

SPS. CARLOS MUNSALUD AND WINNIE MUNSALUD, PETITIONERS, VS. NATIONAL HOUSING AUTHORITY, RESPONDENT.

G.R. No. 167181. December 23, 2008

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

INSUFFICIENCY in form and substance, as a ground for dismissal of the complaint, should not be based on the title or caption, especially when the allegations of the pleading support an action.

In pursuit of a reversal of the Decision[1] of the Court of Appeals (CA) affirming the order of dismissal[2] of the Regional Trial Court (RTC) in a complaint for mandamus,[3] petitioners-spouses Carlos Munsalud and Winnie Munsalud lodged before this Court a petition for review on certiorari.

The Facts

Laid bare from the records are the following facts:

Petitioner Winnie Munsalud is the daughter and one of the compulsory heirs of the late Lourdes Bulado (Bulado) who died on December 8, 1985. During the lifetime of Bulado, respondent National Housing Authority (NHA) awarded her a lot located at 942 R. Higgins St., CAA Compound, Bgy. 185, Pasay City. The award was made pursuant to the "Land for the Landless" program of respondent. She resided at the said property until her death.

When Bulado died, petitioner Winnie assumed the obligation to pay the monthly amortizations. Respondent NHA recognized petitioner spouses' assumption of obligations as their names were reflected in the receipts. They were allowed to occupy the lot up to the present. To prove their occupancy over the lot, petitioners offered as evidence the following documents, viz.:

- Tag Card No. 77-02830-03 issued by then Pasay City Mayor Pablo Cuneta and then NHA General Manager Gaudencio Tobias;
- Application and Contract for Water Services No. 295319 in the name of Bulado but the same was signed by petitioner Winnie;
- Tax Declaration No. B-007-27566 over the land issued by the Assessor's Office of Pasay City in the name of defendant recognizing its beneficial use in favor of petitioners;
- Tax Declaration No. B-007-27667 over the residential structure erected on the land and issued by the Assessor's Office of Pasay City in the names of petitioners;
- 'Pagpapatunay' dated September 5, 1989 signed by neighbors and acquaintances of petitioners attesting to their long time residence in the property;
- Deposit Receipt No. 286444 dated September 27, 1989 issued by the Manila Electric Company attesting to the installation of electric service in the name of petitioner Winnie on the property.[4]

On September 14, 1989, petitioners completed the payments of the amortizations due on the property. Reflected on the left side portion of the official receipt evidencing full payment is the annotation "full payment." Consequently, petitioners demanded that respondent NHA issue in their favor a deed of sale and a title over the property. Respondent, however, refused.

On January 28, 2003, petitioners, by counsel, sent respondent a letter to issue a deed of sale and title. Despite receipt, respondent did not issue the requested documents. On March 6, 2003, respondent wrote petitioners informing them that petitioner Winnie's name does not appear as beneficiary. Petitioners replied that Winnie was representing her mother, the late Lourdes Bulado. Respondent did not respond to the reply.

Left with no recourse, petitioners instituted a complaint for mandamus before the court a quo.

RTC Order

On April 22, 2003, the RTC dismissed the complaint for mandamus, disposing thus:

Considering that the petition is insufficient in form and substance, there being no reference to any law which the respondent by reason of its office, trust or station is especially enjoined as a duty to perform or any allegation that respondent is unlawfully excluding petitioners from using or enjoying any right or office which said petitioners are entitled to, the above-entitled petition is hereby DISMISSED, pursuant to Section 3 Rule 65 of the 1997 Rules of Civil Procedure.

SO ORDERED.[5]

Petitioners moved for reconsideration but they did not succeed. Thus, petitioners seasonably appealed to the CA.

CA Disposition

On August 23, 2004, the CA affirmed the RTC dismissal of the mandamus petition.

WHEREFORE, the instant appeal is hereby DISMISSED. Accordingly, the assailed Order of Dismissal is AFFIRMED.

SO ORDERED.[6]

In agreeing with the court a quo, the appellate court rationalized as follows:

It is essential to the issuance of the writ of mandamus that the petitioner should have a clear legal right to the thing demanded and it must be the imperative duty of the respondent to perform the act required. It is a command to exercise a power already possessed and to perform a duty already imposed.

It is well settled that the legal right of petitioner to the performance of the particular act which is sought to be compelled must be clear and complete. A clear legal right within the meaning of the rule means a right which is clearly founded in, or granted by law; a right which is inferable as a matter of law. Likewise, mandamus refers only to acts enjoined by law to be done. The duties to be enforced must be such as are clearly peremptorily enjoined by law or by reason of official station. However, appellants failed to point out in their petition the specific law by which defendant is duty bound to perform the act sought to be performed, as well as the law which would grant them the clear legal right to the issuance of the writ of mandamus.

Foregoing discussed, we find no error on the part of the court a quo in dismissing the petition for mandamus filed by plaintiffs-appellants.

On September 20, 2004, petitioners moved for reconsideration but it was denied by the CA on February 22, 2005. Hence, the present recourse.

Issues

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE ORDERS OF THE HONORABLE REGIONAL TRIAL COURT OF QUEZON CITY DATED APRIL 22, 2003 AND SEPTEMBER 25, 2003 WHERE THE LATTER COURT - RELYING UPON THE APPELLATION AND/OR LABEL THAT PETITIONERS GAVE THEIR COMPLAINT (I.E., MANDAMUS) IN CIVIL CASE NO. Q-03-492 - DISMISSED THE COMPLAINT THEREIN PURPORTEDLY BECAUSE THE SAID COMPLAINT FAILED TO COMPLY WITH SECTION 3, RULE 65 OF THE 1997 RULES OF CIVIL PROCEDURE.

II.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN DENYING PETITIONERS' MOTION FOR RECONSIDERATION OF ITS DECISION DATED AUGUST 23, 2004.[7] (Underscoring supplied)

Poring over the arguments presented, the focal issue is whether in giving due course to an action, the court is fenced within the parameters of the title given by plaintiff to the case without regard to the averments of the pleading.

Elsewise stated, does the trial court have absolute discretion to dismiss an action on the ground that it is insufficient in form and substance based alone on its designation when, from the body and the relief prayed for, it could stand as an action sufficient in form and substance?

Our Ruling

Petitioners' action designated as mandamus was dismissed by the trial court on the ground that it is insufficient in form and substance. This begs the question: when is an action sufficient in form and when is it sufficient in substance?

To begin with, form is the methodology used to express rules of practice and procedure.[8] It is the order or method of legal proceedings.[9] It relates to technical details.[10] It is ordinarily the antithesis of substance.[11] It is an established method of expression or practice. It is a fixed or formal way of proceeding.[12]

A pleading is sufficient in form when it contains the following:

- A Caption, setting forth the name of the court, the title of the action indicating the names of the parties, and the docket number which is usually left in blank, as the Clerk of Court has to assign yet a docket number;
- The Body, reflecting the designation, the allegations of the party's claims or defenses, the relief prayed for, and the date of the pleading;
- The Signature and Address of the party or counsel;[13]
- Verification. This is required to secure an assurance that the allegations have been made in good faith, or are true and correct and not merely speculative;[14]
- A Certificate of Non-forum Shopping, which although not jurisdictional, the same is obligatory;[15]
- An Explanation in case the pleading is not filed personally to the Court. Likewise, for pleading subsequent to the complaint, if the same is not served personally to the parties affected, there must also be an explanation why service was not done personally.[16]

Likewise, for all other pleadings, not initiatory in nature, there must be:

A Proof of Service, which consists in the written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing. If service is by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office.[17]

In case a party is represented by counsel de parte, additional requirements that go into the form of the pleading should be incorporated, viz.:

- The Roll of Attorney's Number;
- The Current Professional Tax Receipt Number; and
- The IBP Official Receipt No. or IBP Lifetime Membership Number.[18]
- MCLE Compliance or Exemption Certificate Number and Date of Issue (effective January 1, 2009).[19]

In the case at bench, a naked perusal of the complaint docketed as Civil Case No. Q03- 49278 designated by petitioners as mandamus reveals that it is sufficient in form. It has the caption with the name of the court, the name of the parties, and the docket number. The complaint contains allegations of petitioners' claims. It has a prayer and the date when it was prepared. The signature page shows the signature and name of petitioners' counsel, the counsel's IBP, PTR and Roll of Attorney's Numbers. The complaint was also verified and accompanied by a certificate of non-forum shopping and signed by petitioners as plaintiffs. It was filed personally with the office of the clerk of court.

Now, is the petition insufficient in substance?

Substance is that which is essential and is used in opposition to form.[20] It is the most important element in any existence, the characteristic and essential components of anything, the main part, the essential import, and the purport.[21] It means not merely subject of act, but an intelligible abstract or synopsis of its material and substantial elements, though it may be stated without recital of any details.[22] It goes into matters which do not sufficiently appear or prejudicially affect the substantial rights of parties who may be interested therein and not to mere informalities.[23]

As used in reference to substance of common-law actions, substance comprehends all of the essential or material elements necessary to sufficiently state a good cause of action invulnerable to attack by general demurrer.[24]

Substance is one which relates to the material allegations in the pleading. It is determinative of whether or not a cause of action exists. It is the central piece, the core, and the heart constituting the controversy addressed to the court for its consideration. It is the embodiment of the essential facts necessary to confer jurisdiction upon the court.

The court a quo anchored the dismissal of petitioners' complaint on the basis of Rule 65, Section 3[25] of the 1997 Rules of Civil Procedure. It found that there was no reference to any law which respondent NHA, by reason of its office, trust or station, is specifically enjoined as a duty to perform. It declared that there was no allegation in the petition below that respondent is unlawfully excluding petitioners from using or enjoying any right or office which said petitioners are entitled to.

Although the complaint was captioned as Mandamus, petitioners' averments, as well as the relief sought, called for an action for specific performance. Pertinent portions of the complaint for mandamus provide:

3. Plaintiff Winnie Munsalud is the daughter of the late Lourdes Bulado, and as such is one of Bulado's compulsory heirs. x x x;

4. During the lifetime of Bulado, she was awarded a parcel of land at a "land for the landless" program of the defendant;

x x x x

6. When Bulado died in 1985, Plaintiffs assumed her obligations over the aforesaid property, particularly the payment of the amortizations therein;

7. Defendant recognized this assumption of Bulado's obligations by the Plaintiffs considering that in the receipts covering the amortizations, the names of the Plaintiffs as the ones paying the Defendant were indicated therein;

8. In fact, Defendant also allowed Plaintiffs to move into, and occupy, as they continue to occupy up to now, the above described premises;

x x x x

10. On September 14, 1989, Plaintiffs completed the payment of the amortizations due over the property in question, and this is evidenced by an official receipt, numbered 19492, which Defendant's cashier, Yasmin D. Aquino, issued to the Plaintiffs themselves, although the official name of the payor indicated therein was still that of the deceased Lourdes Bulado;

x x x x

12. Significantly, that receipt contained the annotation appearing on the left side thereof, that the amount paid thereon constituted "full payment";

13. Since then, Plaintiffs have been demanding from the Defendant the issuance of the deed of sale and the title over the property in question, but, inexplicably, and without any legal justification whatsoever, Defendant has refused to issue that deed of sale and title;

14. On January 28, 2003, Plaintiffs, through counsel, sent a letter to the Defendant seeking the issuance of that deed of sale and title but, despite receipt thereof, Defendant again refused and failed [to] act favorably thereon;

x x x x

20. At this point that the lot in question had already been fully paid for by the Plaintiffs, there is now a need to compel the Defendant to comply with its duty to issue a deed of sale in favor of the heirs of the deceased Lourdes Bulado, particularly Plaintiffs Carlos and Winnie Munsalud, as well to issue a title over the same property in favor of the same heirs.

WHEREFORE, it is most respectfully prayed that judgment be rendered commanding the Defendant, after due notice and hearing, to issue a deed of sale and/or a title, in favor of the heirs of the deceased Lourdes Bulado, particularly Plaintiffs Carlos and Winnie Munsalud, over the property subject of this action.[26] (Underscoring supplied)

A plain reading of the allegations of the complaint reveals that petitioner Winnie Munsalud assumed the obligations of her deceased mother, the original awardee of respondent's "Land for the Landless Program." One of the obligations of an awardee is to pay the monthly amortizations. Petitioners complied with said obligation and religiously paid the amortizations until these were fully paid.

Indeed, petitioners have complied with what is incumbent upon them under the program. Hence, it is now the turn of respondent to comply with what is incumbent upon it.

In a letter dated February 21, 2003,[27] respondent informed petitioners' counsel that per its records, the name of petitioner Winnie Munsalud does not appear as a beneficiary. For the guidance of respondent, Winnie Munsalud is not actually a beneficiary. The beneficiary of its program is Lourdes Bulado, her deceased mother. This fact was made known to respondent when another letter dated March 6, 2003[28] was sent by the counsel of the heirs of Lourdes Bulado. In the same letter, respondent was informed that petitioner Winnie is representing her deceased mother, Lourdes Bulado, viz.:

In view of the contents of that letter, we would like to notify you that Ms. Munsalud is actually representing her deceased mother, Lourdes Bulado, who, on September 14, 1989 completed her payment for Lot 12, Block 79 of the Maricaban Estate. A copy of the receipt evidencing that completed is attached hereto as Annex B for your easy reference.

In view thereof, may we reiterate our request for the issuance of the title over the aforesaid property in the name of Lourdes Bulado.[29] (Underscoring supplied)

The letter was received by respondent on March 12, 2003. On account of this second letter, respondent could have easily verified if the name of Lourdes Bulado appears as a beneficiary and awardee of its "Land for the Landless Program." However, respondent never responded to the second letter. This left petitioners with no recourse but to bring the action to the trial court.

Evidently, the action commenced by petitioners before the trial court, although designated as mandamus, is in reality an action to perform a specific act. The averments of the complaint are clear. The essential facts are sufficiently alleged as to apprise the court of the nature of the case. The relief sought to be obtained aims to compel respondent to issue a deed of sale and the corresponding title over the property awarded to Bulado. Thus, the Court finds the complaint sufficient in substance.

The designation or caption is not controlling, more than the allegations in the complaint, for it is not even an indispensable part of the complaint.

Instead of focusing on what an action for mandamus should contain, the court a quo should have proceeded to examine the essential facts alleged in petitioners' complaint. For what determines the nature of the action and which court has jurisdiction over it are the allegations in the complaint and the character of the relief sought.[30]

The cause of action in a complaint is not determined by the designation given to it by the parties. The allegations in the body of the complaint define or describe it. The designation or caption is not controlling more than the allegations in the complaint. It is not even an indispensable part of the complaint.[31]

There is no need to make reference to any law which respondent by reason of its office is enjoined as a duty to perform. Respondent's duty arose from its contractual obligation under the "Land for the Landless Program."

The trial court is reminded that the caption of the complaint is not determinative of the nature of the action.[32] The caption of the pleading should not be the governing factor, but rather the allegations in it should determine the nature of the action, because even without the prayer for a specific remedy, the courts may nevertheless grant the proper relief as may be warranted by the facts alleged in the complaint and the evidence introduced.[33]

All told, whether or not petitioner Winnie, in her capacity as a compulsory heir of the awardee, becomes a beneficiary of the program is a question best ventilated during trial on the merits. The conditions, terms, and provisions of the program in case an awardee dies are evidentiary and should be presented for determination of the court. Even the effect and the consequence of the assumption of obligation of the awardee as well as the presence of other compulsory heirs are issues that should be addressed for the court's evaluation on the basis of the evidence to be laid down before its eyes.

WHEREFORE, the appealed Decision is REVERSED AND SET ASIDE. The case is REMANDED to the Regional Trial Court which is ORDERED to reinstate the case and to conduct trial on the merits with dispatch.

No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, and Nachura, JJ., concur.

[1] Rollo, pp. 19-30. Dated August 23, 2004.

[2] Records, p. 19. Dated April 22, 2003. Penned by Judge Rogelio M. Pizarro, RTC, Br. 222, Quezon City.

[3] Id. at 2-6. Docketed as Civil Case No. Q03-49278, entitled "Sps. Carlos & Winnie Munsalud, for herself and on behalf of the other Heirs of the Deceased Lourdes Bulado."

[4] Rollo, p. 5.

[5] Id. at 39.

[6] Id. at 29-30.

[7] Id. at 8.

[8] Words and Phrases, Vol. 17, permanent ed., p. 546, citing *Juneau Spruce Corporation v. International Longshoremen's and Warehousemen's Union*, D.C. Hawaii, 131 F. Supp. 866, 869.

[9] Id. at 548, citing *The Princess Sophia*, D.C. Wash., 36 F. 2d 591, 593.

[10] Id. at 549, citing *J.D. Loizeaux Lumber Co. v. Davis*, 124 A. 2d 593, 41 N.J. Super. 231.

[11] Id., citing *Wilson v. Wagner*, Tex. Civ. App., 211 SW 2d 241, 244.

[12] Webster's Third New International Dictionary (1993), unabridged.

[13] See Rules of Civil Procedure (1997), Rule 7, Secs. 1-3.

[14] *Clavecilla v. Quitain*, G.R. No. 147989, February 20, 2006, 482 SCRA 623; *Mamaril v. Civil Service Commission*, G.R. No. 164929, April 10, 2006, 487 SCRA 65; *Torres v. Specialized Packaging Development Corporation*, G.R. No. 149634, July 6, 2004, 433 SCRA 455.

[15] See *Torres v. Specialized Packaging Development Corporation*, supra.

[16] See Rules of Civil Procedure (1997), Rule 13, Secs. 4 & 11.

[17] Id., Sec. 13.

[18] See OCA Circular No. 58-2003, May 29, 2003.

[19] Bar Matter No. 1922, as amended.

[20] Words and Phrases, Vol. 40, permanent ed., p. 754, citing *United States v. Johnston*, D.C. Wash., 292 F. 491, 495; *State v. Burgdoerfer*, 17 SW 646, 649, 107 Mo. 1, 14 L.R.A. 846.

[21] Id. at 752, citing *State v. Lowe*, 224 P. 991, 992, 27 Okl. Cr. 104.

[22] Id. at 752, citing *State on Inf. of Murphy v. Brooks*, 1 So. 2d 370, 371, 241 Ala. 55.

[23] *Id.* at 754, citing *Rose v. Osborne, Me.*, 1 A. 2d 225, 226.

[24] *Id.*, citing *Hogan v. Aluminum Lock Shingle Corp.*, 329 P. 2d 271, 273, 214 Or. 218.

[25] Rules of Civil Procedure (1997), Rule 65.

Sec. 3. Petition for mandamus. - When any tribunal, corporation, board, officer, or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the right of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

[26] Records, pp. 2-4.

[27] *Id.* at 17.

[28] *Id.* at 18.

[29] *Id.*

[30] *Villena v. Payoyo*, G.R. No. 163021, April 27, 2007, 522 SCRA 592, citing *Huguete v. Embudo*, G.R. No. 149554, July 1, 2003, 405 SCRA 273, citing in turn *Cañiza v. Court of Appeals*, G.R. No. 110427, February 24, 1997, 268 SCRA 640, 647-648.

[31] *Hernudd v. Lofgren*, G.R. No. 140337, September 27, 2007, 534 SCRA 205, citing *Sumulong v. Court of Appeals*, G.R. No. 108817, May 10, 1994, 232 SCRA 372.

[32] *Bokingo v. The Honorable Court of Appeals*, G.R. No. 161739, May 4, 2006, 489 SCRA 521; *Rivero v. Court of Appeals*, G.R. No. 141273, May 17, 2005, 458 SCRA 714.

[33] *Evangelista v. Santiago*, G.R. No. 157447, April 29, 2005, 457 SCRA 744, citing *Chacon Enterprises v. Court of Appeals*, G.R. No. L-46418, September 29, 1983, 124 SCRA 784.

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