

**MAJESTIC PLUS HOLDING INTERNATIONAL, INC.,
PLAINTIFF-APPELLEE, VS. BULLION INVESTMENT AND
DEVELOPMENT CORPORATION, GENESON U. TECSON, ROLAND M.
LAUTCHANG, WILSON CHUN BON CHENG ...**

Ponente: CARANDANG, J.

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CARANDANG, J.:

Plaintiff-appellee Majestic Plus Holdings International, Inc. (Majestic) filed a Motion for Reconsideration asking the Court to reconsider its October 23, 2013 Decision. To convince the Court to reverse its Decision, Majestic raised two points of contention. First, the principle of the law of the case is not applicable in this case because this case is a separate proceeding from the case decided by another Division of this Court.[1] Second, the rendition by the trial court of summary judgment was proper since both parties jointly moved for summary judgment. Moreover, by joining Majestic in moving for summary judgment, defendant-appellee Bullion and Investment Corporation is estopped on the issue of submitting the case for summary judgment.

The Court is not persuaded by these arguments.

The claim of Majestic that this case is a separate proceeding from the case before another Division of this Court in not in accord with the facts on record. A review of the antecedents would show that this appeal stemmed from Civil Case No. 05-113352, which is the very same case on appeal before another Division of this Court.[2] In the said appeal, the latter Division of this Court set aside the decision of the lower court and declared Civil Case No. 05-113552 as an ordinary civil suit for specific performance and not an intra-corporate controversy. The case was then remanded to the lower court for further proceedings where it was re-assigned to RTC, Branch 46.[3] What is now on appeal before this Court is the Decision of Branch 46. Clearly, therefore, this case is not a separate proceeding from the case decided by another Division of this Court. Hence, the declaration of the said Division of this Court that this case was not an intra-corporate dispute but an ordinary civil suit for specific performance had become “the law of the case”. It is a well-known legal principle that when an appellate court has once declared the law in a case, such declaration continues to be the law of that case even on a subsequent appeal. The rule made by an appellate court, while it may be reversed in other cases, cannot be departed from in subsequent proceedings in the same case.[4]

On the contention of Majestic that summary judgment was proper because both parties jointly moved for summary judgment, the Court also finds the same without merit. The Court reiterates its ruling that while the parties in this case jointly moved for summary judgment, the trial court still has to determine whether or not the case is proper for summary judgment. As the Court stressed in its Decision, trial courts have limited authority to render summary judgments and may do so only when there is clearly no genuine issue as to any material fact.[5] The Court had already held that summary judgment is not proper in this case since there are genuine issues of fact that necessitate the presentation of evidence in a formal trial. The Court need not elaborate what are these genuine issues as it had already extensively discussed them in its Decision.

Lastly, the doctrine of estoppel, as invoked by Majestic, finds no application in this case. The doctrine of estoppel applies only to questions of fact and not of law.[6] Undoubtedly, the determination of whether a summary judgment is proper is a question of law that properly belongs to the court and not by agreement of the parties.

WHEREFORE, the Motion for Reconsideration of plaintiff-appellee Majestic Plus Holdings International, Inc. is DENIED for lack of merit.

SO ORDERED.

Rosario and Dimagiba, JJ., concur.

[1] CA-G.R. CV No. 86167 and SP No. 91886, February 19, 2008.

[2] Special Thirteenth Division of Five.

[3] Order of the RTC Manila Executive Judge dated June 21, 2010, Record, vol. III, p. 123.

[4] Radio Communication of the Philippines, Inc. vs. Court of Appeals, G.R. No. 139762, April 26, 2006.

[5] D.M. Consunji, Inc. vs. Duvas Corporation, G.R. No. 155174, August 4, 2009.

[6] Tañada vs. Cuenco, L-10520, February 28, 1957.

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