

The Inapplicability of Resolution to a Contract to Sell

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The Article presents an analysis of the concept of resolution and its inapplicability with contracts to sell. An introduction of the basic idea of what resolution entails is first provided for in the Article. Citing the Civil Code, a definition of resolution is presented as an obligation where each of the parties promises a prestation to another in return for another prestation. Given this definition, the Author posits the question of whether or not such resolution may be applied in contracts to sell. From jurisprudence, the Supreme Court has settled the issue by stating that resolution cannot be applied in contracts to sell due to the fact that it is not an ordinary absolute sale which transfers ownership together with delivery. The Courts, however, were continuously faced with this issue, despite such decision. The Author looks into the various rationales of the Courts in dealing with a specific case regarding resolution.