

BARTOLOME BARNIDO AND MELECIO BARNIDO, PETITIONERS AND APPELLANTS, VS. MARIANO BALANA AND MERITO C. PERFECTO, AS JUSTICE OF THE PEACE OF STO. DOMINGO, RESPONDENTS AND APPELLEES.

G.R. No. L-26275. July 26, 1966

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4ddd190117cf/>

MONTEMAYOR, J.:

This is an appeal in forma pauperis from a decision of the Court of First Instance of Albay dismissing a petition for relief.

The facts are not disputed.

On November 24, 1959, Mariano Balana was acquitted by the Justice of the Peace Court of Santo Domingo, Albay in a prosecution upon a complaint filed by the Chief of Police, for theft of five bundles of firewood valued at P2.50 belonging to Melecio Barnido. After stating that "there was no showing, whatsoever, that the complainant, his brother [Bartolome], or any of their witnesses, saw the accused steal the five (5) bundles of firewood," the Justice of the Peace Court went beyond merely acquitting the accused and further stated that its findings have led it to believe that the case had been maliciously brought about by the "complainant," Melecio Barnido, and his brother, Bartolome Barnido.

Prompted by such remarks in the judgment of acquittal, Mariano Balana filed on the next day—November 25, 1959—in the same Justice of the Peace Court abovementioned, a suit (Civil Case No. 34) against the brothers Melecio and Bartolome Barnido, to recover damages for alleged malicious prosecution, referring to the abovementioned criminal case.

Said inferior court rendered judgment on July 19, 1960 in the plaintiff's favor, ordering the defendants to pay him P3,000 moral damages, P1,000 exemplary damages, P300 attorney's fees and the costs. A copy of this decision was served on the defendants on July 22, 1960.

The rest of the facts were stipulated upon by the parties in the court below, as follows:

"1. That on August 3, 1960, the petitioners (defendants in the inferior court) filed their notice of appeal, and cash appeal bond and appellate docket fee in the form of treasurer's certification in the sums of P25 & P24, resp.;

"2. That defendants personally went to the Treasurer of Sto. Domingo, Albay on August 2, 1960 so as to deposit the necessary cash appeal bond and appellate docket fee, and only the sum of P24.00 was asked for by the treasurer's appellate docket fee; and the defendants relied on the ability and capability of the treasurer in the performance of his functions. At that time, defendants were represented by counsel.

"3. That on August 4, 1960, respondent Justice of the Peace issued an order (copy attached hereto and marked as Annex 'A' hereof), denying the appeal by reason of a shortage of P16.00 in the appellate docket fee, but stating at

the same time that said appeal could be admitted if and when defendants file the proper fees. When said order was issued there were still two days left for the perfection of the appeal and within which defendants could pay such shortage;

"4. That said order (Annex 'A') was sent by registered mail to defendants' counsel, Atty. Jose T. Rubio, who received it only on August 16, 1960, as per certificate attached hereto as Annex 'B' hereof. However, on August 13, 1960, he was verbally informed about it. The other registered letters mentioned therein are attached hereto as Annexes 'C' and 'D' contained in their respective envelopes, Annex 'C' and 'D-1';

"5. That two days after defendants' counsel was verbally notified of said shortage in the appellate docket fee, which was on August 15, 1960, he caused the defendants to pay the additional sum of P16.00, which was paid, as per O.R. No. 5149425 attached hereto as Annex 'E' hereof. At the time, the 15-day period to perfect the appeal had expired, as the last day fell on August 6, 1960." (Record, p. 25)

In dismissing the petition for relief under the above-stated facts, the court a quo relied on two reasons. First, the municipal treasurer is not an officer of the court and it is not his duty to inform litigants as to the amount needed to cover the appellate court docket fee. Secondly, petitioners were represented by counsel and therefore must have acted upon his advice. It therefore concluded that under the circumstances the failure to deposit the correct amount for appellate court docket fee cannot be said to be due to mistake or excusable negligence.

This court had occasion to pass upon the same point at issue in *Tagulao vs. Padlanmundok*, 108 Phil., 499. In said case, involving an appellant likewise represented by counsel, We ruled:

"The rule requires that to perfect an appeal from a decision of a justice of the peace court, besides filing a notice of appeal and giving a bond within the period of fifteen days, he must pay the docket fee of P10.00 (in the case at bar P40.00) to the municipal treasurer (Sections 2 and 3, Rule 40).* * *

"It therefore, appears that the totality of the fees that one has to deposit to perfect the appeal is P35.00—P25.00 as cash bond, and P10.00 as docket fee. Yet, the amount which the municipal treasurer informed appellant that he should deposit to perfect his appeal is only P30.00, which he immediately paid. Apparently, the failure of appellant to pay the required docket fee is due to the mistake of the municipal treasurer and not to the fault of appellant for he merely relied on the information given him by said official. For this mistake, appellant should not be made answerable, for he acted in good faith relying upon the word of the municipal treasurer who because of the nature of his duties is in a position to know the correct amount of the fees needed to perfect an appeal. To hold otherwise would be unfair and unjust and would amount to a miscarriage of justice. As this Court aptly observed: Every citizen has the right to assume and trust that a public officer charged by law with certain duties knows his duties and performs them in accordance with law. To penalize such a citizen for relying upon said officer in all good faith is repugnant to justice.' (*Segovia vs. Barrios and Bretania*, [75 Phil., 764])"

It follows that petitioners have substantially complied with the requirements of the law for perfecting an appeal from the inferior court to the Court of First Instance.

Wherefore, the decision appealed from is reversed, and respondent-appellee municipal judge of Santo Domingo, Albay, is ordered to transmit to the Court of First Instance of Albay, all the original papers and process as well as the rest of the record of Civil Case No. 34 for further proceedings. No costs. So ordered.

Concepción, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Decision reversed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.