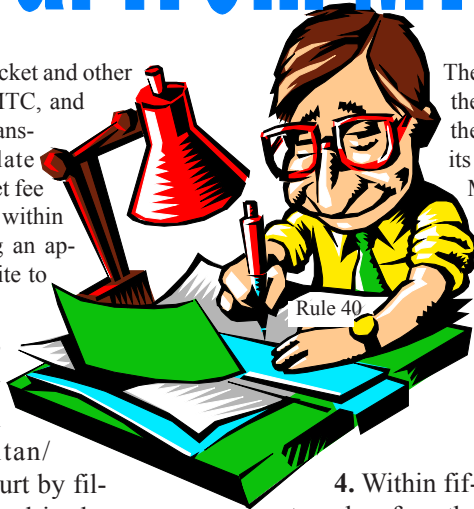


Appeal from MTC to RTC

The appellate court docket and other fees are paid to the MTC, and proof of payment is transmitted to the appellate court. While the docket fee is required to be paid within the period for taking an appeal, it is not a requisite to perfect an appeal.



The appeal may be withdrawn (1) before the records of the case are transmitted to the RTC; or (2) before the RTC renders its judgment (the case is remanded to the MTC for execution of the judgment).

1. Any party may appeal the decision of the Metropolitan/Municipal Trial Court by filing a notice of appeal in the same MTC within fifteen days from receipt of the judgment. Copies of the notice must be served on the adverse parties.

2. Within fifteen days from the perfection of the appeal, the MTC clerk of court transmits to the proper RTC the original records or record on appeal, together with the transcripts and exhibits which he shall certify as complete.

3. Upon receipt of the records, the clerk of court of the RTC shall notify all the parties.

4. Within fifteen days from the receipt of such notice, the appellant must file his memorandum discussing errors of the lower court. Failure to file a memorandum shall be a ground for the dismissal of the appeal. Within fifteen days from the receipt of the appellant's memorandum, the appellee may file his own memorandum (this is however optional).

5. The RTC decides the case on the basis of the entire records of the proceedings and the memoranda. It may reverse, affirm, or modify the MTC's decision.

6. If the MTC had dismissed the case without trial on the merits, the RTC may affirm or reverse it. In case of affirmance and the ground of dismissal is lack of jurisdiction over the subject matter, the RTC if it has jurisdiction over it, shall try the case on the merits as if the case was originally filed with it. In case of reversal, the case shall be remanded to the MTC for further proceedings.

7. If the MTC had conducted trial in a case where it had no jurisdiction, the RTC on appeal shall not dismiss the case if it has original jurisdiction thereof, but shall decide the case, with the admission of amended pleadings and additional evidence as may be needed in the interest of justice.

8. If the judgment of the RTC is not contested by any party, it is entered in the book of entries of judgments. A party desiring to appeal the RTC's judgment must file a petition for review at the Court of Appeals.

