

[Act No. 2111, January 31, 1912]

AN ACT AMENDING SECTION SEVENTY-EIGHT OF ACT NUMBERED AMENDING ONE HUNDRED AND NINETY, ENTITLED "AN ACT PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE PHILIPPINE ISLANDS," AS AMENDED, BY PROVIDING FOR THE DISPOSITION BY THE APPELLATE COURT OF CASES APPEALED FROM THE JUSTICE OF THE PEACE COURT TO THE COURT OF FIRST INSTANCE WHEN THE PLAINTIFF FAILS TO PROSECUTE THE CASE.

By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Section seventy-eight of Act Numbered One hundred and ninety, entitled "An Act providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands" is hereby further amended so as to read as follows:

"SEC. 78. Transmitted of record and disposition of the case by the appellate court when the plaintiff fails to prosecute the case. The justice of the peace from whose decision an appeal is taken, shall, within five days after the perfection of said appeal, transmit to the clerk of the Court of First Instance for the province a certified copy of the docket entries, together with all the original papers and process in the case, and the original appeal bond or certificate of deposit in lieu thereof, together with the appellate court docket fee, upon receipt of all of which the clerk shall docket the cause in the Court of First Instance, and the same fees shall thereafter be charged upon such appeal as in suits originating in said court, and shall within ten days, so notify the parties. The plaintiff shall be obliged to file the complaint within a period of two months if he resides in the province, or of four months if he resides outside the province, counting from the date on which he received the notice. If the plaintiff shall fail to file the complaint within the above-mentioned period, the court shall dismiss the case if the appeal was taken by the defendant, or dismiss the appeal if it was taken by the plaintiff, and in such case the dismissal of the appeal shall revive the judgment of the lower court."

Enacted, January 31, 1912.



Source: Supreme Court E-Library

This page was dynamically generated by the E-Library Content Management System (E-LibCMS)