

AMNA ABUL KHODOUD, PLAINTIFF-APPELLANT, VS. SHIELA MARIE GONZALES, DEFENDANT-APPELLEE.

Ponente: CARANDANG, J.

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CARANDANG, J.:

On January 24, 2014, We rendered a Decision wherein We reversed and set aside the August 9, 2010 Decision of the Regional Trial Court of Antipolo City, Branch 73 in Civil Case No. 05-7715, ordered defendant-appellee to pay plaintiff-appellant the amount of P196,983.95, representing the remaining balance of the purchase price of plaintiff-appellant's property. Unable to accept Our ruling, defendant-appellee filed a Motion for Reconsideration insisting that the amount of P58,384.00 covered by Exhibit "9" should not have been excluded from the computation. Defendant-appellee insists that the said amount was received by Lourdes Jacobe in representation of plaintiff-appellant. Defendant-appellee likewise asserts that there was no basis in Our findings that her remaining balance is still P196,983.00. Granting that the Court properly excluded Exhibits "9", "16", and "17", defendant-appellee maintains that using simple mathematical computation, her total balance would only be P101,384.00 and not P196,983.95.

We reiterate Our ruling that Exhibit "9" cannot be considered as a payment to plaintiff-appellant. It is clear from the wording of the alleged receipt that the one who accepted the said amount and signed the receipt was Lourdes Jacobe and there was no proof that the said amount was actually received by plaintiff-appellant herself. In fact, plaintiff-appellant denied having received the said amount.[1]

Just to be sure, We have painstakingly again recomputed the payment made by defendant-appellee based on her own documentary evidence and We came up with the same computation as before, that is, the remaining balance of defendant-appellee is One Hundred Ninety Six Thousand Nine Hundred Eighty Three Pesos and Ninety Five Centavos (P196,983.95). What defendant-appellee claims as supposedly her remaining balance is the total sum indicated in the receipts that We have excluded and did not consider as payments.

WHEREFORE, in view of the foregoing considerations, the Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED.

Sorongon, and [*]Garcia-Fernandez, JJ., concur.

[*] Vice Justice Marlene Gonzales Sison who is on leave per Office Order No. 17-14-RSF dated January 14, 2014.

[1] Transcript of Stenographic Notes (TSN), Series of April 14, 2009, p. 6.

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