

MAGDALENA ASE, PETITIONER, VS. SOTERO RODAS, JUDGE OF FIRST INSTANCE OF MANILA, ET AL., RESPONDENTS.

G.R. No. L-1558. November 28, 1947

Ponente: MORAN, C.J.

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MORAN, C.J.:

This is a case for unlawful detainer appealed to the Court of First Instance of Manila. The judgment rendered by the municipal court was by confession of the defendant the herein petitioner. During the pendency of the appeal in the Court of First Instance, defendant-appellant failed to deposit the rent corresponding to the month of May, 1947. No explanation whatsoever was given for such failure, and, on motion of plaintiff-appellee, the judgment rendered by the municipal court was executed. Hence, this petition for certiorari and prohibition.

Petitioner maintains that she has complied with all the requirements of the law, she having deposited all the rents that should have been deposited. It appears, however, from the record that the rent corresponding to the month of April, 1947, which should have been deposited on or before May 10, was actually deposited on the 27th of that month. But the rent corresponding to the month of May has never been deposited. A deposit was made on July 3, 1947, corresponding to the month of June. But failure to deposit rent for the month of May has not been explained.

Petitioner also maintains that the amount of back rentals to which she was sentenced by the municipal court was P440 covering the months of November 1946 to March 1947; but she filed a supersedeas bond in the amount of P740 and the excess of P300 should be applied to the succeeding months of April, May, and June. The theory has no support in our rules. The filing of a supersedeas bond does not exempt appellant in an unlawful detainer case from depositing the rents accruing after the decision is rendered.

Petition is denied, without costs.

Feria, Pablo, and Bengzon, JJ., concur.

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