

ALFREDO CHUA PLAINTIFF-APPELLEE, VS. SPOUSES FELIX T. CHUA, JR. AND BERNARDITA CHUA DEFENDANTS-APPELLANTS.

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BORJA, J.,:

In their motion for reconsideration, defendants-appellants Spouses Chua contend that:

- The judgment on the pleadings or summary judgment is not appropriate nor applicable in the case below;
- A pre-trial is mandatory under the existing rules, before a judgment may be rendered in a case;
- The imposition or award of twelve (12%) percent per annum was not justified.

The grounds raised in the foregoing motion were already passed upon by the Court in its September 28, 2012 Decision. Thus, the Court held:

A closer reading of the records reveals that the trial court actually rendered a Summary Judgment although denominated as a Judgment on the Pleadings.

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[T]he determining factor for the grant of a summary judgment is the non-existence of a genuine issue. A “genuine issue” is such issue of facts which requires the presentation of evidence as distinguished from a sham, fictitious, contrived or false claim.

In the case at bench, while appellants admitted having incurred the loan, they however asserted the following special and affirmative defenses: a) the checks were issued only as a guaranty and not meant to be presented for payment; b) no fraud was employed by appellants; c) appellants paid P706,064.83 as replacement of the bounced checks; d) the case did not fall within the ambit of Rule 57; e) the filing of the complaint is premature as there was no demand; f) appellants had an agreement with the appellee that the former would pay their obligation as soon as they become financially able; g) the presentation and negotiation of the checks were done in bad faith; and h) the complaint was defective in form and substance. As issue apparently arise from these affirmative defenses, a summary judgment is proper.

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Anent the issue that pre-trial should be had before the trial court rendered judgment on the pleadings, or in the case at bench a summary judgment, this Court is likewise not convinced.

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A scrutiny of the xxx rules shows that both summary judgment and judgment on the pleadings may be issued or rendered before or after pre-trial. The rule only requires that the trial court shall consider the pleadings, supporting affidavits, depositions, and admissions on record.

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Furthermore, when an obligation is breached, and it consists in the payment of a sum of money, i.e. a loan or forbearance of money, the interest due should be that which may have been stipulated in writing. In the absence of such stipulation, the rate shall be 12% per annum computed from default, i.e. judicial or extrajudicial demand. In this case, the rate of interest was not stipulated in writing by both parties. Thus, the applicable interest rate is 12% per annum.

ACCORDINGLY, the motion for reconsideration is DENIED.

SO ORDERED.

Francisco and Badelles, JJ., concur.

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