324 Phil. 483

THIRD DIVISION

[G.R. No. 109645, March 04, 1996]

ORTIGAS AND COMPANY LIMITED PARTNERSHIP, PETITIONER, VS. JUDGE TIRSO VELASCO AND DOLORES V. MOLINA, RESPONDENTS. DOLORES V. MOLINA, PETITIONER,VS. HON. PRESIDING JUDGE, RTC, QUEZON CITY, BR. 105, AND MANILA BANKING CORPORATION, RESPONDENTS.

R E S O L U T I O N

NARVASA, C.J.:

Before the Court is the motion of private respondent Manila Banking Corporation (hereafter, simply Manilabank) to cite petitioner Dolores V. Molina in contempt of court because she has allegedly"persistently defied the lawful and just orders of the Court x x x betraying a clear and malicious intention x x x to erode the Court's authority and integrity which is detrimental to the administration of justice."

Manilabank asserts that the Decision of the Court in these consolidated cases dated July 25, 1994 became "final and executory" upon issuance of the Resolution dated January 23, 1995, which *denied with finality* Molina's motion for reconsideration dated August 10, 1994 and two (2) supplements thereto, both dated September 22, 1994. This notwithstanding, Molina filed a *"Motion for Leave to File the Herein Incorporated Second Motion for Reconsideration and to Allow x x x Dolores V. Molina a Day in Court Relative to Her Petition for Reconstitution,"* dated February 27, 1995. In another Resolution, dated March 1, 1995, this Court reiterated the denial with finality of Molina's motion and, in addition, ordered that *"no further pleadings, motions or papers shall be filed* x x x except only as regards the issues directly involved in the 'Motion for Reconsideration' (Re: Dismissal of Respondent Judge)." And in the Resolution of July 24,1995, the Court, among other things, declared these cases closed and terminated, reiterated its direction that *"no further pleadings, motions or papers be henceforth filed* in these cases except only as regards the issues directly involved in the 'Motion for Reconsideration' (Re: Dismissal of Respondent Judge), x x x" and directed entry of judgment and transmittal of the *mittimus* to the corresponding courts of origin, for appropriate action and disposition.

It is Manilabank's submission that Molina defied these Resolutions of the Court and engaged in contumacious conduct by filing the following subsequent motions (in addition to her second motion for reconsideration of February 27, 1995, supra), to wit:

a) motion to refer the cases to the Court En Banc dated April 5, 1995 (denied by Resolution of June 19, 1995);

b) consolidated motion dated July 25, 1995, for reconsideration of the

June 19, 1995 Resolution (denied by Resolution dated August 28, 1995); and

c) motion dated August 21, 1995 for reconsideration of the July 24, 1995 Resolution (Re: increasing fines on counsels and directing entry of judgment) (denied by Resolution dated October 25, 1995).

Manilabank asserts that said motions "are patently unmeritorious and filed manifestly for delay," the issues therein having been repeatedly raised *ad nauseam* by Molina and the Court having "already weighed and correctly resolved (them) in favor of private respondent." It opines that said issues are barred by the March 1, 1995 Resolution.

In her "comment/opposition" dated October 11, 1995, Molina traversed these allegations of contumacy, arguing that the pleadings "are allowed under the Revised Rules of Court, particularly Rules 49 and 52"; all her motions are meritorious x x x (since they lay) before the Court "new legal issues for determination brought about by the pleadings of the other party"; the pleadings were filed before she learned of the entry of judgment sometime in September 1995; and "there is no manifest x x x refusal to obey the Court's Resolutions." She maintains that the second motion for reconsideration - filed before the March 1, 1995 Resolution - presented *four* (4) *new issues* to the Court, implying that (a) it is not proscribed by the direction against the filing of further pleadings, motions or papers and (b) even if the subsequent motions were mere reiterations of the second motion for reconsideration, they are nonetheless meritorious. She insists that all that her pleadings continuously pray for "is x x x to give her a day in court."

Insistent Reiteration of Argument In Second Motion for Reconsideration Etc.

The matter dealt with in Manilabank's motion for contempt - a party's obstinate, importunate and endless reiteration of argument - is one that confronts the Court every now and then. This is regrettable and certainly undesirable. While no one may begrudge the right of a litigant to prosecute or defend his cause with all the vigor and resources at his command, no party may be allowed to persist in presenting to the Court arguments in vindication of his right or defense after these have been pronounced by final judgment to be without merit and his motion for reconsideration of that judgment has been denied.

A second motion for reconsideration is forbidden except for extraordinarily persuasive reasons, and only upon express leave first obtained.[1] The propriety or acceptability of such a second motion for reconsideration is not contingent upon the averment of *"new" grounds* to assail the judgment, i.e., grounds other than those theretofore presented and rejected. Otherwise, attainment of finality of a judgment might be staved off indefinitely, depending on the party's ingeniousness or cleverness in conceiving and formulating "additional flaws" or "newly discovered errors" therein, or thinking up some injury or prejudice to the rights of the movant for reconsideration. "Piece-meal" impugnation of a judgment by successive motions for reconsideration is anathema, being precluded by the salutary axiom that a party seeking the setting aside of a judgment, act or proceeding must set out in his

motion all the grounds therefor, and those not so included are deemed waived and cease to be available for subsequent motions.[2]

For all litigation must come to an end at some point, in accordance with established rules of procedure and jurisprudence. As a matter of practice and policy, courts must dispose of every case as promptly as possible; and in fulfillment of their role in the administration of justice, they should brook no delay in the termination of cases by stratagems or maneuverings, of parties or their lawyers. The Court recently had occasion to reaffirm these basic postulates in *"In Re Joaquin T. Borromeo,*[3] *viz.:*

> "It is x x x of the essence of the judicial function that at some point, litigation must end. Hence, after the .procedures and processes for lawsuits have been undergone, and the modes of review set by law have been exhausted, or terminated, no further ventilation of the same subject matter is allowed. To be sure, there may be, on the part of the losing parties, continuing disagreement with the verdict, and the conclusions therein embodied. This is of no moment, indeed, is to be expected; but, it is not their will, but the Court's, which must prevail; and, to repeat, public policy demands that at some definite time, the issues must be laid to rest and the court's dispositions thereon accorded absolute finality (with voluminous citations, including Garbo v. Court of Appeals, 226 SCRA 250, G.R.-No. 100474, September 10, 1993; GSIS v. Gines, 219 SCRA 724, G.R. No. 85273, March 9, 1993; Gesulgon v. NLRC, 219 SCRA 561, G.R. No. 90349, March 5, 1993; Paramount Insurance Corporation v. Japson, 211 SCRA 879, G.R. No. 68073, July 29, 1992; Cachola v. CA, 208 SCRA 496, G.R. No. 97822, May 7, 1992; Enriquez v. C. A., 202 SCRA 487, G.R. No. 83720, October 4, 1991; Alvendia v. IAC, 181 SCRA 252, G.R. No. 72138, January 22, 1990, etc.) As observed by this Court in *Rheem of the Philippines v. Ferrer,* a 1967 decision (20 SCRA 441, 444), a party 'may think highly of his intellectual endowment. That is his privilege. And he may suffer frustration at what he feels is others' lack of it. This is his misfortune. Some such frame of mind, however, should not be allowed to harden into a belief that he may attack a court's decision in words calculated to jettison the time-honored aphorism that courts are the temples of right.'"

Effect, and Disposition of
Motion for Reconsideration

The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and