



Republic of the Philippines
Supreme Court
Baguio City

CERTIFIED TRUE COPY
[Signature]
WILSON S. LUTAN
Division Clerk of Court
Third Division
JUN 14 2016

SPECIAL THIRD DIVISION

**JOSE V. TOLEDO, GLENN
PADIERNOS AND DANILO
PADIERNOS,**

Petitioners,

- versus -

**COURT OF APPEALS,
LOURDES RAMOS, ENRIQUE
RAMOS, ANTONIO RAMOS,
MILAGROS RAMOS AND
ANGELITA RAMOS AS
HEIRS OF SOCORRO
RAMOS, GUILLERMO
PABLO, PRIMITIVA CRUZ
AND A.R.C. MARKETING
CORPORATION,
REPRESENTED BY ITS
PRESIDENT, ALBERTO C.
DY,**

Respondents.

G.R. No. 167838

Present:

VELASCO, JR., *J.*, Chairperson
PERALTA,
PEREZ,
REYES, and
JARDELEZA, *JJ.*

Promulgated:

April 20, 2016

x-----*[Signature]*-----x

RESOLUTION

JARDELEZA, *J.*:

On August 5, 2015, the Court rendered a Decision granting petitioners Jose Toledo, Glenn Padiernos and Danilo Padiernos' petition for review on certiorari. The dispositive portion of the Decision reads:

WHEREFORE, we **GRANT** the petition and **SET ASIDE** the assailed *Decision* and *Resolution* of the Court of Appeals dated October 22, 2004 and April 13, 2005, respectively, in CA G.R. SP No. 73670. Judgment is hereby rendered declaring petitioners the owners of Lot 4, Block 2, Ilang-Ilang Street, Sunrise Hills Subdivision, Quezon City presently covered by Transfer Certificate of Title [TCT] No. RT-17876 (242918). The Register of Deeds of Quezon City is hereby ordered to:

[Signature]

- (a) **CANCEL** TCT No. RT-17876 (242918) in the name of ARC Marketing Corporation; and
- (b) **ISSUE** a Transfer Certificate of Title in the name of petitioners Jose V. Toledo, Glenn Padiernos and Danilo Padiernos.

SO ORDERED.¹

On October 1, 2015, a motion was filed seeking for the reconsideration of this Court's Decision.² Since this case involved a determination of the correctness of the trial court's Order dated June 17, 2002 granting its motion to dismiss Civil Case No. Q-97-30738,³ respondent ARC Marketing Corporation (ARC Marketing) posits that a reversal of such grant would consequently cause only a remand of the case to the court of origin.⁴

Indeed, in addition to resolving the matter of the dismissal of Civil Case No. Q-97-30738, the Court, to prevent undue hardship on the parties and on the basis of the records before it, did decide the issue of ownership of the disputed property.⁵ On reconsideration, however, we agree that the issue of whether ARC Marketing is a buyer in good faith involves a factual issue the determination of which cannot be made by the Court in a petition for review filed under Rule 45.⁶ While the foregoing rule admits of certain exceptions,⁷ none appears to be invoked in this case. Thus, ARC Marketing's motion is **GRANTED** and the case is remanded to the court of origin for trial on the merits, where the concerned parties may present evidence to prove their respective claims and defenses. Accordingly, the dispositive portion of the Decision is **MODIFIED** as follows:

WHEREFORE, we **GRANT** the petition and **SET ASIDE** the assailed Decision and Resolution of the Court of Appeals dated October 22, 2004 and April 13, 2005, respectively, in CA G.R. SP No. 73670. Civil Case No. Q-97-30738 is **REMANDED** to the court of origin which is **DIRECTED** to resolve the case with dispatch.

SO ORDERED.


FRANCIS H. JARDELEZA
Associate Justice

¹ *Rollo*, pp. 1029-1030.

² *Id.* at 1033-1040.

³ *Id.* at 1016-1017.

⁴ *Id.* at 1034.

⁵ Decision, *id.* at 1024.

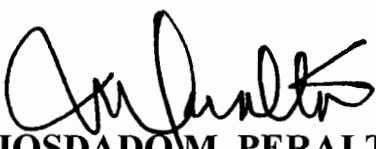
⁶ *Rotairo v. Alcantara*, G.R. No. 173632, September 29, 2014, 736 SCRA 584, 591 citing *Peralta v. Heirs of Bernardina Abalon*, G.R. Nos. 183448 & 183464, June 30, 2014, 727 SCRA 477, 500.


⁷ *Peralta v. Heirs of Bernardina Abalon*, G.R. Nos. 183448 & 183464, June 30, 2014, 727 SCRA 477, 500-501.

WE CONCUR:


PRESBITERO J. VELASCO, JR.

*Associate Justice
Chairperson*


DIOSDADO M. PERALTA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

ATTESTATION

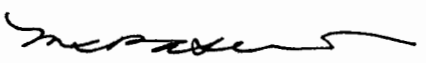
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

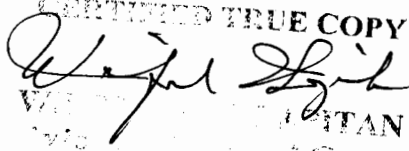

PRESBITERO J. VELASCO, JR.

*Associate Justice
Chairperson, Third Division*

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's attestation, it is hereby certified that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice


CERTIFIED TRUE COPY
Wajid Shih
Secretary of the Court

JUN 14 2016