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7. ADJUDICATION (Rule 36)

1. Concept and Requirements

Adjudication is the rendition of a judgment or final order which disposes of the case on the merits.

Under the Rules of Civil Procedure, judgment is used in its generic term and therefore synonymous to decision. A judgment or final order determining the merits of the case shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him, and filed with the clerk of court.¹⁵⁷

2. Kinds of Judgment and Definitions

1. Without Reception of Evidence

1.1 Judgment on the Pleading

Where an answer fails to tender an issue, or otherwise admits the material allegations of the adverse party's pleading, the court may, on motion of that party, direct judgment on such pleading. However, in actions for declaration of nullity or annulment of marriage or for legal separation, the material facts alleged in the complaint shall always be proved.¹⁵⁸

1.2 Summary Judgment

A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory relief may, at any time after the pleading in answer thereto has been served, move with supporting affidavits, depositions or admissions for a summary judgment in his favor upon all or any part thereof.¹⁵⁹

A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory relief is sought may, at any time, move with supporting affidavits, depositions or admissions for a summary judgment in his favor as to all or any part thereof.¹⁶⁰

2. With Partial Reception of Evidence

2.1 Judgment by Default

If the defending party fails to answer within the time allowed therefore, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. Such reception of evidence may be delegated to the clerk of court.¹⁶¹

2.2 Judgment on Demurrer to Evidence:

After the plaintiff has completed the presentation of his evidence, the defendant may move for dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. If his motion is denied, he shall have the right to present evidence. If the motion is granted but on appeal the order of dismissal is reversed, he shall be deemed to have waived the right to present evidence.¹⁶²

Notes: A demurrer to evidence is differentiated from a motion to dismiss in that the former can be availed of only after the presentation of plaintiff's evidence while the latter is instituted as a general rule before a responsive pleading is filed.

When the motion for a demurrer to evidence is granted, the judgment of the court is considered on the merits and so it has to comply with Rule 36, Section 1, regarding the requirement that judgment should clearly and distinctly state the facts and the law on which it is based. If the motion is denied, the order is merely interlocutory.¹⁶³

3. Cases on Summary Judgment

1. The test for the propriety of a motion for summary judgment is whether the pleadings, affidavits and exhibits in support of the motion are sufficient to overcome the opposing papers and to justify the findings that, as a matter of law, there is no defense to the action or the claim is clearly meritorious.¹⁶⁴

2. Summary judgment may include a determination of the right to damages but not the amount of damages.¹⁶⁵ The court cannot also impose attorney's fees in a summary judgment in the absence of proof as to the amount thereof.¹⁶⁶

3. Mere denials, unaccompanied by any fact which would be admissible in evidence at a hearing, are not sufficient to raise a genuine issue of fact sufficient to destroy a motion for summary judgment even though such issue was formally raised by the pleadings.¹⁶⁷ Where all the facts are within the judicial knowledge of the court, summary judgment may be granted as a matter of law.¹⁶⁸

4. Courts are without discretion to deny a motion for summary judgment where there is no genuine issue as to a material fact. Summary judgment is available even if the pleadings ostensibly show genuine issue which by depositions or affidavits are shown not to be genuine.¹⁶⁹

5. Distinction between summary proceedings under Rule 34 (Judgment on the pleadings) and the summary proceedings under Rule 35 (Summary Judgment)

A different rationale operates in the latter for it arises out of facts already established or admitted during the pre-trial held beforehand, unlike the former where the judgment merely relies on the merits of the movant's allegations.¹⁷⁰

6. Discretion of Court To Render Judgment on the Pleadings

Under the Rules, if there is no controverted matter in the case after the answer is filed, the trial court has the discretion to grant a motion for judgment on the pleadings filed by a party. Where there are actual issues raised in the answer, such as one involving damages, which require the presentation of evidence and assessment thereof by the trial court, it is improper for a judge to render judgment based on the pleadings alone.¹⁷¹

7. A partial summary judgment may be rendered,¹⁷² but the same is interlocutory and not appealable.¹⁷³

4. Ordinary Judgment

1. No judge should decline to render judgment by reason of the silence, obscurity, or insufficiency of the law.¹⁷⁴

2. The court is not required to state in its decision all the facts found in the records. It is enough that the court

states the facts and law on which its decision is based.¹⁷⁵

Trial courts should not, however, merely reproduce everything testified to by the witnesses no matter how unimportant and immaterial it may be, even if this might lighten their work. By such indolent process, they only complicate and lengthen their decisions, beclouding and possibly misreading the real issues in their tiresome narration of the facts, including even those without bearing in the case. Judges should make an effort to sift the record and relieve it of all inconsequential matters, to give them a clearer view of how the real question is to be resolved and a better idea of how this resolution should be done.¹⁷⁶

2.1 Need to Particularize Facts

Without the concrete relation or statement in the judgment of the facts alleged and proved at the trial, it is not possible to pass upon and determine the issue raised in litigation, inasmuch as when the facts held to be proved are not set forth in a judicial controversy, it is impossible to administer justice, to apply the law to the points argued, or to uphold the rights of the litigant who has the law on his side.

It is not sufficient that the court or trial judge take into account the facts brought out in an action the circumstances of each question raised, and the nature and conditions of the proofs furnished by the parties. He must also set out in his decision the facts alleged by the contending parties which he finds to have been proven, the conclusions deduced therefrom and the opinion he has formed on the issues raised. Only then can he intelligently set forth the legal grounds and considerations proper in his opinion for the due determination of the case.¹⁷⁷

2.2 Reason for Award of Attorney's Fees Must be Stated in the Body of the Decision

The exercise of judicial discretion in the award of attorney's fee under Article 2208 (ii) of the New Civil Code demands a factual, legal, and equitable justification. Without such justification, the award is a conclusion without a premise, its basis being improperly left to speculation and conjecture.¹⁷⁸

3. The case should be decided in its totality, resolving all interlocutory issues in order to render justice to all concerned and to end litigation once and for all.¹⁷⁹

4. To be binding, a judgment must be duly signed and promulgated during the incumbency of the judge who signed it.¹⁸⁰ However, it is not unusual for a judge who did not try a case to decide on the basis of the records for the trial judge might have died, resigned, retired, or transferred.¹⁸¹

5. The 90-day period to decide a case shall be reckoned with from the date said case is submitted for decision despite the non-availability of the stenographic notes.¹⁸² In the same manner, the judge should decide the case even if the parties failed to submit memoranda within the given periods.¹⁸³

157 Rules of Court, Rule 36, Sec. 1.

158 Rules of Court, Rule 34, Sec. 1.

159 Rules of Court, Rule 35, Sec. 1.

160 Ibid., Sec. 2.

161 Rules of Court, Rule 9, Sec. 3.

162 Rules of Court, Rule 33, Sec. 1.

- 163 Nepomuceno v. Commission on Elections, G. R. No. 60601, December 29, 1983, 126 SCRA 472.
- 164 Estrada v. Consolacion, No. L-40948, June 29, 1976, 71 SCRA 523.
- 165 Jugador v. de Vera, 94 Phil. 704 [1954].
- 166 Warner, Barnes & Co., Ltd. v. Luzon Surety Co., Inc., 95 Phil. 924 [1954].
- 167 Fletcher v. Krise, 4 Fed. Rules Service, 765, March 3, 1941.
- 168 Fletcher v. Evening Newspaper Co., 3 Fed. Rules Service, 539, June 28, 1940; Miranda v. Malate Garage & Taxicab, Inc., 99 Phil. 670 [1956].
- 169 Diman v. Alumbres, G. R. No. 131466, November 27, 1998, 299 SCRA 459.
- 170 Velasquez v. Court of Appeals, G. R. No. 124049, June 30, 1999, 309 SCRA 539.
- 171 Spouses Hontiveros v. Regional Trial Court of Iloilo, Br. 25, G. R. No. 125465, June 29, 1999, 309 SCRA 340.
- 172 Rules of Court, Rule 35, Sec. 4.
- 173 Guevarra v. Court of Appeals, Nos. L-49017 and L-49024, August 30, 1983, 124 SCRA 297.
- 174 Civil Code, Art. 9.
- 175 People v. Derpo, Nos. L-41040 and 43908-10, December 14, 1988, 168 SCRA 447.
- 176 People v. Molina, G. R. No. 70008, April 26, 1990, 184 SCRA 597.
- 177 People v. Escobar, No. L-69564, January 29, 1988, 157 SCRA 541.
- 178 Mirasol v. dela Cruz, No. L-32552, July 31, 1978, 84 SCRA 337.
- 179 National Housing Authority v. Court of Appeals, L-50877, April 28, 1983, 121 SCRA 777.
- 180 Lao v. To-Chip, No. L-76597, February 26, 1988, 158 SCRA 243.
- 181 People v. Escalante, No. L-37147, August 22, 1984, 131 SCRA 237.
- 182 Lawan v. Moleta, A. M. No. 1696-MJ, June 19, 1979, 90 SCRA 579.
- 183 Salvador v. Salamanca, A. M. No. R-177-MTJ, September 24, 1986, 144 SCRA 276.

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