

**JOSE V. TOLEDO, GLENN PADIERNOS AND DANILO PADIERNOS,
PETITIONERS, VS. COURT OF APPEALS, LOURDES RAMOS, ENRIQUE
RAMOS, ANTONIO RAMOS, MILAGROS RAMOS AND ANGELITA
RAMOS AS HEIRS ...**

G.R. No. 167838. April 20, 2016

Ponente: JARDELEZA, J.

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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:

(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.

Velasco, Jr., (Chairperson), Peralta, Reyes, and Perez, JJ., concur.

[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.

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