

ANGELITA TUMBAGA, HEREIN ASSISTED BY HER HUSBAND, CRISPIN TUMBAGA, PLAINTIFF-APPELLEE, VS. JOSEFINA SAJONAS, ORLANDO CORPUZ, BASILIO DY, AND THE REGISTER OF DEEDS OF BAGUIO CITY...

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

On September 18, 2014, this Court denied the appeal and affirmed[1] the Decision dated October 15, 2012[2] of the Regional Trial Court, Branch 5, Baguio City in Civil Case No. 6932-R, declaring the Real Estate Mortgage dated November 3, 2008 as null and void, and directing the defendant-appellant to surrender the owner's duplicate copy of Transfer Certificate of Title No. T-10732 to the authorized representatives of the Heirs of the Spouses Josefina (sic) & Raymunda Sajonas.[3] On October 30, 2014, defendant-appellant filed a Motion for Reconsideration, questioning this Court's assessment that he is not a mortgagee in good faith, and claiming his right on “warranties against hidden defects” in relation to the annulled mortgage.[4] On January 28, 2015, plaintiff-appellee filed her Comment alleging that the policy on “warranties against hidden defects” does not apply in the present case.[5]

A careful analysis of the motion reveals that defendant-appellant failed to present a new and substantial issue as the matters alleged therein had already been considered and ruled upon by this Court in its assailed decision.

WHEREFORE, premises considered, defendant-appellant's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Garcia, R.R., and Bueser, D.Q., JJ., concur.

[1] Rollo, pp. 57-64

[2] Records, pp. 202-204

[3] Rollo, p. 58

[4] Rollo, pp. 67-69

[5] Rollo, pp. 72-73

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