

Adelbai v. Ngirasibong, 3 ROP Intrm. 1 (1991)

**ROSE ADELBAI,
Appellee,**

v.

**TULIK BILAMANG NGIRASIBONG,
Appellant.**

CIVIL APPEAL NO. 13-91
Civil Action No. 91-96

Supreme Court, Appellate Division
Republic of Palau

Decision

Decided: June 21, 1991

BEFORE: MAMORU NAKAMURA, Chief Justice; LOREN A. SUTTON, Associate Justice;
ARTHUR NGIRAKLSONG, Associate Justice.

NGIRAKLSONG, Associate Justice:

FACTS

The Judgment of the Trial Court was signed on Saturday, January 19, 1991, but it was filed and served on the Appellee's counsel on the following Monday, January 21, 1991. The deadline for filing notice of appeal is 30 days from January 21, 1991, or February 20, 1991. Appellant timely filed a motion to extend time to file notice of appeal which was granted on February 19, 1991. ROP App. Rule 4 (b). The Trial Court's Order of February 19, 1991 gave Appellant until March 22, 1991 to file his Notice of Appeal. Appellant filed his Notice of Appeal on March 22, 1991.

12 DISCUSSION

Appellee filed her motion to strike the Notice of Appeal as untimely filed. Appellee starts her computation of 30 day period to file notice of appeal from January 19, 1991, the date the Trial Judge signed the Judgment and while the Judgment was still presumably in his desk drawer. Computing from January 19, 1991, is where Appellee went wrong. There is no rule, statute or practice that begins computation of the 30 day time period from the date affixed on a judgment before it is filed. ROP R. Civ. Pro. 58 and 79(a) establish the effective date of entry of judgment as on the date of filing with the Clerk of Court and not before.

ROP R. App. Pro. 4(a) is clear that the 30 day time period begins from the date judgment is served. The Rule was promulgated pursuant to section 14, Article X of the Palau Constitution and is consistent with 14 PNC § 602, the enabling legislation.

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CONCLUSION

Appellee's motion to strike Notice of Appeal is Denied. The Notice of Appeal was timely filed on March 22, 1990 and this Court has jurisdiction over this matter.