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

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

Ponente: NACHURA, J.

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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 Odones and Arwenia Odones, 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 Odones are the owners of a 940- square meter parcel of land located at Pao 1[st], 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:

- That the husband of the deceased Donata Lardizabal is Francisco Razalan;

- That the children of the deceased Sps. Donata Lardizabal and Francisco Razalan are Mercedes Razalan, Tomasa Razalan and Tomas Razalan;

- 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 Loriana, (d) Eduardo Razalan Partido, (e) Sotera Razalan Partido married to James Dil-is and (f) Raymundo Razalan Partido married to Nemesia Aczuara, and all residents of Camiling, Tarlac.

- 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.

- 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 Odones;

- That as per Sinumpaang Salaysay of Amadeo Razalan which was submitted by the plaintiffs, the children of

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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;

- That there is/are no heirs of Clemente Razalan who appeared to have executed the Extra[j]udicial Succession of Estate and Sale;

- 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.

x x x x

Under these rules, a party who fails to respond to a Request for Admission shall be deemed to have impliedly admitted all the matters contained therein. It must be emphasized, however, that the application of the rules on modes of discovery rests upon the sound discretion of the court.

As such, it is the duty of the courts to examine thoroughly the circumstances of each case and to determine the applicability of the modes of discovery, bearing always in mind the aim to attain an expeditious administration of justice.[23]

The determination of the sanction to be imposed upon a party who fails to comply with the modes of discovery also rests on sound judicial discretion.[24] Corollarily, this discretion carries with it the determination of whether or not to impose the sanctions attributable to such fault.

As correctly observed by the trial court, the matters set forth in petitioners' Request for Admission were the same affirmative defenses pleaded in their Answer which respondents already traversed in their Reply. The said defenses were likewise sufficiently controverted in the complaint and its annexes. In effect, petitioners sought to compel respondents to deny once again the very matters they had already denied, a redundancy, which if abetted, will serve no purpose but to delay the proceedings and thus defeat the purpose of the rule on admission as a mode of discovery which is "to expedite trial and relieve parties of the costs of proving facts which will not be disputed on trial and the truth of which can be ascertained by reasonable inquiry."[25]

A request for admission is not intended to merely reproduce or reiterate the allegations of the requesting party's pleading but should set forth relevant evidentiary matters of fact described in the request, whose

purpose is to establish said party's cause of action or defense. Unless it serves that purpose, it is pointless, useless, and a mere redundancy.[26]

Verily then, if the trial court finds that the matters in a Request for Admission were already admitted or denied in previous pleadings by the requested party, the latter cannot be compelled to admit or deny them anew. In turn, the requesting party cannot reasonably expect a response to the request and thereafter, assume or even demand the application of the implied admission rule in Section 2, Rule 26.

In this case, the redundant and unnecessarily vexatious nature of petitioners' Request for Admission rendered it ineffectual, futile, and irrelevant so as to proscribe the operation of the implied admission rule in Section 2, Rule 26 of the Rules of Court. There being no implied admission attributable to respondents' failure to respond, the argument that a preliminary hearing is imperative loses its point.

Moreover, jurisprudence[27] has always been firm and constant in declaring that when the affirmative defense raised is failure to state a cause of action, a preliminary hearing thereon is unnecessary, erroneous, and improvident.

In any event, a perusal of respondents' complaint shows that it was sufficiently clothed with a cause of action and

they were suited to file the same.

In an action for annulment of title, the complaint must contain the following allegations: (1) that the contested land was privately owned by the plaintiff prior to the issuance of the assailed certificate of title to the defendant; and (2) that the defendant perpetuated a fraud or committed a mistake in obtaining a document of title over the parcel of land claimed by the plaintiff.[28]

Such action goes into the issue of ownership of the land covered by a Torrens title, hence, the relief generally prayed for by the plaintiff is to be declared as the land's true owner.[29] Thus, the real party-in-interest is the person claiming title or ownership adverse to that of the registered owner.[30]

The herein complaint alleged: (1) that respondents are the owners and occupants of a parcel of land located at Pao 1[st] Camiling, Tarlac, covered by OCT No. 11560 in the name of Donata Lardizabal by virtue of an Extrajudicial Succession of Estate and Sale; and (2) that petitioners fraudulently caused the cancellation of OCT No. 11560 and the issuance of new TCTs in their names by presenting a Deed of Absolute Sale with the forged signatures of Donata Lardizabal and her husband, Francisco Razalan.

The absence of any transaction between petitioners and respondents over the land is of no moment, as the thrust of the controversy is the respondents' adverse claims of rightful title and ownership over the same property, which arose precisely because of the conflicting sources of their respective claims.

As to the validity of the Extrajudicial Succession of Estate and Sale and the status of petitioners' predecessors-in-interest as the only heirs of Donata Lardizabal, these issues go into the merits of the parties' respective claims and defenses that can be best determined on the basis of preponderance of the evidence they will adduce in a full-blown trial. A preliminary hearing, the objective of which is for the court to determine whether or not the case should proceed to trial, will not sufficiently address such issues.

Anent the alleged non-joinder of indispensable parties, it is settled that the non-joinder of indispensable parties is not a ground for the dismissal of an action. The remedy is to implead the non-party claimed to be indispensable. Parties may be added by order of the court on motion of the party or on its own initiative at any stage of the action and/or such times as are just. It is only when the plaintiff refuses to implead an indispensable party despite the order of the court, that the latter may dismiss the complaint.[31] In this case, no such order was issued by the trial court.

Equally settled is the fact that laches is evidentiary in nature and it may not be established by mere allegations in the pleadings and can not be resolved in a motion to dismiss.[32]

Finally, we cannot subscribe to petitioners' contention that the status of the heirs of Donata Lardizabal who sold the property to the respondents must first be established in a special proceeding. The pronouncements in Heirs of Yaptinchay v. Hon. Del Rosario[33] and in Reyes v. Enriquez[34] that the petitioners invoke do not find application in the present controversy.

In both cases, this Court held that the declaration of heirship can be made only in a special proceeding and not in a civil action. It must be noted that in Yaptinchay and Enriquez, plaintiffs' action for annulment of title was anchored on their alleged status as heirs of the original owner whereas in this case, the respondents' claim is rooted on a sale transaction. Respondents herein are enforcing their rights as buyers in good faith and for value of the subject land and not as heirs of the original owner. Unlike in Yaptinchay and Enriquez, the filiation of herein respondents to the original owner is not determinative of their right to claim title to and ownership of the property.

WHEREFORE, foregoing considered, the instant Petition is DENIED. The Decision of the Court of Appeals

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dated August 14, 2008 and its Resolution dated March 9, 2009 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

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[1] Rollo, pp. 40-48; penned by Associate Justice Rosalina Asuncion-Vicente, with Associate Justices Remedios A. Salazar-Fernando and Ramon M. Bato, Jr., concurring.

[2] Id. at 50-52; penned by Associate Justice Rosalina Asuncion-Vicente and concurred in by Associate Justices Remedios Salazar-Fernando and Ramon M. Bato, Jr.

[3] Id. at 144-146.

[4] Id. at 158-161.

[5] Id. at 126-130.

[6] Id. at 147-157.

[7] Id. at 55-68.

[8] Id. at 69-71.

[9] Id. at 80.

[10] Id. at 81-91.

[11] Id. at 118-120.

[12] Id. at 121-123.

[13] Id. at 124-125.

[14] Id. at 126-130.

[15] Id. at 132-133.

[16] Supra note 3.

[17] Id. at 147-157.

[18] Supra note 4.

[19] Supra note 1.

[20] Rollo, pp. 282-297.

[21] Supra note 2.

[22] 423 Phil. 491, 505 (2001).

[23] Insular Life Assurance Co., Ltd. v. Court of Appeals, G.R. No. 97654, November 14, 1994, 238 SCRA88, 93.

[24] Dela Torre v. Pepsi Cola Products Phils., Inc., G.R. No. 130243, October 30, 1998, 298 Phil. 363, 374-75 (1998).

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[25] Lañada v. Court of Appeals and Nestle Phils. v. Court of Appeals, 426 Phil. 249, 261 (2002), citing Concrete Aggregates Corporation v. Court of Appeals, 334 Phil. 77 (1997).

[26] Po v. Court of Appeals, 247 Phil. 637, 640 (1988).

[27] Misamis Occidental II Cooperative, Inc. v. David, 505 Phil. 181-192 (2005), citing The Heirs of Juliana Clavano v. Genato, 170 Phil. 275-288 (1997).

[28] George Katon v. Planca, et al., 481 Phil. 169, 184 (2004); Heirs of Kionisala v. Heirs of Dacut, 428 Phil. 249, 252 (2002).

[29] Goco et al., v. Court of Appeals et al., G.R. No. 157449, April 6, 2010; Heirs of Rolando N. Abadilla v. Galarosa, G.R. No. 149041, July 12, 2006, 494 SCRA 675, 688.

[30] Goco et al., v. Court of Appeals et al., id.

[31] Plasabas et al., v. Court of Appeals, G.R. No. 166519, March 31, 2009, 582 SCRA 686, 687; PepsiCo. Inc. v. Emerald Pizza, Inc., G.R. No. 153059, August 14, 2007, 530 SCRA 58, 67.

[32] Gochan & Sons Realty Corp. v. Heirs of Raymundo Baba, 456 Phil. 569, 571 (2003), citing Santos v. Santos, 418 Phil. 681, 692 (2001).

[33] 363 Phil. 393, 394-395 (1999).

[34] G.R. No. 162956, April 10, 2008, 551 SCRA 86.

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