

**THE SPOUSES BASILISA ROQUE AND FRANCISCO BAUTISTA, ET AL.,  
PLAINTIFFS AND APPELLEES, VS. ARACELI W. VDA. DEL ROSARIO,  
ET AL., DEFENDANTS, ARACELI W. VDA. DEL ROSARIO, DEFENDANT  
...**

*G.R. No. L-24873. September 23, 1966*

Ponente: MAKALINTAL, J.

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**MAKALINTAL, J.:**

Plaintiffs-appellees in their petition of August 23, 1966, to dismiss the appeal taken to this Court by defendant-appellant, invoke the fact that the record on appeal was filed in the trial court beyond the reglementary period. This fact is admitted. There was a delay of fourteen (14) days, and it was called to the attention of the said court when the plaintiffs filed therein a motion for execution of the judgment and a subsequent motion to dismiss the appeal. Both motions, however, were denied, the court stating that the notice of appeal and the appeal bond had been filed on time. This is also the ground upon which appellant now opposes the petition filed here to dismiss the appeal.

It is already the settled rule that the timely perfection of the appeal is a jurisdictional requisite to enable the appellate court to take cognizance of the case. In *Government of the Philippines vs. Luis Antonio, et al.* G. R. No. L-23736, October 19, 1963, this Court said that “unless the appeal is perfected on time, the appellate court acquires no jurisdiction over the appealed case, and has power only to dismiss the appeal.” The case of *Santiago v. Valenzuela*, 78 Phil. 397, cited by appellant, is different from the present one in that the motion to dismiss the appeal there was filed for the first time in the appellate court; and in any event the ruling laid down therein was subsequently abandoned in the cases of *Miranda vs. Guanzon*, 92 Phil. 168, (October 27, 1952) and *Valdez vs. Acumen*, G. R. No. L-13536 (January 29, 1960).

As prayed for, the appeal is dismissed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur. Regala, J., no part.

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