

RICHARD SHERMAN, PETITIONER, VS. ANTONIO HORRILLEN, JUDGE OF THE COURT OF FIRST INSTANCE, TWENTY-SIXTH JUDICIAL DISTRICT, ACTING JUDGE IN THE THIRTY-FIRST JUDICIAL DISTRICT, AN...

G.R. No. 37372. July 26, 1932

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-37372/>

HULL, J.:

This is an application for a writ of mandamus, to be directed to the respondent judge, praying that this court shall command him immediately after the receipt of such order, to annul all orders dismissing the appeal of petitioner and to allow saM appeal. The question arises out of a suit by Herman Schuck against petitioner in the justice of the peace court of the municipal district of Talipao, Province of Sulu, in which after trial of the case, judgment was rendered in favor of said respondent. Thereafter, and within the period of time authorized by law, petitioner filed his notice of appeal and the said appeal was filed, registered, and docketed in the Court of First Instance, for the Province of Sulu, within the period allowed for making the appeal. Respondent, Herman Schuck, filed a motion to dismiss said appeal on the grounds that the petitioner had not complied with the "requirements of section 76, of the Code of Civil Procedure as amended by Act No. 3615.

The respondent judge held, that the appeal had not been properly perfected according to law, and dismissed the appeal. This was a final disposition of the legal proceeding then pending in the Court of First Instance of Sulu.(Mejia vs. Alimorong, 4 Phil., 572.)

The allegations in the petition that there is no other plain, speedy, and adequate remedy in the ordinary courts of law wherein petitioner may enforce his rights as required by section 222, Code of Civil Procedure, cannot be admitted. (Fajardo vs. Llorente, 6 Phil., 426.) Petition denied, with costs. So ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Ostrand, Villa-Real, Abad Santos, Vickers, Imperial, and Butte, 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.