

SILVERIO MORCO, PLAINTIFF AND APPELLANT, VS. SALVADOR MU&NTILDE;OZ, DEFENDANT AND APPELLEE.

G.R. No. 47762. June 10, 1941

Ponente: MORAN, J.

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MORAN, J.:

Plaintiff's appeal from the judgment rendered by the justice of the peace court of Camalig, Albay, was dismissed by the Court of First Instance of said province, on the ground that the appeal bond was filed long after the expiration of the period of fifteen days from notice of judgment. From the order of dismissal plaintiff appealed to the Court of Appeals which certified the case to this Court as it involves a pure question of law.

According to plaintiff-appellant himself, he received the notice of judgment of the justice of the peace court on February 15, 1939, and within the time provided by law he filed in court the notice of appeal and the certificate of deposit of the docketing fee but did not give the appeal bond until March 14, 1939.

According to section 76 of Act No. 190 as amended by Acts Nos. 1627 and 3615, "an appeal in civil causes shall be filed within fifteen days after notification of the party of the judgment complained of, and shall be perfected (a) by filing with the justice of the peace a notice that the party intends to appeal; (b) by delivering a certificate of the municipal treasurer showing that the appellant has deposited the sum of sixteen pesos as appellate court docketing fee, or, in Manila, by the delivery of said sum to the clerk of court; and (c) by giving bond." It is clear from this legal provision that the appeal bond should be filed within fifteen days from notice of judgment. Since the appeal bond in the instant case was filed on the 27th day from notice of judgment, the appeal was not duly perfected and was rightly dismissed.

Appellant contends that the laws of procedure should be humanized, but he gives no justification for his failure to file the appeal bond on time. That such failure was due to an innocent mistake is not a good excuse, for well known is the principle that ignorance of the law excuses no one from noncompliance therewith.

Order is affirmed, with costs against appellant.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

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