

## THIRD DIVISION

[ G.R. No. 226130, February 19, 2018 ]

**LILIA S. DUQUE AND HEIRS OF MATEO DUQUE, NAMELY: LILIA S. DUQUE, ALMA D. BALBONA, PERPETUA D. HATA, MARIA NENITA D. DIENER, GINA D. YBAÑEZ, AND GERVACIO S. DUQUE, PETITIONERS, VS. SPOUSES BARTOLOME D. YU, JR. AND JULIET O. YU AND DELIA DUQUE CAPACIO, RESPONDENTS.**

### D E C I S I O N

**VELASCO JR., J.:**

This Petition for Review on Certiorari under Rule 45 of the Rules of Court assails the Decision<sup>[1]</sup> and the Resolution<sup>[2]</sup> dated September 30, 2014 and July 14, 2016, respectively, of the Court of Appeals (CA) in CA-G.R. CV No. 04197.

The facts are undisputed.

The herein petitioner Lilia S. Duque and her late husband, Mateo Duque (Spouses Duque), were the lawful owners of a 7,000-square meter lot in Lambug, Badian, Cebu, covered by Tax Declaration (TD) No. 05616 (subject property). On August 28, 1995, Spouses Duque allegedly executed a Deed of Donation over the subject property in favor of their daughter, herein respondent Delia D. Capacio (Capacio), who, in turn, sold a portion thereof, *i.e.*, 2,745 square meters, to her herein co-respondents Spouses Bartolome D. Yu, Jr. and Juliet O. Yu (Spouses Yu).<sup>[3]</sup>

With that, Spouses Duque lodged a **Verified Complaint for Declaration of Non-Existence and Nullity of a Deed of Donation and Deed of Absolute Sale and Cancellation of TD** (Complaint) against the respondents before the Regional Trial Court (RTC) of Barili, Cebu, docketed as Civil Case No. CEB-BAR-469, claiming that the signature in the Deed of Donation was forged. Spouses Duque then prayed (1) to declare the Deeds of Donation and of Absolute Sale null and void; (2) to cancel TD No. 01-07-05886 in the name of respondent Juliet Yu (married to respondent Bartolome Yu); and (3) to revive TD No. 05616 in the name Mateo Duque (married to petitioner Lilia Duque).<sup>[4]</sup>

In her Answer, respondent Capacio admitted that the signature in the Deed of Donation was, indeed, falsified but she did not know the author thereof. Respondents Spouses Yu, for their part, refuted Spouses Duque's personality to question the genuineness of the Deed of Absolute Sale for it was their daughter who forged the Deed of Donation. They even averred that Spouses Duque's action was already barred by prescription.<sup>[5]</sup>

On September 26, 2008, a Motion for Admission by Adverse Party under Rule 26 of the Rules of Court (Motion for Admission) was filed by respondents Spouses Yu requesting the admission of these documents: (1) Real Estate Mortgage (REM); (2)

**Deed of Donation**; (3) Contract of Lease; (4) TD No. 07-05616; (5) TD No. 14002-A; (6) **Deed of Absolute Sale**; and (7) **TD No. 01-07-05886**. In an Order dated October 3, 2008,<sup>[6]</sup> Spouses Duque were directed to comment thereon but they failed to do so. By their silence, the trial court, in an Order dated November 24, 2008,<sup>[7]</sup> pronounced that they were deemed to have admitted the same.<sup>[8]</sup>

Thus, during trial, instead of presenting their evidence, respondents Spouses Yu moved for demurrer of evidence in view of the aforesaid pronouncement. Spouses Duque vehemently opposed such motion. In an Order dated January 5, 2011,<sup>[9]</sup> the trial court granted the demurrer to evidence and, thereby, dismissed the Complaint. Spouses Duque sought reconsideration, which was denied in an Order dated September 21, 2011.<sup>[10]</sup>

On appeal, the CA, in its now assailed Decision dated September 30, 2014, affirmed *in toto* the aforesaid Orders. It agreed with the trial court that Spouses Duque's non-compliance with the October 3, 2008 Order resulted in the implied admission of the Deed of Donation's authenticity, among other documents. Notably, Spouses Duque did not even seek reconsideration thereof. With such admission, the trial court ruled that Spouses Duque have nothing more to prove or disprove and their entire evidence has been rendered worthless.<sup>[11]</sup> Spouses Duque moved for reconsideration but was denied for lack of merit in the questioned CA Resolution dated July 14, 2016. Meanwhile, in view of Mateo Duque's demise, his heirs substituted for him as petitioners in this case.

Hence, this petition imputing errors on the part of the CA (1) in holding that petitioners' failure to reply to the request for admission is tantamount to an implied admission of the authenticity and genuineness of the documents subject thereof; and (2) in not ruling that the dismissal of the petitioners' Complaint based on an improper application of the rule on implied admission will result in unjust enrichment at the latter's expense.<sup>[12]</sup>

The petition is impressed with merit.

The scope of a request for admission under Rule 26 of the Rules of Court and a party's failure to comply thereto are respectively detailed in Sections 1 and 2 thereof, which read:

SEC. 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 not be 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 of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.**

Objections to any request for admission shall be submitted to the court by the party requested within the period for and prior to the filing of his sworn statement as contemplated in the preceding paragraph and his compliance therewith shall be deferred until such objections are resolved, which resolution shall be made as early as practicable. (Emphases supplied.)

Clearly, once a party serves a request for admission as to the truth of any material and relevant matter of fact, the party to whom such request is served has 15 days within which to file a sworn statement answering it. **In case of failure to do so, each of the matters of which admission is requested shall be deemed admitted.** This rule, however, admits of an exception, that is, **when the party to whom such request for admission is served had already controverted the matters subject of such request in an earlier pleading.** Otherwise stated, if the matters in a request for admission have already been 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.**<sup>[13]</sup> The rationale is that "admissions by an adverse party as a mode of discovery contemplates of interrogatories that would clarify and tend to shed light on the truth or falsity of the allegations in a pleading, and does not refer to a mere reiteration of what has already been alleged in the pleadings; or else, it constitutes an utter redundancy and will be a useless, pointless process which petitioner should not be subjected to."<sup>[14]</sup>

Here, the respondents served the request for admission on the petitioners to admit the genuineness and authenticity of the Deed of Donation, among other documents. But as pointed out by petitioners, the matters and documents being requested to be admitted have already been denied and controverted in the previous pleading, that is, Verified Complaint for Declaration of Non-Existence and Nullity of a Deed of Donation and Deed of Absolute Sale and Cancellation of TD. In fact, the forgery committed in the Deed of Donation was the very essence of that Complaint, where it was alleged that being a forged document, the same is invalid and without force and legal effect. Petitioners, therefore, need not reply to the request for admission. Consequently, they cannot be deemed to have admitted the Deed of Donation's genuineness and authenticity for their failure to respond thereto.

Moreover, in respondents Spouses Yu's criminal case for estafa<sup>[15]</sup> against respondent Capacio, which they filed immediately upon receipt of a summon in relation to the Complaint of Spouses Duque, one of the allegations therein was the forgery committed in the very same Deed of Donation, which authenticity and genuineness they want petitioners to admit in their request for admission. In support thereof, respondents Spouses Yu even utilized the questioned document report of the Philippine National Police (PNP) Regional Crime Laboratory Office certifying that the signature in the Deed of Donation is a forgery. Thus, it is then safe to conclude that their request for admission is a sham.