

ELISA MIGUEL RAMOS, FLORENCIA MIGUEL CAPALAD, MAXIMA MIGUEL SABARIAGA, WILFREDO MIGUEL, AND MAURA MIGUEL TIONGSON, PLAINTIFFS-APPELLANTS, VS. SPOUSES AGUSTINA M. VALERIO AND ARM...

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

Before the court is a Motion[1] filed by defendants-appellees Spouses Agustina and Armando Valerio, Emmanuel M. Valerio and Miguelito M. Valerio seeking the reconsideration of the Decision[2] of 22 April 2014. Also before the Court is the Comment[3] of plaintiffs-appellants Elisa Miguel Ramos, Florencia Miguel Capalad, Maxima Miguel Sabariaga, Wilfredo Miguel and Maura Miguel Tiongson in opposition to a reconsideration.

The appellees argue that the Court erred in nullifying the following Deeds:

- a. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-22602-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- b. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-81258-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- c. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-T-285618-R-2915-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- d. Deed of Encumbrances, Assignments and Transfer of Real Estate (as co-owner TCT-T-84932-RD, Bulacan-161 sqm) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- e. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-289456-RT-66034-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- f. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-T-169194-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- g. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-59714-RD, Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- h. Deed of Encumbrances, Assignments and Transfer of Real Estate (TCT-T-136028-RD-Bulacan) in Payment of Debt (Dacion en Pago) of Ruperto Miguel;
- i. Deed of Sale of Registered Land (T-22602);
- j. Deed of Sale of Registered Land (TCT-81258);
- k. Deed of Sale of Registered Land (TCT-RT-2915-T-285618);
- l. Deed of Sale of Registered Land (T-84932);

- m. Deed of Sale of Co-owner of Undivided Registered Land (RT-66034-T-289456-RD, Bulacan);
- n. Deed of Sale as Co-owner of Undivided Registered Land (TCT No. 169194);
- o. Deed of Sale of Co-owner of Undivided Registered Land (TCT No. 59714);
- p. Deed of Sale of Co-Owner of Undivided Registered Land (TCT No.136028)
- q. Deed of Extrajudicial Settlement with Adjudication by Surviving Sole Heir of the Estate of Deceased Maria Miguel;
- r. Deed of Extrajudicial Settlement with Adjudication by Surviving Sole Heir of the Estate of Deceased Feliciano Miguel; and
- s. Deed of Extrajudicial Settlement with Adjudication by Surviving Sole Heir of the Estate of Deceased Ruperto Miguel;

The appellees insist that the appellants failed to present evidence that would warrant the nullification of the above-enumerated deeds. They also point out that the Court nullified said deeds on the ground that the special powers of attorney (SPAs) did not include the power to dispose and/or sell, which ground, however, had not been raised by the appellants. Finally, the appellees contend that Emmanuel and Miguelito, both surnamed Valerio, were empowered under the SPAs to dispose the subject properties as payment for the obligation of Ruperto Miguel.

We deny the Motion for Reconsideration.

We find the contention of the appellees that the appellants did not raise as a ground for nullity of the subject deeds, the absence of authority to dispose and/or sell in the SPAs, to be bereft of merit. The appellants, as early as in their amended complaint, had already pointed out that dispositions made by Miguelito and Emmanuel, both surnamed Valerio, in the Deeds of Sale were not authorized under the SPAs.

As to the other grounds and the arguments in support thereof, they appear to be a mere rehash of the issues and arguments raised in the appeal and which have already been passed upon in our Decision. Hence, we find no cogent reason to reverse, much less, modify our Decision.

WHEREFORE, the defendants-appellees' motion for reconsideration is DENIED.

IT IS SO ORDERED.

Salazar-Fernando, and Gaerlan, JJ., concur.

[1] Rollo, pp. 229-234.

[2] Rollo, pp. 197-220.

[3] Rollo, pp. 237-243.

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