

**RUBY B. TIU, PLAINTIFF-APPELLEE, VS. MAGDALENA C. KOKAM,
CARRYING THE NAME AND STYLE OF EVERLIFE STORE,
DEFENDANT-APPELLANT**

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is a Motion for Reconsideration[1] filed by appellant Magdalena Kokam of this Court's Decision[2] promulgated on 13 March 2013, which denied her appeal and AFFIRMED the assailed Decision[3] dated 25 November 2008 of the Regional Trial Court, Branch 16, Davao City in Civil Case No. 29,541-03 for Sum of Money.

In this recourse, the appellant raises the following Assignment of Errors, to wit:

"(A)

THE HONORABLE APPELLATE COURT, WITH ALL DUE RESPECT, SERIOUSLY ERRED IN MISAPPREHENDING THE FACTS PRESENTED WITH RESPECT TO HOW THE TRUST RECEIPTS COVERING DELIVERED TRANSACTIONS WERE PRESENTED TO MS. TIU, THE PLAINTIFF-APPELLEE, AT THE DAVAO ARROW MAKING IT TO CONCLUDE THAT THE PRESENTED UNSIGNED TRUST RECEIPTS ARE MERE SCRAP OF PAPERS AND EASILY FABRICATED[;]

(B)

THE HONORABLE APPELLATE COURT, WITH ALL DUE RESPECT, SERIOUSLY ERRED WHEN IT FAILED TO GIVE WEIGHT TO THE PRESENCE OF SEVERAL BOUNCED CHECKS WITH THE DEFENDANT-APPELLANT AS PROOF OF PLAINTIFF-APPELLEE TIU'S STILL UNSETTLED TRA OBLIGATIONS WITH THE DEFENDANT-APPELLANT, CHECKS BEING LEGALLY AND COMMERCIALY RECOGNIZED AS SUBSTITUTE FOR MONEY[;]

(C)

THE HONORABLE APPELLATE COURT, AGAIN WITH ALL DUE RESPECT, SERIOUSLY ERRED WHEN IT FAILED TO CONSIDER THE OPEN ADMISSION OF PLAINTIFF-APPELLEE OF THE FACT THAT ISSUANCE OF CHECK IS ALWAYS DONE IN CONSIDERATION OF WHITE ORIGINAL COPIES OF THE TRUST RECEIPTS PRESENTED TO HER AND WHICH SHE DIRECTLY RECOGNIZED BY HER PAYMENT BY MEANS OF CHECK ISSUANCES. THIS VERY FACT STRONGLY SUPPORTS THE CLAIM BY THE DEFENDANT-APPELLANT OF RECOGNIZED GENUINE AND PAID TRANSACTIONS WITH EVERLIFE BY THE PLAINTIFF-APPELLEE AND DIRECTLY DISCREDITS THE LATTER'S ALLEGATION OF OVERPAYMENT [; AND]

(D)

THE HONORABLE APPELLATE COURT SERIOUSLY ERRED WHEN IT UPHELD THE HIGHLY TECHNICAL RESOLUTION OF THE COURT COMMISSIONERS WHICH APPLICATION IN THE INSTANT CASE CAN CAUSE SERIOUS INJUSTICE ON THE PART OF THE DEFENDANT-APPELLANT, THE SAME BEING INSENSITIVE AND NON-REFLECTIVE OF THE SURROUNDING CIRCUMSTANCES OF EACH TRA TRANSACTION BY THE PLAINTIFF-APPELLEE WITH THE DEFENDANT-APPELLANT. ITS APPLICATION CAN ALSO OPEN AN EASY ESCAPE BY THE PLAINTIFF-APPELLEE OF HER GENUINE AND RECOGNIZED TRUST RECEIPT TRANSACTIONS WITH EVERLIFE.”[4]

The first and last issues raised by the appellant in her Motion for Reconsideration are mere reiterations of the two issues she raised in her Appellant’s Brief.[5]

The second and third issues, on the other hand, essentially address the probative value of the bounced checks as evidence of the appellee’s obligation covered by the unsigned TRAs. These issues were already raised by the appellant in her Appellant’s Brief, viz:

“3. Whether or not the bounced checks were issued without any basis by the Plaintiff-Appellee and, thus, with no consideration?” [6]

Evidently, the appellant failed to raise new substantial matter and did not present compelling reason to warrant a reversal of Our Decision. The grounds relied upon by the appellant in her motion for reconsideration had already been carefully considered, evaluated and passed upon by this Court in the assailed Decision.

WHEREFORE, premises considered, the Motion for Reconsideration is hereby DENIED.

SO ORDERED.

Camello, J., CH., and Badelles, JJ., concur.

[1] Rollo, pp. 134-160

[2] Rollo, pp. 119-130

[3] Rollo, pp. 63-67

[4] Rollo, pp. 136-138

[5] Rollo, pp. 13-14

[6] Rollo, p. 47

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