

# THE PROVINCE OF ZAMBOANGA DEL NORTE, PLAINTIFF-APPELLEE, VS. CITY OF ZAMBOANGA, SECRETARY OF FINANCE AND COMMISSIONER OF INTERNAL REVENUE, DEFENDANTS-APPELLANTS.

*G.R. No. L-24440. June 30, 1969*

Ponente: REYES, J.B.L., J.

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## REYES, J.B.L., J.:

Professing respect for the principles enunciated by this Court in its decision of 28 March 1968, in Case G. R. No. L-24440, entitled Province of Zam-boanga del Norte vs. City of Zamboanga, et al.,[1] the appellant City seeks reconsideration of our de-cision in so far as the latter declares that Republic Act 3039 is unconstitutional and void in so far as the same seeks to deprive the Province of Zamboanga del Norte of its shares in the 26 lots situated within the City of Zamboanga, and hereinafter enumerated, without just compensation, for the reason that said 26 lots are patrimonial property of the old Province of Zamboanga. Said 26 lots are declared in the main decision to be the following:

" TCT Number

Lot Number

Use

5577. ....

177. ....

Mydro, Magay

13198. ....

127-D. ....

San Roque

5569. ....

169. ....

Burleigh[2]

5558. ....

175. ....

Vacant

5559 .....

188 .....

“

5560 .....

183 .....

“

5561 .....

186 .....

“

5563.....

191 .....

“

5566 .....

176 .....

“

5568 .....

179 .....

“

5574 .....

196 .....

“

5575 .....

181-A .....

“

5576 .....

181-B .....

”

5578 .....

182 .....

“

5579 .....

197 .....

“

5580 .....

195 .....

“

5581 .....

159-B .....

“

5582 .....

194 .....

“

5584 .....

190 .....

”

5588 .....

184 .....

“

5589 .....

187 .....

”

5590 .....

189 .....

”

5591 .....

192 .....

“

5592 .....

193 .....

“

5593 .....

185 .....

“

7379 .....

4147 .....

“

The movant City contends that the 26 lots aforestated were not patrimonial property of the former Province of Zamboanga, for the reason that said 26 lots have always been used for public purposes, such as school sites, playgrounds and athletic fields for schools.

To bolster its contention, the City of Zamboanga submitted photographs, plans and a sworn certification of its City Engineer to the effect that:

- (a) Twenty-one lots (Nos. 17, 177, 179, 181-A, 181-B, 182 to 197) are part and parcel of the Zamboanga Trade School;
- (b) Three lots (Nos. 169, 175 and 176) are part and parcel of the Zamboanga Normal College;
- (c) Lot No. 127-D is the Pasonanca Elementary School;
- (d) Lot No. 4147 is the Bolong Elementary School;
- (e) Lot No. 159-B is part and parcel of the Baliwasan Elementary School.

Appellant City of Zamboanga, therefore, prays that the main decision be partly reconsidered and that all title to, and ownership of, the 26 lots be declared to have been validly vested in said City free of charge by Republic Act No. 3039.

The motion for reconsideration is vigorously opposed by plaintiff-appellee Province of Zamboanga del Norte, which contends that the evidence sought to be filed by the appellant City is not newly discovered evidence and is, therefore, inadmissible at this stage of the proceedings. Alternatively, the appellee Province of Zamboanga contends that the 26 lots are vacant, or that the buildings existing thereon were constructed in bad faith; and that the said Province has additional evidence to show that most of these properties are not actually devoted to public use or governmental purposes.

Considering that both contending parties are actually subdivisions of one entity, the Republic of the Philippines, so that public interest is involved and demands that the issues presented be determined speedily without regard to technicalities, the Court resolved that, in the interest of justice and equity, its main decision and that of the court below be reconsidered and set aside, in so far as they affect the twenty-six lots heretofore enumerated, and the monetary indemnities awarded. Instead, the records are ordered remanded to the court of origin for a new trial, wherein the parties shall be given opportunity to adduce and submit any evidence in their possession to show whether or not the 26 lots aforesaid were or were not actually devoted to public use or governmental purposes prior to the enactment of Republic Act No. 3039. Thereafter, the Court of First Instance shall decide the issues anew, taking into account the evidence submitted by the parties and the principles of law laid down by this Supreme Court in its main decision of the present case, dated 28 March 1968.

SO ORDERED. No costs.

Concepcion, C.J., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

Dizon, J., did not take part.

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[1] See 22 S.C.R.A., 1334.

[2] This could not be considered as forming part of the appurtenant grounds of the Burleigh school sites since the records here and in the Bureau of Lands show that this lot is set apart from the other Burleigh lots."

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