

SOLEDAD L. DE MIRAFLORES, PLAINTIFF AND APPELLANT, VS. JOSE Y. HILADO, ET AL., DEFENDANTS AND APPELLEES.

G. R. No. L-16601. March 24, 1965

Ponente: DIZON, J.

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DIZON, J.:

This is an appeal taken by Soledad L. de Miraflores from an order issued by the Court of First Instance of Negros Occidental on December 5, 1959 in Civil Case No. 5499 dismissing her complaint against Jose Y. Hilado and Cirilo Abrasia, on the ground of lack of cause of action.

Appellant commenced the present action against appellees for specific performance and damages. The complaint alleged that appellees Jose Y. Hilado and Cirilo Abrasia, on December 9, 1964 and March 29, 1955, respectively, sold to appellant sugar quota rights adhered to the Victorias Milling Co., Inc. (Plantation Audit No. 28-324) as evidenced by the written contracts Annexes "A" and "B" attached to the complaint; that when appellant presented said documents to the Victorias Milling Co., Inc. for registration, the latter refused to register them on the ground that the vendors had failed, to register their rights to the sugar quotas subject matter of the sales with the Register of Deeds as required by Executive Order No. 873; that on June 1, 1959, appellant, thru counsel, wrote appellee Hilado informing him of the refusal and requesting him to perfect his right to the sugar quota so that she could in turn register the same in her name (Annex "D" of the complaint); that as a result of appellees' failure to effect the transfer of the sugar quota rights in favor of appellant despite her letter of demand, the latter had to file the complaint to compel them to comply with their obligations under the contracts mentioned heretofore and to pay her damages and attorney's fees.

Appellees filed a motion to dismiss the complaint on the grounds of (1) lack of cause of action and (2) non-joinder of indispensable parties.

On December 5, 1959, the lower court issued the appealed order dismissing the complaint for lack of cause of action, ruling as follows:

"En la demands no se alega que los demandados, por-medio de los contratos Anexos 'A' y 'B' se hayan obligado a efectuar el registro del trespaso en los archivos de la Victorias Milling Co., Inc. por lo que no existen terminos habiles para concluir de que los demandados hayan infringido los terminos de los repitodos contratos. De hecho, tal condicion no se ha incluido en ninguno de los contratos."

The issue before Us is merely whether the allegations of the complaint constitute a sufficient cause of action against appellees.

The record discloses that In Civil Case No. 2150 of the Court of First Instance of Negros Occidental entitled "Tupas vs. Soledad Miraflores, et al. involving Lot No. 492 of the Cadastral Survey of Cadiz, Negros Occidental, covered by TCT No. T-857 (T-18669), otherwise known as Hda. "Banco", Plantation Audit No. 28-324 of the milling district of Victorias, Negros Occidental, appellee Hilado, as counsel for plaintiff therein Marcos Tupas, had earned, by way of contingent attorney's fees, 30% of the sugar quota allocated to said hacienda in the amount

of 1,665.68 piculs and 30 hectares thereof as evidenced by a contract entitled "Settlement of Attorney's Fees" executed by and between Hilado and Tupas on June 20, 1952 in the City of Bacolod, and acknowledged before Atty. Geranlo Pandan, Notary Public for said city, as Doc. No. 431, page No. 90, Book No. X, series of 1952 of his Notarial Register. Hilado sold one-half of his rights and interests in said sugar quota (832.84 piculs) to his co-appellee Atty. Cirilo Abrasia on June 21, 1952 by means of a public document duly acknowledged before Notary Public Cesar S. Nessia on November 18, 1954, as Doc. No. 213, Page 44, Book I of his Notarial Register. By virtue of the contract Annex "A", Hilado sold the remaining one-half of his sugar quota to appellant Miraflores (832.84 piculs) for the sum of P9,994.08. On March 29, 1955, appellee Abrasia sold to appellant the sugar quota of 832.84 piculs which he had purchased from Hilado.

Upon the facts alleged in the complaint, it appears to be appellant Hilado's duty to have the document thru which he acquired the sugar quota of 1,665.68 piculs from Marcos Tupas, properly registered, together with the Deed of Sale of one-half thereof he executed in favor of his co-appellee and the Deed of Sale he executed in favor of appellant over the remaining one-half. Similarly, it appears to be the clear duty of Abrasia to cause the registration of the Deed of Sale he executed in favor of appellant conveying to her that portion of Hilado's quota he had previously acquired from the latter. As appellant's vendors, both appellees are in duty bound under their respective contracts, to do everything requisite and necessary to accomplish the registration of the transfer of said quota to appellant in the books and records of the Central, for, without such registration, her rights may be jeopardized. As, according to the complaint and the document attached thereto, appellees have refused to comply with their aforesaid duty, we are of the opinion, and so hold that said pleading states a sufficient cause of action against them and in favor of appellant.

WHEREFORE, the order appealed from is set aside and the record in this case is remanded below for further proceedings.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Regala, Makalintal, Bengzon J.P. and Zaldivar, JJ., concur.

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