

JOHN GRUINDROD, PLAINTIFF AND APPELLANT, VS. LIZARRAGA HERMANOS, DEFENDANT AND APPELLEE.

G.R. No. 989. November 28, 1902

Ponente: WILLARD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-989/>

WILLARD, J.:

This is a motion to dismiss the bill of exceptions on the ground, among others, that the resolution excepted to is not a final judgment.

Article 123 of the Code of Civil Procedure is as follows:

"No interlocutory or incidental ruling, order, or judgment of the Court of First Instance shall stay the progress of an action or proceeding therein pending, but only such ruling, order, or judgment as finally determines the action or proceeding; nor shall any ruling, order, or judgment be the subject of appeal to the Supreme Court until final judgment is rendered for one party or the other."

Article 143 says: "Upon the rendition of final judgment disposing of the action, either party shall have the right to perfect a bill of exceptions."

The resolution excepted to orders: "That the judgment of the said Superior Provost Court in this case be set aside and that the action be placed on the calendar of the Court of First Instance of Iloilo for a new trial." This determination, so far from finally disposing of the case, expressly held that there had been no final judgment therein, and retained it for a new trial. (Francisco M. Go-Quico vs. Municipal Board of Manila.)

The motion is granted and the bill of exceptions dismissed, with costs against the appellant. It is so ordered,

Arellano, C. J., Cooper, Torres, Smith, Mapa, and Ladd, 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.