

SILVESTRE TORRES, et al., Appellants

v.

JOSE R. CRUZ, et al., Appellees

Civil Appeal No. 20

Appellate Division of the High Court

January 21, 1965

Appeal from judgment in Trial Division of the High Court, Mariana Islands District, awarding interest on judgment starting from date of filing of complaint in Trial Division of the High Court. The Appellate Division of the High Court, in a Per Curiam opinion, held that interest should begin from date judgment was entered.

Modified.

Judgments-Interest

Interest on judgment begins from date judgment is entered. (T.T.C., Sec. 282)

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*Counsel for Appellants:* ROGER L. ST. PIERRE, *Public Defender*

*Counsel for Appellees:* ANDREW M. GAYLE

Before FURBER, *Chief Justice*, SHRIVER and PEREZ,  
*Temporary Judges*

PER CURIAM

OPINION OF THE COURT

Although the appellants in their notice of appeal alleged three grounds of appeal, in their brief, filed on their behalf by a lawyer, they have stated the question presented as simply whether the Trial Court was warranted in awarding a money judgment "with interest thereon from the date of the filing of the complaint until paid", and have argued solely that question, which was covered by one of the grounds stated in their notice of appeal. Under all the circumstances, we consider that the other grounds of appeal have been waived-especially since we notice from the record no manifest error as to those grounds. 5 Am. Jur., 2d, Appeal and Error, § 693.

On the sole issue raised in the appellants' brief, Counsel for the appellees has notified the court that they are ready to waive the interest in question and consent to the modification of the judgment accordingly. We therefore consider that this issue has become moot. There appears no possible question but what the judgment, in accordance with Section 282 of the Trust Territory Code, ought to at least bear interest at the rate of six percent (6%) per annum from the date the judgment was entered.

ORDER MODIFYING JUDGMENT AND DISMISSING APPEAL

In view of the above, the judgment of the Trial Division in its Mariana Islands District Civil Action No. 59 is modified by changing the words

"with interest thereon at the rate of six percent (6%) per annum from June 15, 1961, the date of the filing of the complaint in this action,"

to read:

"with interest thereon at the rate of six percent (6%) per annum from September 9, 1963, the date of the entry of this judgment,".

Subject to the foregoing modification of the judgment, this appeal is dismissed without costs as moot.