



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **October 4, 2023** which reads as follows:*

“G.R. No. 259312 (NELFA DELFIN TRINIDAD, Petitioner, v. SPOUSES MONIQUE T. TODA AND BENIGNO T. TODA III, RAUL B. TRINIDAD, AND THE REGISTRY OF DEEDS FOR THE PROVINCE OF BATANGAS, NASUGBU BRANCH, Respondents). — This Petition for Review on *Certiorari*,¹ assailing the Decision² dated January 28, 2021 and the Resolution³ dated February 23, 2022 of the Court of Appeals (CA) in CA-G.R. CV No. 111419, centers on the proper application of the doctrine of judicial stability and the rules on forum shopping.

The facts follow.

In 1990, petitioner Nelfa Delfin Trinidad (Nelfa) and her husband Wenceslao B. Trinidad (Wenceslao) bought a condominium unit⁴ in Pico de Loro Cove in Nasugbu, Batangas and designated respondent Monique T. Toda (Monique), Wenceslao’s niece, as trustee of the property. Accordingly, upon full payment of the purchase price, a Deed of Absolute Sale was executed in favor of Monique. Subsequently, the Registry of Deeds of Nasugbu, Batangas issued Condominium Certificate of Title (CCT) No. 055-2011000170⁵ covering the subject property in the name of Monique.⁶

Wenceslao repeatedly requested Monique to convey the property to him and his wife in accordance with their Trust Agreement but to no avail. In 2014, Wenceslao sent a final demand letter⁷ to Monique for the transfer of the

¹ *Rollo*, pp. 10–33.

² *Id.* at 38–53. Penned by Associate Justice Louis P. Acosta, with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Raymond Reynold R. Lauigan.

³ *Id.* at 54–55.

⁴ With address at Unit 415-B, Jacana Building B, Pico de Loro Cove Condominium; *id.* at 39 and 62.

⁵ *Id.* at 69–70.

⁶ *Id.* at 12 and 39.

⁷ *Id.* at 71–72.

condominium unit's title in his name, but Monique still refused to sign the necessary documents to facilitate the transfer of the property. Instead, Monique, with the conformity of her husband, Benigno T. Toda (Benigno), sold the condominium unit to her father, Raul B. Trinidad (Raul) for PHP 3,000,000.00 in violation of the Trust Agreement. The CCT in Monique's name was then cancelled and a new one⁸ issued in the name of Raul.⁹

When Wenceslao died, Nelfa filed a Petition for Probate of Wenceslao's Last Will and Testament with the Regional Trial Court (RTC) of Pasay City, Branch 111 (RTC of Pasay).¹⁰ The condominium unit was among those listed in the Last Will and Testament¹¹ as Wenceslao's property.¹²

In 2017, Nelfa also filed a Complaint for Cancellation of Title and Deed of Absolute Sale, and Revocation of Trust with Damages¹³ against Monique, Benigno, Raul, and the Registry of Deeds before the RTC of Nasugbu, Batangas, Branch 14 (RTC of Nasugbu).¹⁴ A Motion to Dismiss¹⁵ was filed on the following grounds: (1) lack of jurisdiction to interfere with the proceedings of a co-equal court; (2) willful and deliberate forum shopping; (3) failure to comply with the rule on actionable documents; and (4) failure to state a cause of action.¹⁶

On October 23, 2017, the RTC of Nasugbu dismissed the Complaint.¹⁷ The RTC of Nasugbu noted that the condominium unit is claimed to be a part of Wenceslao's estate, subject of the pending probate proceedings in the RTC of Pasay. Hence, it held that the doctrine of judicial stability will be violated if it preempts the ruling of the probate court on the issue of ownership,¹⁸ viz.:

Taking into consideration that it was in fact the plaintiff in this case who alleged that the subject property is owned by her and her deceased husband, she definitely needs to present proof of ownership before this Court can grant her prayers. However, considering that the subject property is also included in the Notarial Will of Wenceslao Trinidad, the Probate Court in Pasay City will definitely ask her to do the same. To allow both courts to prove ownership of the same property is to contravene the Doctrine of Judicial Stability because as have been pronounced by the Honorable Supreme Court in a long number of cases, "[a] court that acquires jurisdiction over the case and renders judgment therein has jurisdiction over its judgment, to the exclusion of all other coordinate courts, for its execution and over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment."

Allowing two (2) equal courts to hear the case involving the same

⁸ See CCT No. 005-2014000218; *id.* at 74-75.

⁹ *Id.* at 39-40.

¹⁰ Docketed as Spec. Proc. No. R-PSY-16-22665-CV; *id.* at 40.

¹¹ *Id.* at 104-107.

¹² *Id.* at 40 and 104.

¹³ *Id.* at 56-61.

¹⁴ Docketed as Civil Case No. 1375; *id.* at 56.

¹⁵ *Id.* at 77-86.

¹⁶ *Id.* at 78-84.

¹⁷ See Order dated October 23, 2017; *id.* at 121-125. Penned by Designated Judge Cristino E. Judit.

¹⁸ *Id.* at 122-124.

property can also possibly result in duplicity rulings since if the ownership of the property will be proven by the Probate Court as belonging to the late Wenceslao Trinidad, the property will be part of his estate and to be included in the probate proceedings. Conflict in ruling is also not remote since two courts may have different appreciation of evidence.

It is also important to note that [j]urisprudence dictates that the jurisdiction of the probate court extends to matters incidental or collateral to the settlement and distribution of the estate. Clearly, the issues raised by the plaintiff in this case will be resolved only if the ownership of the condominium unit in Pico de Loro will be proven.

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WHEREFORE, premises considered, the Motion to Dismiss filed by private respondents is hereby GRANTED.

Let copies of this Order be furnished all the concerned parties for their information and guidance.

SO ORDERED.¹⁹

Nelfa moved for reconsideration but was denied.²⁰

Aggrieved, Nelfa elevated the case to the CA.²¹ On January 28, 2021, the CA denied Nelfa's appeal and affirmed the dismissal of her Complaint as it violated the doctrine of judicial stability and the rule against forum shopping.²²

There is no question that the probate court had validly acquired jurisdiction over the *Petition for Allowance of Will of Wenceslao Bayona Trinidad*. Since the subject property is listed as one of the real properties that Wenceslao acquired during her marriage with Nelfa, the latter is required to adduce evidence in support to the claim of ownership before the probate court. The same evidence of ownership shall be required from Nelfa if the RTC takes cognizance of the action for cancellation of title. Not only does the situation connote interference in the jurisdiction of a co-equal court, it also proves to be nonsensical as Nelfa would be presenting the same evidence in different tribunals for the purpose of attaining the same end.

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A comparison of the issue at hand and that in the probate court shows that they are substantially similar. It is quite discernible that in seeking for the annulment of title issued in the name of Raul, Nelfa must prove her ownership to the property by allegation of facts accounting how such ownership came to be and by presentation of relevant evidence. In this appeal, Nelfa even suggests that provisional determination on the ownership of the property can be made by the RTC pending the resolution of the case before the probate court. It only establishes her awareness that both cases call for the determination of ownership of the subject property. Thus, to

¹⁹ *Id.* at 123–124.

²⁰ See Resolution dated May 22, 2018; *id.* at 126.

²¹ See Appellant's Brief dated October 31, 2018; *id.* at 127–155.

²² See Decision dated January 28, 2021; *id.* at 38–53.

certify that she has not commenced a case of similar issue evinces lack of good faith on her part.

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ACCORDINGLY, the appeal is **DENIED**. The Order dated 23 October 2017 of the Regional Trial Court, 4th Judicial Region, Branch 14, Nasugbu, Batangas, in Civil Case No. 1375, is hereby **AFFIRMED with MODIFICATION** in that, the appellees' Motion to Dismiss dated 2 March 2017 is **GRANTED** on the ground that the filing of the present case is a violation of the doctrine of judicial stability and for violation of the rule against forum shopping.

SO ORDERED.²³ (Emphasis in the original)

Nelfa's motion for reconsideration was denied.²⁴

Hence, in this recourse, Nelfa argues that the doctrine of judicial stability cannot be violated because the probate case and the ordinary civil action for cancellation of title are complementary to each other. She maintains that these two cases present different issues and entail different reliefs. There can be no conflicting rulings since the probate court shall resolve the issue of whether Wenceslao's notarial will shall be allowed and approved, while the RTC *a quo*, in the exercise of its general jurisdiction, is called to resolve the issue of whether the title of Raul to the subject condominium unit is void.²⁵ On the other hand, Monique, Benigno, and Raul invoke the applicability of the doctrine of judicial stability considering that the issue of ownership is an issue which will be adjudicated in both the probate proceedings and the instant civil case. They maintain that when the probate court took cognizance of the probate case, it acquired jurisdiction over the matter to the exclusion of all other co-equal courts. Further, they opine that Nelfa is guilty of forum shopping.²⁶

The Petition is meritorious.

The issues that Nelfa raised relate to the application of the doctrine of judicial stability and the rules on forum shopping, which are questions of law.

The doctrine of judicial stability or non-interference provides that the judgment of a court of competent jurisdiction could not be interfered with by any court of concurrent jurisdiction. It mandates that no court can interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by injunction. The policy of judicial stability is anchored firmly on the concept of jurisdiction and sets out the familiar principle that when a court acquires jurisdiction over the case and renders judgment therein, such court has jurisdiction over its judgment to the exclusion of all other coordinate courts, for its execution and

²³ *Id.* at 48–53.

²⁴ See Resolution dated February 23, 2022; *id.* at 54–55.

²⁵ *Id.* at 18–32.

²⁶ *Id.* at 209–216.

over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment.²⁷

In affirming the dismissal of Nelfa's Complaint, the CA explained that the RTC of Nasugbu would have effectively interfered with the jurisdiction of the RTC of Pasay in the probate proceedings and violated the doctrine of judicial stability if it had taken cognizance of Nelfa's Complaint for cancellation of title since it involved a property, which is also subject of probate proceedings.²⁸

The Court does not agree.

As a rule, the authority of the RTC, acting either as a probate court or intestate court, only encompasses the probate of the will and/or the settlement of the estate of a deceased person. It excludes the authority to determine the title to properties held by third persons arising from a title adverse to that of the deceased. This is a cardinal feature of the RTC's special and limited jurisdiction when sitting as a probate court.²⁹ Certainly, this rule is not without exception. The probate court may pass upon the question of inclusion in or exclusion from the inventory of a property in an intestate or testate proceeding but merely provisionally, *i.e.*, without prejudice to its final determination in a separate ordinary civil action. The probate court is also competent to decide the question of ownership only when: the interested parties are all heirs; the question is one of collation or advancement; or the parties consent to the probate court's assumption of jurisdiction and the rights of third parties are not impaired.³⁰ The Court elaborated on the extent of jurisdiction of a probate court in the oft-cited cases of *Aranas v. Mercado*³¹ and *Agtarap v. Agtarap*.³²

The general rule is that the jurisdiction of the trial court, either as a probate court or an intestate court, relates only to matters having to do with the probate of the will and/or settlement of the estate of deceased persons, but does not extend to the determination of questions of ownership that arise during the proceedings. The patent rationale for this rule is that such court merely exercises special and limited jurisdiction. As held in several cases, a probate court or one in charge of estate proceedings, whether testate or intestate, cannot adjudicate or determine title to properties claimed to be a part of the estate and which are claimed to belong to outside parties, not by virtue of any right of inheritance from the deceased but by title adverse to that of the deceased and his estate. All that the said court could do as regards said properties is to determine whether or not they should be included in the inventory of properties to be administered by the administrator. If there is no dispute, there poses no problem, but if there is, then the parties, the administrator, and the opposing parties have to resort to an ordinary action before a court exercising general jurisdiction for a final determination of the

²⁷ *Soliman v. Heirs of Tolentino*, 861 Phil. 68, 74–75 (2019) [Per J. Reyes, Jr., Second Division].

²⁸ *Rollo*, pp. 47–51.

²⁹ *Heirs of Punongbayan v. St. Peter's College, Inc.*, G.R. No. 238762, June 27, 2022, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68410>> [Per J. Leonen, Second Division].

³⁰ *Mutlan v. Mutlan*, 870 Phil. 259, 273 (2020) [Per J. Leonen, Third Division].

³¹ 724 Phil. 174 (2014) [Per J. Bersamin, First Division].

³² 666 Phil. 452 (2011) [Per J. Nachura, Second Division].

conflicting claims of title.

However, this general rule is subject to exceptions as justified by expediency and convenience.

First, the probate court may provisionally pass upon in an intestate or a testate proceeding the question of inclusion in, or exclusion from, the inventory of a piece of property without prejudice to final determination of ownership in a separate action. *Second*, if the interested parties are all heirs to the estate, or the question is one of collation or advancement, or the parties consent to the assumption of jurisdiction by the probate court and the rights of third parties are not impaired, then the probate court is competent to resolve issues on ownership. Verily, its jurisdiction extends to matters incidental or collateral to the settlement and distribution of the estate, such as the determination of the status of each heir and **whether the property in the inventory is conjugal or exclusive property of the deceased spouse.**³³ (Emphasis supplied)

In the more recent case of *Heirs of Punongbayan v. St. Peter's College, Inc.*,³⁴ *Agtarap* and *Aranas* were cited to highlight the limited and special jurisdiction of intestate and probate courts — “[they do] not have the authority to adjudicate or determine the title of properties held by third persons arising from a title adverse to that of the deceased.”³⁵ This was consistent with our ruling in *Jardeleza v. Spouses Jardeleza*,³⁶ wherein we directed the trial court to continue with its determination of the issue on the ownership despite the subject property being involved in a pending probate case. The Court explained that any adjudication pertaining to the property in the probate proceedings would, at best, be merely provisional in character and would yield to the final determination in the ordinary civil action.³⁷

Thus, in brief, ownership issues cannot be passed upon in testate or intestate proceedings with finality as a rule, and as such, a separate ordinary civil action is necessary for their resolution,³⁸ subject to the recognized exceptions set forth in *Agtarap* and *Aranas*.

With the limited jurisdiction of the probate court in mind, we rule that Nelfa aptly resorted to a separate action for the final determination of the issue of ownership as it involves persons who are not parties in the probate proceedings. The RTC of Nasugbu erroneously applied the doctrine of judicial stability in dismissing Nelfa's Complaint. Contrary to the RTC of Nasugbu's conclusion, the civil action for cancellation of title cannot interfere in the probate proceedings. To stress, the conclusion/s of the probate court on the question of ownership would only be provisional and/or incidental and subject to the final decision in the separate action for such purpose. For the same

³³ *Id.* at 468–469; and *Aranas v. Mercado*, 724 Phil. 174, 190–191 (2014) [Per J. Bersamin, First Division].

³⁴ G.R. No. 238762, June 27, 2022. <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/68410>> [Per J. Leonen, Second Division].

³⁵ *Id.*

³⁶ 760 Phil. 625 (2015) [Per J. Bersamin, First Division].

³⁷ *Id.* at 630–631.

³⁸ *Mutulan v. Mutulan*, 870 Phil. 259, 273 (2020) [Per J. Leonen, Third Division].

reason, no conflicting rulings on the issue of ownership may be had from the RTC of Pasay and the RTC of Nasugbu.

In the same vein, we cannot subscribe to the finding of forum shopping against Nelfa. As we have explained in *NBI-Microsoft Corporation v. Hwang*:³⁹

Forum-shopping takes place when a litigant files multiple suits involving the same parties, either simultaneously or successively, to secure a favorable judgment. Thus, it exists where the elements of *litis pendentia* are present, namely: (a) identity of parties, or at least such parties who represent the same interests in both actions; (b) identity of rights asserted and relief prayed for, the relief being founded on the same facts; and (c) the identity with respect to the two preceding particulars in the two cases is such that any judgment that may be rendered in the pending case, regardless of which party is successful, would amount to *res judicata* in the other case. Forum-shopping is an act of malpractice because it abuses court processes.⁴⁰

Applying these guidelines, we rule that Nelfa did not engage in forum shopping. There is clearly no identity of parties in the probate case and the ordinary civil action for cancellation of title. Respondents Monique, Benigno, and Raul are not parties in the probate proceedings. Moreover, the rights asserted in the cases are not identical. In the probate case, Nelfa asserts her right of succession to the estate of her husband Wenceslao in accordance with the will, while in the ordinary civil action, she insists on her right to recover ownership of a property that pertains to her and her deceased husband's conjugal properties. Finally, the reliefs prayed for are not the same. In the probate case, Nelfa seeks the allowance of Wenceslao's will based on her claim as an heir, while in the ordinary civil action, she pleads to have the certificates of title under the name of Raul cancelled and to recover ownership of the property. Accordingly, the dismissal of the ordinary civil action on the ground of forum shopping was likewise improper.

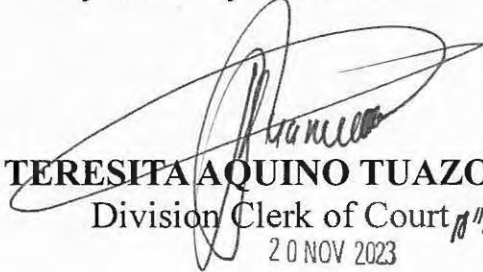
FOR THESE REASONS, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated January 28, 2021 and the Resolution dated February 23, 2022 of the Court of Appeals in CA-G.R. CV No. 111419 are **REVERSED**. Civil Case No. 1375 is **REINSTATED** and the Regional Trial Court of Nasugbu, Batangas, Branch 14 is **DIRECTED** to continue with the proceedings with dispatch.

SO ORDERED." (Leonen, *SAJ*, on leave, but left a vote pursuant to Section 4, Rule 12 of the SC Internal Rules)

³⁹ 499 Phil. 423 (2005) [J. Carpio, First Division].

⁴⁰ *Id.* at 435-436.

By authority of the Court:


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(Civil Case No. 1375)

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