

SECOND DIVISION

[G.R. No. 143779, April 04, 2003]

**FRANCISCA L. MARQUEZ AND GASPAR M. MARQUEZ,
PETITIONERS, VS. SIMEON BALDOZ, RESPONDENT.**

D E C I S I O N

QUISUMBING, J.:

This petition for review seeks to reverse the decision^[1] dated April 24, 2000, of the Court of Appeals in CA-G.R. SP No. 55068, affirming the orders in Civil Case No. 9-97, dated April 6, 1999 and August 4, 1999, of the Regional Trial Court of Taal, Batangas City, Branch 86. The trial court denied herein petitioners' motion to dismiss in Civil Case No. 9-97, based on alleged prescription and failure to state a cause of action, as well as their motion for reconsideration.

The facts of this case are culled from the records.

Respondent Simeon Baldoz is the son of Spouses Dionisia Leonor and Aurelio Baldoz. They died intestate, leaving behind a parcel of land with an area of 33,675 square meters in Halang, Taal, Batangas. The lot was purchased by them from Emiliano Baldoz on January 17, 1937, as evidenced by a deed of sale issued on the same date.^[2] The second paragraph of the deed of sale bears the following statement:

Said property is owned in common by the herein vendor (Emiliano Baldoz) and by Gregorio Leonor (father of petitioners) of Taal, Batangas.

^[3]

On March 24, 1997, Simeon's co-heirs waived their rights over the lot in his favor by virtue of a Deed of Extrajudicial Settlement with Waiver of Rights.^[4] Later, however, Simeon discovered that Francisca Leonor and Candelaria Orlina declared certain portions of the same land in their name, as evidenced by Tax Declaration Nos. 0056 to 0058.^[5]

Simeon made several demands upon Francisca, Gaspar and Candelaria urging them to vacate the premises and to surrender possession thereof, but his demands remained unheeded. On September 3, 1997, Simeon filed Civil Case No. 9-97, entitled "*Simeon Baldoz v. Spouses Francisca Leonor and Gaspar Marquez, and Candelaria Orlina*," for *accion reivindicatoria* and quieting of title, with preliminary writ of injunction and damages.

On October 27, 1997, Francisca, Gaspar and Candelaria filed a motion to dismiss on the ground of prescription and failure to state a cause of action. In an order dated April 6, 1999, the RTC denied the motion to dismiss. It ruled that the complaint has sufficiently alleged a cause of action. On the issue of prescription, the RTC stated that it involves evidentiary matters which should be threshed out in a full-blown trial

on the merits and cannot be determined in a motion to dismiss as the question has become a matter of proof.^[6] The motion for reconsideration filed with the RTC was likewise denied.

Seasonably, petitioners Francisca and Gaspar Marquez filed a petition for *certiorari* with the Court of Appeals ascribing grave abuse of discretion to the RTC for denying their motion to dismiss. On April 24, 2000, the appellate court dismissed the petition for lack of merit. Petitioners then moved to reconsider the order of the Court of Appeals, but it was denied in a resolution dated June 20, 2000.

In this petition for review, petitioners seek the reversal of the CA decision on two grounds:

A. THE COURT OF APPEALS ERRED AND ACTED WITH GRAVE ABUSE OF DISCRETION WHEN IT COMPLETELY DISREGARDED THE EVIDENCE PRESENTED BY THE PARTIES AND MERELY BASED ITS RULING THAT RESPONDENT'S RIGHT OF ACTION HAS NOT PRESCRIBED ON THE ALLEGATIONS IN THE COMPLAINT IN CONTRAVENTION OF SECTIONS 2 AND 3, RULE 16 OF THE 1997 RULES OF CIVIL PROCEDURE; AND

B. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION DESPITE ITS FAILURE TO LIKEWISE CONSIDER THE EVIDENCE ON RECORD AND TO RULE CATEGORICALLY ON THE ISSUE OF PRESCRIPTION IN FLAGRANT DISREGARD OF THE EXPRESS PROVISION OF SECTIONS 2 AND 3, RULE 16 OF THE 1997 RULES OF CIVIL PROCEDURE.^[7]

The issue in this petition is whether the Court of Appeals committed grave abuse of discretion as well as a reversible error in affirming the trial court's orders. Resolution of this issue depends on whether the trial court had violated Sections 2 and 3 of Rule 16, of the Rules of Court, in denying petitioners' motion to dismiss the complaint as well as their motion for reconsideration.

In Sections 2 and 3 of Rule 16, the Rules of Court provides:

SEC. 2. *Hearing of motion.* — At the hearing of the motion, the parties shall submit their arguments on the questions of law and their evidence on the questions of fact involved except those not available at that time. Should the case go to trial, the evidence presented during the hearing shall automatically be part of the evidence of the party presenting the same.

SEC. 3. *Resolution of motion.* — After the hearing, the court may dismiss the action or claim, deny the motion, or order the amendment of the pleading.

The court shall not defer the resolution of the motion for the reason that the ground relied upon is not indubitable. (Stress supplied.)

In every case, the resolution shall state clearly and distinctly the reasons therefore.

Petitioners insist that the appellate court erred when it held that no grave abuse of discretion was committed by the trial court when it deferred the resolution of the