

REGALADO, PLAINTIFF AND APPELANT, VS. MARIA GONZAGA ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 1442. October 24, 1905

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was a personal action brought in the Court of First Instance of Occidental Negros for the sum of 10,005 pesos and 31 centavos. The cause of the action accrued upon the 28th day of February, 1885. The action was commenced by the plaintiff on the 12th of May, 1902. The defendants plead as a defense to said action the statute of prescription.

After hearing the evidence adduced during the trial the inferior court found that said action was barred by the statute of limitations, and therefore dismissed said action with costs to the plaintiff. We find from the evidence that said cause of action was not barred by the statute of prescription, and therefore hereby reverse the judgment of the inferior court. It is the judgment of this court that the plaintiff recover of the defendant the sum of 10,005 pesos and 31 centavos, Mexican, with interest at 6 per cent from the 12th day of May, 1902, and the costs.

The law governing in this case to which reference is hereby made is cited and discussed in the causes of Miguel Piccio Araneta vs. Jose Garrido[1] (3 Off. Gaz., 678), and Jose Pineda et al. vs. Gabino Gasataya[2] (4 Off. Gaz., 520), and after the expiration of twenty days judgment should be entered in accordance herewith and the case remanded to the court below for execution of said judgment. So ordered.

Arellano C. J., Torres, Mapa, and Carson, JJ., concur.

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

[1] Page 137, *supra*.

[2] Page 139, *supra*.

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