

THIRD DIVISION

[G.R. No. 122646, March 14, 1997]

ADELIA C. MENDOZA, FOR HERSELF AND ADMINISTRATRIX OF THE INTESTATE ESTATE OF THE LATE NORBERTO B. MENDOZA, PETITIONERS, VS. HON. ANGELITO C. TEH, PRESIDING JUDGE, BRANCH 87, RTC, ROSARIO, BATANGAS, SPS. HERMINIO & CLARITA TAYAG @ SPS. GEORGE T. TIGLAO & CLARIZZA T. TIGLAO AND/OR @ TEOFILO M. ESGUERA, LEONOR M. ESGUERA. LETICIA M. ESGUERA, JOEL M. ESGUERA, RICARDO M. ESGUERA, VOLTAIRE E. TAYAG, BENITO I. TAYAG, MERLIE MALIG, ALBERTO T. TAYAG, ROSEMARIE T. TAYAG. LETICIA E. LULU AND THE REGISTER OF DEEDS FOR THE PROVINCE OF BATANGAS, RESPONDENTS.

DECISION

FRANCISCO, J.:

On October 28, 1994, petitioner "for herself and as administratrix of the intestate estate" of her deceased husband Norberto Mendoza filed before the Regional Trial Court (RTC) of Batangas a complaint for "reconveyance of title (involving parcels of lot in Batangas) and damages with petition for preliminary injunction" docketed as Civil Case No. R94-009.^[1] Paragraphs 2 and 3 of said complaint states:

"2. That Adelia C. Mendoza likewise represents her co-plaintiff, the Intestate Estate of the late Norberto B. Mendoza in her capacity as the surviving wife of the deceased Norberto B. Mendoza who died on December 29, 1993;

"3. That Adelia C. Mendoza should be appointed by this Honorable Court as the judicial administratrix of her co-plaintiff for purposes of this case;"

^[2]

Private respondents filed on January 21, 1995^[3] their "answer with motion to dismiss"^[4] alleging among others that the complaint states no cause of action and that petitioner's demand had already been paid.^[5] On February 17, 1995, private respondents filed another pleading entitled "motion to dismiss" invoking, this time, lack of jurisdiction, lack of cause of action, estoppel, laches and prescription. In support of their argument of lack of jurisdiction, private respondents contend that a special proceedings case for appointment of administratrix of an estate cannot be incorporated in the ordinary action for reconveyance. In her opposition to the motions, petitioner asserts among others, that the allegation seeking appointment as administratrix is only an incidental matter which is not even prayed for in the complaint. Replying to the opposition, private respondents argued that since petitioner's husband resided in Quezon City at the time of his death, the appointment of the estate administratrix should be filed in the RTC of that place in

accordance with Section 1 Rule 73 of the Rules of Court. Accordingly, it is their argument that the RTC of Batangas has no jurisdiction over the case.

In a Resolution dated June 14, 1995, the RTC of Batangas thru respondent Judge Teh "dismissed without prejudice" the complaint for lack of jurisdiction "on the ground that the rules governing an ordinary civil action and a special proceeding are different." Accordingly, the lower court found it unnecessary to discuss the other grounds raised in the motion to dismiss.^[6] Upon denial of petitioner's motion for reconsideration, he filed this petition under Rule 45 on pure questions of law. The Court thereafter gave due course to the petition.

The issue is whether or not in an action for reconveyance, an allegation seeking appointment as administratrix of an estate, would oust the RTC of its jurisdiction over the whole case?

We rule in the negative. First, Section 19 of B.P. 129 as amended by RA 7691 provides:

"Jurisdiction in Civil Cases. - Regional Trial Courts shall exercise exclusive original jurisdiction:

- (1) In all civil actions in which the subject of the litigation is incapable of pecuniary estimation;
- (2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of property involved exceeds Twenty thousand pesos (P20,000.00)..."

xxx

xxx

xxx

- (4) In all matters of probate, both testate and intestate

Likewise, Section 33 of the same law provides that:

Metropolitan Trial Court shall exercise:

- (1) Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate..." (italics ours).

The above law is clear. An action for reconveyance, which involves title to property worth millions of pesos, such as the lots subject of this case, is cognizable by the RTC. Likewise falling within its jurisdiction are actions "incapable of pecuniary estimation," such as the appointment of an administratrix for an estate. Even the Rules on venue of estate proceedings (Section 1 of Rule 73^[7]) impliedly recognizes the jurisdiction of the RTC over petitions for granting of letters of administration. On the other hand, probate proceedings for the settlement of estate are within the ambit of either the RTC or MTC depending on the net worth of the estate. By arguing that the allegation seeking such appointment as administratrix ousted the RTC of its jurisdiction, both public and private respondents confuses jurisdiction with venue. Section 2 of Rule 4 as revised by Circular 13-95^[8] provides that actions involving title to property shall be tried in the province where the property is located, in this