

BALBINITA T. DE LACSON, ASSISTED BY HER HUSBAND RICARDO C. LACSON, PLAINTIFFS AND APPELLEES, VS. FRUCTUOSA TABARREZ, DEFENDANT AND APPELLANT.

G.R. No. 45557. June 12, 1939

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45557/>

AVANCEÑA, C.J.:

The only question raised in this appeal is whether the municipal court of Manila, in an action for illegal detainer of real property, may allow the appellant to appeal as a pauper to the Court of First Instance.

In the present case the municipal court of Manila entered the following resolution: " * * * and the clerk of this court is ordered to remand this case to the Court of First Instance of Manila for purposes of the appeal, free from the payment of docketing fees and the appeal bond." The Court of First Instance held that the municipal court of Manila is without authority to allow the appellant to appeal as a pauper to the extent set out in its resolution.

Act No. 1123, amending section 143 of the Code of Civil Procedure, provides that in case a defeated party desires to carry his action to the Supreme Court for revision and shall establish to the satisfaction of the court that he is a pauper and unable to pay the expenses of prosecuting the bill of exceptions in the Supreme Court, the judge may enter an order entitling such person to a pauper's appeal. In so far as this law amends a provision relative to proceedings in the Courts of First Instance, it should be deemed limited in its application to these courts and not to justice of the peace courts.

But section 785 of the Code of Civil Procedure, as amended by Act No. 3250, authorizes a poor litigant to apply to the Court of First Instance or to the justice of the peace court, in which the action is intended to be brought or is pending, for leave to prosecute or defend as a poor person. The primordial purpose of this law is to permit a person to litigate as a pauper in either court if the circumstances so warrant.

The allowance of the appeal is a part of the proceedings in the justice of the peace court, because it is the one who acts thereon and it should be the court called upon to consider and determine if a litigant, because of poverty, should be relieved from the requisites for the perfection of the appeal with which he cannot comply because he is a pauper. It would be against the purposes of the law to interpret it so as to prevent a pauper from appealing a case to the Court of First Instance, because this, in effect, would be denying him the privilege to litigate as a pauper in this court. This, however, would be the case if, in order to appeal, he be required to comply with requisites with which he cannot comply because of his poverty. And that, on the other hand, would also be contrary to the spirit of our Constitution which consecrates the free access to the courts by the poor.

These considerations bring us to the conclusion that the power of the justice of the peace to allow a person to litigate as a pauper, in an action pending before his court, includes that of admitting the pauper's appeal.

To perfect an appeal from the decision of the justice of the peace to the Court of First Instance, the law requires that the appellant deposit with the justice of the peace court the sum of P16, which constitutes the docketing fees

in the Court of First Instance and, also, to post a bond of P150, or deposit another amount of P125, to answer for the payment of costs to which he might be sentenced in the Court of First Instance. These requirements being necessary to perfect an appeal, the justice of the peace may admit said appeal and excuse the poor litigant from said requirements.

The observation made that the relief from compliance with these requirements should be applied for in the Court of First Instance, and this court is the one to grant it, is without merit. The allowance of the appeal and the required deposit and bond are functions which the law expressly and clearly assigns to the justice of the peace court, and the Court of First Instance, before the appeal is admitted, is still without jurisdiction to act on the case. Moreover, the period granted by law to perfect an appeal being only ten days (Act No. 4115), this period would expire and the judgment become final, in the majority of cases, especially where the towns are far from and do not have easy access to the seat of the Court of First Instance, if the latter were the one to act upon the application. It must be granted that the appellant, by reason of his poverty, cannot stop this result by making the deposit and putting up the bond.

We do not want any misunderstanding as to the terms of the question. We do not say that the justice of the peace court may exempt the appellant from paying the docketing fees in the Court of First Instance or the costs to which he might be sentenced in this court. The Court of First Instance is the one competent to act on this. We only say that the justice of the peace court may exempt the appellant from making the deposit of P116 and posting the bond of P150, or the other deposit of P125, required of him as a guaranty for the payment of such deposit and bond. He is exempted from guaranteeing payment, not from the payment itself, and, as a pauper, he is permitted simply to appeal, and not to substantiate the appeal in the Court of First Instance. The latter he should ask in the Court of First Instance, and then is the time for this court to act.

The foregoing is applicable to the municipal court of Manila which, in this respect, is considered a justice of the peace court.

Furthermore, we find that the order of the justice of the peace court does not go to the extent of exempting the appellant from posting the bond required to suspend the execution of its judgment.

Wherefore, reversing the decision of the Court of First Instance, we hold that the municipal court of Manila has power to admit the appeal of the appellant, as a pauper, exempting him from the deposit of P116 and the bond of P150, required to perfect the appeal, and to this extent only, we hold that its order issued to this effect, is legal, without special pronouncement as to the costs. So ordered.

Villa-Real, Imperial, Diaz, Laurel, and Moran, 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.