

1 Phil. 306

[G.R. No. 915. August 01, 1902]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. AMBROSIO TIQUI,
DEFENDANT AND APPELLEE.**

D E C I S I O N

ARELLANO, C.J.:

The final judgment in this case having been pronounced on the 31st day of March last, the complaining witness, on the 5th day of April, gave notice of appeal. The appeal was allowed. Counsel for the accused now moves the court to dismiss the appeal on the ground that it was taken on the sixteenth day after the promulgation of the sentence, fifteen days being the term assigned by article 47 of the law.

The question arising is whether the fifteen days are to be counted from the very day of the publication of the judgment.

In a doubtful case the law will be interpreted in the light of its underlying principles. The law in question is based upon the American legislation, and the local legislation in force prior to its promulgation, which, by section 1 thereof, is declared to be continued in force in so far as not in conflict with its provisions.

Under the American system, in computing time the first day is excluded and the last day included, it not being necessary to cite authority in support of this proposition, inasmuch as the same doctrine has been established in the special legislation of the Philippines, as may be seen in articles 4 and 76 of the Code of Civil Procedure now in force. No rule was more uniform in the law as formerly and as still enforced in these Islands, as may be seen in the Codes of Criminal and Civil Procedure, as well as in the Code of Commerce and the Civil Code. Article 1130 of the Civil Code establishes as a principle that "when the term of an obligation is fixed by days to be counted from a specified one, such day shall be excluded from the computation, which shall begin on the following day." It not being demonstrated

that article 47 of General Orders, No. 58, upon the subject of criminal procedure has intentionally departed from these precedents, it must be construed harmoniously with the other law, both substantive and adjective, which is wholly uniform on this subject. The reason why the first day is excluded is undoubtedly because the appellant is given fifteen days in which to appeal, and as Paragraph I, article 7 of the Civil Code provides that a day shall always be understood to consist of twenty-four hours, it follows that the period allowed would not be fifteen complete days were the day in question—that is, the day of the publication of the judgment—to be included in the computation.

The motion is therefore overruled, with costs. So ordered.

Torres, Cooper, Willard, and Ladd, JJ., concur.

Ladd, J., did not sit in this case.