

**SALVADOR REDRICO, PLAINTIFF-APPELLEE, VS. WESTMONT BANK,
SPOUSES JHOHENAS AND MILAGROS REDRICO, DEFENDANTS,
WESTMONT BANK (NOW UNITED OVERSEAS BANK PHILS.),
DEFENDANT-APPELLANT.**

Ponente: BALTAZAR-PADILLA, J.

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BALTAZAR-PADILLA, J.:

Before US is appellant bank's Motion to Amend the Dispositive Portion of this Court's Decision[1] dated January 8, 2013 which reads:

“WHEREFORE, premises considered, the appeal is PARTLY GRANTED. The appealed Decision dated February 15, 2007 of the Regional Trial Court of Makati City, Branch 66, in Civil Case No. 00-028 is hereby AFFIRMED with MODIFICATION. Westmont Bank (now United Overseas Bank, Phils.) is ordered to surrender the Owner's Duplicate of TCT No. 136414 to the Register of Deeds of the City of Makati for cancellation within five (5) days from receipt of this Decision. The Register of Deeds of the City of Makati is ordered to cancel the Owner's Duplicate of TCT No. 136414 in the name of Jhohenas Redrico and TCT No. 217014 in the names of Salvador M. Redrico and Jhohenas Redrico, and to issue in lieu of TCT No. 217014 two (2) separate titles, one in the name of Salvador M. Redrico over Lot 9-B, and another in the name of Westmont Bank over Lot 9-A of TCT No. 217014 as delineated in the plan duly approved by the Land Registration Authority.

SO ORDERED.”[2]

In its motion, appellant bank stated that in compliance with the above judgment, it tried to surrender the owner's duplicate of TCT No. 136414 in the name of Jhohenas Redrico to the Register of Deeds of Makati City for the issuance of a new title. However, the said office informed appellant that the January 8, 2013 Decision of this Court cannot be effected. This is so because TCT No. 217014 in the name of Salvador Redrico and Jhohenas Redrico (which was issued in lieu of TCT No. 136414) had already been cancelled and was equally subdivided into TCT No. 224221 (Lot 9-A) in the name of Jhohenas M. Redrico and TCT No. 224222 (Lot 9-B) in the name of Benedict C. Jamora. The cancellation and subdivision of TCT No. 217014 were done pursuant to the ruling of the court a quo[3] rendered on February 15, 2007, thus -

“WHEREFORE, premises considered, the Court hereby declares the mortgage over Lot 9-B of TCT No. 136414 as void, directing Westmont Bank to surrender the Owner's Duplicate of TCT No. 136414 to the Register of Deeds within five days from receipt of this Decision and orders the Register of Deeds of Makati to issue a new title over Lot 9-B of TCT No. 136414 in the name of Salvador M. Redrico. Defendants are ordered to pay the costs of suit.”

SO ORDERED.”[4]

In order for the Register of Deeds to issue a title over Lot 9-A in the name of appellant bank in conformity with this Court's subject Decision, TCT No. 224221 (Lot 9-A) issued in the name of Jhohenas M. Redrico should be

surrendered first.

Hence, appellant bank now moves that the dispositive portion of Our January 8, 2013 Decision be amended by directing Jhohenas to surrender the owner's duplicate copy of TCT No. 224221 to the Register of Deeds of Makati for its cancellation and to order the issuance of a new one in the name of Onshore Strategic Assests (SPV-AMC), Inc. (hereinafter, "OSAI") which bought Lot 9-A covered by TCT No. 217014 (now covered by TCT No. 224221) from appellant bank on May 2, 2008.[5]

Meanwhile, in their Comment[6] to appellant bank's instant motion, spouses Jhohenas and Milagros Redrico (hereinafter, "Spouses Redrico") allege that the owner's copy of TCT No. 224221 had never been in their possession. Nonetheless, they maintain that they are entitled to possess the same because TCT No. 224221 is not the subject of the litigation before the court a quo. Also, since said certificate of title was issued in the name of Jhohenas, the same could not just be alienated by a mere motion to this Court as it will violate the constitutional right of Jhohenas not to be deprived of his property without due process of law.

WE resolve to deny the motion.

Record of this case shows that this Court's decision sought to be amended by appellant bank was received by the latter on January 15, 2013[7] as certified by Divina G. Madeja, Chief of Records Unit of the Court of Appeals. However, appellant bank's motion to amend this Court's decision, which WE treat as a motion for reconsideration, was filed only on June 20, 2013. Evidently, the instant motion of appellant bank was filed out of time. In *Philippine Commercial International Bank vs. CA, et al.*, [8] the High Court had the occasion to rule that when a party fails to move for a reconsideration of the Court of Appeals decision, its judgment becomes final and executory and deprives the appellate court of jurisdiction to rule on the motion for reconsideration.

WHEREFORE, in the light of all the foregoing, the instant motion is hereby DENIED.

This is without prejudice to any legal action that appellant bank may institute that is proper in view of the aforementioned development.

SO ORDERED.

[*]Bruselas, Jr., A.D., Acting Chairperson and Reyes-CArpio, A., JJ., concur.

[*] New Member, Vice J. Rosalinda Asuncion-Vicente, retired, as per Raffle of December 17, 2013.

[1] Rollo, pp. 165-175

[2] Rollo, p. 175.

[3] Regional Trial Court of Makati City, Branch 66.

[4] Rollo, p. 25.

[5] Rollo, pp. 200-201.

[6] *Id.*, pp. 210-212.

[7] Rollo, p. 213.

[8] G.R. No. 106956. January 27, 1994.

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