

**A "recast" norm imposing on
a Borrower the duty to repay a loan**

If the Philippine legal system, such as the Constitution, includes *power-conferring rules* which *confers powers* on public or government officials, such as: (a) *legislative*, conferred on the Congress; (b) *judicial*, on the Supreme Court, other inferior courts and other adjudicated bodies; and (c) *executive*, on the President, as the civilian head of the executive branch of government, and in his capacity of commander-in-chief of the armed forces;

If Congress, pursuant to its legislative power, enacted the Civil Code which, among others: (a) identifies the players "qualified" to play the *game of the law*, which is *compulsory* (Art. 3), *e.g.*, competent "persons", both natural and juridical, and (b) confers *powers* on such private persons which enable such persons to create, through the exercise of a person's "will", "structures of rights and duties" through such *institutions* or "*facilities*", like a *contract of loan*, which confers on any *borrower* the *right of ownership* of the loan proceeds, and at the same times vests on the same *borrower* the *duty* to repay the loan on due date;

If a particular person, A, as *lender*, lends to a particular person, B, the *borrower*, the amount of P100, payable after a period of one month;

If on due date, B refuses to repay the loan, after formal demand from A, on the ground, say, of B's being a minor, which A denies, then A to enforce *performance* of B's *duty* to repay the loan, may invoke the right to sue B by recourse to the appropriate *remedies* available under the law of civil procedure (and not to resorts to breaking B's legs);

If A bring formal suit against B in the proper court, court should conduct a trial of the case, by hearing both parties;

If A proves his "cause of action" against B. *i.e.*, the *duty* of B to *repay the loan*, by means of relevant, material and competent evidence;

If after trial the court rules in favor of A and against B, the court will enter judgment ordering B to repay the loan;

If B, in defiance of the court's order, proves to be recalcitrant and continues to refused the court's order for repayment, A may file a motion for the enforcement of the judgment way of levy upon execution against any property of B;