

1 Phil. 303

[ G.R. No. 967. July 25, 1902 ]

**DARIO ELEIZEGUI ET AL., PLAINTIFFS AND APPELLEES, VS. THE MANILA LAWN TENNIS CLUB, DEFENDANT AND APPELLANT.**

**D E C I S I O N**

**COOPER, J.:**

The appellee has moved the court to dismiss the appeal taken against the judgment rendered by the Court of First Instance of Manila, upon the ground that the Supreme Court is without jurisdiction in cases tried by the Court of First Instance in the exercise of its jurisdiction over cases appealed from justice courts.

Article 74 of the Code of Civil Procedure of 1901 provides that either of the parties to an action pending before a justice court may appeal against a judgment of a justice of the peace to a Court of First Instance, the appeal to be tried at the next regular term of the said court. In accordance with the provisions of article 75 the effect of an appeal so taken is to vacate the judgment of the justice court, and the case, when duly entered in the Court of First Instance, is tried *de novo* on the merits, in accordance with the regular procedure of that court, as though it had not been tried before and had originally been brought therein. Article 143 of the Code of Civil Procedure provides that upon the rendition of a final judgment by a Court of First Instance disposing of the action either of the parties shall be entitled to perfect a bill of exceptions for a review by the Supreme Court of all rulings, orders, and judgments made in the action to which the party has duly excepted at the time of making such ruling, order, or judgment. No limitation whatever has been fixed with respect to the right of the parties to appeal against a judgment of a Court of First Instance, nor has any distinction been made as to whether the case was commenced in the Court of First Instance or whether it was brought before it by appeal from a justice court. We hold that article 143 confers jurisdiction upon the Supreme Court in all cases of final judgments rendered by the Court of First Instance, either in the exercise of its original jurisdiction or

its appellate jurisdiction. The motion to dismiss is therefore overruled. So ordered.

*Arellano, C. J., Torres, Willard, and Ladd, JJ., concur.*

*Mapa J., did not sit in this case.*

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