

EN BANC

[G.R. No. 127022, June 28, 2000]

FIRESTONE CERAMICS, INC., BOOMTOWN DEVELOPMENT CORPORATION, SPOUSES CYNTHIA D. CHING AND CHING TIONG KENG, SPOUSES CARMEN SOCO AND LORENZO ONG ENG CHONG, SPOUSES SOLEDAD B. YU AND YU SY CHIA AND LETICIA NOCOM CHAN, PETITIONERS, VS. COURT OF APPEALS, LORENZO J. GANA, PATROCINIO E. MARGOLLES, ALICE E. SOTTO, VIRGINIA E. VILLONGCO, EDGARDO C. ESPINOSA, LUCIA E. LAPERAL, NORMA C. ESPINOSA, TERESITA E. CASAL, PELTAN DEVELOPMENT, INC., REGIONAL TRIAL COURT (FORMERLY CFI OF RIZAL) AND THE REGISTER OF DEEDS OF LAS PIÑAS, METRO MANILA. RESPONDENTS. ALEJANDRO B. REY, PETITIONER-INTERVENOR.

[G.R. No. 127245]

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE DIRECTOR, LAND MANAGEMENT BUREAU, PETITIONER, VS. HON. COURT OF APPEALS, LORENZO J. GANA, PATROCINIO E. MARGOLLES, ALICE E. SOTTO, VIRGINIA E. VILLONGCO, EDGARDO C. ESPINOSA, LUCIA A. LAPERAL, NORMA C. ESPINOSA, TERESITA E. CASAL, PELTAN DEVELOPMENT INC., THE REGIONAL TRIAL COURT (FORMERLY CFI) OF RIZAL, AND THE REGISTER OF DEEDS OF LAS PIÑAS, RESPONDENTS.

R E S O L U T I O N

PURISIMA, J.:

This resolves petitioners' Motions to Refer to the Court En Banc these consolidated cases, which the Third Division decided on September 2, 1999. The motions for reconsideration seasonably filed by the petitioners, Republic of the Philippines and Firestone Ceramics, Inc., et al., are pending.

Under Supreme Court Circular No. 2-89, dated February 7, 1989, as amended by the Resolution of November 18, 1993:

xxx, the following are considered en banc cases:

1. Cases in which the constitutionality or validity of any treaty, international or executive agreement, law, executive order, or presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;
2. Criminal cases in which the appealed decision imposes the death penalty;
3. Cases raising novel questions of law;

4. Cases affecting ambassadors, other public ministers and consuls;
5. Cases involving decisions, resolutions or orders of the Civil Service Commission, Commission on Elections, and Commission on Audit;
6. Cases where the penalty to be imposed is the dismissal of a judge, officer or employee of the judiciary, disbarment of a lawyer, or either the suspension of any of them for a period of more than one (1) year or a fine exceeding P10,000.00 or both;
7. Cases where a doctrine or principle laid down by the court en banc or in division may be modified or reversed;
8. Cases assigned to a division which in the opinion of at least three (3) members thereof merit the attention of the court en banc and are acceptable to a majority of the actual membership of the court en banc; and
9. All other cases as the court en banc by a majority of its actual membership may deem of sufficient importance to merit its attention.

The cases at bar involve a vast tract of land with an area of around ninety-nine (99) hectares presumptively belonging to the Republic of the Philippines, which land had been adjudicated to private individuals by a court alleged to be without jurisdiction. Since the validity of the said decision and the original certificate of title as well as transfer certificates of title issued pursuant thereto hinges on the classification of subject area at the time it was so adjudicated, determination of the validity of the disposition thereof is in order.

The assailed decision does not indicate the classification of the land in question, when the herein private respondents obtained their decree of registration thereover.

In *Limketkai Sons Milling, Inc. vs. Court of Appeals*, the Court conceded that it is not infallible. Should any error of judgment be perceived, it does not blindly adhere to such error, and the parties adversely affected thereby are not precluded from seeking relief therefrom, by way of a motion for reconsideration. In this jurisdiction, rectification of an error, more than anything else, is of paramount importance.

Here, there was submitted to the Court *en consulta*, petitioners' Motions to Refer to the Court En Banc these consolidated cases for the consideration of the Court. A pleading, entitled "FOR THE CONSIDERATION OF THE COURT EN BANC, EN CONSULTA," was presented but when the same was first brought to its attention on March 7, 2000, the Court opined that since the Third Division had not yet acted on subject motions to refer the cases to the Banc, it was then premature for the Court to resolve the consulta. However, the Court succinctly cautioned that the action of the Third Division on the matter would just be tentative.

On March 8, 2000, the Third Division voted 4-1 to deny petitioners' motion to transfer these cases to the Banc. Thus, on March 14, 2000, the Court deliberated on the consulta and thereafter, voted 9-5 to accept the cases for the Banc to pass upon in view of the finding that the cases above entitled are of sufficient importance to merit its attention. Evidently, the action of the Court under the premises is a legitimate and valid exercise of its RESIDUAL POWER within the contemplation of

paragraph 9 of the Resolution En Banc of November 18, 1993, which reads: "All other cases as the court en banc by a majority of its actual membership may deem of sufficient importance to merit its attention." (underscoring supplied)

Untenable is the contention of Justice Panganiban that the Chief Justice and the eight (8) Associate Justices who voted to treat these consolidated cases as En Banc cases, have not given any cogent or compelling reason for such action. Considering that paragraph 9 of the Resolution of this Court dated November 18, 1993, has been cited to support the majority opinion, it is decisively clear that these consolidated cases have been found to be of sufficient importance to merit the attention and disposition of the entire Court en banc and therefore, the prayer of the Republic of the Philippines and the private petitioners for the Court en banc to hear and resolve their pending motions for reconsideration, is meritorious. The aforesaid finding by the Court constitutes a reason cogent and compelling enough to warrant the majority ruling that the Court En Banc has to act upon and decide petitioners' motions for reconsideration.

It bears stressing that where, as in the present cases, the Court En Banc entertains a case for its resolution and disposition, it does so without implying that the Division of origin is incapable of rendering objective and fair justice. The action of the Court simply means that the nature of the cases calls for en banc attention and consideration. Neither can it be concluded that the Court has taken undue advantage of sheer voting strength. It was merely guided by the well-studied finding and sustainable opinion of the majority of its actual membership - that, indeed, subject cases are of sufficient importance meriting the action and decision of the whole Court. It is, of course, beyond cavil that all the members of this highest Court of the land are always imbued with the noblest of intentions in interpreting and applying the germane provisions of law, jurisprudence, rules and Resolutions of the Court - to the end that public interest be duly safeguarded and rule of law be observed.

Reliance by Justice Panganiban on the ruling of the Court in the Sumilao case is misplaced. The said case is not on all fours with these cases. In the Sumilao case, before it was brought to the Banc *en consulta*, the motion for reconsideration of the decision therein rendered had been voted upon by the Second Division with a vote of 2-2. The Court ruled that the stalemate resulting from the said voting constituted a denial of the motion for reconsideration.

In the two consolidated cases under consideration, however, the Motions for Reconsideration of the petitioners, Republic of the Philippines and Firestone Ceramics, Inc., et al., are pending and unresolved.

Taking into account the importance of these cases and the issues raised, let alone the enormous value of the area in litigation, which is claimed as government property, there is merit in the prayer of petitioners that their pending motions for reconsideration should be resolved by the Court En Banc.

WHEREFORE, these consolidated cases are considered and treated as en banc cases; and petitioners' motions for reconsideration are hereby set for oral argument on July 18, 2000, at 11:00 a.m. Let corresponding notices issue.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Bellosillo, Kapunan, Mendoza, Buena, Ynares-Santiago and De Leon, Jr. JJ., concur.

Melo, J., joined the dissents and in lieu of the close vote, urge that this action be not repeated and that it be reviewed again.

Puno, J., see separate opinion.

Vitug, J., joined the dissenting justices.

Panganiban, J., see dissenting opinion.

Quisumbing, and Pardo, JJ., joined the dissent of J. Reyes.

Gonzaga-Reyes, J., see dissenting opinion.

SEPARATE OPINION

PUNO, J.:

In the session last March 21, 2000, information was given that a majority of the members of the Third Division intends to hear the Motion for Reconsideration filed by the Republic and then report its result to the Court en banc. I sincerely believe that the result of the said oral arguments will be a vital factor to consider before the court en banc should finally decide to assume jurisdiction over the case at bar. The issue for resolution in the said Motion for Reconsideration concerns *res judicata*. This is an issue that does not strictly involve a question of law for beyond doubt its resolution will rest on some amorphous questions of fact. Until and unless these questions of fact are sharpened and given shape in the intended oral arguments, I am of the opinion and so vote that the Court en banc should defer its action to assume jurisdiction over the case at bar.

DISSENTING OPINION

GONZAGA-REYES, J.:

With due respect, I am constrained to dissent from the acceptance by the Court en banc of the referral of the motions for reconsideration in the cases at bar. The justification for the referral is stated thus:

"These cases involve a vast tract of land around ninety-nine (99) hectares presumptively belonging to the Republic of the Philippines, which land had been adjudicated to private individuals under a decision allegedly rendered by a court without jurisdiction. Since the validity of the said decision and of the original certificate of title as well as transfer certificates of title issued pursuant thereto is contingent on the character

or classification of subject area at the time it was so adjudicated to private persons, the determination of the same is essential. The decision sought to be reconsidered does not clearly reflect or indicate the correct character of the land involved at the time the private respondents obtained a degree of registration thereover. Thus, should it be established that indeed the land in question was still within the forest zone and inalienable at the time of its disposition to private parties, reversal of this Court's decision is in order.

In *Lemketkai Sons Milling, Inc. vs. Court of Appeals*,^[1] this Court has acknowledged that it is not infallible and that, if upon examination an error in judgment is perceived, the Court is not obliged to blindly adhere to such decision and the parties are not precluded from seeking relief by way of a motion for reconsideration. In this jurisdiction, rectification of an error, more than anything else, is paramount."

The fact alone that the property involved covers an area of 99 hectares does not provide a cogent reason to elevate the cases to the Court en banc. Nowhere in the extent guidelines for referral to the Court en banc is the value of the property subject of the case relevant to determine whether the division should refer a matter to the Court en banc. Moreover, the validity of OCT No. 4216, which petitioner Republic raised as a principal issue in the instant petition, had already been long settled by final judgments of this Court in three (3) cases.^[2]

It was also submitted that the cases are of sufficient importance to be "reexamined and reviewed" by the Court en banc pursuant to S. C. Circular No. 2-89 dated February 7, 1989 as amended by the Resolution of November 18, 1993, which considers the following, among others, as en banc cases:

xxx xxx xxx

"9. All other cases as the Court en banc by a majority of its actual membership may deem of sufficient importance to merit its attention."

It is believed that the acceptance by the court en banc of the referral on the proposal of one member of the division is not called for on the following grounds:

(1) The motion for reconsideration from the decision unanimously adopted by the 3rd Division on September 2, 1999 is still pending. If there is any error to be rectified in the said decision, the matter should be left to the sound judgment of the members of the division which promulgated the decision unless there is a demonstrated incapacity or disqualification on the part of its members to render a fair and just resolution of the motion for reconsideration.

(2) The court en banc is not an appellate court to which a decision or resolution may be appealed:

Article VIII, Section 4, of the 1987 Constitution provides:

"(1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit en banc or, in its discretion, in divisions of three, five or seven members. Any vacancy shall be filled