

**SPOUSES ALEXANDER LAM AND JULIE LAM,
PLAINTIFFS-APPELLANTS, VS. METROPOLITAN BANK & TRUST
COMPANY, INC., DEFENDANT-APPELLEE.**

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BORJA, J.,:

On November 28, 2013, this Court rendered a Decision [1] the dispositive portion of which reads-

WHEREFORE, the Decision dated September 23, 2009 of the Regional Trial Court, 11th Judicial Region, Branch 13, Davao City, in Civil Case No. 30, 216-04 is hereby AFFIRMED with MODIFICATION that the award of attorney's fees be deleted. [2]

On February 11, 2014, plaintiffs-appellants spouses Lam, seeking reconsideration of this Court's Decision, argue that appellee Metrobank submitted "simulated, spurious, double land title and/or fictitious Certificate of Sale by the sheriff" to support its application for Extra-Judicial Foreclosure; that there are irregularities in the public auction sale; and that the evidence presented by appellee Metrobank was insufficient to support its allegation that appellants Lam failed to pay their obligation. Appellants Lam prayed that this Court set aside the September 23, 2009 Decision and the November 26, 2009 Order of the trial court; annul the foreclosure and sale of their property; cancel the writ of possession; and reinstate appellants' property. [3]

Appellee Metrobank opposes appellant's motion for reconsideration and argues that the instant appeal should be dismissed on the ground of failure to file the same within the 15-day reglementary period; that the issues as to the issuance of writ of possession and as to the consolidation of cases were already resolved by the Supreme Court; that appellants Lam failed to prove their allegations; and that matters not raised in the complaint cannot be raised for the first time on appeal. [4]

Perusal of the records shows that the ground relied upon by the movant had already been fully considered and passed upon by the Court in the assailed Decision.[5] Movant has not presented new arguments to warrant reversal of the Court's ruling.

ACCORDINGLY, the instant motion for reconsideration is hereby DENIED.

SO ORDERED.

Badelles, and [*] Singh, JJ., concur.

[*] Designated 3rd Member per raffle dated June 18, 2014.

[1] Rollo, pp. 331-339.

[2] Ibid., p. 339.

[3] Rollo, pp. 349-374.

[4] Rollo, pp. 410-418.

[5] Rollo, pp. 335-338.

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