

EMERITO M. RAMOS, ET AL., PETITIONERS, VS. CENTRAL BANK OF THE PHILIPPINES, RESPONDENT

G.R. No. 29352. February 19, 1986

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The Court Resolved to DENY the ‘Motion for Leave to File and to Admit Attached Motion for Clarificatory Ruling and/or Third Motion for Reconsideration’ and the thereto attached ‘Motion for Clarificatory Ruling and/or Third Motion for Reconsideration of the Resolutions dated October 19, 1982. July 22, 1985 and January 21, 1986’ both filed by respondent Central Bank on February 4, 1986, entry of Judgment of the Court’s Resolution of October 19, 1982 having been made on January 30, 1986. Third motions for reconsideration are not permitted and there is nothing to clarify. The Court’s per curiam Resolution of October 19, 1982 had been approved by the full Court then composed of fourteen (14) members, six (6) of whom have since retired from the Court (namely, Fernando, C.J. and Makasiar, Guerrero, De Castro, Vasquez and Relova, JJ.) and respondent Central Bank’s first and second motions for reconsideration thereof were denied for lack of necessary votes, per the Court’s Resolutions of July 22, 1985 and January 21, 1986. Aquino, C.J., dissented.

DISSENTING OPINION

AQUINO, C.J.:

I dissent. I vote for the granting of the Central Bank’s third motion for reconsideration, following the precedent laid down in *Vir-jen Shipping and Marine Services, Inc. vs. National Labor Relations Commission*, 125 SCRA 577 where a third motion for reconsideration was entertained.

The *Vir-jen* case was decided on July 20, 1982, 115 SCRA 347. The first motion for reconsideration was denied in the resolution of September 29, 1982 (p. 478, Vol. I, Rollo). The second motion for reconsideration was likewise denied in the resolution dated December 20, 1982. The denial was final (p. 551 Vol. I, Rollo).

A third motion was admitted and later granted in the resolution of November 18, 1983 (p. 732, Vol. II, Rollo).

I incorporate in this dissent as Annex 1 the Central Bank’s third motion for reconsideration.

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