

GODOFREDA B. SUMALINOG, PETITIONER, VS. CORAZON Q. DORONIO, ISRAEL DORONIO AND LORENZO RIVERA, RESPONDENTS.

G.R. No. L-42281. April 06, 1990

Ponente: PARAS, J.

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PARAS, J.:

Appeal taken from the Order dated March 16, 1968 of the Court of First Instance of Cebu, Branch VII dismissing the petitioner's complaint on the ground that it states no cause of action.

On December 14, 1967, the petitioner filed a complaint for damages based on malicious prosecution against private respondents Corazon and Israel Doronio, mother and son, respectively, and Lorenzo Rivera, the then Chief of Police of Borbon, Cebu.

The pertinent allegations of the complaint are that on November 10, 1966, in barrio Taytayan, Borbon, Cebu, Corazon Doronio engaged the services of the petitioner to wash the former's dirty clothes; that after washing and cleaning the dirty clothes, the petitioner returned all the clothes, already clean, to Corazon Doronio, and the latter received the same without any complaint or objection; that in the afternoon of November 11, 1966, the petitioner together with her mother and ailing sister, went to Cebu City; that Israel Doronio followed the petitioner to Cebu City and upon meeting her told her that she was charged by his mother (Corazon Doronio) with stealing the latter's clothes; that the petitioner outrightly denied said charge; that upon returning to barrio Taytayan, Borbon on November 12, 1966, the petitioner immediately denied the charge of theft before Corazon Doronio; that knowing fully well that the petitioner was innocent, Corazon and Israel Doronio, impelled by legal malice, charged the petitioner with the crime of qualified theft; that Corazon's affidavit, solely supporting the complaint, does not establish the elements of qualified theft such as "domestic servant" and "grave abuse of confidence"; that Lorenzo Rivera, then Chief of Police of Borbon, Cebu, acted without probable cause in filing the complaint against the petitioner; and that the Municipal Court of Borbon, Cebu acquitted the petitioner of the crime charged in its decision dated November 29, 1967. (pp. 22-26, Rollo)

Instead of filing their answers, private respondents moved to dismiss the complaint on the ground that it failed to state a cause of action.

The court below dismissed the complaint. It rationalized its posture thus:

"True it is, defendant Corazon Doronio had instigated the filing of the criminal case for theft but she did so with probable cause, and she was not actuated by an improper or sinister motive or with legal malice. x x x It is likewise an accepted principle in criminal proceedings that an accused can be convicted on mere circumstantial evidence and on the lone and uncorroborated testimony of the witness as long as the Court is satisfied that the guilt of the accused has been proven beyond reasonable doubt." (p. 86, Rollo)

Petitioner appealed to the Court of Appeals, which on October 23, 1975, certified this case to Us since the issue involved is one of law.

The issue in this appeal is whether or not the court below erred in dismissing the complaint upon mere motion, on the ground that the complaint states no cause of action.

The court below is in error.

Facts pleaded in the complaint are to be deemed accepted by the defendants who filed a motion to dismiss the complaint for failure to state a cause of action. This is the cardinal principle in the matter. And, it has been ruled that the test of sufficiency of the facts alleged is whether or not the Court could render a valid judgment as prayed for, accepting as true the exclusive facts set forth in the complaint. So rigid is the norm prescribed that if the Court should doubt the truth of the facts averred, it must not dismiss the complaint but require an answer and proceed to trial on the merits (*Boncato vs. Siason*, 138 SCRA 414; *Republic Bank vs. Cuaderno*, 19 SCRA 677).

In the instant case, a perusal of the complaint shows that it contains sufficient allegations to sustain an action for damages based on malicious prosecution. The averments that the petitioner was prosecuted for and subsequently acquitted of qualified theft; that the action was brought against her by the private respondents who acted without probable cause; and that in so doing, private respondents were impelled by malice, sufficiently point out the right of action of the petitioner against the private respondents.

WHEREFORE, the order of dismissal is hereby SET ASIDE and another one rendered REMANDING the case to the court a quo for further proceedings.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

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