

CRESENCIO DY, PLAINTIFF-APPELLEE, VS. ELSA ALBANO, DEFENDANT-APPELLANT.

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MACALINO, J:

On August 8, 2014, this Court rendered a Decision[1] affirming with modification the Decision of the Regional Trial Court of Aparri, Cagayan, Branch 9 in Civil Case No. II-4462, disposed as follows:

“IN VIEW OF THE FOREGOING, the Assailed Decision dated October 5, 2012 of the Regional Trial Court of Aparri, Cagayan, Branch 9 in Civil Case No. II-4462 is AFFIRMED with MODIFICATION. Accordingly, the award of attorney's fees in the amount of Php15,000.00 in favor of Cresencio Dy is hereby deleted.

SO ORDERED.”[2]

Defendant-appellant seeks reconsideration[3] of the above-mentioned decision on the ground that “there is no acceptable proof of service of demand letter” for her to vacate the subject property.

Plaintiff-appellee's counsel filed a Comment/Opposition[4] to defendant-appellant's Motion for Reconsideration alleging that the same “is devoid of factual and legal basis designed merely to delay the xxx disposition of the case. The case [at bench] xxx was filed eleven (11) years ago. As a matter of fact, plaintiff-appellee will never have the opportunity to enjoy the use of the property because he died recently.” He further alleges that there are no new issues raised in said Motion for Reconsideration, thus there is no cogent reason to disturb our earlier decision.

We agree.

The issue on the alleged lack of prior written demand to vacate was already raised in defendant-appellant's Brief[5] which was squarely passed upon by this Court in the above-mentioned Decision. The settled doctrine is that a motion for reconsideration will not prosper if it is bereft of any new issues or arguments not appropriately resolved by the Court.[6] In other words, defendant-appellant has not given any compelling reason to warrant a reversal or modification of our earlier ruling.

IN VIEW OF THE FOREGOING, the instant motion is hereby DENIED.

SO ORDERED.

Villon, S.E., Chairperson and [*]Dimagiba, L.R., JJ., concur.

[*] Acting Junior Member as per Office Order No. 347-14-ABR dated August 1, 2014.

[1] Rollo, pp. 99-106.

[2] Rollo, pp. 105-106.

[3] Rollo, pp. 110-118.

[4] Rollo, pp. 121-122.

[5] Rollo, pp. 54-74.

[6] PCI Bank v. Escolin, 67 SCRA 202.

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