

THIRD DIVISION

[G.R. NO. 140892, September 21, 2005]

**DR. IBARRA S. SANTOS AND JOSEFINA M. RIVERA,
PETITIONERS, VS. SPOUSES PABLO AND NIEVES DE LEON AND
VIRGINIA ENALES, RESPONDENTS.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.

Petition for review on *certiorari* assailing the Decision of the Court of Appeals in CA-G.R. CV No. 57868, entitled "*Dr. Ibarra S. Santos and Josefina M. Rivera versus Spouses Nieves de Leon, Virginia Enales and Deputy Sheriff Pericles Telan.*"

Records show that on September 25, 1995, spouses Pablo and Nieves de Leon, herein respondents, filed with the Metropolitan Trial Court (MTC), Branch 77, Parañaque City a complaint for forcible entry against Josefina Rivera, petitioner, docketed as Civil Case No. 9500. In her answer, petitioner Rivera claimed that the real owner of the subject property is Dr. Ibarra Santos, also a petitioner.

The MTC rendered a Decision in favor of respondent spouses de Leon. Upon appeal, the Regional Trial Court (RTC) affirmed the MTC Decision. Petitioners filed with the Court of Appeals a petition for review, but it was denied.

Subsequently, or on July 3, 1996, petitioners Dr. Ibarra Santos and Josefina Rivera filed with the RTC, Branch 260, Parañaque City, Civil Case No. 96-0285 for declaration of nullity of a Deed of Sale with prayer for a temporary restraining order and preliminary injunction. Impleaded as defendants were spouses Pablo and Nieves de Leon (herein respondents), Virginia Enales and Pericles Telan, deputy sheriff IV of the said MTC.

The complaint alleges that petitioner, Dr. Ibarra Santos, is the registered owner of a parcel of land and its improvements thereon situated in 1264 Interior Quirino Ave., San Dionisio Parañaque City, covered by Transfer Certificate of Title No. 69150 of the Registry of Deeds, same city; that Virginia Enales and Rosendo Rivera (deceased husband of petitioner Josefina Rivera) sold Dr. Santos' property to respondent spouses de Leon; and that in Civil Case No. 9500 for forcible entry filed by said respondent spouses with the MTC of Parañaque City involving the same property, a writ of execution was issued evicting from the premises petitioner Josefina Rivera, the lessee of Dr. Santos. Petitioners Dr. Santos and Rivera thus prayed that the Deed of Sale between Virginia Enales and Rosendo Rivera, as vendors, and respondent spouses de Leon, as vendees, be declared void; and that a temporary restraining order and/or preliminary injunction be issued enjoining the sheriff from implementing the Decision of the MTC in Civil Case No. 9500.

On August 1, 1996, respondent spouses de Leon filed a motion to dismiss the

complaint on the ground that it states no cause of action. The motion was granted.

Hence, both petitioners filed with the Court of Appeals a petition for review.

On September 22, 1999, the Appellate Court rendered its Decision denying the petition, holding that the complaint does not state a cause of action considering that while it alleges that the Deed of Sale is null and void, however, petitioner Dr. Santos failed to specify the grounds why the said document is a nullity and should, therefore, be annulled.

Petitioners filed a motion for reconsideration but was denied by the Appellate Court.

Hence, the instant petition.

Petitioners Dr. Santos and Rivera contend that the Court of Appeals erred in ruling that the complaint states no cause of action. They insist that the allegations therein "are sufficient for rendering a valid judgment in accordance with their prayer." Their complaint states only the ultimate facts since the details can be proven during the trial.

Petitioners alleged in their complaint that:

"6. That plaintiff SANTOS is the absolute owner in fee simple of that parcel of land and improvements thereon disputed in Civil Case No. 9500 entitled "SPS. PABLO AND NIEVES DE LEON versus JOSEFINA RIVERA" before Branch 77 of the METROPOLITAN TRIAL COURT of PARAÑAQUE, METRO MANILA, as shown by copy of TCT No. 69150 (ANNEX 'A');

7. That in said MTC Civil Case No. 9500, defendant ENALES and the late ROSENDO RIVERA (deceased husband of plaintiff RIVERA) allegedly sold plaintiff SANTOS' real estate property covered by TCT No. 69150 (ANNEX 'A') to herein defendant spouses DE LEON as shown by the "DEED OF SALE WITH WAIVER OF RIGHTS" (ANNEX 'B'), "WAIVER WITH SPECIAL POWER OF ATTORNEY" (ANNEX 'C') and "RECEIPT AND COMMITMENT" (ANNEX 'D')."

The general rule is that the allegations in a complaint are sufficient to constitute a cause of action against the defendants if, admitting the facts alleged, the court can render a valid judgment upon the same in accordance with the prayer therein. A cause of action exists if the following elements are present, namely: (1) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (2) an obligation on the part of the named defendant to respect or not to violate such right; and (3) an act or omission on the part of such defendant violative of the right of the plaintiff or constituting a breach of the obligation of the defendant to the plaintiff for which the latter may maintain an action for recovery of damages.

[1]

The above allegations quoted above sufficiently establish a cause of action. They specify that petitioners Dr. Ibarra Santos is the absolute owner of the disputed parcel of land and the improvements thereon. His claim of ownership is evidenced by Transfer Certificate of Title No. 4569216 of the Registry of Deeds for Parañaque City. Definitely, as the registered owner of the subject property, he has a cause of