

RAFAEL BAUTISTA AND LIGAYA ROSEL, PETITIONERS, VS. MAYA-MAYA COTTAGES, INC., RESPONDENT.

G.R. No. 148361. November 29, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-148361/>

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant petition for review on certiorari assailing the Decision[1] and Resolution of the Court of Appeals, dated November 24, 2000 and May 30, 2001, respectively, in CA-G.R. SP No. 43574.

The facts are:

Spouses Rafael and Ligaya Bautista, petitioners herein, are the registered owners of a 3,856-square meter lot located at Natipuan, Nasugbu, Batangas, as evidenced by Original Certificate of Title (OCT) No. P-1436 issued in their names on January 15, 1989 by the Register of Deeds, same province.

On May 13, 1996, Maya-Maya Cottages, Inc. (MMCI), respondent, filed with the Regional Trial Court (RTC) of Nasugbu, Batangas a complaint for cancellation of petitioners' title and damages, with application for a preliminary injunction, docketed as Civil Case No. 371. Respondent alleged inter alia that "without any color of right and through dubious means," petitioners were able to obtain OCT No. P-1436 in their names.

On May 29, 1996, petitioners filed a motion to dismiss the complaint on the ground that it does not state a cause of action. They averred that respondent is a private corporation, hence, disqualified under the Constitution[2] from acquiring public alienable lands except by lease. Respondent cannot thus be considered a real party in interest.

In its Order dated August 30, 1996, the trial court granted the motion to dismiss, holding that since the property is an alienable public land, respondent is not qualified to acquire it except by lease. Thus, it has no cause of action.

Respondent then filed a motion for reconsideration with motion for leave to file an amended complaint for quieting of title. Respondent alleged that the technical description in petitioners' title does not cover the disputed lot.

Thereupon, petitioners filed their opposition, contending that the amended complaint does not also state a cause of action and if admitted, respondent's theory of the case is substantially modified.

On November 18, 1996, the trial court issued an Order denying petitioners' motion to dismiss, thus, reversing its Order of August 30, 1996 dismissing the complaint in Civil Case No. 371.

Petitioners then filed with the Court of Appeals a special civil action for certiorari and prohibition, docketed as CA-G.R. SP No. 43574. They alleged that the amended complaint does not cure the defect in the original complaint which does not state a cause of action. Clearly, in admitting respondent's amended complaint, the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction.

On November 24, 2000, the Court of Appeals rendered a Decision dismissing the petition for certiorari and

prohibition.

Petitioners filed a motion for reconsideration but was denied by the Appellate Court in its Resolution of May 30, 2001.

Hence, the instant petitioner for review on certiorari.

The sole issue for our resolution is whether the Court of Appeals erred in holding that the trial court did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in admitting respondent's amended complaint.

Section 2, Rule 10 of the 1997 Rules of Civil Procedure, as amended, provides:

"SEC. 2. Amendments as a matter of right. – A party may amend his pleading once as a matter of right at any time before a responsive pleading is served or, in the case of a reply, at any time within ten (10) days after it is served."

The above provision clearly shows that before the filing of any responsive pleading, a party has the absolute right to amend his pleading, regardless of whether a new cause of action or change in theory is introduced. It is settled that a motion to dismiss is not the responsive pleading contemplated by the Rule.[3] Records show that petitioners had not yet filed a responsive pleading to the original complaint in Civil Case No. 371. What they filed was a motion to dismiss. It follows that respondent, as a plaintiff, may file an amended complaint even after the original complaint was ordered dismissed, provided that the order of dismissal is not yet final,[4] as in this case.

Verily, the Court of Appeals correctly held that in issuing the assailed Order admitting the amended complaint, the trial court did not gravely abuse its discretion. Hence, neither certiorari nor prohibition would lie.

As to petitioners' contention that respondent corporation is barred from acquiring the subject lot, suffice it to say that this is a matter of defense which can only be properly determined during the full-blown trial of the instant case.

WHEREFORE, the petition is DENIED. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 43574 are AFFIRMED IN TOTO. Costs against petitioners.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio Morales, and Garcia, JJ., concur.

[1] Rollo, pp. 30-42. Per Associate Justice Bienvenido L. Reyes with Associate Justice Ramon A. Barcelona (retired) and Associate Justice Rodrigo V. Cosico, concurring.

[2] Art. XII, Sec. 3.

[3] *Radio Communications of the Phils., Inc., v. Court of Appeals*, G.R. No. 121397, April 17, 1997, 271 SCRA 286, citing *Prudence Realty and Dev't. Corp. v. Court of Appeals*, 231 SCRA 379 (1994); *Soledad v. Mamangun*, 8 SCRA 110 (1963).

[4] *Salazar v. Bartolome*, G.R. No. 43364, September 30, 1976, 73 SCRA 247, 250, citing *Paeste and Carpio v. Jaurigue*, 94 Phil. 179 (1953),

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.