

100 Phil. 1048

[G. R. No. L-11953. March 18, 1957]

LA MALLORCA, PETITIONER VS. THE HON. COURT OP APPEALS, ANTONIO E. PRATS, ROSARIO ORIA DE PRATS, ANTONIO PRATS, JR., JOSEFINA PRATS AND MARIA ASUNCION P. DE MORATO, RESPONDENTS.

D E C I S I O N

PADILLA, J.:

The petitioner moves for a reconsideration of our resolutions dismissing his original and amended petitions.

The dismissals complained of were predicated upon the petitioner's failure to make adequate allegations, and substituting for the same general references to various annexes to the petitions; so that a reading of the petition alone failed" to give a clear and coherent idea of what the petition was about. In *Canete vs. Wislizenus and Serna*, 36 Phil., 428, this Court has ruled as follows:

"Exhibits attached to a complaint do not take the place of allegations. They are referred to and annexed for the purpose merely of supporting the allegations of acts made in the complaint. No matter how many exhibits may be attached to a complaint and made a part thereof, the pleader still lies under the duty of alleging; in the complaint itself all of the facts necessary to establish his cause of action precisely the same as if the exhibits were not attached.. To illustrate what is meant let us take paragraph 7 of the petition. That paragraph states:

'That on July 22, 1916, the respondent, Basilio Serna, through his . attorneys P. E. del Rosario and Nicolas Rafols, filed a motion in said protest as appears by a copy of said motion which is filed herewith marked Exhibit D.'

It is clear that one who reads that paragraph obtains absolutely no information as to what the nature of the motion referred to therein was. The criticism of that

allegation is that it lacks a statement of the nature and substance of the motion. The act of attaching Exhibit D does not relieve the pleader from their obligation of alleging in paragraph 7, and as a part thereof, the nature and substance of the motion.” (Cas. cit., pp. 431-432)

“A court is not obliged, in order to know what the plaintiff’s cause of action is, to search through a list of exhibits, more or less lengthy, and select what the court presumes the pleader intended to allege. The complaint itself must contain all of the facts necessary to establish plaintiff’s cause of action so that when the court reads it it can see upon the face of the complaint itself whether or not a cause of action is stated. If the pleader desires to refer to any motion or order or other proceeding and to make’ it a part of his complaint he must set out in the complaint itself-the nature of the proceeding and the substance thereof in such a way as to show its relationship to and its effect upon the cause of action.” (Cas. cit. p. 432.)

The ever increasing number of petitions being submitted to this Court makes it imperative that the ruling above quoted be strictly adhered to. The petitions should recite all the facts to which the court’s attention is called, stated in a clear, coherent and concise manner, *without requiring any reference to or examination of the annexes*. A reading of the latter should not be made necessary except for the purpose of checking or verifying the corectness or completeness of the facts alleged in the petition, or of determining whether the stand taken by the respondents is fairly and adequately presented. In other words, the petition must contain a brief summary of the annexes referred to therein, so as to be complete by itself independently of such annexes. Petitions not drafted in accordance with the foregoing principles consume the time of the court unnecessarily, to the detriment of litigants who are more careful in their pleadings, and hinder instead of aiding the prompt administration of justice.

In the petition before us, fully one half of the numbered paragraphs are mere references to the annexes. Therefor, the motion for reconsideration is denied. So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Conception, Endencia, and Felix, JJ., concur.

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