Recent Cases:

THE REGLAMENTARY PERIOD FOR PERFECTING AN APPEAL IN CRIMINAL CASES; THE MEANING OF THE PHRASE "RENDITION OF JUDGMENT" CONTAINED IN SEC. 6, RULE 118, OF THE RULES OF COURT.

The petitioner was charged in the CFI with the crime of estafa. On January 9, 1950, immediately after the close of the trial, the respondent Judge in open court found the petitioner guilty, sentenced him accordingly, and reserved his right to write a more detailed decision. This he did and a copy of the decision was served upon the defendant. This copy was received on January 26, 1950. On January 24, 1950, the fifteenth day from the promulgation of the oral judgment of January 9, 1950, defendant caused a written notice of appeal to be filed with the Clerk of Court thru his messenger, which he failed to do because at about 3:30 o'clock in the afternoon, the Clerk's office was already closed. Petitioner filed a petition for mandamus to compel the respondent judge to give due course to his appeal on the ground that it was filed in due time, as it was filed within fifteen days from rendition of the judgment. The Supreme Court held: "Although this (the fact that the Clerk of Court's office was closed at 3:30 in the afternoon) was denied by the Clerk of Court, however, we are inclined to believe the statement of the messenger because of the undisputed fact that he served the copy for the City Attorney at 3:35 in the afternoon of the same day, whose office is just adjacent to that of the Clerk of Court. If he was able to serve that copy on time, and he went there with the only purpose of filing the notice of appeal, there is no valid reason why he could not file on time the notice of appeal with the Clerk of Court. Considering that the inability of the defendant to file the notice of appeal cannot be attributed to his fault, and the fact that right after the promulgation of the oral judgment he manifested in open court, through his counsel, his desire to appeal from the decision, and in fact he put up the necessary appeal bond for his provisional liberty, we hold that, in the light of the concurring circumstances, the defendant should be considered as having perfected his appeal within the reglamentary period."

The foregoing statement constituted the dispositive part of the decision. While the Court could have disposed of the entire case with that statement, it went on to observe that a copy of the written decision of the respondent judge was sent to the defendant and was received by him on January 26, 1950, and subsequently, or on February 7, 1950, defendant filed a motion for a new trial which was denied by the court for lack of jurisdiction. This step, the Supreme Court assumed, was taken by the defendant on the belief that the period of fifteen (15) days within which he may appeal from the decision should be counted from the date he received the copy of the decision. To avoid misinterpretation of the rule regarding the manner in which an appeal should be taken, the Court, by way of

obiter dicta, took opportunity to clarify the matter thus: "It may, therefore, be stated that one who desires to appeal in a criminal case must file a notice to that effect within fifteen (15) days from the date the decision is announced or promulgated to the defendant. And this can be done by the court either by announcing the judgment in open court as was done in this case, or by promulgating the judgment in the manner set forth in section 6, Rule 116 of the Rules of Court. This we have impliedly indicated in Dayoan v. Blanco, G. R. No. L-736, Oct. 31, 1946. The above rule does not require that a copy of the decision be served on the parties in criminal cases. This is only required in cases decided by the Court of Appeals and the Supreme Court."[1]

Section 6, Rule 118, of the Rules of Court provides that an appeal must be taken within fifteen (15) days from the rendition of the judgment or order appealed from. Inasmuch as it may have an important bearing upon the rights of parties to the action, either for the purpose of computing interest or as fixing the time for seeking relief from or a review of the judgment, the words "rendition of judgment" should be clarified. It is not always clear what constitutes "rendition" or just when it may be said that a judgment has been "rendered." The meaning must be determined in connection with the subject matter and context of the statute. Should the fifteen (15) days period be computed from the date the decision is signed by the judge, or from the date copy of the decision is served on the defendant, or from the date the decision is entered in the record, or from the date the decision is announced or promulgated?

A judgment is the law's last word in a judicial controversy.[2] It may be defined as the final consideration and determination by a court of the rights of the parties, as those rights presently exist, upon matters submitted to it in an action or proceeding.[3] But, before judicial action may be regarded as a judgment, it must be clear that the action of the court is intended as such, and not merely as an indication of what the judgment is to be.[4] Our Rules of Court define judgment as the adjudication by the Court that the defendant is guilty or is not guilty of the offense charged, and the imposition of the penalty provided for by law on the defendant, who pleads or is found guilty thereof.[5]

Justice Bautista Angelo believes that, because of the origin of our remedial statute, American authorities have persuasive force in this jurisdiction. And the words under consideration, as interpreted in a number of American cases, have a legal meaning of their own. While at least one case[6] has held that a judgment is rendered as of the date when the judgment or decree is signed by the judge and filed with the clerk of the court, the weight of authorities indicate the true and accepted meaning of the words "rendition of judgment," which is the annunciation or declaring of the decision of the court. Thus, in one case, it

[1] Napoleon Landicho v. Hon. Bienvenido A. Tan, G. R. No. L-4117, promulgated Nov. 16, 1950.
[2] Hudson v. Wright, 164 Ala. 298.
[3] 30 Am. Jur., p. 821.
[4] Freeman on Judgments, 5th ed., pp. 81-82.
[5] Sec. 1, Rule 116.
[6] Bell v. McDermoth, 198 Cal. 594.

was held that "rendition of judgment" means the court's announcement of its final determination of the rights of the parties, and not formal written judgment signed by the judge and filed.[7] In another case, it was held that "rendering judgment" as used in a statute requiring a writ of error to be brought within two years after rendering judgment, in its obvious and natural import means the announcing or declaring of the decision of the court indicated by the rule for judgment.[8] And in the case of Livingston v. Livingston,[9] the court held that when the trial is concluded and the judge has considered the case and reached a conclusion, his announcement in open court of his decision and the judgment thereon is in legal contemplation the rendition of the judgment in the case.

The words "rendition of judgment" do not mean the same thing as "entry of the judgment". Rendition and entry are separate acts and different in their nature. The rendition of a judgment is a judicial act; its entry upon the record is merely ministerial.[10] It is the former which is the effective result of the litigation. In the nature of things, a judgment must be rendered before it can be entered. Thus, section 8, Rule 116 of the Rules of Court, provides that it is only after a judgment has become final that it shall be entered.

The same Rule 116 does not require that a copy of the decision be served on the parties in criminal cases. It cannot be said with reason, therefore, that "rendition of judgment" should be computed from the date a copy of the decision is served on the defendant. However, Justice Bautista Angelo was careful to point out that in cases decided by the Supreme Court and the Court of Appeals, service of a copy of the decision upon the defendant is required. Doubtless, he was referring to Sec. 7, Rule 53 of the Rules of Court which provides that, "after judgment and dissenting opinions, if any, are signed by the justices taking part, they shall be delivered for filing to the clerk who shall cause true copies thereof to be served upon the parties or their counsel." In civil cases, notice to the parties of the judgment is also required.

While it is true that American authorities have persuasive force in this jurisdiction because of the origin of our remedial statute, it is to be noted that, even without the aid of these persuasive authorities, our Rules of Court sufficiently indicate the true meaning of the words "rendition of judgment". Our statutory provision on the matter is of course controlling. Section 6, Rule 118 of the Rules of Court, construed with Section 6, Rule 116 and Section 6, Rule 119, would lead us to the same correct conclusion that the words "rendition of judgment" contained in Sec. 6, Rule 118 is used in the same sense as "promulgation of judgment" contained in Sec. 6, Rule 119 and as defined in Sec. 6, Rule 116.

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[7] Noulton v. Smith, 23 Ariz. 319.
[8] Fleet v. Youngs, 11 Wend. N.Y. 528.
[9] 121 NE 119.
[10] Estate of Cook, 11 Am. St. Rep. 267.