

ARTADI & CO., PLAINTIFF AND APPELLEE, VS. DEFENDANT AND APPELLANT.

G.R. No. 3584. September 30, 1907

Ponente: WILLARD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3584/>

WILLARD, J.:

The defendant moved for a new trial in the court below on the grounds of accident and surprise. The record before us does not show that this motion was decided by the court. Even if it had been denied, the order denying it would not be subject to exception. (Code of Civil Procedure, sec., 14(5.))

The defendant made no motion for a new trial on the ground of the insufficiency of the evidence. We can not, therefore, review that evidence upon this appeal.

Within four days after the entry of judgment, the defendant announced that he would present a bill of exceptions and that he appealed from the judgment. This constituted a sufficient exception thereto.

The only question to be resolved is whether the findings of fact contained in the decision support the judgment for the plaintiff. Those facts, so far as they are important, are as follows:

"This is an action to recover the sum of P7,101.43 alleged to be due as the balance of a running account between the plaintiff and the defendant. The latter does not seriously deny the debt but claims that it is not yet due. It appears, however, that on October 21, 1905, he approved an account showing a balance in the amount now claimed and that a few days later he signed an instrument which required him to pay a somewhat larger amount in installments of P600 monthly, and as it is conceded that both the account and the instrument relate to the same debt it is apparent that even if the account be not considered as fixing the maturity of the debt the latter would now be almost due by virtue of the terms of the instrument even had the monthly payments been kept up, which they have not. Moreover, where the parties fail to fix a period for the maturity of the obligation the court is authorized to do so. (Civil Code, art. 1128.)"

Upon these facts judgment was entered in favor of the plaintiff for P7,101.43, with costs.

This judgment can not be sustained. It appears from the decision that some time after October 21, 1905, the parties made an agreement by which the defendant promised to pay the debt here in question in installments of P600 a month. This action was commenced on the 3d day of November, 1905. In no event at that time could more than two installments of the debt have become due, and even if anything at all could be recovered under the complaint in this action, in view of the facts found by the court that recovery would necessarily be limited to these two installments. (*Compañía General de Tabacos vs. Araza*, 7 Phil. Rep., 455.)

Under the circumstances of this case, we think the ends of justice require a new trial rather than a judgment of acquittal. The judgment of the court below is reversed, without costs to either party in this court, and the case remanded for a new trial. So ordered.

Arellano, C. J., Torres, Johnson, and Tracey, JJ., concur.

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.