



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**SECOND DIVISION**

**HEIRS OF MAGDALENO YPON, G.R. No. 198680**  
**namely, ALVARO YPON,**  
**ERUDITA Y. BARON, CICERO**  
**YPON, WILSON YPON, VICTOR**  
**YPON, AND HINIDINO Y.**  
**PEÑALOSA,**

Petitioners,

- versus -

Present:

CARPIO, J., Chairperson,  
 DEL CASTILLO,  
 PEREZ,  
 MENDOZA,\* and  
 PERLAS-BERNABE, JJ.

**GAUDIOSO PONTERAS**  
**RICAFORTE a.k.a. "GAUDIOSO**  
**E. YPON," and THE REGISTER**  
**OF DEEDS of TOLEDO CITY,**

Respondents.

Promulgated:

JUL 08 2013 *H. Bernabe*

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**RESOLUTION**

**PERLAS-BERNABE, J.:**

This is a direct recourse to the Court from the Regional Trial Court of Toledo City, Branch 59 (RTC), through a petition for review on *certiorari*<sup>1</sup> under Rule 45 of the Rules of Court, raising a pure question of law. In particular, petitioners assail the July 27, 2011<sup>2</sup> and August 31, 2011<sup>3</sup> Orders of the RTC, dismissing Civil Case No. T-2246 for lack of cause of action.

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\* Designated Acting Member per Special Order No. 1484 dated July 9, 2013.  
<sup>1</sup> Rollo, pp. 3-25.  
<sup>2</sup> Id. at 28-30. Penned by Judge Hermes B. Montero.  
<sup>3</sup> Id. at 31.

## The Facts

On July 29, 2010, petitioners, together with some of their cousins,<sup>4</sup> filed a complaint for Cancellation of Title and Reconveyance with Damages (subject complaint) against respondent Gaudioso Ponteras Ricaforte a.k.a. “Gaudioso E. Ypon” (Gaudioso), docketed as Civil Case No. T-2246.<sup>5</sup> In their complaint, they alleged that Magdaleno Ypon (Magdaleno) died intestate and childless on June 28, 1968, leaving behind Lot Nos. 2-AA, 2-C, 2-F, and 2-J which were then covered by Transfer Certificates of Title (TCT) Nos. T-44 and T-77-A.<sup>6</sup> Claiming to be the sole heir of Magdaleno, Gaudioso executed an Affidavit of Self-Adjudication and caused the cancellation of the aforementioned certificates of title, leading to their subsequent transfer in his name under TCT Nos. T-2637 and T-2638,<sup>7</sup> to the prejudice of petitioners who are Magdaleno’s collateral relatives and successors-in-interest.<sup>8</sup>

In his Answer, Gaudioso alleged that he is the lawful son of Magdaleno as evidenced by: (a) his certificate of Live Birth; (b) two (2) letters from Polytechnic School; and (c) a certified true copy of his passport.<sup>9</sup> Further, by way of affirmative defense, he claimed that: (a) petitioners have no cause of action against him; (b) the complaint fails to state a cause of action; and (c) the case is not prosecuted by the real parties-in-interest, as there is no showing that the petitioners have been judicially declared as Magdaleno’s lawful heirs.<sup>10</sup>

## The RTC Ruling

On July 27, 2011, the RTC issued the assailed July 27, 2011 Order,<sup>11</sup> finding that the subject complaint failed to state a cause of action against

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<sup>4</sup> Id. at 32. The plaintiffs in Civil Case No. T-2246 are as follows: Francisca Y. Trilla, Elena Yntig, Cerelo Ypon, Esterlita Y. Sereño, **Alvaro Ypon**, Rogelio Ypon, Simplicio Ypon, Jr., Monaliza B. Judilla, Lilia B. Quinada, Teodora A. Baron, Teofilo Ypon, Mauricio Ypon, Vicente Ypon, Pabling Ypon and Diega Ypon, **Erudita Baron**, Cristobal Ypon, Elizabeth Ypon, Francisco Ypon, Lolita Y. Gamao, Egnacia Y. Cavada, Serafin Ypon, Victor Ypon, Prudencio Ypon, Jr., Allan Ypon, Raul Ypon, Rey Rufo Ypon, Galicursi Ypon, Minda Y. Libre, Moises Ypon, Jr., Bethoven Ypon, Divina A. Sanchez, **Cicero Ypon**, Minerva Ypon, Lucinita Ypon, Crisolina Y. Tingal, Jessica Ypon, Nonoy Ypon, Wilson Ypon, Arthur Ypon, Yolanda Ypon, Lilia Y. Cordero, Ester Y. Hinlo, Lydia Ypon, Percival Ypon, Esmeralda Y. Baron, Emelita Y. Chiong, **Victor Ypon**, Primitivo Ypon, Jr., Pura Ypon, Ma. Nila Ypon, Roy Ipon, Eric Ypon, Henry Ypon, Felipa, Ypon, Felipa Ypon, Vivian Ypon, Hilarion Peñalosa, Angeles D. Libre, Clarita P. Lopez, Vicente Y. Peñalosa, Jr., Columbus Y. Peñalosa, Jose Y. Peñalosa, Alberto Y. Peñalosa, Teodoro Y. Peñalosa, Louella P. Madraga, Pomelo Y. Peñalosa, and Agnes P. Villora. (In boldface are the names of the plaintiffs who are also petitioners in this case.)

<sup>5</sup> Id. at 32-39.

<sup>6</sup> Id. at 33.

<sup>7</sup> Id. at 34.

<sup>8</sup> Id.

<sup>9</sup> Id. at 53-54.

<sup>10</sup> Id. at 54.

<sup>11</sup> Id. at 28-30.

Gaudioso. It observed that while the plaintiffs therein had established their relationship with Magdaleno in a previous special proceeding for the issuance of letters of administration,<sup>12</sup> this did not mean that they could already be considered as the decedent's compulsory heirs. Quite the contrary, Gaudioso satisfactorily established the fact that he is Magdaleno's son – and hence, his compulsory heir – through the documentary evidence he submitted which consisted of: (a) a marriage contract between Magdaleno and Epegenia Evangelista; (b) a Certificate of Live Birth; (c) a Letter dated February 19, 1960; and (d) a passport.<sup>13</sup>

The plaintiffs therein filed a motion for reconsideration which was, however, denied on August 31, 2011 due to the counsel's failure to state the date on which his Mandatory Continuing Legal Education Certificate of Compliance was issued.<sup>14</sup>

Aggrieved, petitioners, who were among the plaintiffs in Civil Case No. T-2246,<sup>15</sup> sought direct recourse to the Court through the instant petition.

### **The Issue Before the Court**

The core of the present controversy revolves around the issue of whether or not the RTC's dismissal of the case on the ground that the subject complaint failed to state a cause of action was proper.

### **The Court's Ruling**

The petition has no merit.

Cause of action is defined as the act or omission by which a party violates a right of another.<sup>16</sup> It is well-settled that the existence of a cause of action is determined by the allegations in the complaint.<sup>17</sup> In this relation, a complaint is said to assert a sufficient cause of action if, admitting what appears solely on its face to be correct, the plaintiff would be entitled to the

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<sup>12</sup> Id. at 69. Docketed as Sp. Pro. No. 608-T. Entitled "*In Re: Petition for Issuance of Letter of Administration, Minda Ypon Libre, Cristobal E. Ypon, and Agnes P. Veloria, petitioners v. City Registrar of Deeds and City Assessor of the City of Toledo, respondents.*"

<sup>13</sup> Id. at 30.

<sup>14</sup> Id. at 31.

<sup>15</sup> Based on the records, it appears that only petitioner Hinidino Y. Peñalosa was not a complainant in Civil Case No. T-2246.

<sup>16</sup> See Section 2, Rule 2 of the Rules of Court.

<sup>17</sup> *Peltan Development, Inc. v. Court of Appeals* (CA), 336 Phil. 824, 833 (1997).

relief prayed for.<sup>18</sup> Accordingly, if the allegations furnish sufficient basis by which the complaint can be maintained, the same should not be dismissed, regardless of the defenses that may be averred by the defendants.<sup>19</sup>

As stated in the subject complaint, petitioners, who were among the plaintiffs therein, alleged that they are the lawful heirs of Magdaleno and based on the same, prayed that the Affidavit of Self-Adjudication executed by Gaudioso be declared null and void and that the transfer certificates of title issued in the latter's favor be cancelled. While the foregoing allegations, if admitted to be true, would consequently warrant the reliefs sought for in the said complaint, the rule that the determination of a decedent's lawful heirs should be made in the corresponding special proceeding<sup>20</sup> precludes the RTC, in an ordinary action for cancellation of title and reconveyance, from granting the same. In the case of *Heirs of Teofilo Gabatan v. CA*,<sup>21</sup> the Court, citing several other precedents, held that the determination of who are the decedent's lawful heirs must be made in the proper special proceeding for such purpose, and not in an ordinary suit for recovery of ownership and/or possession, as in this case:

**Jurisprudence dictates that the determination of who are the legal heirs of the deceased must be made in the proper special proceedings in court, and not in an ordinary suit for recovery of ownership and possession of property.** This must take precedence over the action for recovery of possession and ownership. The Court has consistently ruled that the trial court cannot make a declaration of heirship in the civil action for the reason that **such a declaration can only be made in a special proceeding.** Under Section 3, Rule 1 of the 1997 Revised Rules of Court, a civil action is defined as *one by which a party sues another for the enforcement or protection of a right, or the prevention or redress of a wrong* while a special proceeding is *a remedy by which a party seeks to establish a status, a right, or a particular fact.* It is then decisively clear that the declaration of heirship can be made only in a special proceeding inasmuch as the petitioners here are seeking the establishment of a status or right.

In the early case of *Litam, et al. v. Rivera*, this Court ruled that the declaration of heirship must be made in a special proceeding, and not in an independent civil action. This doctrine was reiterated in *Solivio v. Court of Appeals* x x x:

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<sup>18</sup> *Davao Light & Power Co., Inc. v. Judge, Regional Trial Court Davao City, Branch 8*, G.R. No. 147058, March 10, 2006, 484 SCRA 272, 281.

<sup>19</sup> *The Consolidated Bank and Trust Corp. v. CA*, 274 Phil. 947, 955 (1991).

<sup>20</sup> Section 1, Rule 90 of the Rules of Court partly provides:

SEC. 1. *When order for distribution of residue made.* —

x x x x

If there is a controversy before the court as to who are the lawful heirs of the deceased person or as the distributive shares to which each person is entitled under the law, the controversy shall be heard and decided as in ordinary cases.

<sup>21</sup> G.R. No. 150206, March 13, 2009, 581 SCRA 70.

In the more recent case of *Milagros Joaquin v. Lourdes Reyes*, the Court reiterated its ruling that **matters relating to the rights of filiation and heirship must be ventilated in the proper probate court in a special proceeding instituted precisely for the purpose of determining such rights**. Citing the case of *Agapay v. Palang*, this Court held that the status of an illegitimate child who claimed to be an heir to a decedent's estate could not be adjudicated in an ordinary civil action which, as in this case, was for the recovery of property.<sup>22</sup> (Emphasis and underscoring supplied; citations omitted)

By way of exception, the need to institute a separate special proceeding for the determination of heirship may be dispensed with for the sake of practicality, as when the parties in the civil case had voluntarily submitted the issue to the trial court and already presented their evidence regarding the issue of heirship, and the RTC had consequently rendered judgment thereon,<sup>23</sup> or when a special proceeding had been instituted but had been finally closed and terminated, and hence, cannot be re-opened.<sup>24</sup>

In this case, none of the foregoing exceptions, or those of similar nature, appear to exist. Hence, there lies the need to institute the proper special proceeding in order to determine the heirship of the parties involved, ultimately resulting to the dismissal of Civil Case No. T-2246.

Verily, while a court usually focuses on the complaint in determining whether the same fails to state a cause of action, a court cannot disregard decisions material to the proper appreciation of the questions before it.<sup>25</sup> Thus, concordant with applicable jurisprudence, since a determination of heirship cannot be made in an ordinary action for recovery of ownership and/or possession, the dismissal of Civil Case No. T-2246 was altogether proper. In this light, it must be pointed out that the RTC erred in ruling on Gaudioso's heirship which should, as herein discussed, be threshed out and determined in the proper special proceeding. As such, the foregoing pronouncement should therefore be devoid of any legal effect.

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<sup>22</sup> Id. at 78-80.


<sup>23</sup> Id. at 80-81. "[When] there appears to be only one parcel of land being claimed by the contending parties as their inheritance x x x [i]t would be more practical to dispense with a separate special proceeding for the determination of the status of respondent as the sole heir x x x specially [when the parties to the civil case had] voluntarily submitted the issue to the RTC and already presented their evidence regarding the issue of heirship in these proceedings [and] the RTC [had] assumed jurisdiction over the same and consequently rendered judgment thereon."

<sup>24</sup> "Where special proceedings had been instituted but had been finally closed and terminated, however, or if a putative heir has lost the right to have himself declared in the special proceedings as co-heir and he can no longer ask for its re-opening, then an ordinary civil action can be filed for his declaration as heir in order to bring about the annulment of the partition or distribution or adjudication of a property or properties belonging to the estate of the deceased." (*Republic v. Mangotara*, G.R. No. 170375, July 07, 2010, 624 SCRA 360, 443, citing *Portugal v. Portugal-Beltran*, G.R. No. 155555, August 16, 2005, 467 SCRA 184-189).


<sup>25</sup> *Peltan Development, Inc. v. CA*, supra note 17, at 834.

**WHEREFORE**, the petition is **DENIED**. The dismissal of Civil Case No. T-2246 is hereby **AFFIRMED**, without prejudice to any subsequent proceeding to determine the lawful heirs of the late Magdaleno Ypon and the rights concomitant therewith.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson


  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**JOSE CATRAL MENDOZA**  
Associate Justice

### **ATTESTATION**

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO**

Chief Justice