

DIONISIA VILLANUEVA, TEODORA PIÑERO, FAUSTO PIÑERO, AND SIMPLICIA PIÑERO, PLAINTIFFS AND APPELLANTS, VS. TRINIDAD TAMARRA, DEFENDANT AND APPELLEE. JOSE G. DE LA PEÑA, INTERVENER...*G.R. No. 12877. December 07, 1918*

Ponente: JOHNSON, J.

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The purpose of this action was to recover a parcel of land, as joint owners. The land is particularly described in paragraph 2 of the complaint. The action was commenced in the Court of First Instance of the Province of Oriental Negros on the 24th day of July, 1915. Issue was joined and a trial was had; after which the Honorable W. E. McMahon, in a carefully prepared opinion, decided that the land in question belonged to Jose G. de la Peña, absolved the defendant from all liability under the complaint, and ordered the plaintiffs as well as the defendant Trinidad Tamarra not to interfere with his possession, with costs against Trinidad Tamarra. From that judgment the plaintiffs appealed.

The judgment was rendered upon the 17th day of January, 1916. On the 21st day of January, 1916, the plaintiffs excepted to said judgment and presented a motion for a new trial, which motion was denied on the 22d day of January, 1916, and notice was given to the attorney of the appellants on the same day. On the 25th day of January, 1916, the appellants gave notice of their intention to present a bill of exceptions. The bill of exceptions, however, was not presented until the 15th day of February, 1916, it appearing from the record that the bill of exceptions was not presented in the time prescribed by law, and that, therefore, this court acquired no jurisdiction by the appeal. (Layda vs. Legazpi, p. 83, ante; Anderson vs. Green, R. G. No. 13152[1] [not published] ; Yap Quinco vs. Papa, R. G. No. 13359[2] [not published] ; Rivera vs. Manalansan, R. G. No. 13586[3] [not published]; Asistio Daguindal de Jesus vs. Mariano Velasco & Co., and Mitchel, R. G. No. 13860[4] [not published]; Garcia vs. Vito and Alulong, R. G. No. 14399[5] [not published]; Lim vs. Singian and Soler, 37 Phil. Rep. 817; Lituana and Calica vs. Oliveros, 38 Phil. Rep., 628.)

Therefore, the bill of exceptions not having been presented in the time prescribed by law, and the time for presentation of the same not having been extended before its expiration, we are without jurisdiction to entertain the appeal, and the bill of exceptions is, therefore, dismissed. So ordered.

Arellano, C. J., Street, Malcolm, Avanceña, and Moir, JJ., concur.

[1] Decided November 9, 1918.

[2] Decided November 7, 1918.

[3] Decided December 10, 1918.

[4] Decided December 6, 1918.

[5] Resolution of December 4, 1918.

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