

JOSE SANTOS, PLAINTIFF-APPELLANT, VS. LORENZO J. LIWAG, DEFENDANT-APPELLEE.

G.R. No. L-24238. November 28, 1980

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/eef5852ea40c/>

CONCEPCION, JR., J.:

Appeal from the order of the Court of First Instance of Manila, dated. October 17, 1964, which dismissed the complaint filed in Civil Case No. 57282, for the failure of the plaintiff to submit a bill of particulars within 10 days from notice thereof.

The record shows that on June 8, 1964, the appellant Jose Santos filed a complaint against Lorenzo J. Liwag with the Court of First Instance of Manila, docketed therein as Civil Case No. 57282, seeking the annulment of certain documents, attached to the complaint and marked as Annexes "A", "B", and "C", as having been executed by means of misrepresentations, machination, false pretenses, threats, and other fraudulent means, as well as for damages and costs.[1]

Claiming that the allegations in the complaint are in definite and uncertain, as well as conflicting, the defendant filed a motion on July 4, 1964, asking the trial court that the plaintiff be ordered to submit a more definite statement or bill of particulars on certain allegations of the complaint, as well as the facts constituting the misrepresentations, machinations, and frauds employed by the defendant in the execution of the documents in question in order that he could be well informed of the charges filed against him, for him to prepare an intelligent and proper pleading necessary and appropriate in the premises.[2]

The plaintiff opposed the motion saying that the allegations in his complaint are sufficient and contain ultimate facts constituting his causes of action and that the subject of the defendant's motion is evidentiary in nature.[3]

The trial court, however, granted the motion and directed the plaintiff "to submit a bill of particulars with respect to the paragraphs specified in defendant's motion",[4] and when the plaintiff failed to comply with the order, the court, acting upon previous motion of the defendant,[5] dismissed the complaint with costs against the plaintiff.[6] Hence, the present appeal.

We find no merit in the appeal. The allowance of a motion for a more definite statement or bill of particulars rests within the sound judicial discretion of the court and, as usual in matters of a discretionary nature, the ruling of the trial court in that regard will not be reversed unless there has been a palpable abuse of discretion or a clearly erroneous order. In the instant case, the complaint is without doubt imperfectly drawn and suffers from vagueness and generalization to enable the defendant properly to prepare a responsive pleading and to clarify issues and aid the court in an orderly and expeditious disposition of the case.

The present action is one for the annulment of documents which have been allegedly executed by reason of deceit, machination, false pretenses, misrepresentation, threats, and other fraudulent means. Deceit, machination, false pretenses, misrepresentation, and threats, however, are largely conclusions of law and mere allegations thereof

without a statement of the facts to which such terms have reference are not sufficient. The allegations must state the facts and circumstances from which the fraud, deceit, machination, false pretenses, misrepresentation, and threats may be inferred as a conclusion. In his complaint, the appellant merely averred that all the documents sought to be annulled were all executed through the use of deceptions, machination, false pretenses, misrepresentations, threats, and other fraudulent means without the particular facts on which the alleged fraud, deceit, machination, or misrepresentations are predicated. Hence, it was proper for the trial court to grant the defendant's motion for a bill of particulars, and when the plaintiff failed to comply with the order, the trial court correctly dismissed the complaint.[7]

WHEREFORE, the judgment appealed from should be, as it is hereby, affirmed. Without pronouncement as to costs in this instance.

SO ORDERED.

Barredo, (Chairman), Aquino, Abad Santos, and De Castro,[*] JJ., concur.

[*] Mr. Justice Pacifico P. de Castro, a member of the First Division, was designated to sit in the Second Division.

[1] Record on Appeal, pp. 2-17.

[2] Id., pp. 20-24.

[3] Id., pp. 25-31.

[4] Id., p. 33.

[5] Id., pp. 33-34.

[6] Id., pp. 39-40.

[7] Sec. 1(c), Rule 12 and Sec. 3, Rule 17, Revised Rules of Court; *Matias de Bautista vs. Teodoro, Jr.*, 101 Phil. 701.

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.