

# Promulgation of judgment or decision

**Burden of proof :** general duty of a party to ultimately establish the issue or the truth of his claim or defense by the amount of evidence required by law.

In civil cases, the required proof is “preponderance of evidence”. It means that the testimony of one side is more believable than the other side, or that it carries more weight than the other, or that the probability of truth is more on one side than on the other. It does not arise from the mere superiority of the number of witnesses on one side.

1. The judgment or decision is rendered in writing, personally and directly prepared by the judge, stating clearly and distinctly the facts and the law upon which it is based, signed by him, and filed with the clerk of court.

2. The losing party may accept the decision without contesting it. (Even if the decision has already become final and executory, the losing party still has some remedies available to him.)

3. The losing party may avail of remedies within fifteen days from his receipt of the judgment, like a motion for reconsideration or a new trial (based on different grounds, Rule 37).

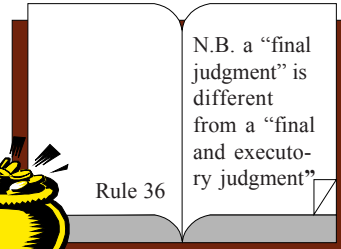
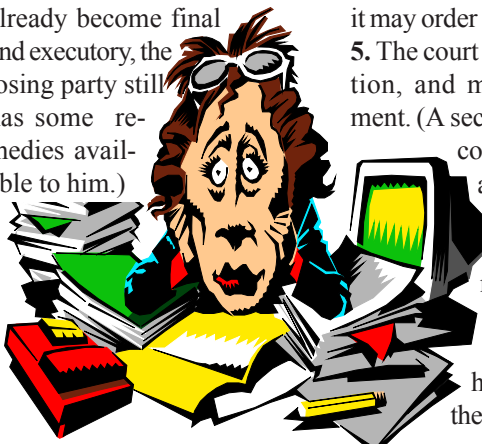
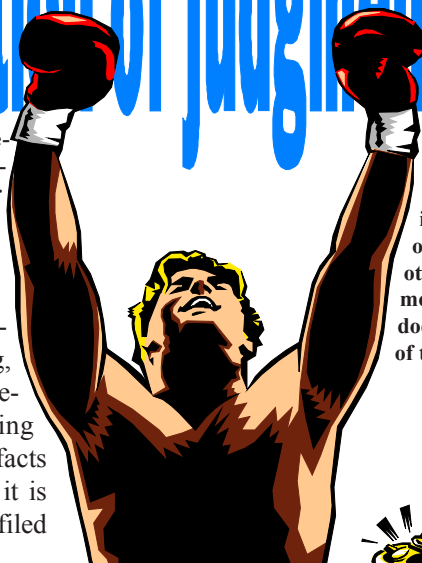
4. The court may amend the judgment, or grant a new trial (in some cases, it may order a partial new trial).

5. The court may deny the motion, and maintain its judgment. (A second motion for reconsideration is not allowed, but a second motion for new trial citing new grounds is allowed.) The losing party may file his appeal within the remaining period.

6. Instead of filing a motion for reconsideration or for new trial, the losing party may instead choose to file an appeal with a higher court within fifteen days from notice of judgment.

7. The judgment becomes final and executory if the losing party does not appeal, or file a motion for reconsideration or new trial. It is then entered in the book of entries of judgment. The date of finality of a judgment is the date of its entry. Winning party files a motion for execution.

— Judgment may be given for or against one or more of several plaintiffs, and for or against one or more several defendants (Sec. 3). In an action against several defendants, the court may render judgment against one or more of them, leaving the action to proceed against the others (Sec. 4). The court may render separate judgments at various stages (Sec. 5).



Rule 36

N.B. a “final judgment” is different from a “final and executory judgment”