

BRAULIO BERNABE, PETITIONER, VS. HONORABLE AMBROCIO M. GERALDEZ, PRESIDING JUDGE, COURT OF FIRST INSTANCE OF BULACAN (STA. MARIA), BRANCH V, E. GERMAN CRUZ, JR., DEPUTY SHERIFF ...

G.R. No. L-39721. July 15, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

The procedural point raised in this certiorari proceeding by petitioner Braulio Bernabe is flimsy and insubstantial – and at that, such a characterization may suffer from being excessively mild. He did interpose the objection that after appealing from an adverse judgment in a forcible entry case, there was no trial de novo conducted by respondent Judge,[1] its affirmance being based on a review of the records of the case, both testimonial and documentary. Petitioner's counsel ought to have been aware that precisely what was done was in accordance with the present law on the subject,[2] which explicitly states: "In cases falling under the exclusive original jurisdiction of municipal and city courts which are appealed, to the courts of first instance, the decision of the latter shall be final." [3] Nonetheless, the petition was not dismissed outright as the decision on its face may be open to the assertion that it is less than satisfactory from the perspective of whether or not there was compliance with this Constitutional provision: "Every decision of a court of record shall clearly and distinctly state the facts and the law on which it is based." [4] For this is how it is worded: "This is an appeal by defendant Braulio Bernabe from the decision of the Municipal Court of Norzagaray ordering him to vacate the premises in dispute and to remove the house under construction and to pay P500 as attorney's fees. In the order of this Court of January 21, 1974, counsel of both parties were given 30 days period from receipt within which to submit their respective memoranda. Both counsel received the same but only counsel for the plaintiff complied. The records show that the defendant-appellant appealed this case for not having been satisfied with the decision of the lower court, and in view of his failure to submit a memorandum, he likewise failed to point out the errors, if any, committed by the municipal court. The appeal before this Court in effect is for a reconsideration of the decision of the court below, and in order to impress upon this Court that said decision is erroneous and should be reviewed, it is not enough that defendant-appellant is not satisfied with the decision but must show what part of the said decision is contrary to law or the evidence and must point out why it is so. After a review of the records of this case, both testimonial and documentary, this Court finds no reason to disturb the findings of the municipal court. The findings of the trial court command great respect and weight and should not be disturbed by the mere allegation that the defendant-appellant is not satisfied with the same. In this particular case the lower court even went to the extent of receiving evidence of ownership of the property in question in arriving at the issue of possession." [5] Its dispositive portion reads: "[Wherefore], the appealed decision of the Municipal Court of Norzagaray, Bulacan is hereby affirmed, with costs against the defendant-appellant." [6]

After careful reflection, the conclusion reached by us is that there is no disregard of the requirement set forth in the fundamental law as to the form to be followed by a court of record in framing its decision.

1. In the fairly recent case of *Mendoza v. Court of First Instance of Quezon*,^[7] citing *Jose v. Santos*,^[8] it was pointed out that the standard "expected of the judiciary 'is that the decision rendered makes clear why either party prevailed under, the applicable law to the facts as established. Nor is there any rigid formula as to the language to be employed to satisfy the requirement of clarity and distinctness. The discretion of the particular judge in this respect, while not unlimited, is necessarily broad. There is no sacramental form of words which he must use upon pain of being considered as having failed to abide by what the Constitution directs.'"^[9] It cannot be said of respondent Judge's decision that what is ordained by the Constitution had been ignored. A reading thereof suffices clearly to indicate why the action for forcible entry succeeded. There was no failing of sufficient gravity assuming that under the most strict interpretation one may be conjured, to warrant a nullification. It is not of the essence that the language employed states with particularity each and every element that enters into any judgment. It bears repeating that as long as the party litigants are fully cognizant of why the outcome of a case has to be thus, considering the facts established and the law applicable, it cannot be alleged with success that there was no deference shown to this provision of the Constitution.

2. There is nothing then that stands in the way of our affixing the seal of approval to the decision of respondent Judge. In terms of the criterion that spells the difference between obeisance to and lack of conformity with the constitutional mandate, there is no justification for a finding of any failure to abide by its command. The petition is even less defensible on the aforecited procedural ground. There is no need for a trial de novo. Republic Act No. 6031 speaks too clearly to be misinterpreted. As a matter of fact, counsel for petitioner conceded: "The petitioner in filing this petition was fully aware of the pertinent provision of Section 1 of Act No. 6031. But his right to seek justice and pity by having his case tried de novo is what he is asking this Honorable Court because by having the case tried anew in the court of First instance he will have the opportunity thru his undersigned counsel to present evidence which should have been presented during the trial in the lower court."^[10] Whatever sympathy is sought to be elicited by the above plea is minimized by what appears to be the failure of petitioner to present the proof on his behalf when he had the opportunity to do so before the municipal court and this on the hypothetical assumption that he could rely on a valid defense.

WHEREFORE, this petition is dismissed for lack of merit.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] The other respondents are E. German Cruz, Jr., the Deputy Sheriff of Bulacan and Jose Legaspi, the prevailing party.

[2] Republic Act No. 6031 (1969)

[3] Section 1 of Republic Act No. 6031 amending Section 45 of the Judiciary Act.

[4] Article X, Section 9 of the present Constitution. Its last sentence reads: "The Rules of Court shall govern the promulgation of minute resolutions."

[5] Decision, Annex A to Petition.

[6] Ibid.

[7] L-35612, June 27, 1973, 51 SCRA 369.

[8] L-25510, October 30, 1970, 35 SCRA 538.

[9] 51 SCRA 369, at 375.

[10] Memorandum for Petitioner, 3.

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