

## **FIRST DIVISION**

**[ G.R. No. 138497, January 16, 2002 ]**

**IMELDA RELUCIO, PETITIONER, VS. ANGELINA MEJIA LOPEZ,  
RESPONDENT.**

### **D E C I S I O N**

**PARDO, J.:**

#### The Case

The case is a petition for review on certiorari<sup>[1]</sup> seeking to set aside the decision<sup>[2]</sup> of the Court of Appeals that denied a petition for certiorari assailing the trial court's order denying petitioner's motion to dismiss the case against her inclusion as party defendant therein.

#### The Facts

The facts, as found by the Court of Appeals, are as follows:

"On September 15, 1993, herein private respondent Angelina Mejia Lopez (plaintiff below) filed a petition for "APPOINTMENT AS SOLE ADMINISTRATRIX OF CONJUGAL PARTNERSHIP OF PROPERTIES, FORFEITURE, ETC.," against defendant Alberto Lopez and petitioner Imelda Relucio, docketed as Spec. Proc. M-3630, in the Regional Trial Court of Makati, Branch 141. In the petition, private-respondent alleged that sometime in 1968, defendant Lopez, who is legally married to the private respondent, abandoned the latter and their four legitimate children; that he arrogated unto himself full and exclusive control and administration of the conjugal properties, spending and using the same for his sole gain and benefit to the total exclusion of the private respondent and their four children; that defendant Lopez, after abandoning his family, maintained an illicit relationship and cohabited with herein petitioner since 1976.

"It was further alleged that defendant Lopez and petitioner Relucio, during their period of cohabitation since 1976, have amassed a fortune consisting mainly of stockholdings in Lopez-owned or controlled corporations, residential, agricultural, commercial lots, houses, apartments and buildings, cars and other motor vehicles, bank accounts and jewelry. These properties, which are in the names of defendant Lopez and petitioner Relucio singly or jointly or their dummies and proxies, have been acquired principally if not solely through the actual contribution of money, property and industry of defendant Lopez with minimal, if not nil, actual contribution from petitioner Relucio.

"In order to avoid defendant Lopez obligations as a father and husband, he excluded the private respondent and their four children from sharing or benefiting from the conjugal properties and the income or fruits there from. As such, defendant Lopez either did not place them in his name or otherwise removed, transferred, stashed away or concealed them from the private-respondent. He placed substantial portions of these conjugal properties in the name of petitioner Relucio.

"It was also averred that in the past twenty five years since defendant Lopez abandoned the private-respondent, he has sold, disposed of, alienated, transferred, assigned, canceled, removed or stashed away properties, assets and income belonging to the conjugal partnership with the private-respondent and either spent the proceeds thereof for his sole benefit and that of petitioner Relucio and their two illegitimate children or permanently and fraudulently placed them beyond the reach of the private-respondent and their four children.

"On December 8, 1993, a Motion to Dismiss the Petition was filed by herein petitioner on the ground that private respondent has no cause of action against her.

"An Order dated February 10, 1994 was issued by herein respondent Judge denying petitioner Relucio's Motion to Dismiss on the ground that she is impleaded as a necessary or indispensable party because some of the subject properties are registered in her name and defendant Lopez, or solely in her name.

"Subsequently thereafter, petitioner Relucio filed a Motion for Reconsideration to the Order of the respondent Judge dated February 10, 1994 but the same was likewise denied in the Order dated May 31, 1994."<sup>[3]</sup>

On June 21, 1994, petitioner filed with the Court of Appeals a petition for certiorari assailing the trial court's denial of her motion to dismiss.<sup>[4]</sup>

On May 31, 1996, the Court of Appeals promulgated a decision denying the petition.<sup>[5]</sup> On June 26, 1996, petitioner filed a motion for reconsideration.<sup>[6]</sup> However, on April 6, 1999, the Court of Appeals denied petitioner's motion for reconsideration.<sup>[7]</sup>

Hence, this appeal.<sup>[8]</sup>

### The Issues

1. Whether respondent's petition for appointment as sole administratrix of the conjugal property, accounting, etc. against her husband Alberto J. Lopez established a cause of action against petitioner.
2. Whether petitioner's inclusion as party defendant is essential in the proceedings for a complete adjudication of the controversy.<sup>[9]</sup>

### The Court's Ruling

We grant the petition. We resolve the issues *in seriatim*.

First issue: whether a cause of action exists against petitioner in the proceedings below. "A cause of action is an act or omission of one party the defendant in violation of the legal right of the other."<sup>[10]</sup> The elements of a cause of action are:

- (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 in violation 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.<sup>[11]</sup>

A cause of action is sufficient if a valid judgment may be rendered thereon if the alleged facts were admitted or proved.<sup>[12]</sup>

In order to sustain a motion to dismiss for lack of cause of action, the complaint must show that the claim for relief does not exist, rather than that a claim has been merely defectively stated or is ambiguous, indefinite or uncertain.<sup>[13]</sup>

Hence, to determine the sufficiency of the cause of action alleged in Special Proceedings M-3630, we assay its allegations.

In Part Two on the "Nature of [the] Complaint," respondent Angelina Mejia Lopez summarized the causes of action alleged in the complaint below.

The complaint is by an aggrieved wife against her husband.

Nowhere in the allegations does it appear that relief is sought against petitioner. Respondent's causes of action were all against her husband.

The first cause of action is for **judicial appointment** of respondent as administratrix of the conjugal partnership or absolute community property arising from her marriage to Alberto J. Lopez. Petitioner is a complete stranger to this cause of action. Article 128 of the Family Code refers only to spouses, to wit:

"If a spouse without just cause abandons the other or fails to comply with his or her obligations to the family, the aggrieved spouse may petition the court for receivership, for judicial separation of property, or for authority to be the sole administrator of the conjugal partnership property xxx"

The administration of the property of the marriage is entirely between them, to the exclusion of all other persons. Respondent alleges that Alberto J. Lopez is her husband. Therefore, her first cause of action is against Alberto J. Lopez. There is no right-duty relation between petitioner and respondent that can possibly support a