



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

MARIA CLAUDIA BELINDA G.R. Nos. 262727–28
CANDANO-LIM,

Petitioner, Present:

CAGUIOA, J., Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH,** JJ.

- versus -

DAVID LIM* and the REPUBLIC OF THE PHILIPPINES,

Respondents.

Promulgated:

JAN 27 2025

MisDCB-H

X-----X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ (Petition) under Rule 45 of the Rules of Court assailing the Decision² dated October 18, 2021, and Resolution³ dated August 1, 2022, of the Court of Appeals (CA) in the consolidated cases of CA-G.R. SP No. 159191 and CA-G.R.

* Referred to as “David Dy Lim” in the RTC Orders and CA Decision.

** On leave.

¹ *Rollo*, pp. 36–60.

² *Id.* at 70–86. Penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Raymond Reynold R. Lauigan of the Fourteenth Division, Court of Appeals, Manila.

³ *Id.* at 88–93. Penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Raymond Reynold R. Lauigan of the Former Fourteenth Division, Court of Appeals, Manila.

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SP No. 167052.⁴ In the assailed Decision, the CA denied for lack of merit the Petition⁵ for *certiorari* filed by petitioner Maria Claudia Belinda Candano-Lim (Belinda) for the nullification of the Orders dated October 24, 2018,⁶ November 16, 2018,⁷ and November 27, 2018,⁸ all issued by Branch 162, Regional Trial Court (RTC), Pasig City (San Juan Station) in JDRC No. 11130-SJ.

In the assailed Resolution, the CA denied the Motion for Reconsideration⁹ filed by Belinda.

The Antecedents

Belinda and respondent David Lim (David) married each other on June 27, 1971. They did not execute any agreement relative to their property relations as spouses.¹⁰ During their marriage, they had two children who are now of legal age, have families of their own, and residing in the United States.¹¹

On November 24, 2015, David filed a Petition¹² (Original Petition) with the RTC for the declaration of the nullity of his marriage to Belinda under Article 36¹³ of the Family Code. David averred that his marriage to Belinda was void because the latter was psychologically incapacitated to comply with her essential marital obligations. He asserted that the total estimated value of the spouses' conjugal assets was PHP 15,350,000.00, consisting of condominium units.

In her Answer with Counter-Petition (Answer),¹⁴ Belinda moved to dismiss the Original Petition because, allegedly, David did not disclose the true value of their conjugal assets, which supposedly had a value of around PHP 186,830,000.00. Belinda asserted that the Original Petition

⁴ The consolidated cases pertain to the same Petition dated January 21, 2019 filed by Maria Claudia Belinda Candano-Lim.

⁵ *Rollo*, pp. 127–147.

⁶ *Id.* at 151. Issued by Presiding Judge Cesar Pabel D. Sulit.

⁷ *Id.* at 148–150. Issued by Presiding Judge Cesar Pabel D. Sulit.

⁸ *Id.* at 152. Issued by Presiding Judge Cesar Pabel D. Sulit.

⁹ *Id.* at 402–414.

¹⁰ *Id.* at 153, Petition dated November 23, 2015.

¹¹ *Id.*

¹² *Id.* at 153–176.

¹³ Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization.
The action for declaration of nullity of the marriage under this Article shall prescribe in ten years after its celebration.

¹⁴ *Rollo*, pp. 177–206.

was a sham, as David had simply fallen out of love with her and intended to join his concubines instead.

David filed a Reply¹⁵ and Supplemental Reply¹⁶ to the Answer. The Supplemental Reply included an Omnibus Motion¹⁷ for leave of court to allow David to pay additional docket fees. He asserted that by mere inadvertence, he undervalued the conjugal assets in the Original Petition. He explained that he had no personal information or knowledge of the extent of the conjugal properties because he has no copies of the titles to the said properties and has no idea of the purchases made by Belinda using conjugal funds.¹⁸ He then provided a conservative estimate of the conjugal assets at PHP 100,000,000.00.¹⁹

In the Order dated April 21, 2016,²⁰ the RTC allowed David to amend the Original Petition. Thus, on May 11, 2016, David filed his Amended Petition²¹ (First Amended Petition). This time, David provided the amount of PHP 173,350,000.00 as the estimated value of the conjugal assets and included several art pieces and investments in stocks and securities in the list of conjugal properties. David further stated in the First Amended Petition that he will inform the RTC of any additions or further inclusions to the conjugal assets that may come to his attention in the course of trial.

Both parties then filed several motions, including a motion for the payment of additional docket fees filed by David, as well as motions filed by Belinda for the dismissal of the First Amended Petition, for support, for David to give consent to the sale of property, and for the correction of the First Amended Petition.²²

The incidents were heard on September 14, 2016, wherein the following matters were noted by the RTC in its Order of even date:

The manifestation of the parties that all the properties which were not incorporated in the [First] Amended Petition, once discovered that the same to have been in the name of respondent [Belinda] are considered parap[h]ernal in character.

....

¹⁵ *Id.* at 207–215.

¹⁶ *Id.* at 217–221.

¹⁷ *Id.* at 222–225.

¹⁸ *Id.* at 217.

¹⁹ *Id.* at 218.

²⁰ *Id.* at 232–233.

²¹ *Id.* at 234–258.

²² *Id.* at 288.

As to the fifth pending incident, as announced by the respondent [Belinda] herself that prior to their misunderstanding the petitioner [David] has been delivering to her the amount of Seven Hundred Fifty Thousand ([PHP] 750,000.00) Pesos quarterly to the respondent [Belinda]. The Court hereby orders the petitioner [David] to restore the said support to the respondent in the same amount, in the same process and in the same procedure as support pendente lite. Subject to the presentation of evidence on support once the trial commenced.

....

As to the sixth pending incident, for lack of urgency to dispose the said property, considering the existence of controversy in regard to this matter, although there was already an announcement that all the properties that had not been incorporated in the [First] Amended Petition are considered deemed paraphernal, the Court is inclined to deny the prayer for the petitioner [David] to give consent on the sale of the property.

In effect, the Court will hold all the properties as it is until there is an urgent need for the said property to be disposed.

As to the seventh pending incident, correction of the [First] Amended Petition, *counsel for the petitioner [David] is given one (1) week from today or until September 21, 2016 to underline (underscore) the amendments stated in the Amended Petition for substantial compliance with the Rules of Court.*²³ (Emphasis supplied)

Pursuant to the RTC Order,²⁴ David submitted his Compliance²⁵ with attached Amended Petition²⁶ (Second Amended Petition).

Thereafter, Belinda filed a Motion for Special Order,²⁷ wherein she prayed for the RTC to authorize her (1) to sell Unit 15-A at Foggy Heights Subdivision (Foggy Heights), Tagaytay City; and (2) to sign the necessary Deed of Sale without the participation of David. Belinda asserted that Unit 15-A is her paraphernal property. Supposedly, the sale of the property will help her recover some of the expenses that she incurred in developing Foggy Heights and will also give her income that David deprived from her.

David opposed²⁸ Belinda's Motion for Special Order, arguing that Belinda has not provided proof that Unit 15-A is paraphernal. He further

²³ *Id.* at 288–290.

²⁴ *Id.*

²⁵ *Id.* at 259–260.

²⁶ *Id.* at 261–287.

²⁷ *Id.* at 291–294.

²⁸ *Id.* at 297–300, Opposition (To [Belinda's] Motion for Special Order dated 10 January 2017).

argued that Belinda was not in need of money, as her housing expenses were being funded by one of David's corporations. He added that Belinda was managing a business and therefore had a source of income.

In the Order²⁹ dated March 16, 2017, The RTC granted Belinda's Motion for Special Order. It emphasized that during the hearing on September 14, 2016, there was already an admission by David that the properties not listed in the First Amended Petition as conjugal assets, and for which dockets fees were not paid, shall be considered paraphernal.

David filed a motion³⁰ for the reconsideration of the foregoing Order, wherein he reiterated his lack of knowledge of the extent of the conjugal properties and emphasized the reservation in his First Amended Petition on additional conjugal properties that may come to his attention.

In the Order³¹ dated May 29, 2017, the RTC denied David's motion for reconsideration. It ruled that it was too late for David to argue that Unit 15-A of Foggy Heights is presumed conjugal given his admission during the September 14, 2016 hearing. Still, the RTC noted the reservation made by David in the First Amended Petition. It thus ruled that if there are more conjugal properties, then David must immediately seek the further amendment of his petition; otherwise, the same shall forever be barred.

The Assailed Rulings of the RTC

On August 8, 2018, the RTC conducted a hearing concerning the cancellation of a notice of *lis pendens* annotated on a title to one of the properties located in Foggy Heights.³² During the hearing, David's counsel manifested that the property involved is presumed conjugal.³³ Belinda's counsel countered that the property is paraphernal.³⁴ David's counsel then reiterated that they made a reservation in the First Amended Petition on additional conjugal assets that may come to the attention of David.³⁵ Given the same, and despite opposition from Belinda's counsel, the RTC allowed David to further amend his petition for the declaration of nullity of his marriage to Belinda.³⁶

²⁹ *Id.* at 301–302.

³⁰ *Id.* at 303–307.

³¹ *Id.* at 312–313.

³² *Id.* at 380, TSN, August 8, 2018.

³³ *Id.*

³⁴ *Id.* at 380–381.

³⁵ *Id.* at 382–383.

³⁶ *Id.* at 385–386.

Belinda filed her Motion for Partial Reconsideration,³⁷ arguing that the RTC should not have summarily allowed David to again amend his petition. She emphasized that she had already filed her Answer; hence, pursuant to Rule 10, Section 3³⁸ of the 1997 Rules of Court, David should have filed the necessary motion for leave of court to further amend his petition for declaration of nullity of marriage, which he failed to do.

In the Order³⁹ dated November 16, 2018, the RTC denied Belinda's Motion for Partial Reconsideration. It ruled that no party has any vested right in procedural rules. It explained that it allowed David to further amend his petition to achieve the following: (1) for justice to be served; (2) to avoid further delay; and (3) to avoid multiplicity of suits or the filing of separate cases for properties that were not included in the proceedings before it.

Accordingly, David submitted his Compliance⁴⁰ with attached Amended Petition⁴¹ (Third Amended Petition) dated December 17, 2018. This time, David estimated the value of the conjugal assets in the amount of PHP 284,311,155.00 and listed more conjugal properties. The Third Amended Petition also included an additional statement concerning the list of conjugal assets therein provided:

5.3. Petitioner [David] declares the foregoing list of properties as those vbgproperties (sic), to the best of his knowledge, which are part of the conjugal list of assets of Petitioner [David] and Respondent [Belinda]. However, such declaration should not, in any manner, be construed as an admission of what comprises the conjugal partnership of the parties nor a limitation as to what is conjugal. Non-mention of any property which turns out to be conjugal property shall NOT automatically be considered as paraphernal or exclusive to either of the parties. Petitioner reserves the right to adduce evidence should it be necessary to prove that a particular piece of property is either conjugal or paraphernal/exclusive in nature.⁴²

In the meantime, Belinda filed another Motion for Special Order⁴³ (Second Motion for Special Order), wherein she prayed for the RTC to authorize her (1) to sell Units 14-A, 14-B, 14-D, 14-E, 15-B, 15-D, and

³⁷ *Id.* at 314–322.

³⁸ SECTION 3. *Amendments by leave of court.* — Except as provided in the next preceding section, substantial amendments may be made only upon leave of court. But such leave may be refused if it appears to the court that the motion was made with intent to delay. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and an opportunity to be heard.

³⁹ *Rollo*, pp. 148–150.

⁴⁰ *Id.* at 323–325.

⁴¹ *Id.* at 326–356.

⁴² *Id.* at 328.

⁴³ *Id.* at 357–360.

15-E of Foggy Heights (collectively, subject properties); and (2) to sign the necessary Deeds of Sale without the participation of David. In the Motion, Belinda reiterated the admission made by David that all properties not listed in the First Amended Petition are deemed paraphernal. Belinda also asserted that because of David's delays, the subject properties have started to deteriorate, which necessitated repairs. Belinda averred that she could use the proceeds from the sale of the units for their repair and refurbishment.

In the Order⁴⁴ dated October 24, 2018, the RTC denied the Second Motion for Special Order. It stated that there is nothing in its earlier Order dated May 29, 2017, that authorizes Belinda to sell units in Foggy Heights other than Unit 15-A. It ruled that David should be given his day in court to argue on the issue of whether the subject properties are conjugal or paraphernal.

Belinda sought a reconsideration⁴⁵ of the foregoing Order, but the RTC denied it in the Order⁴⁶ dated November 27, 2018.

Aggrieved, Belinda assailed the RTC Orders dated October 24, 2018, November 16, 2018, and November 27, 2018, (collectively, assailed RTC Orders) by filing her Rule 65 Petition⁴⁷ for *certiorari* with the CA.

The Ruling of the Court of Appeals

In the Decision⁴⁸ dated October 18, 2021, the CA denied the Rule 65 Petition for lack of merit:

The *Petition* dated 21 January 2019 is DENIED for lack of merit.

IT IS SO ORDERED.⁴⁹

The CA ruled that the RTC did not act with grave abuse of discretion when it resolved to (1) allow David to submit the Third Amended Petition and (2) deny Belinda's Second Motion for Special Order and her request for authorization to sell the subject properties.

⁴⁴ *Id.* at 151.

⁴⁵ *Id.* at 361–365.

⁴⁶ *Id.* at 152.

⁴⁷ *Id.* at 127–147.

⁴⁸ *Id.* at 70–86.

⁴⁹ *Id.* at 86.



As regards the amendment of the petition before the RTC, the CA explained that Rule 10, Section 3 of the 1997 Rules of Court simply meant that before David may amend his petition, he should first secure the RTC's permission, which was granted by the RTC on August 8, 2018.⁵⁰

The CA further emphasized that the amendment of a pleading with leave of court is a matter particularly addressed to the sound discretion of the RTC. It added that courts should be liberal in allowing amendments to pleadings to avoid a multiplicity of suits, to serve the higher interest of substantial justice, for the settlement of the real controversies between the parties, and for the case to be decided on the merits without unnecessary delay.⁵¹

The CA also noted that under Sections 5⁵² and 7⁵³ of A.M. No. 02-11-10-SC or the Rule on Declaration of Absolute Nullity of Void Marriage and Annulment of Voidable Marriages, David's failure to provide a complete list of conjugal properties is only a ground for the immediate dismissal of the case. Hence, the RTC was under no obligation to dismiss the petition outright; instead, it had the discretion to either allow the amendment of the petition or to dismiss it.⁵⁴

As regards the denial of the Second Motion for Special Order, the CA noted David's earlier admission during the September 14, 2016, hearing that any other property that is not included in the First Amended Petition, once discovered to have been in the name of Belinda, are paraphernal. However, the CA found that it was more prudent for the RTC to deny the Second Motion for Special Order given that David had already filed his Third Amended Petition.

The CA further explained that any error committed by the RTC in allowing David to present evidence on the nature of the subject properties

⁵⁰ *Id.* at 77–81.

⁵¹ *Id.*

⁵² SECTION 5. *Contents and Form of Petition.* — (1) The petition shall allege the complete facts constituting the cause of action.

(2) It shall state the names and ages of the common children of the parties and specify the regime governing their property relations, *as well as the properties involved.*

.....

Failure to comply with any of the preceding requirements may be a ground for immediate dismissal of the petition. (Emphasis supplied)

⁵³ SECTION 7. *Motion to Dismiss.* — No motion to dismiss the petition shall be allowed except on the ground of lack of jurisdiction over the subject matter or over the parties; provided, however, that any other ground that might warrant a dismissal of the case may be raised as an affirmative defense in an answer.

⁵⁴ *Rollo*, p. 82.

– as conjugal or paraphernal – despite his earlier judicial admission, would only constitute an error of judgment. Hence, it was not correctible in a *certiorari* proceeding.⁵⁵

Thus, the present Petition.⁵⁶

Petitioner's Arguments

Belinda argues that the CA committed a reversible error in denying her Rule 65 Petition for *certiorari*. She argues that the RTC committed grave abuse of discretion when it allowed David to file the Third Amended Petition without a prior motion for leave of court, notice to the adverse party, and opportunity to be heard, in violation of Rule 10, Section 3 of the Rules of Court.⁵⁷

Belinda adds that the amendment of an initiatory pleading after an answer has been filed should be for the furtherance of justice, prevention of delay, and rectification of an honest or inadvertent mistake. To Belinda, David had incurred inexcusable delay in amending his petition. She adds that it was also unbelievable for David to omit the inclusion of conjugal properties for several times by mere inadvertence.⁵⁸ She points out that David was able to provide an estimated value of the conjugal assets in his Original Petition; hence, contrary to his asseveration, he was in a position to determine the extent of the conjugal properties.⁵⁹

Belinda further faults the CA in failing to consider that the RTC gravely abused its discretion when it denied the Second Motion for Special Order and allowed David to present evidence on the nature of the subject properties as conjugal. She argues that the RTC Orders are manifestly contrary to David's judicial admission that any other property not included in the First Amended Petition, when discovered to be in the name of Belinda, should be considered paraphernal.⁶⁰ She adds that the judicial admission may only be controverted with evidence showing that no such admission was made or that it was made through palpable mistake, which had not been established by David.⁶¹

⁵⁵ *Id.* at 85.

⁵⁶ *Id.* at 36–60.

⁵⁷ *Id.* at 50. *See also id.* at 605–606, Reply.

⁵⁸ *Id.* at 51–52. *See also id.* at 611–612, Reply.

⁵⁹ *Id.* at 611, Reply.

⁶⁰ *Id.* at 57–58.

⁶¹ *Id.* at 613–614, Reply.

Respondent's Arguments

In his Comment,⁶² David argues that there was a valid and justifiable reason for him to submit the Third Amended Petition. He stresses that in the proceedings before the RTC, he repeatedly manifested that he and Belinda had accumulated several properties from the time that they were married in 1971. Over their decades of long marriage, Belinda purchased several properties using conjugal funds without his knowledge. Hence, he needed time to submit to the RTC a complete list of the spouses' conjugal assets.⁶³

David further asserts that the RTC's denial of the Second Motion for Special Order has basis in law considering the legal presumption that all properties acquired during the marriage belong to the conjugal partnership.⁶⁴ He adds that while the Transfer Certificate of Title (TCT) issued for each of the subject properties uniformly indicate the owner as "Maria Claudia Belinda Candano-Lim, married to David Lim,"⁶⁵ all the properties were acquired in 2015 and 2016, during the subsistence of his marriage to Belinda. Hence, the properties are conjugal and should be included in the proceedings before the RTC for liquidation in accordance with law.⁶⁶

In its Comment,⁶⁷ the Republic, through the Office of the Solicitor General (OSG), argues that the CA correctly denied Belinda's Petition for *certiorari* for lack of merit. It agrees with the CA that (1) the Third Amended Petition was filed with leave of court because the RTC granted permission to David to file it;⁶⁸ and (2) the amendment of David's petition was in line with Section 5 of the Rule on Declaration of Absolute Nullity of Void Marriage and Annulment of Voidable Marriages.⁶⁹

The OSG further submits that the RTC correctly allowed the amendment of David's petition to avoid a multiplicity of suits and to ensure that the case is decided on the merits. It stresses David's repeated statement that he is not in possession of all the papers evidencing title to the conjugal assets.⁷⁰ It also emphasizes the presumption in law that all

⁶² *Id.* at 521–530.

⁶³ *Id.* at 521–523.

⁶⁴ *Id.* at 525.

⁶⁵ *Id.* at 533–559.

⁶⁶ *Id.* at 525–527.

⁶⁷ *Id.* at 479–497.

⁶⁸ *Id.* at 486–488.

⁶⁹ *Id.* at 489.

⁷⁰ *Id.* at 492–493.

properties acquired during the marriage are conjugal and insists that the nature of the subject properties is determined by law and not by the stipulation of a party.⁷¹

The Issue

The core issue before the Court is *whether the CA committed a reversible error in holding that the RTC did not act with grave abuse of discretion when (1) it allowed David to file a substantially amended petition for a third time; and (2) when it denied Belinda's Second Motion for Special Order.*

The Ruling of the Court

The Petition is denied for lack of merit.

There is grave abuse of discretion when an act is “done contrary to the Constitution, the law or jurisprudence;”⁷² where there are palpable errors of jurisdiction or a gross misapprehension of facts;⁷³ or when the respondent court acted in utter and blatant disregard of the Constitution or the applicable laws, rules, or evidence.⁷⁴ No grave abuse of discretion exists if the assailed ruling has basis in the evidence and the applicable law and jurisprudence.⁷⁵

Upon a careful review of the records, the Court agrees with the CA that the RTC did not act with grave abuse of discretion when it allowed David to substantially amend his petition for declaration of nullity of marriage for a third time and when it denied Belinda's Second Motion for Special Order. Contrary to Belinda's assertions, the records do not show that the assailed RTC Orders are contrary to evidence, law, jurisprudence, or procedural rules.

The RTC did not act with grave abuse of discretion in allowing the substantial

⁷¹ *Id.* at 492–494.

⁷² *Tugade v. Commission on Elections*, 546 Phil. 159, 164 (2007).

⁷³ *Imperial v. People of the Philippines*, 906 Phil. 424, 431–432 (2021).

⁷⁴ See *Municipality of Tupi v. Faustino*, 860 Phil. 363, 376 (2019), citing *DOTR v. Philippine Petroleum Sea Transport Assn.*, 837 Phil. 144 (2018); *Cruz v. People of the Philippines*, 812 Phil. 166, 174–175 (2017); *Land Bank of the Phils. v. Yatco Agricultural Enterprises*, 724 Phil. 276, 288 (2014); and *Eureka Personnel & Management Services, Inc. v. Valencia*, 610 Phil. 444, 452–453 (2009).

⁷⁵ *UST v. Samahang Manggagawa ng UST*, 809 Phil. 212, 220 (2017).

*amendment of the petition for declaration
of nullity of marriage for a third time*

Belinda avers that the RTC acted with grave abuse of discretion when it allowed the amendment of David's petition for declaration of nullity of marriage during the hearing held on August 8, 2018. Supposedly, the RTC contravened the procedural rule then in force, i.e., Rule 10, Section 3 of the 1997 Rules of Court. She argues that David could not have acted based on inadvertence or honest mistake, and that he had incurred inexcusable delay, which is a ground to deny the substantial amendment of a petition.

Belinda's arguments fail to persuade.

- A. The RTC had the authority
to act upon an oral motion
for leave of court to amend
the petition

Pursuant to Rule 10, Sections 2 and 3 of the 1997 Rules of Court, a party may amend its pleading once as a matter of course at any time *before* a responsive pleading is served, or, *after* the filing of responsive pleading, by leave of court,⁷⁶ to wit:

SECTION 2. *Amendments as a matter of right.* — A party may amend his pleading once as a matter of right at any time before a responsive pleading is served or, in the case of a reply, at any time within ten (10) days after it is served.

SECTION 3. *Amendments by leave of court.* — Except as provided in the next preceding section, substantial amendments may be made only upon leave of court. But such leave may be refused if it appears to the court that the motion was made with intent to delay. Orders of the court upon the matters provided in this section shall be made *upon motion filed in court*, and after *notice* to the adverse party, and an *opportunity* to be heard. (Emphasis supplied)

In the case, Belinda filed her Answer on February 11, 2016, while the hearing for the further amendment of David's petition for declaration of nullity of marriage was held on August 8, 2018. Belinda is therefore correct that pursuant to Rule 10, Section 3 of the 1997 Rules of Court, the order for the amendment of David's petition "shall be made upon motion

⁷⁶ *Uy v. Uy*, 112 Phil. 580, 585–586 (1961).



filed in court, and after notice to the adverse party, and an opportunity to be heard.”

Notably, Rule 15, Section 2 of the 1997 Rules of Court states that “[a]ll motions shall be in writing *except* those made in open court or in the course of a hearing or trial.” In relation thereto, Rule 10, Section 3 does *not* expressly state that the motion should be written. However, the aforementioned rule nonetheless requires the motion to be “filed” in court. Under Rule 13, Section 2, filing is defined as “the act of presenting the *pleading or other paper* to the clerk of court.”

Evidently, after a responsive pleading has been filed, a *written* motion for leave of court to introduce substantial amendments to a pleading is required under Rule 10, Section 3 of the 1997 Rules of Court.⁷⁷ The fact that the rule requires a “motion *filed* in court” necessarily implies that the motion should be *written*, as *filing* is the act of presenting the *pleading or other paper* to the clerk of court.

In the present case, David did not file a *written* motion for leave of court to amend his petition for declaration of nullity of marriage. Instead, his counsel only made an *oral* motion for the amendment of the said petition during the hearing held on August 8, 2018:

ATTY. GUERZON [Counsel for David]:

Your Honor, in so far as requesting for the reconsideration, as again we mentioned in our Petition and the subsequent Amended Petitions, Your Honor, filed with this Honorable Court, *we have made reservations*, Your Honor, as to the conjugal assets of the parties, Your Honor, and that fact we have made an undertaking, Your Honor, in our respective petitions that, that the lis[t] is not yet final, Your Honor. *We intend to, if in the course of trial they come to [our] knowledge ---* (interrupted)

COURT: (BUTT-IN)

So every time, every time that there is a new property that would come out, we will go back to zero, is that what you are telling us Atty. Guerzon?

....

Imagine 2015 and now we are going back to zero. How could that be? Hindi ba? The problem is it took so much [sic] years and so much time. Now that you want, now that an unfavorable

⁷⁷ See *Rodriguez v Government of the United States of America*, 905 Phil. 1161, 1179–1181 (2021).

judgment had been rendered against your client, *now you are seeking to amend your original petition and willing to file a new docket fee for that purpose.*

ATTY. GUERZON:

Your Honor, please, the, [sic] we are hinging our reservation on the claim and also the fact, Your Honor, that most if not all of the documents pertaining to conjugal properties are in the possession of respondent. . . .⁷⁸ (Emphasis supplied)

Still, it should be emphasized that during the hearing held on August 8, 2018, Belinda was represented by her counsel and had the full opportunity to oppose David's oral motion for leave to amend his petition. In view thereof, David's prayer for leave of court for the substantial amendment of his petition through an *oral* motion instead of a written one should be considered as a mere *irregularity* in the proceedings that does not deprive the RTC of the authority to act upon the *oral* motion.⁷⁹

Indeed, the Rules of Court should be construed liberally to promote their objective of securing a just, speedy, and inexpensive disposition of the action.⁸⁰ Thus, in *Chong v. Court of Appeals*,⁸¹ the Court ruled that an *oral* motion for leave of court to amend a pleading may be validly granted by the trial court to avoid multiplicity of suits, to determine the real controversies between the parties, and to decide the case on the merits without unnecessary delay:

Petitioner claims that the trial court erred in granting respondent-spouses' oral manifestation or motion for leave to file an amended answer. *She argues that respondent-spouses should have filed a written motion for leave to file an amended answer*, pursuant to Section 3, Rule 10 of the Rules of Court. She argues that the purpose of the rule is to help the trial court determine whether the proposed amendments constitute substantial amendments to their original answer and whether the motion is intended to delay the proceedings, as well as to give the adverse party an opportunity to be heard.

The contention lacks merit.

The trial court allowed respondent-spouses to amend their answer after it observed that their original answer merely contained specific denials without clearly setting forth, as far as practicable, the truth of the matter upon which they rely to support such denial as required under Section 10, Rule 8 of the Rules of Court. Further, after denying the material allegations in the Complaint, respondent-spouses

⁷⁸ *Rollo*, pp. 382–384, TSN, August 8, 2018.

⁷⁹ *See Monterey Foods Corp. v. Eserjose*, 457 Phil. 771, 783–784 (2003).

⁸⁰ *Id.* at 784.

⁸¹ 554 Phil. 43 (2007).

merely stated in their original answer that “[a]ll other arguments embodied in [their prior] motion to dismiss are reiterated as part of the special and affirmative defenses herein.” *Under these conditions, the trial court justifiably deemed it necessary for respondent-spouses to amend their answer in order to sufficiently clarify the issues to be tried and thereby expedite the proceedings. . . .*

....

*Trial court allowed the filing of an amended answer to avoid multiplicity of suits, to determine the real controversies between the parties and to decide the case on the merits without unnecessary delay, all of which form the bases for the liberality of the rule in allowing amendments to pleadings. This was in consonance with the basic tenet that the Rules of Court shall be liberally construed to promote the just, speedy and inexpensive disposition of every action.*⁸² (Emphasis supplied; citations omitted)

Likewise, in *Gonzales v. Balikatan Kilusang Bayan sa Pananalapi Inc.*,⁸³ an oral motion to declare a defendant in default was allowed by the Court, even though the rule requires a *written* motion⁸⁴ for a defendant to be deemed in default. It explained that what the rule really eschews is the lack of opportunity to the adverse party to be heard or to contest the motion. Consequently, a party cannot claim that it was deprived of notice and opportunity to be heard if he or she was present when the oral motion was made by the other party in open court.⁸⁵

The rulings in *Chong* and *Gonzales* find application in the present case. Certainly, the requirements of notice and opportunity to be heard in Rule 10, Section 3 of the Rules of Court were both met during the hearing on August 8, 2018, before the RTC. The RTC thus acted within its authority in granting the oral motion for leave of court to amend the petition for declaration of nullity of marriage.

“Notice means that the persons with interests in the litigation be informed of the facts and law on which the action is based for them to adequately defend their respective interests.”⁸⁶ The records show that during the hearing on August 8, 2018, Belinda was represented by her counsel, while the State was represented by the Public Prosecutor.⁸⁷ By

⁸² *Id.* at 50–51.

⁸³ 494 Phil. 105 (2005).

⁸⁴ See *Rodriguez v. Government of the United States of America*, *supra* note 77.

⁸⁵ *Gonzales v. Balikatan Kilusang Bayan sa Pananalapi Inc.*, *supra*, at 112.

⁸⁶ *Rodriguez v. Government of the United States of America*, *supra* note 77, at 1174.

⁸⁷ *Rollo*, pp. 377–378, TSN dated August 8, 2018.

their presence, notice of David's oral motion for leave of court to amend his petition for declaration of nullity of marriage is fairly constituted.⁸⁸

Belinda was also given the opportunity to be heard or the chance to defend her interests⁸⁹ which may be made through oral arguments or pleadings and other papers.⁹⁰ Particularly, Belinda's counsel orally argued against the amendment of David's petition during the hearing on August 8, 2018. Further, Belinda was given the time to file her comment or opposition to the amended petition that may be submitted by David:

ATTY. AGUILA [counsel for Belinda]:

In fact, Your Honor, they have already amended their petition twice in the Court's Order dated May 29, 2017, Your Honor. The Honorable Court has already stated that it is too late for the petitioner to redeem himself for claiming that he made a reservation on his amended petition as to the other properties, Your Honor, and that if there be more he must act now and seek for further amendment of his petition. Otherwise, the same shall forever be barred.

....

COURT:

.... Ruling. The Motion for Reconsideration to recall the Order lifting the *lis pendens* is hereby DENIED for lack of merit. Without prejudice to your intention to amend your petition. For this purpose, I am giving you the last and final, the second last chance, for you to amend your petition. Find, it's your duty. Hire investigators for that purpose ha, for you to find the property which you believe is conjugal partnership. I'll require you to pay docket fees for that purpose. Thereafter, the said respondent will be allowed to modify or amend their responsive pleadings to conform with such motion. You are given, how much time do you want?

ATTY. GUERZON:

Your Honor, thirty (30) days, Your Honor.

COURT:

Thirty (30) days.

ATTY. AGUILA:

⁸⁸ *Gonzales v. Balikatan Kilusang Bayan sa Pananalapi Inc.*, *supra*, at 112.

⁸⁹ *See Rodriguez v. Government of the United States of America*, *supra* note 77, at 1174-1175, and *Belo v. Marcantonio*, 882 Phil. 708, 718-719 (2020).

⁹⁰ *See Monierey Foods Corp. v. Eserjose*, *supra* note 79, at 783.



Your Honor, we will oppose the amendment, Your Honor, because there were already stipulations, Your Honor.

COURT:

Noted, noted, but the problem is this case will always arise. This issue will always arise and you will only be, you're only prolonging the inevitable. Did you get my point?

ATTY. AGUILA:

Yes, Your Honor, but then in the Court's Order last year, Your Honor, they were given the chance to file an amended petition.

COURT:

That's why I'm giving them the very last and final chance to do that. . . .

ATTY. AGUILA:

But Your Honor, respectfully, Your Honor, in the Court's Order it is already stated that it shall be forever barred, Your Honor.

COURT:

Noted, noted, but with this development, in effect, I'm reconsidering, I'm reconsidering that instruction considering that it appears that there arise something like this one. In effect I'm looking not as a stubborn Judge, but as a person, as a Judge who will look into the facts of the case. And therefore, once they will be able to find, I don't know if they could find one, hindi ba? It is your duty now to be on guard on whether there are really properties that was not taken up during the pre-trial conference. That's why I'm giving you that chance to modify your answer for that purpose or to your responsive pleading for that purpose. So, in so far as this issue is concerned, those matters have already been resolved. You are given thirty (30) days ha, to submit, on the other hand you are given, *how much time do you need to modify or to reply or to comment or to oppose such petition?*

ATTY. AGUILA:

Your Honor, we will just move for a reconsideration ---
(interrupted)

COURT: (BUTT-IN)

Motion for this Order?

ATTY. RONDAIN (Counsel for Belinda): (BUTT-IN)



We'll move in the premises when we receive the Amended Petition.

COURT:

The Amended Petition?

ATTY. RONDAIN:

When we receive we will move in the premises.

COURT:

*Sige, sige, you are given thirty (30) days ha.*⁹¹ (Emphasis supplied)

Given the circumstances, the Court agrees with the CA that the RTC did not act with grave abuse of discretion when it granted David's oral motion for leave of court to amend his petition for declaration of nullity of marriage. The RTC acted within its authority in granting the oral motion considering that Belinda's counsel was present and had the full opportunity to defend her interests in the same proceedings.

- B. There was no inexcusable delay in the submission of the amended petition

Jurisprudence teaches that the "granting of leave to file an amended pleading is a matter particularly addressed to the sound discretion of the trial court."⁹² The discretion is also broad, subject only to certain limitations.⁹³ Case law further provides that –

The courts should be liberal in allowing amendments to pleadings to avoid a multiplicity of suits and in order that the real controversies between the parties are presented, their rights determined, and the case decided on the merits without unnecessary delay. This liberality is greatest in the early stages of a lawsuit, *especially in this case where the amendment was made before the trial of the case*, thereby giving the petitioners all the time allowed by law to answer and to prepare for trial.

Furthermore, amendments to pleadings are generally favored and should be liberally allowed in furtherance of justice in order that every case, may so far as possible, be determined on its real facts and

⁹¹ *Rollo*, pp. 384–387.

⁹² *Lisam Enterprises, Inc. v. Banco De Oro Unibank, Inc.*, 686 Phil. 293, 304 (2012).

⁹³ *Id.*

in order to speed up the trial of the case or prevent the circuitry of action and unnecessary expense. That is, *unless there are circumstances such as inexcusable delay or the taking of the adverse party by surprise or the like*, which might justify a refusal of permission to amend.⁹⁴ (Emphasis supplied; citations omitted)

Belinda argues that David is guilty of inexcusable delay as it is incredible for him to not know the extent of the conjugal assets that they accumulated during their marriage. She further avers that allowing David to substantially amend his petition for a third time caused delay in the proceedings. She thus imputes grave abuse of discretion to the RTC in allowing the further amendment of the petition for declaration of nullity of marriage.

The Court does not agree.

Contrary to Belinda's statement, the Court finds that David is *not* guilty of inexcusable delay in causing the amendment of his petition for declaration of nullity of marriage. It should be stressed that on August 8, 2018, David sought the amendment of his petition to introduce additional conjugal assets. In relation thereto, David repeatedly manifested to the RTC that he had difficulty identifying all the conjugal properties because he had no copies of the titles or papers evidencing them.⁹⁵ Further, he lacked information on all the purchases that Belinda made using their conjugal funds.⁹⁶ Supposedly, Belinda was in possession of most, if not all, of the documents pertaining to the conjugal properties.⁹⁷

The RTC was aware of the foregoing reasons proffered by David in explaining the necessity for the amendment of his petition for a third time. During the hearing on August 8, 2018, it even directed David to find the conjugal properties and hire investigators for that purpose.⁹⁸ Notably, in the same hearing, David's counsel mentioned a pending motion for the production of documents in relation to the conjugal properties, which was granted by the RTC, provided that the same be done through the appropriate modes of discovery.⁹⁹ The RTC added that the proceedings are deferred until all the documents and evidence have been submitted by the parties.¹⁰⁰

⁹⁴ *Id.*

⁹⁵ *Rollo*, p. 217, Supplemental Reply.

⁹⁶ *Id.*

⁹⁷ *Id.* at 384, TSN, August 8, 2018.

⁹⁸ *Id.* at 385–386, TSN, August 8, 2018.

⁹⁹ *Id.* at 395, TSN, August 8, 2018.

¹⁰⁰ *Id.* at 396, TSN, August 8, 2018.

The Court cannot subscribe to Belinda's view that David could have provided a complete list of their conjugal assets because he was able to give an estimate thereof in the Original Petition. The contention is belied by the fact that he has requested an order from the RTC to direct Belinda to produce documents in connection with their conjugal properties. There may certainly be situations where the husband or wife is deprived of information on the full extent of their conjugal properties. Even the Court has decided cases¹⁰¹ in which the husband or wife were directed to render a full and complete accounting of conjugal assets under their administration, control, and possession.

In light of the foregoing, the Court cannot subscribe to Belinda's view that David is guilty of inexcusable delay. Considering the pending incidents concerning the discovery of the conjugal assets owned by the parties, the Court agrees with the CA that the RTC acted with prudence in allowing the amendment of the petition for a third time. It should be stressed that upon the filing of the petition for declaration of nullity of marriage, the RTC also acquires jurisdiction over matters incidental and consequential to the marriage, including the settlement of the parties' common properties, which requires a determination of which properties are included in and excluded from the co-ownership.¹⁰² The RTC's action would therefore ensure the full adjudication of the controversy between the parties and avoid multiplicity of suits over conjugal assets that may be left out if the amendment is not allowed.

It is equally important to note that the amendment of a pleading would not cause delay if it is made *before* trial proper.¹⁰³ In such a case, the amendment would serve the higher interest of justice as it would provide the best opportunity for the issues between the parties to be thoroughly threshed out and their rights finally determined.¹⁰⁴ Further, the defending party still has the opportunity to answer and prepare for trial accordingly.¹⁰⁵

Here, when the RTC allowed David to substantially amend his petition for a third time on August 8, 2018, the initial presentation of David's evidence that was scheduled on the same day was *deferred*.¹⁰⁶ Belinda's counsel then mentioned another setting on August 10, 2018 for the initial presentation of David's evidence, but the RTC likewise *reset*

¹⁰¹ See *Partosa-Jo v. Court of Appeals*, 290-A Phil. 488, 497 (1992); *Ysasi v. Hon. Fernandez*, 132 Phil. 526, 532–533 (1968); *Slade Perkins v. Director of Prisons*, 58 Phil. 271, 282 (1933).

¹⁰² *Tanyag v. Tanyag*, 914 Phil. 150, 160 (2021).

¹⁰³ *Lisam Enterprises, Inc. v. Banco De Oro Unibank, Inc.*, *supra* note 92, at 305.

¹⁰⁴ *Id.*

¹⁰⁵ *Sps. Refugia v. Hon. Alejo*, 389 Phil. 568, 577 (2000).

¹⁰⁶ *Rollo*, p. 396, TSN, August 8, 2018.

the same considering its earlier order allowing David to amend his petition.¹⁰⁷ Even more, the RTC categorically granted Belinda the opportunity to amend her answer should David file a third amended petition.¹⁰⁸ Hence, it cannot be said that the order of the RTC for the amendment of David's petition caused delay in the proceedings.

The RTC did not act with grave abuse of discretion in denying the Second Motion for Special Order

Belinda further asseverates that the CA erred in holding that the RTC did not act with grave abuse of discretion when it denied her Second Motion for Special Order. Supposedly, David had already judicially admitted that the subject properties are paraphernal; hence, Belinda should have been allowed to sell the subject properties without David's consent or participation.

Belinda's argument lacks merit.

First, Rule 129, Section 4 of the Rules of Court defines a "judicial admission" as follows:

Section 4. Judicial admissions. - An admission, oral or written, made by the party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that the imputed admission was not, in fact, made.

Case law teaches that a judicial admission "must be a deliberate, clear, [and] unequivocal statement of a party about a concrete fact within that party's peculiar knowledge and *not a matter of law*."¹⁰⁹ The judicial admission must be a statement of *fact* and not of *opinion*, as held in *Agbayani v. Lupa Realty Holding Corp.*,¹¹⁰ to wit:

On the other hand, *American jurisprudence* sets the following parameters on judicial admissions:

A judicial admission is a formal statement, either by party or his or her attorney, in course of judicial proceeding which removes an admitted fact from field of controversy. It is

¹⁰⁷ *Id.* at 389, TSN, August 8, 2018.

¹⁰⁸ *Id.* at 398, TSN, August 8, 2018.

¹⁰⁹ *Western Sales Trading Company, Inc. v. 7D Food International, Inc.*, 910 Phil. 613, 628 (2021).

¹¹⁰ 853 Phil. 49 (2019).



a voluntary concession of fact by a party or a party's attorney during judicial proceedings.

Judicial admissions are used as a substitute for legal evidence at trial. Admissions made in the course of judicial proceedings or judicial admissions waive or dispense with, the production of evidence, and the actual proof of facts by conceding for the purpose of litigation that the proposition of the fact alleged by the opponent is true. . .

A judicial admission is a deliberate, clear, unequivocal statement of a party about a concrete fact within that party's peculiar knowledge, not a matter of law. . . *In order to constitute a judicial admission, the statement must be one of fact, not opinion.* To be a judicial admission, a statement must be contrary to an essential fact or defense asserted by the person giving the testimony; it must be deliberate, clear and unequivocal . . .¹¹¹ (Emphasis supplied)

Relatedly, the Court has ruled that an averment that a party is entitled to “full and complete legal *ownership*” of a parcel of land,¹¹² that it “owned or possessed” the property in issue,¹¹³ or that it “became the *owner*” of the property in question before the commencement of the action,¹¹⁴ are *legal conclusions*. Likewise, statements made by a party on the nature of its possession of a parcel of land as “adverse, continuous, open, public, and in concept of owner,”¹¹⁵ or that it was “continuously, openly and peacefully occup[ying] and till[ing] [the land] as absolute owner,”¹¹⁶ are mere conclusions of law.

As in *Agbayani*, the Court may also be guided by American jurisprudence on judicial admissions. In this regard, American courts have similarly concluded that a statement relating to a party's ownership of an interest in trust property was a mere *conclusion* of law.¹¹⁷ Further, a statement by a party on its “ownership interest” in a property is a mixed question of law and fact that requires a review of evidence, the interpretation of documents of title, and analysis of law; hence, *ownership cannot be created by judicial admission*.¹¹⁸

¹¹¹ *Id.* at 66.

¹¹² *Lama v. Apacible*, 79 Phil. 68, 72–73 (1947).

¹¹³ *Rep. of the Phils. v. Northern Cement Corporation*, 829 Phil. 464, 475 (2018).

¹¹⁴ *The Fidelity and Deposit Co. v. Wilson*, 8 Phil. 51, 55 (1907).

¹¹⁵ *Republic v. Northern Cement Corp.*, 829 Phil. 464, 473 (2018); *Roman Catholic Archbishop of Manila v. Ramos*, 721 Phil. 305, 320 (2013).

¹¹⁶ *Rep. of the Phils. v. Santos*, 691 Phil. 367 (2012).

¹¹⁷ *Stevens v. Novartis Pharms. Corp.*, 2010 MT 282, ¶¶ 74–75, 358 Mont. 474, 499–500, 247 P.3d 244, 262; *In re Raymond W. George Tr.*, 1999 MT 223, ¶¶ 38–39, 296 Mont. 56, 65–66, 986 P.2d 427, 434.

¹¹⁸ *Gloria's Ranch, L.L.C. v. Tauren Expl., Inc.*, 2017-1518 (La. 06/27/18), 252 So. 3d 431, 441.

Applying the foregoing, it is clear that David's statement on the paraphernal character of the properties in question, or Belinda's exclusive *ownership* thereof, *cannot* constitute a judicial admission. In accordance with prevailing jurisprudence, the statement should be considered as a mere legal conclusion and not a factual assertion.

Second, it is beyond cavil that ownership and title to property are acquired only pursuant to a legal mode or process.¹¹⁹ The right or title to a property must be completed by fulfilling the appropriate conditions imposed by law.¹²⁰ Such right to or ownership of property cannot be created by mere judicial admission.¹²¹

In the present case, the parties were married in 1971 without any marriage settlement concerning their property regime, and before the Family Code took effect;¹²² hence, their property regime is conjugal partnership of gains, the default property regime for marriages celebrated before August 3, 1988.¹²³ When the property regime of the spouses is conjugal partnership, Article 117 of the Family Code defines which properties are included in the conjugal partnership, while Article 109 thereof enumerates the exclusive property of each spouse, to wit:

ARTICLE 109. The following shall be the exclusive property of each spouse:

- (1) That which is brought to the marriage as his or her own;
- (2) That which each acquires during the marriage by gratuitous title;
- (3) That which is acquired by right of redemption, by barter or by exchange with property belonging to only one of the spouses; and
- (4) That which is purchased with exclusive money of the wife or of the husband.

....

¹¹⁹ *ACAP v. Court of Appeals*, 321 Phil. 381, 390 (1995).

¹²⁰ *Id.*

¹²¹ *Gloria's Ranch, L.L.C. v. Tauren Expl., Inc.*, *supra* note 118.

¹²² Pursuant to Article 105 of the Family Code, it shall also apply to conjugal partnerships already established between the spouses before the Code's effectivity, but without prejudice to vested rights already acquired under the Civil Code or other laws, to wit:

ARTICLE 105. In case the future spouses agree in the marriage settlements that the regime of conjugal partnership of gains shall govern their property relations during marriage, the provisions in this Chapter shall be of supplementary application.

The provisions of this Chapter shall also apply to conjugal partnerships of gains already established between spouses before the effectivity of this Code, without prejudice to vested rights already acquired in accordance with the Civil Code or other laws, as provided in Article 255.

¹²³ *See Aliguyon v. Dummang*, G.R. No. 259469, August 30, 2023.

ARTICLE 117. The following are conjugal partnership properties:

- (1) Those acquired by onerous title during the marriage at the expense of the common fund, whether the acquisition be for the partnership, or for only one of the spouses;
- (2) Those obtained from the labor, industry, work or profession of either or both of the spouses;
- (3) The fruits, natural, industrial or civil, due or received during the marriage from the common property, as well as the net fruits from the exclusive property of each spouse;
- (4) The share of either spouse in the hidden treasure which the law awards to the finder or owner of the property where the treasure is found;
- (5) Those acquired through occupation such as fishing or hunting;
- (6) Livestock existing upon the dissolution of the partnership in excess of the number of each kind brought to the marriage by either spouse; and
- (7) Those which are acquired by chance, such as winnings from gambling or betting. However, losses therefrom shall be borne exclusively by the loser-spouse.

The RTC's determination of whether a particular property is conjugal or exclusive would require a review of facts and evidence, including documents of title, and an analysis of law.¹²⁴ That is, *facts* would have to be established to support the *legal conclusion* that a property is conjugal or exclusive under Articles 109 and 117 of the Family Code.¹²⁵

It is therefore evident that David's statement cannot be considered as conclusive on the nature of the subject properties as paraphernal. Whether the properties in issue are paraphernal cannot be ascertained simply through judicial admissions, as Belinda's ownership or title to the properties may only be acquired through a legal mode or process and by compliance with the conditions under the appropriate laws, including Article 109 of the Family Code. A spouse's exclusive ownership of a property cannot be created through mere judicial admission, as the latter applies only to facts, not the *legal consequences* of those facts.¹²⁶

¹²⁴ See *Gloria's Ranch, L.L.C. v. Tauren Expl., Inc.*, *supra* note 118.

¹²⁵ See *Laperal, Jr. v. Katigbak*, 90 Phil. 770 (1952) and *Actarus, LLC v. Johnson*, 2019 COA 122, ¶¶ 36-38, 451 P.3d 1270, 1277-78.

¹²⁶ *Id.*

Third, a judicial admission pertains to a concrete fact *within the party's peculiar knowledge*.¹²⁷ If it appears that a party's statement was not deliberate and was instead made as a result of a mistake, or if the statement was *not based on personal knowledge*, it will not rise to the level of a judicial admission.¹²⁸

Here, the alleged judicial admission of David is contradicted by his earlier statement in his Supplemental Reply that he has *no personal knowledge* of the extent of the conjugal properties because he has no copies of the titles thereto and has no idea of the purchases made by Belinda using conjugal funds. He even filed a motion for Belinda to produce documents in relation to their conjugal assets. It thus appears that David's statement is not only a legal conclusion; it also does not categorically appear from the records that it is based on his personal knowledge as to be deemed a judicial admission.

Finally, the trial court, *in the exercise of its discretion* and because of *strong reasons* to support its stand, may relieve a party from the consequences of his or her admission.¹²⁹ Hence, even assuming that David made a judicial admission as to the paraphernal character of all properties that were not identified as conjugal in the First Amended Petition, the RTC has the discretion to relieve David from the alleged admission for strong reasons.

It should be stressed that the RTC allowed David to further amend his petition for the following reasons: (1) for justice to be served; (2) to avoid further delay; and (3) to avoid multiplicity of suits or the filing of separate cases for properties that were not included in the proceedings before it.¹³⁰ In denying the Second Motion for Special Order, it pointed out that David should be given his day in court to argue on the character of the subject properties as conjugal. The reasons cited by the RTC in issuing the assailed Orders are consistent with jurisprudence, which enjoins courts to be liberal in allowing the amendment of pleadings,¹³¹ and to decide cases on the merits after all parties have been given the *full opportunity* to ventilate their causes, rather than on technicalities or procedural imperfections.¹³² Consequently, it cannot be said that the RTC acted with grave abuse of discretion when it issued the assailed orders.

¹²⁷ *Western Sales Trading Co., Inc. v. 7D Food International, Inc.*, *supra* note 109, at 68; *Agbayani v. Lupa Realty Holding Corp.*, *supra* note 110, at 67.

¹²⁸ *Blair v. Blair*, 642 S.W.3d 150, 160 (Tex. App. 2021).

¹²⁹ *Heirs of Pedro Clemeña v. Heirs of Irene B. Bien*, 533 Phil. 57, 64 (2006).

¹³⁰ *Rollo*, pp. 148–150, Order dated November 16, 2018.

¹³¹ *Lisam Enterprises, Inc. v. Banco De Oro Unibank, Inc.*, *supra* note 92.


¹³² *Allied Banking Corp. v. Spouses Eserjose*, 493 Phil. 319, 326 (2005).

Notably, David attached the TCTs to the subject properties in support of his contention that they were acquired during his marriage to Belinda and should therefore be presumed conjugal. Further, David had already filed the Third Amended Petition, which contains a statement that “[n]on-mention of any property which turns out to be conjugal property shall NOT automatically be considered as paraphernal or exclusive to either of the parties[.]” In this regard, it has been held that a statement cannot be deemed a judicial admission when the record before the court shows that the admission is not truthful and that the opposite of the admission is true,¹³³ or if it is contrary to the express terms of an agreement that is related to the purported admission.¹³⁴ The evidence submitted by David on the matter, as may be allowed by the RTC in the course of the proceedings, may contradict the earlier judicial admission that he supposedly made concerning the ownership of the subject properties.

Given the situation, the Court agrees with the CA that the RTC did not act with grave abuse of discretion; instead, it acted with prudence in allowing the filing of the Third Amended Petition and denying the Second Motion for Special Order. The RTC Orders serve the ends of justice, as authorizing David to submit the Third Amended Petition and to present evidence on the character of the subject properties as conjugal would result in the full adjudication of the extant issues in the case, including the liquidation of the conjugal properties in accordance with law.

WHEREFORE, the Petition for *Certiorari* is **DENIED** for lack of merit. The Decision dated October 18, 2021, and Resolution dated August 1, 2022, of the Court of Appeals in CA-G.R. SP No. 159191 and CA-G.R. SP No. 167052 are **AFFIRMED**.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

¹³³ *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App. 1956).

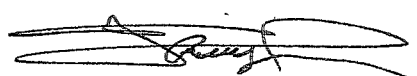
¹³⁴ *Elliott v. Newsom*, No. 01-07-00692-CV (Tex. App. Jan. 29, 2009).

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



SAMUEL H. GAERLAN

Associate Justice



JAPAR B. DIMAAMPAO

Associate Justice

On leave

MARIA FILOMENA D. SINGH

Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO

Chief Justice

