

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

**Brother MARIANO “MIKE” Z. VELARDE,
*Petitioner,***

-versus-

**G.R. No. 159357
April 28, 2004**

**SOCIAL JUSTICE SOCIETY,
*Respondent.***

X-----X

DECISION

PANGANIBAN, J.:

A Decision that does not conform to the form and substance required by the Constitution and the law is void and deemed legally nonexistent. To be valid, decisions should comply with the form, the procedure and the substantive requirements laid out in the Constitution, the Rules of Court and relevant circulars/orders of the Supreme Court. For the guidance of the bench and the bar, the Court hereby discusses these forms, procedures and requirements.

The Case

Before us is a Petition for Review^[1] under Rule 45 of the Rules of Court, assailing the June 12, 2003 Decision^[2] and July 29, 2003 Order^[3] of the Regional Trial Court (RTC) of Manila (Branch 49).^[3]

The challenged Decision was the offshoot of a Petition for Declaratory Relief^[5] filed before the RTC-Manila by herein Respondent Social Justice Society (SJS) against herein Petitioner Mariano “Mike” Z. Velarde, together with His Eminence, Jaime Cardinal Sin, Executive Minister Eraño Manalo, Brother Eddie Villanueva and Brother Eliseo F. Soriano as co-respondents. The Petition prayed for the resolution of the question “whether or not the act of a religious leader like any of herein respondents, in endorsing the candidacy of a candidate for elective office or in urging or requiring the members of his flock to vote for a specified candidate, is violative of the letter or spirit of the constitutional provisions x x x.”^[6]

Alleging that the questioned Decision did not contain a statement of facts and a dispositive portion, herein petitioner filed a Clarificatory Motion and Motion for Reconsideration before the trial court. Soriano, his co-respondent, similarly filed a separate Motion for Reconsideration. In response, the trial court issued the assailed Order, which held as follows:

“x x x This Court cannot reconsider, because what it was asked to do, was only to clarify a Constitutional provision and to declare whether acts are violative thereof. The Decision did not make a dispositive portion because a dispositive portion is required only in coercive reliefs, where a redress from wrong suffered and the benefit that the prevailing party wronged should get. The step that these movants have to take, is direct appeal under Rule 45 of the Rules of Court, for a conclusive interpretation of the Constitutional provision to the Supreme Court.”^[7]

The Antecedent Proceedings

On January 28, 2003, SJS filed a Petition for Declaratory Relief (“SJS Petition”) before the RTC-Manila against Velarde and his aforesaid co-respondents. SJS, a registered political party, sought the interpretation of several constitutional provisions,^[8] specifically on the separation of church and state; and a declaratory judgment on the constitutionality of the acts of religious leaders endorsing a candidate

for an elective office, or urging or requiring the members of their flock to vote for a specified candidate.

The subsequent proceedings were recounted in the challenged Decision in these words:

“x x x. Bro. Eddie Villanueva submitted, within the original period [to file an Answer], a Motion to Dismiss. Subsequently, Executive Minister Eraño Manalo and Bro. Mike Velarde, filed their Motions to Dismiss. While His Eminence Jaime Cardinal L. Sin, filed a Comment and Bro. Eli Soriano, filed an Answer within the extended period and similarly prayed for the dismissal of the Petition. All sought the dismissal of the Petition on the common grounds that it does not state a cause of action and that there is no justiciable controversy. They were ordered to submit a pleading by way of advisement, which was closely followed by another Order denying all the Motions to Dismiss. Bro. Mike Velarde, Bro. Eddie Villanueva and Executive Minister Eraño Manalo moved to reconsider the denial. His Eminence Jaime Cardinal L. Sin, asked for extension to file memorandum. Only Bro. Eli Soriano complied with the first Order by submitting his Memorandum. x x x.

“x x x the Court denied the Motions to Dismiss, and the Motions for Reconsideration filed by Bro. Mike Velarde, Bro. Eddie Villanueva and Executive Minister Eraño Manalo, which raised no new arguments other than those already considered in the motions to dismiss x x x.”^[9]

After narrating the above incidents, the trial court said that it had jurisdiction over the Petition, because “in praying for a determination as to whether the actions imputed to the respondents are violative of Article II, Section 6 of the Fundamental Law, [the Petition] has raised only a question of law.”^[10] It then proceeded to a lengthy discussion of the issue raised in the Petition – the separation of church and state – even tracing, to some extent, the historical background of the principle. Through its discourse, the court a quo opined at some point that the “[e]ndorsement of specific candidates in an election to any public office is a clear violation of the separation clause.”^[11]

After its essay on the legal issue, however, the trial court failed to include a dispositive portion in its assailed Decision. Thus, Velarde and Soriano filed separate Motions for Reconsideration which, as mentioned earlier, were denied by the lower court.

Hence, this Petition for Review.^[12]

This Court, in a Resolution^[13] dated September 2, 2003, required SJS and the Office of the Solicitor General (OSG) to submit their respective comments. In the same Resolution, the Court gave the other parties -- impleaded as respondents in the original case below -- the opportunity to comment, if they so desired.

On April 13, 2004, the Court en banc conducted an Oral Argument.^[14]

The Issues

In his Petition, Brother Mike Velarde submits the following issues for this Court's resolution:

- “1. Whether or not the Decision dated 12 June 2003 rendered by the court a quo was proper and valid;
- “2. Whether or not there exists justiceable controversy in herein respondent's Petition for declaratory relief;
- “3. Whether or not herein respondent has legal interest in filing the Petition for declaratory relief;
- “4. Whether or not the constitutional question sought to be resolved by herein respondent is ripe for judicial determination;
- “5. Whether or not there is adequate remedy other than the declaratory relief; and,
- “6. Whether or not the court a quo has jurisdiction over the Petition for declaratory relief of herein respondent.”^[15]

During the Oral Argument, the issues were narrowed down and classified as follows:

“A. Procedural Issues

“Did the Petition for Declaratory Relief raise a justiciable controversy? Did it state a cause of action? Did respondent have any legal standing to file the Petition for Declaratory Relief?”

“B. Substantive Issues

“1. Did the RTC Decision conform to the form and substance required by the Constitution, the law and the Rules of Court?”

“2. May religious leaders like herein petitioner, Bro. Mike Velarde, be prohibited from endorsing candidates for public office? Corollarily, may they be banned from campaigning against said candidates?”

The Court’s Ruling

The Petition of Brother Mike Velarde is meritorious.

Procedural Issues:

Requisites of Petitions for Declaratory Relief

Section 1 of Rule 63 of the Rules of Court, which deals with petitions for declaratory relief, provides in part:

“Section 1. Who may file petition.- Any person interested under a deed, will, contract or other written instrument, whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, bring an action in the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his rights or duties thereunder.”

Based on the foregoing, an action for declaratory relief should be filed by a person interested under a deed, a will, a contract or other written instrument, and whose rights are affected by a statute, an executive order, a regulation or an ordinance. The purpose of the remedy is to interpret or to determine the validity of the written instrument and to seek a judicial declaration of the parties' rights or duties thereunder.^[16] The essential requisites of the action are as follows: (1) there is a justiciable controversy; (2) the controversy is between persons whose interests are adverse; (3) the party seeking the relief has a legal interest in the controversy; and (4) the issue is ripe for judicial determination.^[17]

Justiciable Controversy

Brother Mike Velarde contends that the SJS Petition failed to allege, much less establish before the trial court, that there existed a justiciable controversy or an adverse legal interest between them; and that SJS had a legal right that was being violated or threatened to be violated by petitioner. On the contrary, Velarde alleges that SJS premised its action on mere speculations, contingent events, and hypothetical issues that had not yet ripened into an actual controversy. Thus, its Petition for Declaratory Relief must fail.

A justiciable controversy refers to an existing case or controversy that is appropriate or ripe for judicial determination, not one that is conjectural or merely anticipatory.^[18] The SJS Petition for Declaratory Relief fell short of this test. It miserably failed to allege an existing controversy or dispute between the petitioner and the named respondents therein. Further, the Petition did not sufficiently state what specific legal right of the petitioner was violated by the respondents therein; and what particular act or acts of the latter were in breach of its rights, the law or the Constitution.

As pointed out by Brother Eliseo F. Soriano in his Comment,^[19] what exactly has he done that merited the attention of SJS? He confesses that he does not know the answer, because the SJS Petition (as well as the assailed Decision of the RTC) “yields nothing in this respect.” His Eminence, Jaime Cardinal Sin, adds that, at the time SJS filed its Petition on January 28, 2003, the election season had not even

started yet; and that, in any event, he has not been actively involved in partisan politics.

An initiatory complaint or petition filed with the trial court should contain “a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim x x x.”^[20] Yet, the SJS Petition stated no ultimate facts.

Indeed, SJS merely speculated or anticipated without factual moorings that, as religious leaders, the petitioner and his co-respondents below had endorsed or threatened to endorse a candidate or candidates for elective offices; and that such actual or threatened endorsement “will enable [them] to elect men to public office who [would] in turn be forever beholden to their leaders, enabling them to control the government”^[21] and “pos[ing] a clear and present danger of serious erosion of the people’s faith in the electoral process^[22] and reinforc[ing] their belief that religious leaders determine the ultimate result of elections,^[22] which would then be violative of the separation clause.

Such premise is highly speculative and merely theoretical, to say the least. Clearly, it does not suffice to constitute a justiciable controversy. The Petition does not even allege any indication or manifest intent on the part of any of the respondents below to champion an electoral candidate, or to urge their so-called flock to vote for, or not to vote for, a particular candidate. It is a time-honored rule that sheer speculation does not give rise to an actionable right.

Obviously, there is no factual allegation that SJS’ rights are being subjected to any threatened, imminent and inevitable violation that should be prevented by the declaratory relief sought. The judicial power and duty of the courts to settle actual controversies involving rights that are legally demandable and enforceable^[23] cannot be exercised when there is no actual or threatened violation of a legal right.

All that the 5-page SJS Petition prayed for was “that the question raised in paragraph 9 hereof be resolved.”^[24] In other words, it merely sought an opinion of the trial court on whether the speculated acts of

religious leaders endorsing elective candidates for political offices violated the constitutional principle on the separation of church and state. SJS did not ask for a declaration of its rights and duties; neither did it pray for the stoppage of any threatened violation of its declared rights. Courts, however, are proscribed from rendering an advisory opinion.^[25]

Cause of Action

Respondent SJS asserts that in order to maintain a petition for declaratory relief, a cause of action need not be alleged or proven. Supposedly, for such petition to prosper, there need not be any violation of a right, breach of duty or actual wrong committed by one party against the other.

Petitioner, on the other hand, argues that the subject matter of an action for declaratory relief should be a deed, a will, a contract (or other written instrument), a statute, an executive order, a regulation or an ordinance. But the subject matter of the SJS Petition is “the constitutionality of an act of a religious leader to endorse the candidacy of a candidate for elective office or to urge or require the members of the flock to vote for a specified candidate.”^[26] According to petitioner, this subject matter is “beyond the realm of an action for declaratory relief.”^[27] Petitioner avers that in the absence of a valid subject matter, the Petition fails to state a cause of action and, hence, should have been dismissed outright by the court a quo.

A cause of action is an act or an omission of one party in violation of the legal right or rights of another, causing injury to the latter.^[28] Its essential elements are the following: (1) a right in favor of the plaintiff; (2) an obligation on the part of the named defendant to respect or not to violate such right; and (3) such defendant’s act or omission that is violative of the right of the plaintiff or constituting a breach of the obligation of the former to the latter.^[29]

The failure of a complaint to state a cause of action is a ground for its outright dismissal.^[30] However, in special civil actions for declaratory relief, the concept of a cause of action under ordinary civil actions does not strictly apply. The reason for this exception is that an action for declaratory relief presupposes that there has been no actual

breach of the instruments involved or of rights arising thereunder.^[31] Nevertheless, a breach or violation should be impending, imminent or at least threatened.

A perusal of the Petition filed by SJS before the RTC discloses no explicit allegation that the former had any legal right in its favor that it sought to protect. We can only infer the interest, supposedly in its favor, from its bare allegation that it “has thousands of members who are citizens-taxpayers-registered voters and who are keenly interested in a judicial clarification of the constitutionality of the partisan participation of religious leaders in Philippine politics and in the process to insure adherence to the Constitution by everyone x x x.”^[32]

Such general averment does not, however, suffice to constitute a legal right or interest. Not only is the presumed interest not personal in character; it is likewise too vague, highly speculative and uncertain.^[33] The Rules require that the interest must be material to the issue and affected by the questioned act or instrument, as distinguished from simple curiosity or incidental interest in the question raised.^[34]

To bolster its stance, SJS cites the *Corpus Juris Secundum* and submits that the “[p]laintiff in a declaratory judgment action does not seek to enforce a claim against [the] defendant, but seeks a judicial declaration of [the] rights of the parties for the purpose of guiding [their] future conduct, and the essential distinction between a ‘declaratory judgment action’ and the usual ‘action’ is that no actual wrong need have been committed or loss have occurred in order to sustain the declaratory judgment action, although there must be no uncertainty that the loss will occur or that the asserted rights will be invaded.”^[35]

SJS has, however, ignored the crucial point of its own reference – that there must be no uncertainty that the loss will occur or that the asserted rights will be invaded. Precisely, as discussed earlier, it merely conjectures that herein petitioner (and his co-respondents below) might actively participate in partisan politics, use “the awesome voting strength of its faithful flock [to] enable it to elect men to public office x x x, enabling [it] to control the government.”^[36]

During the Oral Argument, though, Petitioner Velarde and his co-respondents below all strongly asserted that they had not in any way engaged or intended to participate in partisan politics. They all firmly assured this Court that they had not done anything to trigger the issue raised and to entitle SJS to the relief sought.

Indeed, the Court finds in the Petition for Declaratory Relief no single allegation of fact upon which SJS could base a right of relief from the named respondents. In any event, even granting that it sufficiently asserted a legal right it sought to protect, there was nevertheless no certainty that such right would be invaded by the said respondents. Not even the alleged proximity of the elections to the time the Petition was filed below (January 28, 2003) would have provided the certainty that it had a legal right that would be jeopardized or violated by any of those respondents.

Legal Standing

Legal standing or *locus standi* has been defined as a personal and substantial interest in the case, such that the party has sustained or will sustain direct injury as a result of the challenged act.^[37] Interest means a material interest in issue that is affected by the questioned act or instrument, as distinguished from a mere incidental interest in the question involved.^[38]

Petitioner alleges that “[i]n seeking declaratory relief as to the constitutionality of an act of a religious leader to endorse, or require the members of the religious flock to vote for a specific candidate, herein Respondent SJS has no legal interest in the controversy”;^[39] it has failed to establish how the resolution of the proffered question would benefit or injure it.

Parties bringing suits challenging the constitutionality of a law, an act or a statute must show “not only that the law [or act] is invalid, but also that [they have] sustained or [are] in immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that [they] suffer thereby in some indefinite way.”^[40] They must demonstrate that they have been, or are about to be, denied some right or privilege to which they are lawfully entitled, or

that they are about to be subjected to some burdens or penalties by reason of the statute or act complained of.^[41]

First, parties suing as taxpayers must specifically prove that they have sufficient interest in preventing the illegal expenditure of money raised by taxation.^[42] A taxpayer's action may be properly brought only when there is an exercise by Congress of its taxing or spending power.^[43] In the present case, there is no allegation, whether express or implied, that taxpayers' money is being illegally disbursed.

Second, there was no showing in the Petition for Declaratory Relief that SJS as a political party or its members as registered voters would be adversely affected by the alleged acts of the respondents below, if the question at issue was not resolved. There was no allegation that SJS had suffered or would be deprived of votes due to the acts imputed to the said respondents. Neither did it allege that any of its members would be denied the right of suffrage or the privilege to be voted for a public office they are seeking.

Finally, the allegedly keen interest of its "thousands of members who are citizens-taxpayers-registered voters" is too general^[44] and beyond the contemplation of the standards set by our jurisprudence. Not only is the presumed interest impersonal in character; it is likewise too vague, highly speculative and uncertain to satisfy the requirement of standing.^[45]

Transcendental Importance

In any event, SJS urges the Court to take cognizance of the Petition, even sans legal standing, considering that "the issues raised are of paramount public interest."

In not a few cases, the Court has liberalized the *locus standi* requirement when a petition raises an issue of transcendental significance or paramount importance to the people.^[46] Recently, after holding that the IBP had no *locus standi* to bring the suit, the Court in *IBP vs. Zamora*^[47] nevertheless entertained the Petition therein. It noted that "the IBP has advanced constitutional issues which deserve the attention of this Court in view of their seriousness, novelty and weight as precedents."^[48]

Similarly in the instant case, the Court deemed the constitutional issue raised in the SJS Petition to be of paramount interest to the Filipino people. The issue did not simply concern a delineation of the separation between church and state, but ran smack into the governance of our country. The issue was both transcendental in importance and novel in nature, since it had never been decided before.

The Court, thus, called for Oral Argument to determine with certainty whether it could resolve the constitutional issue despite the barren allegations in the SJS Petition as well as the abbreviated proceedings in the court below. Much to its chagrin, however, counsels for the parties -- particularly for Respondent SJS -- made no satisfactory allegations or clarifications that would supply the deficiencies hereinabove discussed. Hence, even if the Court would exempt this case from the stringent *locus standi* requirement, such heroic effort would be futile because the transcendental issue cannot be resolved anyway.

Proper Proceedings Before the Trial Court

To prevent a repetition of this waste of precious judicial time and effort, and for the guidance of the bench and the bar, the Court reiterates the elementary procedure^[49] that must be followed by trial courts in the conduct of civil cases.^[50]

Prefatorily, the trial court may -- *motu proprio* or upon motion of the defendant -- dismiss a complaint^[51] (or petition, in a special civil action) that does not allege the plaintiff's (or petitioner's) cause or causes of action.^[52] A complaint or petition should contain "a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim or defense."^[53] It should likewise clearly specify the relief sought.^[54]

Upon the filing of the complaint/petition and the payment of the requisite legal fees, the clerk of court shall forthwith issue the corresponding summons to the defendants or the respondents, with a directive that the defendant answer^[55] within 15 days, unless a different period is fixed by the court.^[56] The summons shall also

contain a notice that if such answer is not filed, the plaintiffs/petitioners shall take a judgment by default and may be granted the relief applied for.^[57] The court, however, may -- upon such terms as may be just -- allow an answer to be filed after the time fixed by the Rules.^[58]

If the answer sets forth a counterclaim or cross-claim, it must be answered within ten (10) days from service.^[59] A reply may be filed within ten (10) days from service of the pleading responded to.^[60]

When an answer fails to tender an issue or admits the material allegations of the adverse party's pleading, the court may, on motion of that party, direct judgment on such pleading (except in actions for declaration of nullity or annulment of marriage or for legal separation).^[61] Meanwhile, a party seeking to recover upon a claim, a counterclaim or crossclaim -- or to obtain a declaratory relief -- may, at any time after the answer thereto has been served, move for a summary judgment in its favor.^[62] Similarly, a party against whom a claim, a counterclaim or crossclaim is asserted -- or a declaratory relief sought -- may, at any time, move for a summary judgment in its favor.^[63] After the motion is heard, the judgment sought shall be rendered forthwith if there is a showing that, except as to the amount of damages, there is no genuine issue as to any material fact; and that the moving party is entitled to a judgment as a matter of law.^[64]

Within the time for -- but before -- filing the answer to the complaint or petition, the defendant may file a motion to dismiss based on any of the grounds stated in Section 1 of Rule 16 of the Rules of Court. During the hearing of the motion, the parties shall submit their arguments on the questions of law, and their evidence on the questions of fact.^[65] After the hearing, the court may dismiss the action or claim, deny the motion, or order the amendment of the pleadings. It shall not defer the resolution of the motion for the reason that the ground relied upon is not indubitable. In every case, the resolution shall state clearly and distinctly the reasons therefor.^[66]

If the motion is denied, the movant may file an answer within the balance of the period originally prescribed to file an answer, but not less than five (5) days in any event, computed from the receipt of the notice of the denial. If the pleading is ordered to be amended, the

defendant shall file an answer within fifteen (15) days, counted from the service of the amended pleading, unless the court provides a longer period.^[67]

After the last pleading has been served and filed, the case shall be set for pretrial,^[68] which is a mandatory proceeding.^[69] A plaintiff's/petitioner's (or its duly authorized representative's) non-appearance at the pretrial, if without valid cause, shall result in the dismissal of the action with prejudice, unless the court orders otherwise. A similar failure on the part of the defendant shall be a cause for allowing the plaintiff/petitioner to present evidence ex parte, and the court to render judgment on the basis thereof.^[70]

The parties are required to file their pretrial briefs; failure to do so shall have the same effect as failure to appear at the pretrial.^[71] Upon the termination thereof, the court shall issue an order reciting in detail the matters taken up at the conference; the action taken on them, the amendments allowed to the pleadings; and the agreements or admissions, if any, made by the parties regarding any of the matters considered.^[72] The parties may further avail themselves of any of the modes of discovery,^[73] if they so wish.

Thereafter, the case shall be set for trial,^[74] in which the parties shall adduce their respective evidence in support of their claims and/or defenses. By their written consent or upon the application of either party, or on its own motion, the court may also order any or all of the issues to be referred to a commissioner, who is to be appointed by it or to be agreed upon by the parties.^[75] The trial or hearing before the commissioner shall proceed in all respects as it would if held before the court.^[76]

Upon the completion of such proceedings, the commissioner shall file with the court a written report on the matters referred by the parties.^[77] The report shall be set for hearing, after which the court shall issue an order adopting, modifying or rejecting it in whole or in part; or recommitting it with instructions; or requiring the parties to present further evidence before the commissioner or the court.^[78]

Finally, a judgment or final order determining the merits of the case shall be rendered. The decision 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 the issuing magistrate, and filed with the clerk of court.^[79]

Based on these elementary guidelines, let us examine the proceedings before the trial court in the instant case.

First, with respect to the initiatory pleading of the SJS. Even a cursory perusal of the Petition immediately reveals its gross inadequacy. It contained no statement of ultimate facts upon which the petitioner relied for its claim. Furthermore, it did not specify the relief it sought from the court, but merely asked it to answer a hypothetical question.

Relief, as contemplated in a legal action, refers to a specific coercive measure prayed for as a result of a violation of the rights of a plaintiff or a petitioner.^[80] As already discussed earlier, the Petition before the trial court had no allegations of fact^[81] or of any specific violation of the petitioner's rights, which the respondents had a duty to respect. Such deficiency amounted to a failure to state a cause of action; hence, no coercive relief could be sought and adjudicated. The Petition evidently lacked substantive requirements and, we repeat, should have been dismissed at the outset.

Second, with respect to the trial court proceedings. Within the period set to file their respective answers to the SJS Petition, Velarde, Villanueva and Manalo filed Motions to Dismiss; Cardinal Sin, a Comment; and Soriano, within a priorly granted extended period, an Answer in which he likewise prayed for the dismissal of the Petition.^[82] SJS filed a Rejoinder to the Motion of Velarde, who subsequently filed a Sur-Rejoinder. Supposedly, there were "several scheduled settings, in which the "[c]ourt was apprised of the respective positions of the parties."^[83] The nature of such settings -- whether pretrial or trial hearings -- was not disclosed in the records. Before ruling on the Motions to Dismiss, the trial court issued an Order^[84] dated May 8, 2003, directing the parties to submit their memoranda. Issued shortly thereafter was another Order^[85] dated May 14, 2003, denying all the Motions to Dismiss.

In the latter Order, the trial court perfunctorily ruled:

“The Court now resolves to deny the Motions to Dismiss, and after all the memoranda are submitted, then, the case shall be deemed as submitted for resolution.”^[86]

Apparently, contrary to the requirement of Section 2 of Rule 16 of the Rules of Court, the Motions were not heard. Worse, the Order purportedly resolving the Motions to Dismiss did not state any reason at all for their denial, in contravention of Section 3 of the said Rule 16. There was not even any statement of the grounds relied upon by the Motions; much less, of the legal findings and conclusions of the trial court.

Thus, Velarde, Villanueva and Manalo moved for reconsideration. Pending the resolution of these Motions for Reconsideration, Villanueva filed a Motion to suspend the filing of the parties' memoranda. But instead of separately resolving the pending Motions fairly and squarely, the trial court again transgressed the Rules of Court when it immediately proceeded to issue its Decision, even before tackling the issues raised in those Motions.

Furthermore, the RTC issued its “Decision” without allowing the parties to file their answers. For this reason, there was no joinder of the issues. If only it had allowed the filing of those answers, the trial court would have known, as the Oral Argument revealed, that the petitioner and his co-respondents below had not committed or threatened to commit the act attributed to them (endorsing candidates) -- the act that was supposedly the factual basis of the suit.

Parenthetically, the court a quo further failed to give a notice of the Petition to the OSG, which was entitled to be heard upon questions involving the constitutionality or validity of statutes and other measures.^[87]

Moreover, as will be discussed in more detail, the questioned Decision of the trial court was utterly wanting in the requirements prescribed by the Constitution and the Rules of Court.

All in all, during the loosely abbreviated proceedings of the case, the trial court indeed acted with inexplicable haste, with total ignorance

of the law -- or, worse, in cavalier disregard of the rules of procedure -
- and with grave abuse of discretion.

Contrary to the contentions of the trial judge and of SJS, proceedings for declaratory relief must still follow the process described above -- the petition must state a cause of action; the proceedings must undergo the procedure outlined in the Rules of Court; and the decision must adhere to constitutional and legal requirements.

First Substantive Issue:

Fundamental Requirements of a Decision

The Constitution commands that “[n]o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based. No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the basis therefor.”^[88]

Consistent with this constitutional mandate, Section 1 of Rule 36 of the Rules on Civil Procedure similarly provides:

“Sec. 1. Rendition of judgments and final orders. – 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.”

In the same vein, Section 2 of Rule 120 of the Rules of Court on Criminal Procedure reads as follows:

“Sec. 2. Form and contents of judgments. -- The judgment must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts proved or admitted by the accused and the law upon which the judgment is based.

“x x x”

Pursuant to the Constitution, this Court also issued on January 28, 1988, Administrative Circular No. 1, prompting all judges “to make complete findings of facts in their decisions, and scrutinize closely the legal aspects of the case in the light of the evidence presented. They should avoid the tendency to generalize and form conclusions without detailing the facts from which such conclusions are deduced.”

In many cases,^[89] this Court has time and time again reminded “magistrates to heed the demand of Section 14, Article VIII of the Constitution.” The Court, through Chief Justice Hilario G. Davide Jr. in Yao vs. Court of Appeals,^[90] discussed at length the implications of this provision and strongly exhorted thus:

“Faithful adherence to the requirements of Section 14, Article VIII of the Constitution is indisputably a paramount component of due process and fair play. It is likewise demanded by the due process clause of the Constitution. The parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to the higher court, if permitted, should he believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is precisely prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. More than that, the requirement is an assurance to the parties that, in reaching judgment, the judge did so through the processes of legal reasoning. It is, thus, a safeguard against the impetuosity of the judge, preventing him from deciding *ipse dixit*. Vouchsafed neither the sword nor the purse by the Constitution but nonetheless vested with the sovereign prerogative of passing judgment on the life, liberty or property of his fellowmen, the judge must ultimately depend on the power of reason for sustained public confidence in the justness of his decision.”

In People vs. Bugarin,^[91] the Court also explained:

“The requirement that the decisions of courts must be in writing and that they must set forth clearly and distinctly the facts and the law on which they are based serves many functions. It is intended, among other things, to inform the parties of the reason or reasons for the decision so that if any of them appeals, he can point out to the appellate court the finding of facts or the rulings on points of law with which he disagrees. More than that, the requirement is an assurance to the parties that, in reaching judgment, the judge did so through the processes of legal reasoning. x x x.”

Indeed, elementary due process demands that the parties to a litigation be given information on how the case was decided, as well as an explanation of the factual and legal reasons that led to the conclusions of the court.^[92]

In *Madrid vs. Court of Appeals*,^[93] this Court had instructed magistrates to exert effort to ensure that their decisions would present a comprehensive analysis or account of the factual and legal findings that would substantially address the issues raised by the parties.

In the present case, it is starkly obvious that the assailed Decision contains no statement of facts -- much less an assessment or analysis thereof -- or of the court's findings as to the probable facts. The assailed Decision begins with a statement of the nature of the action and the question or issue presented. Then follows a brief explanation of the constitutional provisions involved, and what the Petition sought to achieve. Thereafter, the ensuing procedural incidents before the trial court are tracked. The Decision proceeds to a full-length opinion on the nature and the extent of the separation of church and state. Without expressly stating the final conclusion she has reached or specifying the relief granted or denied, the trial judge ends her “Decision” with the clause “SO ORDERED.”

What were the antecedents that necessitated the filing of the Petition? What exactly were the distinct facts that gave rise to the question sought to be resolved by SJS? More important, what were the factual findings and analysis on which the trial court based its legal findings

and conclusions? None were stated or implied. Indeed, the RTC's Decision cannot be upheld for its failure to express clearly and distinctly the facts on which it was based. Thus, the trial court clearly transgressed the constitutional directive.

The significance of factual findings lies in the value of the decision as a precedent. How can it be so if one cannot apply the ruling to similar circumstances, simply because such circumstances are unknown? Otherwise stated, how will the ruling be applied in the future, if there is no point of factual comparison?

Moreover, the court a quo did not include a resolutive or dispositive portion in its so-called Decision. The importance of such portion was explained in the early case *Manalang vs. Tuason de Rickards*,^[94] from which we quote:

“The resolution of the Court on a given issue as embodied in the dispositive part of the decision or order is the investitive or controlling factor that determines and settles the rights of the parties and the questions presented therein, notwithstanding the existence of statements or declaration in the body of said order that may be confusing.”

The assailed Decision in the present case leaves us in the dark as to its final resolution of the Petition. To recall, the original Petition was for declaratory relief. So, what relief did the trial court grant or deny? What rights of the parties did it conclusively declare? Its final statement says, “SO ORDERED.” But what exactly did the court order? It had the temerity to label its issuance a “Decision,” when nothing was in fact decided.

Respondent SJS insists that the dispositive portion can be found in the body of the assailed Decision. It claims that the issue is disposed of and the Petition finally resolved by the statement of the trial court found on page 10 of its 14-page Decision, which reads: “Endorsement of specific candidates in an election to any public office is a clear violation of the separation clause.”^[95]

We cannot agree.

In *Magdalena Estate, Inc. vs. Caluag*,^[96] the obligation of the party imposed by the Court was allegedly contained in the text of the original Decision. The Court, however, held:

“x x x The quoted finding of the lower court cannot supply deficiencies in the dispositive portion. It is a mere opinion of the court and the rule is settled that where there is a conflict between the dispositive part and the opinion, the former must prevail over the latter on the theory that the dispositive portion is the final order while the opinion is merely a statement ordering nothing.” (Italics in the original)

Thus, the dispositive portion cannot be deemed to be the statement quoted by SJS and embedded in the last paragraph of page 10 of the assailed 14-page Decision. If at all, that statement is merely an answer to a hypothetical legal question and just a part of the opinion of the trial court. It does not conclusively declare the rights (or obligations) of the parties to the Petition. Neither does it grant any -- much less, the proper -- relief under the circumstances, as required of a dispositive portion.

Failure to comply with the constitutional injunction is a grave abuse of discretion amounting to lack or excess of jurisdiction. Decisions or orders issued in careless disregard of the constitutional mandate are a patent nullity and must be struck down as void.^[97]

Parts of a Decision

In general, the essential parts of a good decision consist of the following: (1) statement of the case; (2) statement of facts; (3) issues or assignment of errors; (4) court ruling, in which each issue is, as a rule, separately considered and resolved; and, finally, (5) dispositive portion. The ponente may also opt to include an introduction or a prologue as well as an epilogue, especially in cases in which controversial or novel issues are involved.^[98]

An introduction may consist of a concise but comprehensive statement of the principal factual or legal issue/s of the case. In some cases -- particularly those concerning public interest; or involving complicated commercial, scientific, technical or otherwise rare

subject matters -- a longer introduction or prologue may serve to acquaint readers with the specific nature of the controversy and the issues involved. An epilogue may be a summation of the important principles applied to the resolution of the issues of paramount public interest or significance. It may also lay down an enduring philosophy of law or guiding principle.

Let us now, again for the guidance of the bench and the bar, discuss the essential parts of a good decision.

1. Statement of the Case

The Statement of the Case consists of a legal definition of the nature of the action. At the first instance, this part states whether the action is a civil case for collection, ejection, quieting of title, foreclosure of mortgage, and so on; or, if it is a criminal case, this part describes the specific charge -- quoted usually from the accusatory portion of the information -- and the plea of the accused. Also mentioned here are whether the case is being decided on appeal or on a petition for certiorari, the court of origin, the case number in the trial court, and the dispositive portion of the assailed decision.

In a criminal case, the verbatim reproduction of the criminal information serves as a guide in determining the nature and the gravity of the offense for which the accused may be found culpable. As a rule, the accused cannot be convicted of a crime different from or graver than that charged.

Also, quoting verbatim the text of the information is especially important when there is a question on the sufficiency of the charge, or on whether qualifying and modifying circumstances have been adequately alleged therein.

To ensure that due process is accorded, it is important to give a short description of the proceedings regarding the plea of the accused. Absence of an arraignment, or a serious irregularity therein, may render the judgment void, and further consideration by the appellate court would be futile. In some instances, especially in appealed cases, it would also be useful to mention the fact of the appellants'

detention, in order to dispose of the preliminary query -- whether or not they have abandoned their appeal by absconding or jumping bail.

Mentioning the court of origin and the case number originally assigned helps in facilitating the consolidation of the records of the case in both the trial and the appellate courts, after entry of final judgment.

Finally, the reproduction of the decretal portion of the assailed decision informs the reader of how the appealed case was decided by the court a quo.

2. Statement of Facts

There are different ways of relating the facts of the case. First, under the objective or reportorial method, the judge summarizes -- without comment -- the testimony of each witness and the contents of each exhibit. Second, under the synthesis method, the factual theory of the plaintiff or prosecution and then that of the defendant or defense is summarized according to the judge's best light. Third, in the subjective method, the version of the facts accepted by the judge is simply narrated without explaining what the parties' versions are. Finally, through a combination of objective and subjective means, the testimony of each witness is reported and the judge then formulates his or her own version of the facts.

In criminal cases, it is better to present both the version of the prosecution and that of the defense, in the interest of fairness and due process. A detailed evaluation of the contentions of the parties must follow. The resolution of most criminal cases, unlike civil and other cases, depends to a large extent on the factual issues and the appreciation of the evidence. The plausibility or the implausibility of each version can sometimes be initially drawn from a reading of the facts. Thereafter, the bases of the court in arriving at its findings and conclusions should be explained.

On appeal, the fact that the assailed decision of the lower court fully, intelligently and correctly resolved all factual and legal issues involved may partly explain why the reviewing court finds no reason to reverse the findings and conclusions of the former. Conversely, the

lower court's patent misappreciation of the facts or misapplication of the law would aid in a better understanding of why its ruling is reversed or modified.

In appealed civil cases, the opposing sets of facts no longer need to be presented. Issues for resolution usually involve questions of law, grave abuse of discretion, or want of jurisdiction; hence, the facts of the case are often undisputed by the parties. With few exceptions, factual issues are not entertained in non-criminal cases. Consequently, the narration of facts by the lower court, if exhaustive and clear, may be reproduced; otherwise, the material factual antecedents should be restated in the words of the reviewing magistrate.

In addition, the reasoning of the lower court or body whose decision is under review should be laid out, in order that the parties may clearly understand why the lower court ruled in a certain way, and why the reviewing court either finds no reason to reverse it or concludes otherwise.

3. Issues or Assignment of Errors

Both factual and legal issues should be stated. On appeal, the assignment of errors, as mentioned in the appellant's brief, may be reproduced in toto and tackled seriatim, so as to avoid motions for reconsideration of the final decision on the ground that the court failed to consider all assigned errors that could affect the outcome of the case. But when the appellant presents repetitive issues or when the assigned errors do not strike at the main issue, these may be restated in clearer and more coherent terms.

Though not specifically questioned by the parties, additional issues may also be included, if deemed important for substantial justice to be rendered. Note that appealed criminal cases are given de novo review, in contrast to noncriminal cases in which the reviewing court is generally limited to issues specifically raised in the appeal. The few exceptions are errors of jurisdiction; questions not raised but necessary in arriving at a just decision on the case; or unassigned errors that are closely related to those properly assigned, or upon which depends the determination of the question properly raised.

4. The Court's Ruling

This part contains a full discussion of the specific errors or issues raised in the complaint, petition or appeal, as the case may be; as well as of other issues the court deems essential to a just disposition of the case. Where there are several issues, each one of them should be separately addressed, as much as practicable. The respective contentions of the parties should also be mentioned here. When procedural questions are raised in addition to substantive ones, it is better to resolve the former preliminarily.

5. The Disposition or Dispositive Portion

In a criminal case, the disposition should include a finding of innocence or guilt, the specific crime committed, the penalty imposed, the participation of the accused, the modifying circumstances if any, and the civil liability and costs. In case an acquittal is decreed, the court must order the immediate release of the accused, if detained, (unless they are being held for another cause) and order the director of the Bureau of Corrections (or wherever the accused is detained) to report, within a maximum of ten (10) days from notice, the exact date when the accused were set free.

In a civil case as well as in a special civil action, the disposition should state whether the complaint or petition is granted or denied, the specific relief granted, and the costs. The following test of completeness may be applied. First, the parties should know their rights and obligations. Second, they should know how to execute the decision under alternative contingencies. Third, there should be no need for further proceedings to dispose of the issues. Fourth, the case should be terminated by according the proper relief. The "proper relief" usually depends upon what the parties seek in their pleadings. It may declare their rights and duties, command the performance of positive prestations, or order them to abstain from specific acts. The disposition must also adjudicate costs.

The foregoing parts need not always be discussed in sequence. But they should all be present and plainly identifiable in the decision. Depending on the writer's character, genre and style, the language

should be fresh and free-flowing, not necessarily stereotyped or in a fixed form; much less highfalutin, hackneyed and pretentious. At all times, however, the decision must be clear, concise, complete and correct.

Second Substantive Issue:

Religious Leaders' Endorsement of Candidates for Public Office

The basic question posed in the SJS Petition -- WHETHER ENDORSEMENTS OF CANDIDACIES BY RELIGIOUS LEADERS IS UNCONSTITUTIONAL -- undoubtedly deserves serious consideration. As stated earlier, the Court deems this constitutional issue to be of paramount interest to the Filipino citizenry, for it concerns the governance of our country and its people. Thus, despite the obvious procedural transgressions by both SJS and the trial court, this Court still called for Oral Argument, so as not to leave any doubt that there might be room to entertain and dispose of the SJS Petition on the merits.

Counsel for SJS has utterly failed, however, to convince the Court that there are enough factual and legal bases to resolve the paramount issue. On the other hand, the Office of the Solicitor General has sided with petitioner insofar as there are no facts supporting the SJS Petition and the assailed Decision.

We reiterate that the said Petition failed to state directly the ultimate facts that it relied upon for its claim. During the Oral Argument, counsel for SJS candidly admitted that there were no factual allegations in its Petition for Declaratory Relief. Neither were there factual findings in the assailed Decision. At best, SJS merely asked the trial court to answer a hypothetical question. In effect, it merely sought an advisory opinion, the rendition of which was beyond the court's constitutional mandate and jurisdiction.^[99]

Indeed, the assailed Decision was rendered in clear violation of the Constitution, because it made no findings of facts and final disposition. Hence, it is void and deemed legally nonexistent.

Consequently, there is nothing for this Court to review, affirm, reverse or even just modify.

Regrettably, it is not legally possible for the Court to take up, on the merits, the paramount question involving a constitutional principle. It is a time-honored rule that “the constitutionality of a statute [or act] will be passed upon only if, and to the extent that, it is directly and necessarily involved in a justiciable controversy and is essential to the protection of the rights of the parties concerned.”^[100]

WHEREFORE, the Petition for Review of Brother Mike Velarde is **GRANTED**. The assailed June 12, 2003 Decision and July 29, 2003 Order of the Regional Trial Court of Manila (Branch 49) are hereby **DECLARED NULL AND VOID** and thus **SET ASIDE**. The SJS Petition for Declaratory Relief is **DISMISSED** for failure to state a cause of action.

Let a copy of this Decision be furnished the Office of the Court Administrator to evaluate and recommend whether the trial judge may, after observing due process, be held administratively liable for rendering a decision violative of the Constitution, the Rules of Court and relevant circulars of this Court. No costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Vitug, J., in the result.

Ynares-Santiago, J., no part.

Corona, J., on leave.

[1] Rollo, pp. 3-37.

[2] Id., pp. 39-52.

[3] Id., p. 54.

[4] Presided by Judge Concepcion S. Alarcon-Vergara.

[5] Rollo, pp. 270-276. Docketed as Civil Case No. 03-105642 in the RTC.

[6] Assailed Decision, p. 1; Rollo, p. 39. Original in upper case.

[7] Rollo, p. 54.

[8] In particular, the following provisions of the Constitution were mentioned in the SJS Petition:

“The separation of church and state shall be inviolable.” (§6 of Article II)

“The state shall promote social justice in all phases of national development.” (§10, Article II)

“No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.” (§5 of Article III)

[9] Assailed Decision, pp. 2-3; Rollo, pp. 40-41.

[10] *Id.*, pp. 3 & 41.

[11] *Id.*, pp. 10 & 48.

[12] The Petition was deemed submitted for decision on April 19, 2004, upon receipt of the parties' Memoranda. Petitioner's Memorandum was signed by Attys. Joselito Guianan Chan and Cesar Becerro Tuoza. On the other hand, respondent's Memorandum was signed by Atty. Samson S. Alcantara. The Office of the Solicitor General's Memorandum was signed by Assistant Solicitors General Antonio L. Villamor and Ma. Antonia Edita C. Dizon, Solicitor Rico Sebastian D. Liwanag and Associate Solicitor Bernardino P. Salvador Jr. The Memorandum of Bro. Eddie Villanueva was signed by Atty. Eric Paul I. Fetalino; while that of Cardinal Sin, by Atty. Maria Liza A. Lopez-Rosario. Iglesia ni Cristo's counsel, Atty. Abraham G. Espejo, filed a Manifestation adopting INC's Petition, which had been filed with the Court of Appeals, as Memorandum.

[13] Rollo, p. 126.

[14] Atty. Joselito Guianan Chan argued for Petitioner Velarde; Atty. Samson Alcantara, for Respondent SJS; Atty. Eric Paul Fetalino, for Bro. Eddie Villanueva; Atty. Maria Liza Lopez-Rosario, for His Eminence Jaime Cardinal Sin; Atty. Abraham Espejo, for Executive Minister Eraño Manalo; and Solicitor Rico Sebastian D. Liwanag, for the OSG. Bro. Eliseo F. Soriano, through Counsel Rene A.V. Saguisag, filed a Manifestation dated April 10, 2004, which the Court accepted in lieu of oral argument.

[15] Petition, pp. 9-10; Rollo, pp. 11-12. Original in upper case.

[16] *Gozun vs. Liangco*, 339 SCRA 253, August 30, 2000; *Vda. De Aviles vs. Court of Appeals*, 264 SCRA 473, November 21, 1996.

[17] *Board of Optometry vs. Colet*, 260 SCRA 88, July 30, 1996; *Gozun vs. Liangco*, *supra*; citing *Galarosa vs. Valencia*, 227 SCRA 728, 737, November 11, 1993; *Office of the Ombudsman vs. Judge Ibay*, 364 SCRA 281, September 3, 2001.

[18] *Board of Optometry vs. Colet*, *supra*.

[19] Rollo, pp. 163-175.

[20] §1 of Rule 8 of the Rules of Court.

[21] Petition for Declaratory Relief, p. 4; Rollo, p. 273.

[22] *Ibid.*

[23] §1 of Art. VIII of the Constitution.

[24] Paragraph 9 of the SJS Petition reads:

“Whether or not the act of a religious leader, like any of herein respondents, in endorsing the candidacy of a candidate for elective office or in urging or requiring the members of his flock to vote for a specified candidate, is violative of the letter or spirit of the constitutional provisions herein abovequoted.” (All capital letters in the original.)

- [25] PACU vs. Sec. of Education, 97 Phil 806, October 31, 1955; People vs. Vera, 65 Phil 56, November 16, 1937; Agra vs. Philippine National Bank, 368 Phil 829, June 29, 1999; Gonzales vs. Narvasa, 337 SCRA 733, August 14, 2000; Pimentel Jr. vs. House of Representatives Electoral Tribunal, 393 SCRA 227, November 29, 2002; Gozun vs. Liangco, *supra*.
- [26] Petition for Review, p. 16; Rollo, p. 18.
- [27] *Ibid*.
- [28] Rebollido vs. Court of Appeals, 170 SCRA 800, February 28, 1989; Leberman Realty Corporation vs. Typingco, 293 SCRA 316, July 29, 1998.
- [29] Parañaque Kings Enterprises, Incorporated vs. Court Of Appeals, 335 Phil. 1184, February 26, 1997, citing Dulay vs. Court of Appeals, 313 Phil. 8, April 3, 1995; Virata vs. Sandiganbayan, 272 SCRA 661, May 27, 1997.
- [30] §1(g) of Rule 16 in relation to §3, Rule 17 of the Rules of Court.
- [31] Regalado, Remedial Law Compendium, 6th revised ed., p. 693.
- [32] Petition for Declaratory Relief, p. 3; Rollo, p. 272.
- [33] Integrated Bar of the Philippines vs. Zamora, 338 SCRA 81, August 15, 2000.
- [34] *Ibid*.
- [35] Comment, p. 3; Rollo, p. 151.
- [36] Petition for Declaratory Relief, p. 4; *id.*, p. 273.
- [37] Integrated Bar of the Philippines vs. Zamora, *supra*; citing Joya vs. PCGG, 225 SCRA 568, 576, August 24, 1993.
- [38] *Id*.
- [39] Petition for Review, p. 20; Rollo, p. 22.
- [40] BAYAN (Bagong Alyansang Makabayan) vs. Executive Secretary, 342 SCRA 449, October 10, 2000.
- [41] *Ibid*.
- [42] Del Mar vs. Philippine Amusement and Gaming Corporation, 346 SCRA 485, November 29, 2000.
- [43] Telecommunications and Broadcast Attorneys of the Phil., Inc. vs. Comelec, 289 SCRA 337, April 21, 1998; Sanidad vs. Comelec, 73 SCRA 333, October 12, 1976.
- [44] See *IBP vs. Zamora*, *supra*.
- [45] *Ibid*. See also *Tolentino vs. Board of Accountancy*, 90 Phil. 83, September 28, 1951.
- [46] *Tatad vs. Secretary of the Department of Energy*, 281 SCRA 330, November 5, 1997; *Garcia vs. Executive Secretary*, 211 SCRA 219, July 3, 1992; *Joya vs. PCGG*, *supra*; *Kilosbayan, Inc. vs. Guingona Jr.*, 232 SCRA 110, May 5, 1994.
- [47] *Supra*.
- [48] *Id.*, p. 102, per Kapunan, J.
- [49] Rule 5 of the Rules of Court, which prescribes a uniform procedure in trial courts, reads thus:

“Section 1. Uniform procedure. – The procedure in the Municipal Trial Courts shall be the same as in the Regional Trial Courts except (a) where a particular provision expressly or impliedly applies only to either of said courts, or (b) in civil cases governed by the Rule on Summary Procedure.”

[50] §3 of Rule 1 of the Rules of Court provides:

“Cases governed. -- These Rules shall govern the procedure to be observed in actions, civil or criminal, and special proceedings.”

X X X.

[51] §1(g) of Rule 16 in relation to §3 of Rule 17, id.

[52] §3 of Rule 6 of the Rules of Court.

[53] §1 of Rule 8, id.

[54] §2(c) of Rule 7, id.

[55] §§1 & 2(b) of Rule 14, id.

[56] §1 of Rule 11, id.

[57] §2(c) of Rule 14, id.

[58] §11 of Rule 11, id.

[59] §4, id.

[60] §6, id.

[61] §1 of Rule 34 of the Rules of Court.

[62] §1 of Rule 35, id.

[63] §2, id.

[64] §3, id.

[65] §2 of Rule 16 of the Rules of Court.

[66] §3, id.

[67] §4, id.

[68] §1 of Rule 18 of the Rules of Court.

[69] §2, id. At the pretrial, the court shall consider the following:

- “(a) The possibility of an amicable settlement or of a submission to alternative modes of dispute resolution;
- (b) The simplification of the issues;
- (c) The necessity or desirability of amendments to the pleadings;
- (d) The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;
- (e) The limitation of the number of witnesses;
- (f) The advisability of a preliminary reference of issues to a commissioner;
- (g) The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground therefor be found to exist;
- (h) The advisability or necessity of suspending the proceedings; and
- (i) Such other matters as may aid in the prompt disposition of the action.”

[70] §5, id.

[71] §6, id. The pretrial briefs shall contain, among others:

- “(a) A statement of their willingness to enter into amicable settlement or alternative modes of dispute resolution, indicating the desired terms thereof;
- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) The issues to be tried or resolved;

- (d) The documents or exhibits to be presented, stating the purpose thereof;
- (e) A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
- (f) The number and names of the witnesses, and the substance of their respective testimonies.”

[72] §7, id.

[73] Rules 23-28 of the Rules of Court.

[74] §1 of Rule 30, id.

[75] §§1 & 2 of Rule 32, id. §2 reads:

“x x x

When the parties do not consent, the court may, upon the application of either, or of its own motion, direct a reference to a commissioner in the following cases:

- (a) When the trial of an issue of fact requires the examination of a long account on either side, in which case the commissioner may be directed to hear and report upon the whole issue, or any specific question involved therein;
- (b) When the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect;
- (c) When a question of fact, other than upon the pleadings, arises upon motion or otherwise, in any stage of a case, or for carrying a judgment or order into effect.”

[76] §3, id.

[77] §9, id.

[78] §11, id.

[79] §1 of Rule 36 of the Rules of Court.

[80] Moran, Comments on the Rules of Court, Vol. I (1995 ed.), p. 165.

[81] In fact, SJS, through counsel, admitted during the Oral Argument that its Petition contained no statement of facts and argued that by the nature of an action for declaratory relief, no facts were necessary.

[82] Assailed Decision, pp. 2-3; Rollo, pp. 40-41.

[83] Id., pp. 3 & 41.

[84] Annex “J” of the Petition for Review; Rollo, p. 119.

[85] Annex “I” of the Petition for Review; id., p. 117.

[86] Ibid.

[87] See §3 of Rule 63 of the Rules of Court.

[88] §14 of Article VIII of the Constitution.

[89] Yao vs. Court of Appeals, 344 SCRA 202, October 24, 2000; Francisco vs. Permskul, 173 SCRA 324, May 12, 1989; Nicos Industrial Corporation vs. Court of Appeals, 206 SCRA 127, February 11, 1992; People vs. Dumaguing, 340 SCRA 701, September 20, 2000; Madrid vs. Court of Appeals, 332 SCRA 570, May 31, 2000; Suarez vs. Court of Appeals, 193 SCRA 183, January 23, 1991.

[90] Supra, p. 219.

[91] 339 Phil. 570, 580, June 13, 1997, per Mendoza, J.

- [92] Nicos Industrial Corp. vs. Court of Appeals, 206 SCRA 127, February 11, 1992; People vs. Judge Bellaflor, 233 SCRA 196, June 15, 1994; Anino vs. NLRC, 352 Phil. 1098, May 21, 1998.
- [93] Supra.
- [94] 104 Phil. 254, July 31, 1958, per Felix, J.
- [95] Assailed Decision, p. 10; Rollo, p. 48.
- [96] 120 Phil. 338, June 30, 1964, per Regala, J.
- [97] Yao vs. Court of Appeals, supra; Madrid vs. Court of Appeals, supra.
- [98] See Panganiban, "On Developing My Decision-Writing Style," Justice and Faith (1997), pp. 9-29.
- [99] Agra vs. Philippine National Bank, 368 Phil 829, June 29, 1999; Gonzales vs. Narvasa, 337 SCRA 733, August 14, 2000; Pimentel Jr. vs. House of Representatives Electoral Tribunal, 393 SCRA 227, November 29, 2002; Gozun vs. Liangco, supra; Fernandez vs. Torres, 215 SCRA 489, November 6, 1992.
- [100] National Economic Protectionism Association vs. Ongpin, 171 SCRA 657, 664, April 10, 1989, per Paras, J.