

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

DR. ERNESTO A. BELEN,
Plaintiff-Appellee,

-versus-

**G.R. No. L-16412
November 30, 1962**

DR. CONRADO M. DE LEON,
Defendant-Appellant.

X-----X

DECISION

DIZON, J.:

The issue to be determined in this appeal is whether an electric floor fan used by appellant — a dentist by profession — in his clinic is exempt from execution.

The final judgment rendered in Civil Case No. 28436 of the Court of First Instance of Manila against Dr. Conrado M. de Leon and in favor of Dr. Ernesto A. Belen having become executory, the latter filed the corresponding motion for execution. On August 14, 1959, the writ of execution was issued and on the following day, pursuant thereto, the sheriff levied upon the following properties of the judgment debtor: one (1) Japanese dental unit equipment, including chair, and one (1) Westinghouse electric floor fan, and advertised them for sale at public

auction on August 25 of the same year to satisfy the aforesaid judgment in the sum of P1,360.10, with interests.

Before the date of the sale, the judgment debtor filed an urgent motion praying that the above-mentioned articles be declared exempt from execution on the ground that they constitute implements or equipment necessarily used by him in the practice of his profession as a dentist.

Resolving the same on September 25, 1959, the court declared the dental equipment, including chair, exempt, but not the electric floor fan. Hence the present appeal.

Under the provisions of paragraph b, Section 12, Rule 33 of the Rules of Court, “tools and implements necessarily used by the judgment debtor in his trade or employment” are exempt from execution.

The term “implement” (from the latin word “implementum”) generally means: to fill up or to complete. Its meaning includes an “article, as of apparel or furniture, serving to equip” (Webster, International Dictionary).

The weight of authority is for the liberal construction of statutes or rules providing for exemption from execution in order to give effect to their beneficent and humane purpose. To this end any reasonable doubt should be resolved in favor of exemption.

To the above we may add that judicial notice may be taken of the fact that most dental clinics are not spacious nor air-conditioned; that the work to be done by the dentist is of a delicate nature, while the lot of the patient is not exactly what may be called pleasant and desirable.

In view of the foregoing considerations, we believe that a humane construction of the provision under consideration justifies the conclusion that the electric floor fan in question is an implement necessarily used by appellant in the practice of his profession and should be deemed exempt from execution.

WHEREFORE, the decision below is modified in the sense of including the electric floor fan in question among the articles belonging to appellant exempt from execution. Without costs.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, Barrera, Paredes, Regala and Makalintal, JJ., concur. Bengzon, C.J., took no part.

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