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[G.R. No. 176951, June 28, 2011]

LEAGUE OF CITIES OF THE PHILIPPINES (LCP), REPRESENTED BY LCP NATIONAL PRESIDENT JERRY P. TREÑAS; CITY OF CALBAYOG, REPRESENTED BY MAYOR MEL SENEN S. SARMIENTO; AND JERRY P. TREÑAS, IN HIS PERSONAL CAPACITY AS TAXPAYER, PETITIONERS, VS. COMMISSION ON ELECTIONS; MUNICIPALITY OF BAYBAY, PROVINCE OF LEYTE; MUNICIPALITY OF BOGO, PROVINCE OF CEBU; MUNICIPALITY OF CATBALOGAN, PROVINCE OF WESTERN SAMAR; MUNICIPALITY OF TANDAG, PROVINCE OF SURIGAO DEL SUR; MUNICIPALITY OF BORONGAN, PROVINCE OF EASTERN SAMAR; AND MUNICIPALITY OF TAYABAS, PROVINCE OF QUEZON, RESPONDENTS.

[G.R. No. 177499]

LEAGUE OF CITIES OF THE PHILIPPINES (LCP), REPRESENTED BY LCP NATIONAL PRESIDENT JERRY P. TREÑAS; CITY OF CALBAYOG, REPRESENTED BY MAYOR MEL SENEN S. SARMIENTO; AND JERRY P. TREÑAS, IN HIS PERSONAL CAPACITY AS TAXPAYER, PETITIONERS, VS. COMMISSION ON ELECTIONS; MUNICIPALITY OF LAMITAN, PROVINCE OF BASILAN; MUNICIPALITY OF TABUK, PROVINCE OF KALINGA; MUNICIPALITY OF BAYUGAN, PROVINCE OF AGUSAN DEL SUR; MUNICIPALITY OF BATAC, PROVINCE OF ILOCOS NORTE; MUNICIPALITY OF MATI, PROVINCE OF DAVAO ORIENTAL; AND MUNICIPALITY OF GUIHULNGAN, PROVINCE OF NEGROS ORIENTAL, RESPONDENTS.

[G.R. No. 178056]

LEAGUE OF CITIES OF THE PHILIPPINES (LCP), REPRESENTED BY LCP NATIONAL PRESIDENT JERRY P. TREÑAS; CITY OF CALBAYOG, REPRESENTED BY MAYOR MEL SENEN S. SARMIENTO; AND JERRY P. TREÑAS, IN HIS PERSONAL CAPACITY AS TAXPAYER, PETITIONERS, VS. COMMISSION ON ELECTIONS; MUNICIPALITY OF CABADBARAN, PROVINCE OF AGUSAN DEL NORTE; MUNICIPALITY OF CARCAR, PROVINCE OF CEBU; MUNICIPALITY OF EL SALVADOR, PROVINCE OF MISAMIS ORIENTAL; MUNICIPALITY OF NAGA, CEBU; AND DEPARTMENT OF BUDGET AND MANAGEMENT, RESPONDENTS.

R E S O L U T I O N

BERSAMIN, J.:

We hereby consider and resolve:- (*a*) the petitioners' *Motion for Leave to File Motion for Reconsideration of the Resolution of 12 April 2011*, attached to which is a *Motion for Reconsideration of the Resolution dated 12 April 2011* dated April 29, 2011 (*Motion For Reconsideration*), praying that the resolution of April 12, 2011 be reconsidered and set aside; and (*b*) the respondents' *Motion for Entry of Judgment* dated May 9, 2011.

After thorough consideration of the incidents, we deny the *Motion for Reconsideration* and grant the *Motion for Entry of Judgment.*

As its prayer for relief shows, the *Motion for Reconsideration* seeks the reconsideration, reversal, or setting aside of the resolution of April 12, 2011.[1] In turn, the resolution of April 12, 2011 denied the petitioners' *Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011*).[2] Clearly, the *Motion for Reconsideration* is really a *second* motion for reconsideration in relation to the resolution dated February 15, 2011.[3]

Another indicium of its being a second motion for reconsideration is the fact that the *Motion for Reconsideration* raises issues entirely identical to those the petitioners already raised in their *Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011)*. The following tabulation demonstrates the sameness of issues between the motions, to wit:

Motion for Reconsideration of April 29, 2011	*Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011)* dated March 8, 2011
I. With due respect, neither the Rules of Court nor jurisprudence allows the Honorable Court to take cognizance of Respondent Municipalities multiple motions. By doing so**, the Honorable Court therefore acted contrary to the Rules of Court and its internal procedures.**	II. The Resolution **Contravenes The 1997 Rules Of Civil Procedure And Relevant Supreme Court Issuances.**
II. Contrary to the ruling of the Honorable Court in the Assailed Resolution, the controversy involving the Sixteen (16) Cityhood	I. The Honorable Court Has No Jurisdiction To Promulgate The Resolution Of 15 February 2011, Because There is **No Longer**

laws **had long been resolved with finality;** thus, the principles of **immutability of judgment and res judicata** are applicable and operate to deprive the Honorable Court of jurisdiction.	**Any Actual Case Or Controversy To Settle.** III. The Resolution Undermines The Judicial System In Its Disregard Of The Principles Of **Res Judicata And The Doctrine of Immutability of Final Judgments.**
III. Contrary to the Assailed Resolution of the Honorable Court, the sixteen (16) Cityhood laws neither repealed nor amended the Local Government Code. The Honorable Court committed an error when it failed to rule in the Assailed Resolution that the **Sixteen (16) Cityhood Laws violated Article X, Sections 6 and 10 of the Constitution.**	IV. The Resolution Erroneously Ruled That The Sixteen (16) Cityhood Bills Do Not Violate **Article X, Sections 6 and 10 Of The 1987 Constitution.** V. The Sixteen (16) Cityhood Laws Violate The Equal Protection Clause Of The Constitution And The Right Of Local Government Units To A **Just Share In The National Taxes.**
IV. With due respect, the constitutionality of R.A. 9009 is not an issue in this case. It was error on the part of the Honorable Court to consider the law arbitrary.	

That Issue No. IV (*i.e.*, the constitutionality of Republic Act No. 9009) appears in the *Motion for Reconsideration* but is not found in the *Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011)* is of no consequence, for the constitutionality of R.A. No. 9009 is neither relevant nor decisive in this case, the reference to said legislative enactment being only for purposes of discussion.

The *Motion for Reconsideration*, being a second motion for reconsideration, cannot be entertained. As to that, Section 2[4] of Rule 51 of the *Rules of Court* is unqualified. The Court has firmly held that a second motion for reconsideration is a prohibited pleading,[5] and only for extraordinarily persuasive reasons and only after an express leave has been first obtained may a second motion for reconsideration be entertained.[6] The restrictive policy *against* a second motion for reconsideration has been re-emphasized in the recently promulgated *Internal Rules of the Supreme*

Court, whose Section 3, Rule 15 states:

> Section 3. *Second motion for reconsideration.* - **The Court shall not entertain a second motion for reconsideration, and any exception to this rule can only be granted in the higher interest of justice by the Court *en banc* upon a vote of at least two-thirds of its actual membership.** There is reconsideration "in the higher interest of justice" when the assailed decision is not only legally erroneous, but is likewise patently unjust and potentially capable of causing unwarranted and irremediable injury or damage to the parties. **A second motion for reconsideration can only be entertained before the ruling sought to be reconsidered becomes final by operation of law or by the Court's declaration.**
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> In the Division, a vote of three Members shall be required to elevate a second motion for reconsideration to the Court *En Banc*.

We observe, too, that the prescription that a second motion for reconsideration "can only be entertained before the ruling sought to be reconsidered becomes final by operation of law or by the Court's declaration" even renders the denial of the petitioners' *Motion for Reconsideration* more compelling. As the resolution of April 12, 2011 bears out,[7] the ruling sought to be reconsidered became final *by the Court's express declaration*. Consequently, the denial of the *Motion for Reconsideration* is immediately warranted.

Still, the petitioners seem to contend that the Court had earlier entertained and granted the respondents' own second motion for reconsideration. There is no similarity between then and now, however, for the Court *en banc* itself unanimously declared in the resolution of June 2, 2009 that the respondents' second motion for reconsideration was "no longer a prohibited pleading."[8] No similar declaration favors the petitioners' *Motion for Reconsideration.*

Finally, considering that the petitioners' *Motion for Reconsideration* merely rehashes the issues previously put forward, particularly in the *Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011*), the Court, having already passed upon such issues with finality, finds no need to discuss the issues again to avoid repetition and redundancy.

Accordingly, the finality of the resolutions upholding the constitutionality of the 16 Cityhood Laws now absolutely warrants the granting of respondents' *Motion for Entry of Judgment*.

WHEREFORE, the Court denies the petitioners' *Motion for Leave to File Motion for Reconsideration of the Resolution of 12 April 2011* and the attached *Motion for Reconsideration of the Resolution of 12 April 2011*; grants the respondents' *Motion for Entry of Judgment* dated May 9, 2011; and directs the Clerk of Court to forthwith issue the Entry of Judgment in this case.

No further pleadings or submissions by any party shall be entertained.

SO ORDERED.

Corona, C.J., Velasco, Jr., Leonardo-De Castro, Abad, Perez, and *Mendoza*, *JJ.,* concur.
Carpio, J., see dissenting opinion.
Brion, J., I maintain my dissent.
Peralta, J., I maintain my vote.
Del Castillo, J., no part.
Villarama, Jr., J., I join J. Carpio in his dissent.
Sereno, J., see dissenting opinion. I join main dissent of J. Carpio.

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[1] The prayer for relief of the *Motion for Reconsideration* states:

WHEREFORE, Petitioners most respectfully pray that the Resolution dated 12 April 2011 be forthwith RECONSIDERED, REVERSED or SET ASIDE.

[2] The dispositive portion of the resolution of April 12, 2011 reads:

WHEREFORE, the *Ad Cautelam* Motion for Reconsideration (of the Decision dated 15 February 2011) is denied with finality.

SO ORDERED.

[3] The dispositive portion of the resolution of February 15, 2011 says:

WHEREFORE, the Motion for Reconsideration of the "Resolution" dated August 24, 2010, dated and filed on September 14, 2010 by respondents Municipality of Baybay, et al. is GRANTED. The Resolution dated August 24, 2010 is REVERSED and SET ASIDE. The Cityhood Laws--Republic Acts Nos. 9389, 9390, 9391, 9392, 9393, 9394, 9398, 9404, 9405, 9407, 9408, 9409, 9434, 9435, 9436, and 9491--are declared CONSTITUTIONAL.

SO ORDERED.

[4] Section 2. *Second motion for reconsideration*. - No second motion for reconsideration of a judgment or final resolution by the same party shall be entertained.

[5] *Securities and Exchange Commission v. PICOP Resources, Inc.*, 566 SCRA 451 (2008); *APO Fruits corporation v. Land Bank of the Philippines*, G.R. No. 164195, April 5, 2011; *Ortigas and Company Limited Partnership v. Velasco*, 254 SCRA 234.

[6] *Ortigas and Company Limited Partnership v. Velasco*, *supra*.

[7] *Supra*, note 2.

[8] The resolution of June 2, 2009 pertinently declared: