

**FRANCISCA L. MARQUEZ AND GASPAR M. MARQUEZ, PETITIONERS,
VS. SIMEON BALDOZ, RESPONDENT.***G.R. No. 143779. April 04, 2003*

Ponente: QUISUMBING, J.

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This petition for review seeks to reverse the decision[1] dated April 24, 2000, of the Court of Appeals in CA-G.R. SP No. 55068, affirming the orders in Civil Case No. 9-97, dated April 6, 1999 and August 4, 1999, of the Regional Trial Court of Taal, Batangas City, Branch 86. The trial court denied herein petitioners' motion to dismiss in Civil Case No. 9-97, based on alleged prescription and failure to state a cause of action, as well as their motion for reconsideration.

The facts of this case are culled from the records.

Respondent Simeon Baldoz is the son of Spouses Dionisia Leonor and Aurelio Baldoz. They died intestate, leaving behind a parcel of land with an area of 33,675 square meters in Halang, Taal, Batangas. The lot was purchased by them from Emiliano Baldoz on January 17, 1937, as evidenced by a deed of sale issued on the same date.[2] The second paragraph of the deed of sale bears the following statement:

Said property is owned in common by the herein vendor (Emiliano Baldoz) and by Gregorio Leonor (father of petitioners) of Taal, Batangas.[3]

On March 24, 1997, Simeon's co-heirs waived their rights over the lot in his favor by virtue of a Deed of Extrajudicial Settlement with Waiver of Rights.[4] Later, however, Simeon discovered that Francisca Leonor and Candelaria Orlina declared certain portions of the same land in their name, as evidenced by Tax Declaration Nos. 0056 to 0058.[5]

Simeon made several demands upon Francisca, Gaspar and Candelaria urging them to vacate the premises and to surrender possession thereof, but his demands remained unheeded. On September 3, 1997, Simeon filed Civil Case No. 9-97, entitled "Simeon Baldoz v. Spouses Francisca Leonor and Gaspar Marquez, and Candelaria Orlina," for accion reivindicatoria and quieting of title, with preliminary writ of injunction and damages.

On October 27, 1997, Francisca, Gaspar and Candelaria filed a motion to dismiss on the ground of prescription and failure to state a cause of action. In an order dated April 6, 1999, the RTC denied the motion to dismiss. It ruled that the complaint has sufficiently alleged a cause of action. On the issue of prescription, the RTC stated that it involves evidentiary matters which should be threshed out in a full-blown trial on the merits and cannot be determined in a motion to dismiss as the question has become a matter of proof.[6] The motion for reconsideration filed with the RTC was likewise denied.

Seasonably, petitioners Francisca and Gaspar Marquez filed a petition for certiorari with the Court of Appeals ascribing grave abuse of discretion to the RTC for denying their motion to dismiss. On April 24, 2000, the appellate court dismissed the petition for lack of merit. Petitioners then moved to reconsider the order of the Court

of Appeals, but it was denied in a resolution dated June 20, 2000.

In this petition for review, petitioners seek the reversal of the CA decision on two grounds:

A. THE COURT OF APPEALS ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT COMPLETELY DISREGARDED THE EVIDENCE PRESENTED BY THE PARTIES AND MERELY BASED ITS RULING THAT RESPONDENT'S RIGHT OF ACTION HAS NOT PRESCRIBED ON THE ALLEGATIONS IN THE COMPLAINT IN CONTRAVENTION OF SECTIONS 2 AND 3, RULE 16 OF THE 1997 RULES OF CIVIL PROCEDURE; AND

B. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION DESPITE ITS FAILURE TO LIKewise CONSIDER THE EVIDENCE ON RECORD AND TO RULE CATEGORICALLY ON THE ISSUE OF PRESCRIPTION IN FLAGRANT DISREGARD OF THE EXPRESS PROVISION OF SECTIONS 2 AND 3, RULE 16 OF THE 1997 RULES OF CIVIL PROCEDURE.[7]

The issue in this petition is whether the Court of Appeals committed grave abuse of discretion as well as a reversible error in affirming the trial court's orders. Resolution of this issue depends on whether the trial court had violated Sections 2 and 3 of Rule 16, of the Rules of Court, in denying petitioners' motion to dismiss the complaint as well as their motion for reconsideration.

In Sections 2 and 3 of Rule 16, the Rules of Court provides:

SEC. 2. Hearing of motion. — At the hearing of the motion, the parties shall submit their arguments on the questions of law and their evidence on the questions of fact involved except those not available at that time. Should the case go to trial, the evidence presented during the hearing shall automatically be part of the evidence of the party presenting the same.

SEC. 3. Resolution of motion. — After the hearing, the court may dismiss the action or claim, deny the motion, or order the amendment of the pleading.

The court shall not defer the resolution of the motion for the reason that the ground relied upon is not indubitable. (Stress supplied.)

In every case, the resolution shall state clearly and distinctly the reasons therefore.

Petitioners insist that the appellate court erred when it held that no grave abuse of discretion was committed by the trial court when it deferred the resolution of the issue of prescription raised in their motion to dismiss. According to petitioners, deferring the resolution of this issue violates the abovesited provisions of the Rules which provide that the court must either grant, deny or order the amendment of the pleadings, but must not defer the resolution of the motion.

Considering the submissions of the parties on record, we find that the instant petition lacks merit. In its Order dated April 6, 1999, the trial court did not violate Sections 2 and 3 of Rule 16.

First, Section 2 of Rule 16 requires hearing in resolving the motion to dismiss. From the records, it is clear that the trial judge conducted a hearing to resolve petitioners' motion to dismiss. In compliance with this requirement, both testimonial and documentary evidence were submitted by the parties to resolve the issues raised in the motion to dismiss. However, the summary hearing on the motion to dismiss did not persuade the trial court that petitioners had proved the respondent's claim had already prescribed. Hence, the trial court resolved to require a more in-depth and thorough determination of this issue, which could be done only in a full-blown trial of the case.

Neither was there a circumvention of Section 3 of Rule 16. The trial court did not defer the resolution of the

motion to dismiss; in fact, the motion was expressly denied. Said the Order dated April 6, 1999:

The above allegations in the complaint sufficiently state a cause of action against the defendants. The complaint does not have to establish or allege the facts proving the existence of a cause of action at the outset, this will have to be done at the trial on the merits of the case. In fact, the complaint is not supposed to contain evidentiary matters. Rule 6, section 3 of the Rules of Court provides that the complaint must be limited to “a concise statement of the plaintiff’s cause of action.” Consequently, the motion to dismiss must be denied.

The above conclusion finds support in the cases of *Republic Bank vs. Cuaderno*, 19 SCRA 677; *Boncato vs. Siasan*, 138 SCRA 414 and *Sumalinong vs. Doronio*, 184 SCRA 187 where the Supreme Court has repeatedly held that so rigid is the norm prescribed that if the Court should doubt the truth of the facts averred, it must not dismiss the complaint but require an answer and proceed to hear the case on the merits.

On the issue of prescription raised in the said motion, the Court finds the same evidentiary matters which should be threshed out in a full-blown trial on the merits and cannot be determined in a motion to dismiss as the question has become a matter of proof.[8]

Petitioners palpably misinterpreted the trial court’s Order, particularly in regard to the matter of prescription. It ruled that the prescription issue is “one involving evidentiary matters which must be threshed out in a full-blown trial on the merits and cannot be determined in a motion to dismiss as the question has become a matter of proof.” Petitioners misconstrued the trial court’s ruling as one tantamount to deferring the resolution of the motion to dismiss itself. This reading of the Order is flawed. By denying the motion expressly, the Order resolved the motion to dismiss as required by Section 3 of Rule 16.

It must be pointed that under the new Rules, deferment of the resolution of the motion to dismiss is no longer permitted. The court must either grant the motion to dismiss, deny it, or order the amendment of the pleadings. The purpose for the above rule is to avoid and end the common practice of perfunctorily denying motions to dismiss “for lack of merit.” Such cavalier disposition often creates difficulty on the part of the aggrieved party in taking recourse therefrom and likewise on the part of the higher court called upon to resolve the issue, usually on certiorari.[9]

However, what is prohibited by the rules is the deferment until trial of the resolution of the motion to dismiss itself. Here, the trial court did not defer resolution of the motion itself but, in fact, categorically resolved to deny it based on its finding that: (1) the complaint showed a sufficient cause of action, and (2) the pleadings did not ipso facto establish prescription.

As required by Section 3, Rule 16, the trial court’s Order also explains at length the basis for its finding that in his complaint, plaintiff has shown a sufficient cause of action. Corollary to its discussion on this issue, the trial court also touched on the issue on prescription with a pronouncement that such issue is better threshed after a full-blown trial on the merits. The trial court’s reasoning, in our view, sufficiently explained the reason for dismissing the motion to dismiss. It satisfactorily served the purpose behind the new Rules of Court as earlier explained.

Moreover, the trial court’s ruling requiring a full-blown trial on the merits to resolve the issue of prescription, finds jurisprudential basis in our ruling in *National Irrigation Administration (NIA) v. Court of Appeals*,[10] reiterating *Francisco v. Robles*. [11] In the NIA case, we stated that:

[A]n allegation of prescription can effectively be used in a motion to dismiss only when the complaint on its face shows that indeed the action has already prescribed.[12]

This precedent finds application in the present case. Nothing shows on the face of the complaint filed by herein

respondent as plaintiff in Civil Case No. 9-97 that the action already prescribed at the time it was filed. The complaint merely averred that Gregorio Leonor, father of herein petitioners, was a tenant of respondent's predecessor-in-interest. As observed by the Court of Appeals:

Notwithstanding the jurisprudence which states that prescription may be effectively pleaded in a motion to dismiss if the complaint shows on its face that the action had already prescribed at the time it was filed, We believe, however, that there is no sufficient and convincing showing that prescription as regards the subject property has set in already. The reason is simple: the court a quo noted on the face of the complaint in Civil Case No. 9-97 that Gregorio Leonor, father of herein petitioners, was the tenant of the parents of private respondent over the subject property. Obviously, perusing the complaint with an allegation that the subject property was a tenanted property, the contention of petitioners in establishing an uninterrupted adverse possession for more than thirty (30) years seems implausible. Besides, possession is not a definitive proof of ownership, nor is non-possession inconsistent therewith.[13]

Based on the pleadings, the issue of prescription was not clearly established. On this point, it is but logical and proper for the trial court to deny petitioners' motion to dismiss and, additionally, to require a full-blown trial on the issue of prescription.

Accordingly, the Court of Appeals committed no grave abuse of discretion, much less any reversible error, in affirming the Orders of the trial court.

WHEREFORE, the instant petition is DENIED for lack of merit. The challenged decision of the Court of Appeals of April 24, 2000, in CA-G.R. SP No. 55068, and its resolution dated June 20, 2000, are hereby AFFIRMED. Costs against the petitioners.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 33-36.

[2] CA Rollo, pp. 43-44; Records, p. 8.

[3] Records, p. 8.

[4] CA Rollo, pp. 43-44.

[5] Id. at 45-47.

[6] CA Rollo, p. 33.

[7] Rollo, p. 12.

[8] Rollo, p. 179. Stress supplied.

[9] Pefianco v. Moral, G.R. No. 132248, 19 January 2000, 322 SCRA 439, 446.

[10] G.R. No. 129169, 17 November 1999, 318 SCRA 255, 269.

[11] 94 Phil. 1035 (1954).

[12] Supra, note 10 at 269.

[13] Rollo, p. 35.

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