and fairness take primary importance. The ends of justice require that respondent trial court faithfully adhere to the rules of procedure to afford not only the defendant, but the plaintiff as well, the right to be heard on his cause.⁴⁰ (Emphasis supplied)

Similarly, the Court in *Rudolf Lietz Holdings, Inc. v. Registry of Deeds of Parañaque City (Lietz)*⁴¹ instructs that the trial court may only dismiss an action *motu proprio* in case of lack of jurisdiction over the subject matter, *litis pendentia*, *res judicata* and prescription. Reiterating the ruling in *Dacoycoy*, We noted therein that the trial court should have waited for a motion to dismiss or a responsive pleading raising the objection or affirmative defense of improper venue before dismissing the petition.

The ruling in *Dacoycoy* has since been reiterated in several cases⁴² and has likewise been applied to special proceedings. In *Cabrera v. Philippine Statistics Authority*,⁴³ We ordered the reinstatement of a petition for correction of information and cancellation in the Report of Birth which had previously been *motu proprio* dismissed by the trial court on the ground of improper venue. In so ruling, We maintained the ruling in *Dacoycoy* and *Lietz* that courts may not *motu proprio* dismiss the case on the ground of improper venue and stressed that the trial court should have taken cognizance of and heard petitioner's petition in order to promote, not defeat, the ends of justice.

In light of the foregoing, the Court finds that the trial court gravely abused its discretion in ordering *motu proprio* the dismissal of the petition for probate. It is worthy to stress that judges are expected to exhibit more than just a cursory acquaintance with statutes and procedural laws; they must know the laws and apply them properly in good faith as judicial competence requires no less.⁴⁴ Aside from confusing the concepts of venue and jurisdiction as applied to special proceedings and disregarding settled case law, the trial court's premature dismissal of the petition prior to publication of notice of hearing and notice to the heirs and other interested parties prevented the procedure outlined in the Rules of Court to take its proper course, and pre-empted the parties'

⁴⁰ Id. at 6-7.

⁴¹ 398 Phil. 626, 632-633 (2000).

⁴² *Radiowealth Finance Co., Inc. v. Nolasco*, 799 Phil. 598-606 (2016); *City of Lapu-Lapu v. Phil. Economic Zone Authority*, 748 Phil. 473-568 (2014); *Universal Robina Corp. v. Lim*, 561 Phil. 228-234 (2007); *Gumabon v. Larin*, 422 Phil. 222-236 (2001)

⁴³ G.R. No. 241369, June 3, 2019.

⁴⁴ *Dacoycoy v. Intermediate Appellate Court*, supra note 36, at 328.

prerogative to object on the venue. Our ruling in *Eusebio v. Eusebio*⁴⁵ is instructive on this point:

Petitioner claims, and this is the lone vital issue, that the respondent Court committed grave abuse of discretion amounting to lack of jurisdiction in dismissing *motu proprio* Civil Case No. QE-00807, even before private respondent Mercedes B. Eusebio could be served with summons, just because neither petitioner nor respondent is a resident of Quezon City and, hence, said court has no jurisdiction over them.

x x x x

We are in full accord with petitioner's contention that under the circumstances prevailing in this case, the residence of plaintiff and defendant are of no moment and they become an issue of venue and not jurisdiction. It is fundamental in the law concerning jurisdiction and venue that venue, which is the place where the case is to be heard or tried, and which is a matter of relation between plaintiff and defendant, may be conferred by the parties, and objections thereto may be waived by them unless venue and jurisdiction happen to coincide.

x x x x

In the light of the foregoing, **We cannot do otherwise than to conclude definitely that the respondent Court committed grave abuse of discretion amounting to lack of jurisdiction when it dismissed *motu proprio* the petition for judicial authorization to sell conjugal property before defendant (private respondent) was summoned, on the lone flimsy ground that plaintiff and defendant are not residents of Quezon City and hence the Court did not have jurisdiction over them.** The respondent Court simply overlooked the fundamental nature of jurisdiction and its various categories, such as jurisdiction over subject matter, jurisdiction over the parties and jurisdiction over the issues raised before it, as well as the distinctions between jurisdiction and venue.⁴⁶ (Emphasis supplied)


Verily, the grant of the writ of *certiorari* is warranted in the case at bench.

WHEREFORE, the instant Petition is **GRANTED**. The assailed September 23, 2014 Order of the Regional Trial Court, Nueva Vizcaya, Branch 27 is hereby **REVERSED** and **SET ASIDE**. Accordingly, Special Proceeding No. 2658 is hereby **REINSTATED** and **REMANDED** to the Regional Trial Court, Branch 27 for further proceedings.

⁴⁵ 162 Phil. 378 (1976).

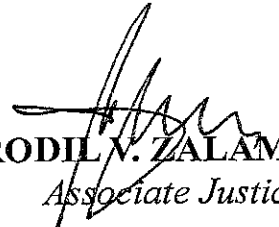
⁴⁶ *Id.* at 380-383.


SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

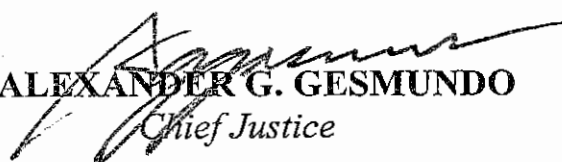

RODIL N. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice