

SPECIAL THIRD DIVISION

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

**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 OF SOCORRO RAMOS, GUILLERMO
PABLO, PRIMITIVA CRUZ AND A.R.C. MARKETING
CORPORATION, REPRESENTED BY ITS PRESIDENT, ALBERTO C.
DY, RESPONDENTS.**

R E S O L U T I O N

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