

## SEGUNDA SANTIAGO Y VALERIO FLORES, DEMANDANTES Y APELANTES, CONTRA PABLO VALENZUELA Y MOISES PARDO, DEMANDADOS Y APELADOS.

*G.R. No. L-670. June 16, 1949*

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### BRIONES, M.:

1. DERECHO PROCESAL; DEMANDA; SUFICIENTES MOTIVOS DE ACCION; MOCION DE SOBRESEIMIENTO.—El sobreseimiento es erroneo. Se exponen en la demanda suficientes motivos de accion para que se trabaje litigio mediante la presentacion de una contestacion de parte de los demandados y luego la celebracion de la correspondiente vista. La demanda plantea cuestiones de hecho y derecho de tal envergadura que indudablemente no se puede disponer de ellas mediante una simple mocion de sobreseimiento. No es verdad, como dice el Juez sentenciador, que en la demanda no se pide mas que la expedicion de un interdicto prohibitorio preliminar; el principal objetivo de la demanda es una declaracion de titulo dominical a favor de los demandantes y el interdicto prohibitorio preliminar es solo una peticion incidental.

Moran, Pres., Paras, Feria, Pablo, Perfecto, Montemayor, y Reyes, MM., estan conformes.

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