

SECOND DIVISION

[G.R. No. 186979, August 11, 2010]

SOCORRO LIMOS, ROSA DELOS REYES AND SPOUSES ROLANDO DELOS REYES AND EUGENE DELOS REYES PETITIONERS, VS. SPOUSES FRANCISCO P. ODOES AND ARWENIA R. ODOES, RESPONDENTS.

D E C I S I O N

NACHURA, J.:

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the August 14, 2008 Decision^[1] of the Court of Appeals (CA) in C.A. GR. SP No. 97668 and its Resolution^[2] dated March 9, 2009 denying petitioners' motion for reconsideration.

The impugned Decision affirmed the resolution dated November 16, 2006^[3] and Order dated January 5, 2007^[4] of the trial court, which respectively denied petitioners' Motion to Set for Preliminary Hearing the Special and Affirmative Defenses^[5] and motion for reconsideration.^[6]

The antecedents:

On June 17, 2005, private respondents-spouses Francisco Odoes and Arwenia Odoes, filed a complaint for Annulment of Deed, Title and Damages against petitioners Socorro Limos, Rosa Delos Reyes and Spouses Rolando Delos Reyes and Eugene Delos Reyes, docketed as Civil Case No. 05-33 before the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68.

The complaint alleged that spouses Odoes are the owners of a 940- square meter parcel of land located at Pao 1st, Camiling, Tarlac by virtue of an Extrajudicial Succession of Estate and Sale dated, January 29, 2004, executed by the surviving grandchildren and heirs of Donata Lardizabal in whom the original title to the land was registered. These heirs were Soledad Razalan Lagasca, Ceferina Razalan Cativo, Rogelio Lagasca Razalan and Dominador Razalan.

It took a while before respondents decided to register the document of conveyance; and when they did, they found out that the land's Original Certificate of Title (OCT) was cancelled on April 27, 2005 and replaced by Transfer Certificate of Title (TCT) No. 329427 in the name of herein petitioners.

Petitioners were able to secure TCT No. 329427 by virtue of a Deed of Absolute Sale allegedly executed by Donata Lardizabal and her husband Francisco Razalan on April 18, 1972.

Petitioners then subdivided the lot among themselves and had TCT No. 329427 cancelled. In lieu thereof, three new TCTs were issued: TCT No. 392428 in the names of Socorro Limos and spouses Rolando Delos Reyes and Eugene Delos Reyes, TCT No. 392429 in the names of Spouses delos Reyes and TCT No. 392430 in the name of Rosa Delos Reyes.

Respondents sought the cancellation of these new TCTs on the ground that the signatures of Donata Lardizabal and Francisco Razalan in the 1972 Deed of Absolute Sale were forgeries, because they died on June 30, 1926 and June 5, 1971, respectively.^[7]

In response, petitioners filed a Motion for Bill of Particulars^[8] claiming ambiguity in respondents' claim that their vendors are the only heirs of Donata Lardizabal. Finding no merit in the motion, the trial court denied the same and ordered petitioners to file their answer to the complaint.^[9]

In their answer,^[10] petitioners pleaded affirmative defenses, which also constitute grounds for dismissal of the complaint. These grounds were: (1) failure to state a cause of action inasmuch as the basis of respondents' alleged title is void, since the Extrajudicial Succession of Estate and Sale was not published and it contained formal defects, the vendors are not the legal heirs of Donata Lardizabal, and respondents are not the real parties-in-interest to question the title of petitioners, because no transaction ever occurred between them; (2) non-joinder of the other heirs of Donata Lardizabal as indispensable parties; and (3) respondents' claim is barred by laches.

In their Reply, respondents denied the foregoing affirmative defenses, and insisted that the Extrajudicial Succession of Estate and Sale was valid. They maintained their standing as owners of the subject parcel of land and the nullity of the 1972 Absolute Deed of Sale, upon which respondents anchor their purported title.^[11] They appended the sworn statement of Amadeo Razalan declaring, among other things that:

(2) Na hindi ko minana at ibinenta ang nasabing lupa kay Socorro Limos at Rosa delos Reyes at hindi totoo na ako lang ang tagapagmana ni Donata Lardizabal;

x x x x

(4) Ang aming lola na si Donata Lardizabal ay may tatlong (3) anak na patay na sina Tomas Razalan, Clemente Razalan at Tomasa Razalan;

(5) Ang mga buhay na anak ni Tomas Razalan ay sina; 1. Soledad Razalan; 2. Ceferina Razalan; 3. Dominador Razalan; at 4. Amadeo Razalan. Ang mga buhay na anak ni Clemente Razalan ay sina 1. Rogelio Lagasca (isang abnormal). Ang mga buhay na anak ni Tomasa Razalan ay sina 1. Sotera Razalan at 2 pang kapatid;

x x x x^[12]

Thereafter, petitioners served upon respondents a Request for Admission of the following matters:

1. That the husband of the deceased Donata Lardizabal is Francisco Razalan;
2. That the children of the deceased Sps. Donata Lardizabal and Francisco Razalan are Mercedes Razalan, Tomasa Razalan and Tomas Razalan;
3. That this Tomasa Razalan died on April 27, 1997, if not when? [A]nd her heirs are (a) Melecio Partido surviving husband, and her surviving children are (b) Eduardo Partido married to Elisa Filiana, (c) Enrique Razalan Partido married to Lorlita Lorian, (d) Eduardo Razalan Partido, (e) Sotera Razalan Partido married to James Dil-is and (f) Raymundo Razalan Partido married to Nemesia Aczua, and all residents of Camiling, Tarlac.
4. That Amadeo Razalan is claiming also to be a grandchild and also claiming to be sole forced heir of Donata Lardizabal pursuant to the Succession by a Sole Heir with Sale dated January 24, 2000, executed before Atty. Rodolfo V. Robinos.
5. That Amadeo Razalan is not among those who signed the Extra[j]udicial Succession of Estate and Sale dated January 29, 2004 allegedly executed in favor of the plaintiffs, Sps. Francisco/Arwenia Odone;
6. That as per Sinumpaang Salaysay of Amadeo Razalan which was submitted by the plaintiffs, the children of Tomasa Razalan are Sotera Razalan and 2 brothers/sisters. These children of Tomasa Razalan did not also sign the Extra[j]udicial Succession of Estate and Sale;
7. That there is/are no heirs of Clemente Razalan who appeared to have executed the Extra[j]udicial Succession of Estate and Sale;
8. That Soledad Razalan Lagasca, Ceferina Razalan Cativo, Rogelio Lagasca Razalan and Dominador Razalan did not file any letters (sic) of administration nor declaration of heirship before executing the alleged Extra[j]udicial Succession of Estate and Sale in favor of plaintiffs.^[13]

Respondents failed to respond to the Request for Admission, prompting petitioners to file a Motion to Set for Preliminary Hearing on the Special and Affirmative Defenses,^[14] arguing that respondents' failure to respond or object to the Request for Admission amounted to an implied admission pursuant to Section 2 of Rule 26 of the Rules of Court. As such, a hearing on the affirmative defenses had become imperative because petitioners were no longer required to present evidence on the admitted facts.

Respondents filed a comment on the Motion, contending that the facts sought to be admitted by petitioners were not material and relevant to the issue of the case as required by Rule 26 of the Rules of Court. Respondents emphasized that the only attendant issue was whether the 1972 Deed of Absolute Sale upon which petitioners

base their TCTs is valid.^[15]

In its Resolution dated November 16, 2006, the RTC denied the Motion and held that item nos. 1 to 4 in the Request for Admission were earlier pleaded as affirmative defenses in petitioners' Answer, to which respondents already replied on July 17, 2006. Hence, it would be redundant for respondents to make another denial. The trial court further observed that item nos. 5, 6, and 7 in the Request for Admission were already effectively denied by the Extrajudicial Succession of Estate and Sale appended to the complaint and by the *Sinumpaang Salaysay* of Amadeo Razalan attached to respondents' Reply.^[16] Petitioners moved for reconsideration^[17] but the same was denied in an Order dated January 5, 2007.^[18]

Petitioners elevated this incident to the CA by way of a special civil action for certiorari, alleging grave abuse of discretion on the part of the RTC in issuing the impugned resolution and order.

On August 14, 2008, the CA dismissed the petition ruling that the affirmative defenses raised by petitioners were not indubitable, and could be best proven in a full-blown hearing.^[19]

Their motion for reconsideration^[20] having been denied,^[21] petitioners are now before this Court seeking a review of the CA's pronouncements.

In essence, petitioners contend that the affirmative defenses raised in their Motion are indubitable, as they were impliedly admitted by respondents when they failed to respond to the Request for Admission. As such, a preliminary hearing on the said affirmative defenses must be conducted pursuant to our ruling in *Gochan v. Gochan*.^[22]

We deny the petition.

Pertinent to the present controversy are the rules on modes of discovery set forth in Sections 1 and 2 of Rule 26 of the Rules of Court, viz:

Section 1. *Request for admission.* - At any time after issues have been joined, a party may file and serve upon any other party a written request for the admission by the latter of the genuineness of any material and relevant document described in and exhibited with the request or of the truth of any material and relevant matter of fact set forth in the request. Copies of the documents shall be delivered with the request unless copies have already been furnished.

SEC. 2 *Implied admission.* - Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, which shall be not less than fifteen (15) days after service thereof, or within such further time as the court may allow on motion, the party to whom the request is directed files and serves upon the party requesting the admission a sworn statement either denying specifically the matters for which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.