

YALE LAND DEVELOPMENT CORPORATION, PETITIONER VS. PEDRO CARAGAO, THE HEIRS OF GREGORIO BATACLAN, APOLINARIO BATACLAN, ZENAIDA BATACLAN, NAPOLEON BATACLAN, HERMINIA ANCIRO, FRANC...

G.R. No. 135244. April 15, 1999

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-135244/>

PER CURIAM:

The Division, deliberating on petitioner's (a) motion to set aside the Resolution dated January 18, 1999 which denied with finality petitioner's first motion for reconsideration of the Resolution dated October 21, 1998 of the Second Division which in turn denied due course to the main petition; (b) motion for leave to file a second motion for reconsideration, together with said second motion for reconsideration; and (c) motion to refer to the Court En Banc the motion mentioned in (a) hereof, voted in the following manner:

- a) Chief Justice Hilario G. Davide, Jr., Justices Jose A.R. Melo, Santiago M. Kapunan, and Bernardo P. Pardo to DENY the motion to refer the case to the Court En Banc, rejecting petitioner's argument that this Division was not the proper division to act on the first motion for reconsideration;
- b) Chief Justice Hilario G. Davide, Jr., and Justices Jose A. R. Melo (a) to DENY the motion to set aside the Resolution dated January 18, 1999; (b) to DENY the motion for leave to file a second motion for reconsideration, and (c) to simply NOTE WITHOUT ACTION the second motion for reconsideration due to the action in (b) hereof;
- c) Justices Santiago M. Kapunan and Bernardo P. Pardo (a) to GRANT the motion for leave to file a second motion for reconsideration (b) to ADMIT and GRANT the second motion for reconsideration and (c) to CONSOLIDATE this case with G.R. 135192.

Justice Consuelo Ynares-Santiago took no part, having been designated a Member of the Division following her assumption to duty as Associate Justice only on April 6, 1999, and not having taken part in the deliberations of this case from the time the petition was denied due course (by the Second Division) on October 21, 1998 to denial with finality (by the First Division) of the first motion for reconsideration, and up to the discussions of the motions herein treated immediately after they were filed.

WHEREFORE, by a vote of four, with one abstention, the motion to refer the case to the Court En Banc is DENIED; and there being an even vote (2-2), with one abstention, on the central issue of whether or not petitioner's second motion for reconsideration should be admitted and granted, said motions are deemed DENIED per the Court En Banc's Resolution No. 99-1-09-SC dated January 26, 1999, resulting in the affirmation of the Resolution of this Division dated January 18, 1999.

The separate opinions of Justices Melo and Kapunan are attached hereto.

SO ORDERED.

Davide, Jr., C.J., (Chairman) and Pardo, JJ., concur.
Melo, and Kapunan, JJ., see separate opinion.

Ynares-Santiago, J., no part.

SEPARATE OPINION

MELO, J.:

I vote to deny petitioner's motion to refer this case to the Banc. The motion's premise is that the motion for reconsideration of petitioner should have been acted upon by the Members of the former Second Division, meaning those who voted to deny the petition outrightly in the October 21, 1998 resolution.

In said motion, petitioner argues that the January 18, 1999 resolution is contrary to SC Resolution No. 98-12-05-SC (En Banc), which in reorganizing the Divisions of the Court, provided for special divisions to resolve motions for reconsideration of decisions or signed resolutions in judicial cases. Said En Banc Resolution states that as a result of the Court's reorganization, "the cases raffled to each Member of the Court shall henceforth pertain to the Division to which such member has been assigned: Provided, however, that motions for reconsideration of decisions or signed resolutions penned by such Member while yet a Member of a previous Division shall be resolved by a Special Division composed of the Chairman and Members of the previous division with the Chairman of the former Division as Chairman of the Special Division." Petitioner posits that the Court's October 21, 1998 resolution denying the petition should be considered a decision, and not a resolution, for purposes of the above-quoted directive, and hence, the motion for reconsideration subsequently filed in regard thereto should have been acted upon by the Members of the former Second Division constituted, this time, as a Special Division.

It is to be observed that the October 21, 1998 resolution is not a decision but an extended unsigned resolution. As such, it is a minute resolution which was issued for the prompt dispatch of the action of the Court. The fact that it contains a distinct statement of facts and law does not remove the same from the ambit of minute resolutions. Besides, there is no rule prohibiting the Court from including a statement of facts and law in its minute resolutions. In fact, we have ample discretion to formulate such resolutions provided a legal basis is given, depending on our evaluation of a case (In Re: Laureta, 148 SCRA 382 [1987]). Minute resolutions denying or dismissing unmeritorious petitions are the result of a thorough deliberation among the Members of the Court although they are promulgated through the Clerk of Court. They need not be signed by the Members of the Court who took part in the deliberations thereon, nor do they require the Certification of the Chief Justice (unlike decisions and signed resolutions) in order to avoid undue delay in the disposition of cases (Borromeo v. Court of Appeals, 186 SCRA 1 [1990]).

Indeed, in any practicing lawyer's eyes, an extended, though unsigned resolution, is much better than a simple, short, one-line resolution curtly stating that the petition is denied or dismissed for lack of merit or for failure to show reversible error or grave abuse of discretion without any further explanation or any attempt to spell out why and how these conclusions were arrived at. Of course, the Court is absolutely free to do this for all conclusions of the Court are arrived at after exhaustive deliberations. Rather, the point sought to be driven at is that the resolution in this case denying due course to the petition could just have been a short, terse resolution, instead of the extended one we issued. But here, we took the extra effort of explaining why the petition is denied. This circumstance did not, however, convert it into a signed resolution which is invariably resorted to only after a comment is required and filed.

The October 21, 1998 resolution being an unsigned resolution, a motion for the reconsideration thereof need not be resolved by a Special Division to be constituted pursuant to the aforequoted proviso of En Banc Resolution No. 98-12-05-SC. On the contrary, the applicable portion thereof states that "[m]otions for reconsideration of minute

resolutions of a Member's previous Division shall be resolved by his or her new Division," which, in this case, is the First Division. Only motions for reconsideration of decisions or signed resolutions must be referred to the Special Division composed of the Chairman and Members of the Division which issued the decision or the signed resolution.

I also vote to deny petitioner's motion for leave to file a second motion for reconsideration and consequently, to note without action the motion for reconsideration itself. It is relevant to stress that petitioner's first motion for reconsideration was not simply denied, but precisely denied with finality on January 18, 1998. The Court explained in *Ortigas and Company Limited Partnership vs. Velasco* (254 SCRA 234 [1996]) that a second motion for reconsideration is forbidden except for extraordinary persuasive reasons since "piece-meal" imputation of a judgment by successive motions for reconsideration is anathema. It was therein explained that the denial of a motion for reconsideration signifies that the grounds relied upon have been found, upon due deliberation, to be without merit, as not being of sufficient weight to warrant a modification of the judgment or final order. It not only means that the grounds relied upon are lacking in merit but also that any other ground or argument, not so raised, is deemed waived and may no longer be set up in a subsequent motion for reconsideration. Revealingly, when the new Rules on Civil Procedure (1997) were adopted, Section 2 of Rule 52 thereof expressly, unequivocally, and categorically outlawed second motions for reconsideration, mandating that the same shall not be entertained.

I perceive no justifiable ground which warrants excepting the case at bar from the foregoing settled rule. No overriding and special reason has been given as to why petitioner's second motion for reconsideration should be granted. A cursory examination of the second motion for reconsideration shows that it is a mere re-printing and re-filing of the first motion for reconsideration. Should said motion be admitted, what would prevent other litigants from simply re-titling their denied first motion for reconsideration as "second motion for reconsideration" and thereafter refiling the same motion. When will litigation stop? In *Tolentino vs. Ongsiako* (7 SCRA 1001 [1963]) and *Villaflor vs. Reyes* (22 SCRA 385 [1968]), we expressed the view that "public policy and sound practice demand that, at the risk of occasional errors (assuming there are in fact any), judgments of courts should become final and irrevocable at some definite date fixed by law. *Interes rei publicae ut finis sit litium*." Once this Court has denied a motion for reconsideration with finality, this should be reckoned as the definite date when litigation ends and judgment becomes final. If not, there will be no end to litigation. Petitioner should instead explore other remedies allowed by the Rules and the law. I submit that the second motion for reconsideration is not one of the remedies sanctioned by the Rules and the law. Too, the pendency of another case (G.R. No. 135192) with which this case is sought to be consolidated was not mentioned in the petition, but was adverted to only after the denial of the petition.

I, therefore, hold that the proper action to take under the premises is to deny, not only petitioner's motion to refer this case to the Court En Banc, but to deny also petitioner's motion for leave to file a second motion for reconsideration, and to simply note without action the second motion for reconsideration attached thereto.

SEPARATE OPINION

KAPUNAN, J.:

For resolution of the Court are: (1) petitioner's motion to set aside the resolution dated January 18, 1999 (First Division) as allegedly contrary to Resolution En Banc No. 98-12-05-SC; (2) petitioner's motion for leave to file second motion for reconsideration with the second motion for reconsideration attached thereto, and motion for reconsideration of the denial of the motion to consolidate G.R. No. 135244 with G.R. No. 135192; and (3) petitioner's motion to refer its motion to set aside resolution of Jan. 18, 1999 to the Court En Banc.

Petitioner claims in its first motion that the January 18, 1999 resolution was not in accord with the resolution of Court En Banc No. 98-12-05-SC dated December 21, 1998 which is quoted as follows:

xxx

As a consequence of this reorganization, the cases raffled to each Member of the Court shall henceforth pertain to the Division to which such Member has been assigned: Provided, however, that motions for reconsideration of decisions or signed resolutions penned by such Member while yet a Member of a previous Division shall be resolved by a Special Division composed of the Chairman and Members of the previous division with the Chairman of the former Division as a Chairman of the Special Division.

Motions for reconsideration of minute resolutions of a Member's previous Division shall be resolved by his or her new Division.

This resolution shall take effect on 15 January 1999.

It is petitioner's contention that the unsigned resolution of January 18, 1999 promulgated by the First Division of this Court was not a "minute resolution" but actually a "decision" because "(I)t is two pages long, single-spaced, containing nine paragraphs consisting of about 850 words xxx" and contains "a statement of the procedural antecedents of this case." It further avers that the said resolution being in fact a decision, the motion for reconsideration thereof should have been resolved by a Special Division composed of the Chairman and Members of the previous division (the Second Division) pursuant to Resolution En Banc No. 98-12-05-SC.

For purposes of determining which Justices or Divisions shall resolve motions for reconsideration of decisions or resolutions penned by the Justices while yet members of the previous divisions, following the reorganization of the Court's three divisions created by the retirement of Mr. Justice Florenz D. Regalado and the promotion of Mr. Justice Hilario G. Davide, Jr., as Chief Justice, the incidents are classified into three categories in the order of their importance, namely: (1) decisions, (2) signed resolutions, and (3) minute resolutions.

Under the first category are decisions which must necessarily express clearly and distinctly the facts and law on which they are based to comply with the Constitutional requirement.

However, the Court is not duty bound to render signed decisions all the time. It is not compelled to adopt a definite and stringent rule on how its judgment shall be framed. It has ample discretion to formulate decisions and/or minute resolutions provided a legal basis is given, depending upon its evaluation of a case (*In Re: Laureta*, 148 SCRA 382 [1987]); *Policarpio v. Philippine Veterans Bank*, 106 Phil. 125 [1959]). The grant of due course to a petition for review is not a matter of right, but of sound judicial discretion; and so there is no need to fully explain the Court's denial. For one thing, the facts and the law are already mentioned in the Court of Appeal's opinion (*Novino v. CA*, 8 SCRA 279 [1963]). This also means that the Court agrees with or adopts the findings and conclusions of the Court of Appeals (*Toyota v. Yuseco*, 105 Phil. 484 [1959]).

When the Court decides to dismiss a petition, it may do so in the form of a decision or a resolution. A decision, although one of dismissal, may be opted because of the jurisprudential importance of the case or perhaps, while the judgment sought to be reviewed may be substantially correct, the facts and the law involved in the case call for further discussion, elaboration or emphasis for guidance of the bench and bar.

The disposition of the petition may be in the form of a resolution, which may be signed or unsigned. Obviously, not in the level of a decision, a signed resolution dismissing or denying an unmeritorious petition is usually an extended one with statement of facts and the law. On the other hand, a minute resolution, as the terminology connotes, is issued for the prompt and quick dispatch of the action of the Court and is generally unsigned. It is promulgated through the Clerk of Court and does not require certification of the Chief Justice.

The number of words a resolution contains, standing alone, is not determinative of whether it is an extended or minute resolution. A resolution that embodies a statement of facts and law, does not necessarily exclude it from the category of a minute resolution. For that matter, an issuance consisting only of a single page or of a relatively limited number of words may be in the form of a signed resolution. Clearly then, we have no reason to depart from the well-entrenched rule that the Court has discretion to determine how its judgment shall be framed.

The October 21, 1998 resolution being an unsigned resolution, the motion for reconsideration thereof was correctly assigned to the First Division, to which the ponente was transferred, for deliberation and disposition in accordance with the Resolution En Banc No. 98-12-05-SC.

Consequently, there is legal basis for petitioner's motion to set aside the resolution of January 18, 1999 on the ground that it is contrary to Resolution En Banc No. 98-12-05-SC.

Petitioner's motion for lead to file a second motion for reconsideration is premised principally on the belief that the Court failed to adequately pass upon, if not overlooked, the specific grounds raised by petitioner in its first motion for reconsideration.

The grounds invoked in the second motion for reconsideration are, I believe, extensively and forcefully discussed therein. In the best interest of justice, the motion deserves a second hard look.

Another point to consider is the fact that there is another case docketed as G.R. No. 135192, which has a lower number, involving the same parties, facts, issues and subject matter, hence, the two cases should be consolidated for expediency and to prevent possible conflicting opinions. We believe that these grounds are sufficiently persuasive to admit a second motion for reconsideration.

The grant of a second or further motion for reconsideration by this Court in meritorious cases is not without precedents. The Court reversed its judgment on second motion for reconsideration in *San Miguel Corporation vs. NLRC* (174 SCRA 510 [1989]), *Galman vs. Sandiganbayan* (144 SCRA 43 [1986]), *Philippine Consumers Foundation vs. National Telecommunications Commission* (131 SCRA 200 [1984]), and *Republic vs. De los Angeles*, (41 SCRA 422 [1971]); and on a third motion for reconsideration in *Vir-Jen Shipping and Marine Services vs. NLRC* (125 SCRA 577 [1983]); the Court modified or amended on second motion for reconsideration its ruling in *Cathay Pacific vs. Romillo* (143 SCRA 396 [1986]) and *Cosio vs. De Rama* (17 SCRA 207 [1996]).

WHEREFORE, the I vote to:

- a) DENY the motion to refer to set aside resolution of January 18, 1999 to the Court En Banc;
- b) GRANT the motion to file a second motion for reconsideration of the resolution of the Court (Second Division) dated October 21, 1998 dismissing the petition;
- c) ADMIT the second motion for reconsideration of the resolution of the Court dated October 21, 1998;
- d) GRANT the motion for reconsideration of the resolution denying the motion for consolidation; and
- e) CONSOLIDATE G.R. No. 135224 with G.R. No. 135192.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.