

**CLEMENTE G. REYES, DOING BUSINESS UNDER THE TRADE NAME
“PHILIPPINE AUTO SUPPLY COMPANY”;
PLAINTIFF-APPELLEE, VS. LEODEGARIO DE LEON, DOING BUSINESS
UNDER THE TRADE NAME “TROPICA...**

G. R. No. L-3720. June 24, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7c67d8547e4c/>

BAUTISTA ANGELO, J.:

This is an appeal from an order of the Court of First Instance of Manila dated October 15, 1949, dismissing the appeal interposed by appellant from an order of the municipal court denying his motion to quash the writ of execution issued in this case.

This case originated in the municipal court of Manila by a complaint filed on May 17, 1949. On June 14, defendant filed his answer. On June 16, the parties submitted a stipulation of facts, and on the same date, the court rendered its decision. Upon petition of plaintiff the court ordered the execution of the judgment.

On July 21, the defendant filed a motion to quash the execution upon the ground that the writ of execution has been improperly issued for the reason that it is the plaintiff, and not the defendant, who has still some indebtedness to pay under the decision, which motion was denied by the court on August 4, 1949. From the order of denial, defendant perfected his appeal to the Court of First Instance of Manila. On September 22, plaintiff moved for the dismissal of the appeal contending that said order is unappealable. This motion was granted in an order of October 15, 1949. The motion for reconsideration having been denied, defendant has appealed to this Court.

The only question to be determined in this appeal is whether an appeal lies from the order of the municipal court denying the motion of the defendant to quash the order of execution rendered in the case.

Section 1, Rule 40, of the Rules of Court provides:

"Sec. 1. Who may appeal.-Either party to an action may appeal from a Judgment rendered by an inferior court to the Court of First Instance of the province where the Judgment was rendered."

From the above quoted provision it would seem that a party may only appeal from a Judgment and not from an order of the inferior court. However, this Court has already held that an appeal may lie not only from a final judgment of an inferior court but also from an order thereof if it is final in character (*Monte de Piedad v. Dangoy*, 40 O. G., p. 1456; June 20, 1941).

An order is deemed final when it finally disposes of the pending action so that nothing more can be done with it in the lower court (*Mejia v. Alimorong*, 4 Phil. 572; *Insular Government v. Roman Catholic Bishop of Nueva Segovia*, 17 Phil. 487; *People v. Macaraig*, 54 Phil. 904). In other words, a final order is that which gives an end to the litigation (*Olsen & Co. v. Olsen*, 48 Phil. 238). The test to ascertain whether an order is interlocutory or

final is: does it leave something to be done in the trial court with respect to the merits of the case? If it does, it is interlocutory; if it does not, it is final (Moran, Comments on the Rules of Court, Vol. 1, 3rd ed. pp. 806-807). A final order is that which disposes of the whole subject-matter or terminates the particular proceedings or action, leaving nothing to be done but to enforce by execution what has been determined (2 Am. Jur., section 22, pp. 861-862).

The order of the municipal court of Manila which denies the motion of the defendant to quash the execution of the decision rendered in this case is clearly final in character because it leaves nothing more to be done in said court with respect to the merits of the case. It should be noted that the decision on the merits has already become final and executory and the only matter disputed by the defendant is the manner in which plaintiff wanted to carry out the execution of the decision. This decision is indeed vague and susceptible of misinterpretation. It needs to be clarified as it is based on a stipulation of facts which in itself is vague and confusing. This is precisely the aim of the motion to quash filed by the defendant: to seek an interpretation or a clarification of the decision. Such attempt, however, was frustrated by the denial of the motion to quash. In our opinion the order denying such motion is final and can be appealed. And the lower court erred in not permitting it.

Wherefore, the order appealed from is reversed with the directive that the lower court give course to the appeal interposed by appellant from the order of the municipal court dated August 4, 1949. So ordered with costs.

Paras, Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Labrador, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.