

BIBIANO M. VIÑA, PETITIONER, VS. COURT OF APPEALS, REPUBLIC OF THE PHILIPPINES, JULIANA M. MARONILLA AND MANUEL MARONILLA, RESPONDENTS.

G.R. No. L-39498. December 23, 1983

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Petition for review on Certiorari, seeking a reversal of the Resolution, promulgated on May 3, 1974 by a Special Division of Five[1] of respondent Court of Appeals in CA-G.R. No. 02095-R, entitled "Juliana M. Maronilla, et al. vs. Hon. Vicente G. Ericta, et al." which modified the Decision of the Regular Third Division of said Court[2] rendered on December 11, 1973, insofar as the Motion for Reconsideration of respondent Republic of the Philippines (REPUBLIC, for short) was concerned, by setting aside the Order of the Court of First Instance of Rizal, at Quezon City, Branch XVIII, dismissing REPUBLIC's appeal for late filing of its Record on Appeal, and, instead, directing said Trial Court to approve the appeal.

Although the basic issue in this instance is limited to the timeliness of the perfection of the appeal, a brief background is in order.

Proceedings in the then Court

of First Instance

In Civil Case No. Q-8095, petitioner, as plaintiff, sought to recover from the REPUBLIC and Juliana M. Maronilla and Jose S. Maronilla (SPOUSES, for short), the amount of P2,540,000.00 as his commission in selling "Hacienda Bagumbong" situated at Jala-Jala, Rizal, and owned by the SPOUSES, to the REPUBLIC. It appears that the SPOUSES had given petitioner a 60-day option to sell the "hacienda" for a net price of P1,100,000.00 with the understanding that any overprice would be petitioner's commission.

On August 7, 1963, within the renewed option period until August 8, 1963, petitioner succeeded in negotiating with the REPUBLIC, through the Land Tenure Administration, a Deed of Absolute Sale and Donation by the SPOUSES of the "hacienda" at the total price of P3,640,000.00, one-half of which was payable in cash and the other half in negotiable land certificates. Payment was to be effected upon receipt by the REPUBLIC of a certification by the proper Court that the civil case involving ownership of the property had been settled, and upon the execution, perfection and registration of the instrument. It was upon petitioner's claim that he had earned his commission that he filed the Complaint below.

Initially the REPUBLIC denied under oath the genuineness and due execution of the Deed of Sale and Donation alleging that the same was void for not having been duly approved by the Land Tenure Administration Board and for having been entered into without a previous certification of availability of funds from the Auditor General as required by law.

In the meantime, the Land Tenure Administration was abolished by Republic Act 3844 and all its assets, powers

and functions were taken over by the Land Authority.

For their part, the SPOUSES contended that petitioner had failed to consummate the sale as he did not obtain the purchase price from the REPUBLIC within the stipulated period so that he was not entitled to any commission.

On August 3, 1970, the REPUBLIC, to the end that the land reform program could be implemented, filed a Motion and/or Manifestation, reversing its position, waiving the defects of the Deed of Sale and Donation and ratifying the contract as of its date of execution on August 7, 1963, subject to the condition that petitioner would waive his claim for damages in the sum of P50,000.00 and attorney's fees of P100,000.00, which petitioner did. The Trial Court eventually construed said REPUBLIC's manifestation as a confession of judgment.

The SPOUSES moved to strike out the REPUBLIC's Motion and Manifestation, which the Trial Court initially granted, but thereafter deferred resolution of the reconsideration sought by REPUBLIC until after trial on the merits.

On May 26, 1972, the Trial Court rendered judgment, with the following decretal portion:

"WHEREFORE, JUDGMENT IS RENDERED:

I. On the Plaintiff's Amended Complaint and on the Republic's Confession of Judgment: -

1. Declaring valid and perfected the 'Deed of Absolute Sale and Donation' marked as Annex 'C' of the amended complaint and also marked as Exhibit 'G';
2. Ordering the Republic to pay the purchase price in the amount of P3,640,000.00, one-half (½) of which shall be in cash and the other half, either in negotiable land certificates or in cash, with legal interest from August 7, 1963 when the Maronillas were deprived of possession, to be distributed in the following manner, to wit:
 - a) P2,540,000.00 with corresponding legal interest shall be paid to the plaintiff Viña; and
 - b) P1,100,000.00 with corresponding legal interest shall be paid to defendant Maronillas.
3. Ordering the Republic to make judicial consignment of the amount of P3,640,000.00 with legal interest aforesaid up to the date the judicial consignment is made.
4. Ordering plaintiff Viña to pay and settle out of his share of P2,540,000.00, the mortgage debt including interest and other charges, of the Maronillas in favor of the Development Bank of the Philippines incurred before August 7, 1963; and
5. Ordering the defendant Maronilla spouses to pay plaintiff Bibiano Viña the amount of P50,000.00 as attorney's fees.

II. On the Republic's Cross-claim: -

1. Declaring as valid and perfected the 'Deed of Absolute Sale and Donation' executed by defendant Maronillas in favor of the Republic marked as Annex 'C';
2. Ordering the Register of Deeds of Rizal to cancel Original Certificate of Title No. 529 in the name of the spouses Juliana Maronilla and Manuel Maronilla and also the subsequent derivative titles still in the name of said spouses, particularly including, but not limited to, Transfer Certificates of Title Numbers 164410 to 164420, inclusive; Transfer Certificates of Title Numbers 164425 to 164432, inclusive; and Transfer Certificates of Title Numbers 251847 to 251854, inclusive and further ordering said Register of Deeds to issue new titles for all the aforesaid properties in the name of the Republic.

III. On the Cross-Claim of the Maronilla spouses:

1. Ordering the dismissal of the supplementary counter-claim and/or cross-claim of the defendant Maronilla spouses.

IT IS ORDERED."[3]

The REPUBLIC moved to reconsider and set aside certain aspects of the Decision for not being part of the confession judgment. Petitioner also sought reconsideration on the ground that the purchase price had to be readjusted due to a de facto devaluation. Petitioner thereafter moved for execution, which the REPUBLIC and the SPOUSES opposed.

On June 9, 1972, the SPOUSES filed their notice of appeal and appeal bond, and on June 27, 1972, their Record on Appeal. REPUBLIC opposed the Record on the ground that it did not include certain pleadings that it had filed.

On July 25, 1972, the Trial Court issued an Order requiring the amendment of the SPOUSES' Record on Appeal; denying the motion for readjustment of the purchase price filed by petitioner; denying the REPUBLIC's Motion for Reconsideration; and, acting on petitioner's supplemental Motion for partial execution on the ground that the Decision had become final and executory, ordered the REPUBLIC to make a judicial consignment, within two months from notice, of the amount of P2,540,000.00 corresponding to petitioner's share, payable one-half in cash, and one-half in negotiable land certificates.

On August 1, 1972, petitioner filed a Supplemental Complaint praying for a revaluation of the purchase price, which the Trial Court admitted in the interest of justice over the objection of the REPUBLIC and the SPOUSES.

On August 10, 1972, REPUBLIC filed a notice of appeal from the Trial Court Decision of May 26, 1972 as well as from the Order of July 25, 1972. On August 18, 1972, REPUBLIC moved for extension of 30 days from August 20, 1972 within which to file its Record on Appeal, or in the alternative, until such time as the SPOUSES' Record on Appeal is approved by the Court. The SPOUSES also filed on August 22, 1972 their own Motion for extension of 20 days from receipt of the last Order or pleading with in which to file their Amended Record on Appeal. Both Motions were granted.

On August 25, 1972, petitioner filed a Motion to Dismiss REPUBLIC's Appeal on the ground that the Decision as well as the Order of July 25, 1972 were not appealable inasmuch as the Manifestation and Motion filed by the REPUBLIC on August 3, 1970 partook of the nature of confession of judgment so that the judgment had become final.

On September 15, 1972, REPUBLIC sought another extension of 30 days from September 19, 1972 within which to file its Record on Appeal.

On September 29, 1972, the Trial Court issued an Order denying petitioner's Motion to dismiss REPUBLIC's appeal, and granting the REPUBLIC up to October 30, 1972 within which to file its Record on Appeal or at any time after the approval of the SPOUSES' Record on Appeal but in no case more than 15 days after said approval.

On September 29, 1972, REPUBLIC filed another Manifestation and Motion assailing the Order of the Trial Court, dated July 25, 1972, granting partial execution of the Decision.

On October 24, 1972, REPUBLIC further manifested that Presidential Decree No. 2 proclaiming the entire country as a land reform area, and Presidential Decree No. 27 decreeing the emancipation of the tenants from the bondage of the soil, were applicable to the case and prayed for the suspension of the proceedings to await the promulgation of rules implementing P.D. No. 27.

In conjunction therewith, REPUBLIC, on October 27, 1972, filed a Motion for suspension of the running of the

period to file its Record on Appeal until the Trial Court resolved its October 24, 1972 Motion to suspend proceedings. The tolling of the period of appeal was granted. However, the Motion for suspension of the proceedings was denied in the Order dated December 27, 1972. On the same date, the Trial Court rendered a Supplemental Decision with the following dispositive portion:

"WHEREFORE, the Court renders judgment adopting in toto its findings of facts and of law in its decision dated May 26, 1972 and, in addition thereto, hereby also renders judgment denying all the reliefs prayed for in the plaintiff's supplemental complaint dated July 31, 1972.

Finally, the Court warns all the parties to perfect their appeal within the reglementary period counted from receipt of a copy of the supplemental decision embodied in this order.

IT IS SO ORDERED."[4]

On January 15, 1973, REPUBLIC sought reconsideration of the two Orders, both dated December 27, 1972, which the Trial Court denied. REPUBLIC received the Order of denial on March 16, 1973.

Meanwhile, on January 23, 1973, petitioner had filed a notice of appeal from the Order of December 27, 1972 denying the reliefs he had prayed for in his Supplemental Complaint. On March 8, 1973, petitioner's Record on Appeal was approved.

On March 9, 1973, petitioner moved for execution of the Decision reiterating that it had become final and executory since the REPUBLIC had confessed judgment and the Order of September 29, 1972 had granted it up to October 30, 1972, or 15 days after approval of the SPOUSES' Record on Appeal within which to file its Record on Appeal but that it failed to do so, and that the SPOUSES had failed to file their Amended Record on Appeal by January 31, 1973. The Trial Court denied execution.

On March 23, 1973, REPUBLIC filed its Record on Appeal, while that of the SPOUSES was submitted on March 29, 1973.

On April 30, 1973, the Trial Court dismissed the appeals of both the REPUBLIC and the SPOUSES for having been filed long after the period granted them by the Court in its Order of December 27, 1972. In the same Order, the Trial Court granted the reconsideration prayed for by petitioner and ordered the issuance of a Writ of Execution with respect to the Decision dated May 26, 1972. The Writ was actually issued on May 8, 1973. The Motion for Reconsideration filed by the REPUBLIC was denied on June 18, 1973.

Proceedings in the then

Court of Appeals

On June 4, 1973, the SPOUSES commenced in the former Court of Appeals a Petition for Certiorari, Prohibition and Mandamus (CA-G.R. No. 02095), praying for a Restraining Order to enjoin the Trial Court from enforcing its Order of April 30, 1973 dismissing the appeals, and the Writ of Execution of May 8, 1973. The Petition was given due course.

On July 23, 1973, the REPUBLIC was allowed to file a Complaint in Intervention.

Respondents therein answered, interposing the affirmative defenses that REPUBLIC's filing of its Motion for Reconsideration, dated January 10, 1973, did not suspend the running of the period to perfect an appeal, which allegedly expired on February 5, 1973, and that the filing of REPUBLIC's Record on Appeal only on March 23, 1973 was forty-six days late.

On December 11, 1973, the Regular Third Division of respondent Appellate Court sustained the questioned Trial

Court Order of April 30, 1973 dismissing the appeals of both the REPUBLIC and the SPOUSES, and that of June 18, 1973 denying reconsideration.

Both the REPUBLIC and the SPOUSES moved for reconsideration. Resolving the Motions, respondent Court's Special Division of Five voted to grant REPUBLIC's Motion for Reconsideration on two grounds:

"(1) upon its intrinsic merit, i.e. its record on appeal was filed seasonably; and (2) on a policy consideration, i.e. that it would be better, applying the balance-of-interest-principle, to afford Republic an opportunity to appeal rather than not"[5]

The dispositive portion of that Resolution reads:

"WHEREFORE, Republic's motion for reconsideration is hereby granted and the orders of April 30, 1973 dismissing the appeal with respect to Republic as well as the writ of execution dated May 3, 1973 are hereby SET ASIDE and respondent Judge is directed to approve and give due course to Republic's record on appeal. However, petitioners' motion for reconsideration is hereby denied for lack of merit.

SO ORDERED.[6]

Reconsideration thereof separately sought by petitioner and the SPOUSES was denied for lack of merit.

Petitioner then filed this Certiorari petition on November 4, 1974. The SPOUSES also filed, on November 14, 1974 a separate Petition (G. R. No. L-39495 entitled "Juliana M. Maronilla, et al vs. Court of Appeals, et al.") for reinstatement of the dismissed appeal. In a Resolution dated March 19, 1974, however, this Court denied the SPOUSES' Petition for lack of merit, but gave due course to this suit.

The focal issue is whether or not the REPUBLIC's Record on Appeal was seasonably filed and its appeal perfected within the reglementary period.

Petitioner contends that respondent Appellate Court erred:

"1. x x x in holding that the motion for reconsideration of respondent Republic, dated January 10, 1973, had the effect of suspending the running of the period granted by the trial Court within which to file its record on appeal.

"2. x x x in not holding that respondent Republic's motion for reconsideration, of January 10, 1973, is pro forma, and, as such, did not toll the running of the period of appeal.

"3. x x x in applying the principle of 'balancing of interest'."[7]

We reject those contentions upon the pertinent data recapitulated below:

On August 10, 1972, REPUBLIC filed its Notice of Appeal from the Trial Court Decision of May 26, 1972 and Order of July 25, 1973.

On August 18, 1972, REPUBLIC moved for extension of 30 days from August 20, 1972 within which to file its Record on Appeal, or in the alternative, until such time as the SPOUSES' Record on Appeal is approved. The Motion was granted. Upon another request for extension, REPUBLIC was granted up to October 30, 1972 within which to file its Record on Appeal, or in the alternative, to file it at any time after the approval of the Record on Appeal of the SPOUSES but in no case more than fifteen (15) days after said approval.

In the meantime, REPUBLIC filed on October 24, 1972 a Motion for suspension of proceedings in view of the promulgation of P.D. Nos. 2 and 27, allegedly applicable to the case. On October 27, 1972, REPUBLIC filed a Motion to suspend the running of the period to file its Record on Appeal until the Court resolved its Motion

suspend proceedings. On October 28, 1972, the Trial Court granted the Motion to suspend the running of the period to file REPUBLIC's Record on Appeal. On December 27, 1972, the Court issued two (2) Orders, one, denying REPUBLIC's Motion to suspend proceedings and, two, a Supplemental Decision, with a warning to all parties to perfect their appeal within the reglementary period counted from receipt of the Supplemental Decision.

Obviously, the warning was intended to amend and supersede all previous Orders regarding the perfection of the appeal.

Ordinarily, since the REPUBLIC received on January 5, 1973 a copy each of the Orders dated December 27, 1972, it would have had until February 4, 1973 within which to submit its Record on Appeal. However, on January 10, 1973, it filed a Motion for Reconsideration of the Order denying suspension of proceedings which was denied by the Trial Court on February 10, 1973. REPUBLIC received copy of said Order on March 16, 1973. REPUBLIC then filed its Record on Appeal on March 23, 1973. As respondent Appellate Court had found:

"x x x Republic's record on appeal, which it filed on March 23, 1973, was well within the period granted it to perfect its appeal considering that the order of December 27, 1972 giving Republic thirty (30) days within which to perfect its appeal was received by it on January 5, 1973; it then filed a motion for reconsideration of said order on January 10, 1973 and copy of the order denying said motion for reconsideration was received by it on March 16, 1973. It thus appears that the Republic has consumed only twelve (12) days of the thirty (30) days granted it to perfect its appeal." [8]

Contrary to petitioner's contention, REPUBLIC's Motion for Reconsideration dated January 10, 1973 was not pro forma, even if we were to concede that it was a reiteration of its previous Motion for suspension of the proceedings.

"x x x Among the ends to which a motion for reconsideration is addressed, one is precisely to convince the court that its ruling is erroneous and improper, contrary to the law or the evidence (Rule 37, Section 1, subsection [c]); and in doing so, the movant has to dwell of necessity upon the issues passed upon by the court. If a motion for reconsideration may not discuss these issues, the consequence would be that after a decision is rendered, the losing party would be confined to filing only motions for reopening and new trial. We find in the Rules of Court no warrant for ruling to that effect, a ruling that would, in effect eliminate subsection (c) of Section 1 of Rule 37". [9]

It is also worth noting that the said Motion for Reconsideration specifically pointed out the erroneous conclusions of fact and law upon which the two subject orders of the Trial Court were based, and explained in detail why they were so. [10] This circumstance further refutes petitioner's contention that said Motion for Reconsideration was pro forma.

"The motion for reconsideration of herein petitioner, while substantially based on the same grounds he invoked in his memorandum after the case was submitted for decision, is not pro forma as it points out specifically the findings or conclusions in the judgment which he claims are not supported by the evidence or which are contrary to law" [11], aside from stating additional specific reasons for the said grounds". [12]

The conclusion follows that not being pro forma, REPUBLIC's Motion for Reconsideration, dated January 10, 1973, suspended the running of the period within which to file its Record on Appeal. [13]

There is another consideration equally as compelling. The merits of the intended appeal persuade us to give REPUBLIC a chance to seek a review by an Appellate Court of the judgment adversely affecting its interests. In the language of then Associate Justice of the Court of Appeals, Guillermo S. Santos:

"In the second place, the case which involves a substantial amount, over three (3) million pesos, raises several transcendental issues of fact and law or of law alone, which can only be resolved on their merits by an appeal.

It would thus not only be unwise but also unfair to foreclose Republic's recourse to an appeal. It should be noted, and this is a matter of record, that the Republic -- and this can be said of the Maronillas -- has seasonably taken steps to appeal them the filing of their notice of appeal and appeal bond, in the case of Maronilla, within the reglementary period -- and the only issue is whether the Maronillas and Republic filed their records on appeal within the extension granted them or not. On the principle of a balancing of interests between two competing alternatives, it would seem that it would be better to afford Republic the opportunity to appeal and to settle once and for all the issues it desires to raise -- i.e., inter alia, whether or not the case has become academic in the light of the Presidential Decrees, and whether or not the amicable settlement is legal and could have been approved as a basis for judgment, or not -- in this instance."^[14]

In respect of the principle of "balancing of interests", its invocation is not really out of place considering that it is always incumbent upon the Judiciary to undertake the process of harmonization and balancing.

WHEREFORE, the Petition for Review on Certiorari is hereby denied, and the Resolutions of respondent Appellate Court dated May 3, 1974 and October 8, 1974, respectively, hereby affirmed. Let the records of the case be remanded to the Regional Trial Court to which this case has been assigned, which Court is hereby ordered to give due course to the appeal of respondent Republic of the Philippines.

No costs.

SO ORDERED.

Teehankee (Chairman), Plana, Relova, and Gutierrez, Jr., JJ., concur.

[1] Composed of J. Guillermo S. Santos, ponente; concurred in by JJ. Lourdes P. San Diego and Ricardo C. Puno; with JJ. Magno S. Gatmaitan and Ramon G. Gaviola, Jr., dissenting.

[2] Composed of J. Magno S. Gatmaitan, ponente; concurred in by JJ. Guillermo S. Santos and Ricardo C. Puno.

[3] pp. 87-88, Rollo.

[4] p. 143, *ibid.*

[5] p. 265, *ibid.*

[6] p. 272, *ibid.*

[7] p. 11, *ibid.*

[8] p. 269, *ibid.*

[9] *Guerra Enterprises Co., Inc. vs. Court of First Instance of Lanao del Sur*, 32 SCRA 317 (1970).

[10] p. 144, Rollo.

[11] *Maturan vs. Araula*, 111 SCRA 615 (1982), citing the case of *City of Cebu vs. Mendoza*, 62 SCRA 440, 446 (1975).

[12] *Maturan vs. Araula*, *supra.*; *City of Cebu vs. Mendoza*, *supra.*; *Philippine Advertising Counselors, Inc. vs. Revilla*, 52 SCRA 246, 254 (1973); *Carbonel vs. Padilla*, 75 Phil. 95, 101 (1945).

[13] *Loria vs. Court of Appeals*, 6 SCRA 1067 (1962).

[14] pp. 269-270, Rollo.

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