

H. S. FENWICK, PLAINTIFF AND APPELLEE, VS. JOAQUIN PARDO DE TAVERA, DEFENDANT AND APPELLANT.

G.R. No. 47988. November 24, 1941

Ponente: OZAETA, J.

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OZAETA, J.:

On August 4, 1930, appellee obtained judgment against appellant for the sum of P1,400 together with interest thereon at twelve per centum per annum from February 11, 1929, until the date of payment, plus the costs of suit.

That judgment has not been paid, altho as late as July 5, 1940, appellant acknowledged the indebtedness and offered to pay it in installments at the rate of P50 a month beginning August 16, 1940. On July 19, 1940, appellee instituted this action in the Court of First Instance of Manila to revive said judgment. The trial court overruled appellant's defense of prescription and rendered judgment as prayed for by appellee.

The court finds this appeal to be frivolous, there being absolutely no basis in fact or in law for the defense of prescription. To discourage such an appeal and following our recent decision in *Piñon vs. Lubuguin et al.*, G. R. No. 47805 (promulgated November 19, 1941), we affirm the judgment of the lower court, with double costs in this instance. So ordered.

Abad Santos, Diaz, Moran, and Horrilleno, JJ., concur.

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