

**TOMAS SABANGAN (MINOR) REPRESENTED BY HIS MOTHER
RAMONA APULI, PLAINTIFF-APPELLANT, VS. MANILA RAILROAD
COMPANY, GOVERNMENT SERVICE INSURANCE SYSTEM, NATIONAL
TREASURER OF THE P...**

G.R. No. L-29839. July 17, 1969

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d6b098597b85/>

MAKALINTAL, J.:

The only issue posed by the plaintiff-appellant is whether or not the dismissal of his complaint upon motion of the defendant-appellee Manila Railroad Company was proper on the ground stated by the trial court in the order appealed from.

The complaint enumerates nine (9) causes of action after the common averment that the plaintiff Tomas Sabangan is the child of Ramona Apuli, who is representing him, and the deceased Perfecto Sabangan, who was an employee of the railroad company from 1925 up to death on April 12, 1962. The first cause of action alleges that the deceased was entitled to differential pay from the said company in the sum of P1,185.00, which the latter failed to pay in spite of repeated demands, and that the delivery of such pay or any portion thereof to the defendants Enrique Sabangan, Norma Sabangan and Mariang Inhik @ Maria Sabangan was or would be null and void, they not being entitled thereto. The second cause of action alleges that the same deceased, as such employee, was entitled to backpay from the National Government, through the defendant National Treasurer, in the amount of P600.00. The third cause of action seeks recovery of overtime pay from the railroad company in the amount of P2,370.00; the fourth, of residential and quarter allowances in the amount of P3,000.00; the fifth, of Christmas bonuses aggregating P250.00; and the sixth, of a gratuity from the defendant Government Service Insurance System in the sum of P6,000.00. The seventh and eighth causes of action simply aver that the defendant Maria Sabangan is not the child of the deceased Perfecto Sabangan and therefore has no successional rights insofar as the amounts claimed are concerned, and that any payment made or about to be made to the said defendant or to the defendants Enrique Sabangan and Norma Sabangan were or would be null and void. The ninth and last cause of action makes reference to the costs and other expenses of litigation, including attorney's fees, sought to be recovered by the plaintiff.

The Manila Railroad Company moved to dismiss the complaint on the ground that the facts alleged did not constitute a cause or causes of action, and that in any event the right to claim the sums mentioned belonged to the estate of the decedent and not to the plaintiff. On January 27, 1962 the motion was called for hearing, at which no one appeared to interpose an opposition. On the same day the trial court issued its order of dismissal on the ground that "the complaint fails to show the authority upon which plaintiff bases his claim for the recovery of the sum of money sought to be recovered... whether the plaintiff is the legitimate son and only forced heir of the decedent... (and that) there could be other heir of the deceased Perfecto Sabangan who should not be precluded as party-plaintiff."

A motion for reconsideration was filed, but the same was denied in a subsequent order dated March 10, 1962. According to the plaintiff he received a copy of the motion to dismiss only on January 26, 1962, and filed by mail a written opposition thereto; but it was received in Court only on the following February 5, several days after the order of dismissal was issued. The Court anyway ruled in its order of denial that the same was based on the merits of the motion for dismissal and not on the failure of the plaintiff to file his opposition on time.

There can be no question that the complaint is very unskillfully drafted. But it is equally unquestionable that it asserts certain rights against the defendants, particularly the Manila Railroad Company, and asserts likewise that the demands for such rights had not been complied with.

The complaint may be deficient in details with respect to the factual basis of each and every item claimed, but the deficiency, in our opinion, is not such as to amount to a failure to state a cause of action; and if necessary, could be cured by means of a motion for a bill of particulars so as to enable the defendants to properly frame their responsive pleadings.

With reference to the specific ground on which the order of dismissal was predicated, there is a sufficient averment of the authority on which the plaintiff was pursuing his claim, namely, that he is the son of the deceased Perfecto Sabangan and therefore entitled to successional rights from him.

The order appealed from is therefore set aside, and the case remanded for further proceeding, with costs against the defendant-appellee Manila Railroad Company.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.