

SERAPIO AVERIA, PLAINTIFF AND APPELLANT, VS. LUOIO REBOLDERA, DEFENDANT AND APPELLEE.

G.R. No. 4131. March 09, 1908

Ponente: TRACEY, J.

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TRACEY, J.:

This action was presumably brought to obtain a settlement of a disputed rule of the cockpit. The appeal is premature for the reason that the decision of the Court of First Instance was an order sustaining a demurrer to the complaint, no final judgment having been entered. An appeal does not lie to this court from an interlocutory order sustaining or overruling a demurrer. To be appealable a decision of the court below must be final. (Code of Civil Procedure, sec. 123.) For this reason the appeal is dismissed, with costs of this instance against the appellant. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Willard, JJ., concur.

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