

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. RAMON G. ASUNCION, PEDRO ASUNCION, CANDIDA ASUNCION-SANTOS, LEONORA ASUNCION-HENSON, ARISTON ASUNCION AND ANABELLE ASUNCION-PERLAS, ...

G.R. NO. 159695. September 15, 2006

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-159695/>

QUISUMBING, J.:

This petition for review seeks to set aside the Decision[1] dated April 30, 2003 of the Court of Appeals in CA-G.R. SP No. 70607 and its Resolution[2] dated August 15, 2003, denying the motion for reconsideration. Before the Court of Appeals, the Solicitor General, in behalf of petitioner, sought to annul: (1) the Order[3] dated February 26, 2002 of the Regional Trial Court of Malolos, Bulacan, Branch 21, insofar as it declared petitioner's motion for reconsideration pro forma; and (2) said trial court's subsequent Order[4] dated April 26, 2002, dismissing petitioner's notice of appeal on the ground that it was filed out of time.

The facts of the case are as follows:

On December 29, 1976, Paciencia Gonzales Asuncion and the Heirs of Felipe F. Asuncion[5] applied for the registration of the titles of nine (9) parcels of land, all located at Bambang, Bulacan, Bulacan, with the then Court of First Instance (now Regional Trial Court) of Bulacan. The application was docketed as LRC Case No. 3681-M. The applicants alleged that they have registerable titles over the subject lands which they acquired by inheritance, accretion and through open, continuous, exclusive and notorious possession under color of title for at least thirty (30) years.[6]

Petitioner, represented by the Solicitor General, opposed the application on the ground that the subject lands are inalienable forest lands of the public domain, within the unclassified area of Bulacan, Bulacan.[7] Other persons[8] also opposed the application.

On November 7, 1986, the applicants' motion to admit an amended application for eleven (11) parcels of land was granted by the trial court.[9] On August 30, 1996, the applicants and the other oppositors entered into a compromise agreement.[10]

Despite the Solicitor General's opposition that the State was not bound by the compromise agreement since the subject lands were not susceptible of private appropriation,[11] the trial court on March 22, 1999, approved the compromise agreement and excluded four (4) parcels of land from the application.[12] The trial court also dismissed the application over two (2) other parcels, Psu-133934 & Psu-138316.[13]

Due to the applicants' voluminous formal offer of evidence,[14] the Solicitor General asked for additional time, until July 30, 2001, to file his comment on the applicants' formal offer of evidence.[15]

Meanwhile, on June 29, 2001, the trial court had considered the case submitted for decision[16] and on July 10,

2001, rendered its decision ordering the registration of five (5) parcels of land, denominated as Psu-115369, Psu-115615, Psu-115616, Psu-118984, and Psu-121255 (amended).[17]

On July 27, 2001, the Solicitor General received his copy of the decision.[18] Five days later, on August 2, 2001, the Solicitor General filed a motion for reconsideration of the trial court's decision dated July 10, 2001, but it was denied on February 26, 2002.[19] The trial court ruled that the Solicitor General was in effect seeking a new trial and that the motion for reconsideration was pro forma since it lacked an affidavit of merit required by the second paragraph of Section 2,[20] Rule 37 of the Rules of Court.

The Solicitor General received the Order of denial on March 13, 2002, and filed a notice of appeal on March 20, 2002. On April 26, 2002, the trial court dismissed the notice of appeal for being filed out of time.[21]

The Solicitor General filed a petition for certiorari with the Court of Appeals seeking the annulment of the Orders dated February 26, 2002 and April 26, 2002.[22] The appellate court dismissed the petition for lack of merit.[23]

The appellate court considered the Solicitor General's motion for reconsideration as a motion for new trial and held that the case cannot be re-opened because the motion was filed after judgment. The appellate court also held that the motion for reconsideration was fatally defective without an affidavit of merit. Further, the motion was pro forma since it merely reiterated the Solicitor General's previous arguments. Thus, the motion for reconsideration did not toll the reglementary period to appeal. The appellate court concluded that the trial court did not abuse its discretion in rejecting the Solicitor General's prayer to present evidence and to file an appeal.

The dispositive portion of the appellate court's decision stated, as follows:

WHEREFORE, there being no showing that grave abuse of discretion had been committed by respondents Judge D. Roy A. Masadao, Jr. and Judge Rogelio C. Gonzales in denying petitioner's Motion for Reconsideration and Notice of Appeal, respectively, whose findings are supported by substantial evidence, the instant petition is hereby DISMISSED for lack of merit.

The prayer for preliminary injunction or temporary restraining order is correspondingly denied for lack of legal basis.

SO ORDERED.[24]

After the Court of Appeals denied the motion for reconsideration, the Solicitor General filed the instant petition assigning the following issues:

I

WHETHER OR NOT THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF FACT IN MISAPPREHENDING PETITIONER'S MOTION FOR RECONSIDERATION DATED AUGUST 1, 2001 IN LRC CASE NO. 3681-M AS A PRO FORMA MOTION FOR NEW TRIAL.

II.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW IN HOLDING THAT PETITIONER'S MOTION FOR RECONSIDERATION DATED AUGUST 1, 2001 IN LRC CASE NO. 3681-M WAS A PRO FORMA MOTION FOR RECONSIDERATION.

III.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR OF LAW IN HOLDING THAT AN ERRONEOUS CHARACTERIZATION OF A MOTION FOR RECONSIDERATION AS PRO FORMA IS A MERE ERROR OF JUDGMENT WHICH IS NOT CORRECTIBLE BY THE EXTRAORDINARY WRIT OF CERTIORARI.

IV.

WHETHER OR NOT THIS HONORABLE COURT MAY SUSPEND ITS RULES OF PROCEDURE IN THIS CASE IN VIEW OF THE SPECIAL AND COMPELLING CIRCUMSTANCES OBTAINING IN ORDER TO REVIEW THE LEGAL MERITS OF THE DECISION DATED JULY 10, 2001 IN LRC CASE NO. 3681-M.

V.

WHETHER OR NOT THE LAND REGISTRATION COURT COMMITTED REVERSIBLE ERROR OF LAW IN CONCLUDING THAT THE LAND SUBJECT OF THE APPLICATION IS PRIVATE LAND UNDER ARTICLE 457 OF THE CIVIL CODE.

VI

WHETHER OR NOT THE LAND REGISTRATION COURT COMMITTED REVERSIBLE ERROR OF LAW IN ALTERNATIVELY CONCLUDING THAT THE LAND SUBJECT OF THE APPLICATION IS PRIVATE LAND UNDER ARTICLE 4 OF THE SPANISH LAW OF WATERS OF 1866.

VII.

WHETHER OR NOT THE LAND REGISTRATION COURT COMMITTED REVERSIBLE ERROR OF LAW IN CONCLUDING THAT THE LAND SUBJECT OF THE APPLICATION BELONGS TO THE STATE.[25]

The basic issues for resolution are: Did the Court of Appeals err in sustaining the dismissal of the Solicitor General's motion for reconsideration on the ground that the motion was in effect one for a new trial and was pro forma? May this Court now review, as if also on appeal, the trial court's July 10, 2001 decision in LRC Case No. 3681-M?

On the first issue, a motion for reconsideration is equivalent to a motion for new trial if based on a ground for new trial.[26] Section 1, Rule 37 of the Rules of Court provides that a motion for new trial must be based on the following causes: (a) fraud, accident, mistake or excusable negligence which ordinary prudence could not have guarded against and by reason of which such aggrieved party has probably been impaired in his rights; or (b) newly discovered evidence, which he could not, with reasonable diligence, have discovered and produced at the trial, and which if presented would probably alter the result.

Here, the Solicitor General's motion for reconsideration did not aver grounds for new trial. The motion was not based on fraud, accident, mistake or excusable negligence that would need affidavits of merit, nor is the motion based on newly discovered evidence as to require affidavits of witnesses.[27]

The two main arguments raised by the Solicitor General in the motion for reconsideration were: (1) that the trial court deprived petitioner of its right to present evidence; and, (2) that the decision was tainted with serious errors of law and fact.[28] Both are not the valid causes for new trial per Section 1, Rule 37. Hence, we are unable to agree with the trial and appellate courts that the motion for reconsideration was actually a motion for new trial.

Is the motion for reconsideration pro forma because of alleged reiteration of previous arguments?

Mere reiteration of issues already passed upon by the court does not automatically make a motion for reconsideration pro forma. What is essential is compliance with the requisites of the Rules.[29]

In his motion for reconsideration, the Solicitor General argued that:

x x x x

- Applicants failed to rebut the presumption that the land subject of their application belongs to the State.

Applicants' Exhibits "L" and "L-1" show, on their faces, that they requested in 1977 for release of areas subject of their application and falling within the unclassified region of Bulacan, Bulacan, per LC Map No. 637 dated March 1, 1927. And that field personnel of the Bureau of Forest Development gave favorable recommendations in support of the applicants' requests. However, these documents do not prove that the Director of the then Bureau of Forest Development, or the Secretary of the DENR, or the President, had approved the recommendations contained therein and had certified the forest areas concerned as alienable and disposable.

- This Honorable Court, with due respect, misapplied the concept of accretion as a mode of acquiring ownership in this case. Said mode was mistakenly applied to the boundary of applicants' estate which was roughly perpendicular (instead of parallel) to the bank of the Wawang-Dapdap River.

- The 1953 CFI Decision in Civil Case No. 766, that applicants are the owners of the land by virtue of accretion and a superior right to possess the same, does not amount to *res judicata* as against the Republic because the then CFI was not a court of competent jurisdiction to adjudicate inalienable forest land of the public domain in favor of private persons. Such power is vested exclusively, by delegated legislation, to the President or his alter ego, the DENR Secretary.[30]

These allegations stress that the findings or conclusions of the trial court were allegedly not supported by the evidence or were contrary to law.[31] Particular reference is made to documentary evidence in paragraph 11. In paragraph 12, the error alleged was misapplication of the concept of accretion. In paragraph 13, the Solicitor General alleged that the trial court had erred in considering the 1953 decision of the Court of First Instance in Civil Case No. 766 as *res judicata* relative to LRC Case No. 3681-M. Patently, herein petitioner's motion for reconsideration was not *pro forma*.

However, our ruling that the motion for reconsideration was not *pro forma* does not in any way mean that it is meritorious. As this Court held in *Marikina Valley Dev't. Corp. v. Hon. Flojo*,[32] public policy would be better served by according the appellate court an effective opportunity to review the decision of the trial court on the merits, rather than by aborting the right to appeal by a literal application of the procedural rule relating to *pro forma* motions for reconsideration.

Since the Solicitor General filed his notice of appeal on March 20, 2002 or seven days after he received the denial of the motion, the notice of appeal was filed within the "fresh period" of 15 days to file the notice of appeal.[33] Thus, the notice of appeal deserves to be given due course.

Lastly, we find now that the Solicitor General improperly appeals before this Court the trial court's decision in LRC Case No. 3681-M. We note that he had already appealed said decision, by way of an ordinary appeal, when he filed the notice of appeal with the trial court.[34] In *Marikina Valley Dev't. Corp. v. Hon. Flojo*, it should be pointed out, this Court directed the trial court to give due course to the notice of appeal.[35]

WHEREFORE, we SET ASIDE (a) the trial court's Orders dated February 26, 2002 and April 26, 2002; and (b) the Court of Appeals' Decision and Resolution dated April 30, 2003 and August 15, 2003, respectively, and we REMAND the case to the Regional Trial Court of Malolos, Bulacan, Branch 21. The trial court is DIRECTED to GIVE DUE COURSE to the Solicitor General's notice of appeal with deliberate dispatch.

SO ORDERED.

Carpio, Carpio-Morales, Tinga and Velasco, Jr., JJ., concur

[*]Also referred to as "Annabelle" in some parts of the records.

[1] Rollo, pp. 51-57. Penned by Associate Justice Mariano C. Del Castillo, with Presiding Justice Cancio C. Garcia (now a member of this Court), and Associate Justice Eloy R. Bello, Jr. concurring.

[2] Id. at 143.

[3] CA rollo, pp. 40-46.

[4] Id. at 47-48.

[5] Rollo, p. 64. Respondents herein are the heirs of the late Felipe F. Asuncion and Paciencia G. Asuncion.

[6] CA rollo, pp. 49-53.

[7] Rollo, p. 52.

[8] Id. at 62. Juanita M. Enriquez, Antonio M. Enriquez, Vicente M. Enriquez, Ignacio M. Enriquez, Juan M. Enriquez, Asuncion M. Enriquez, Jacinto C. Molina II, Juan C. Molina, Jr., and Josefina C. Molina.

[9] Id.

[10] CA rollo, p. 105.

[11] Rollo, pp. 52, 63.

[12] Id. at 63.

[13] Id.

[14] CA rollo, pp. 123-293.

[15] Id. at 299-302.

[16] Id. at 298.

[17] Rollo, pp. 71-72.

[18] Id. at 53.

[19] CA rollo, p. 46.

[20] SEC. 2. Contents of motion for new trial or reconsideration and notice thereof.- . . .

A motion for new trial shall be proved in the manner provided for proof of motions. A motion for the cause mentioned in paragraph (a) of the preceding section shall be supported by affidavits of merits which may be rebutted by affidavits. A motion for the cause mentioned in paragraph (b) shall be supported by affidavits of the witnesses by whom such evidence is expected to be given, or by duly authenticated documents which are proposed to be introduced in evidence.

x x x x

[21] CA rollo, p. 48.

[22] Id. at 34.

[23] Rollo, p. 56.

[24] Id.

[25] Id. at 323-325.

[26] II Herrera, Remedial Law 187 (2000 ed.), citing *Mendoza v. Bautista*, No. L-45885, April 28, 1983, 121 SCRA 760, 768.

[27] SEC. 2, Rule 37, *supra* note 20.

[28] Rollo, pp. 88, 91.

[29] *Marina Properties Corporation v. CA*, 355 Phil. 705, 716 (1998).

[30] Rollo, pp. 91-92

[31] 3rd par., SEC. 2, Rule 37.

[32] 321 Phil. 447, 462 (1995).

[33] *Sumaway v. Urban Bank, Inc.*, G.R. No. 142534, June 27, 2006, pp. 5-6; *Neypes v. Court of Appeals*, G.R. No. 141524, September 14, 2005, 469 SCRA 633, 644-646.

[34] Rules of Court, Rule 41, Section (2) (a).

[35] *Supra*.

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.