

Title:

Calderon v. Roxas, G.R. No. 187683 (2013)

Facts:

Step-by-Step Account:

1. **Marriage and Family Background:**

Ma. Carminia C. Calderon married Jose Antonio F. Roxas on December 4, 1985. They had four children.

2. **Filing for Nullity of Marriage:**

On January 16, 1998, Calderon filed an Amended Complaint for the declaration of nullity of their marriage under Art. 36 of the Family Code of the Philippines based on psychological incapacity.

3. **Order for Support Pendente Lite:**

On May 19, 1998, the Regional Trial Court (RTC) of Parañaque City issued an Order granting support pendente lite for Calderon, ordering Roxas to contribute P42,292.50 monthly for the support of their children.

4. **Dispute over the Order of Support:**

Roxas contested the support order, leading to the Supreme Court intervention in “Ma. Carminia C. Roxas v. Court of Appeals and Jose Antonio F. Roxas”, which reaffirmed the RTC orders.

5. **Interim Orders:**

Several orders regarding the support pendente lite were issued subsequently. In particular, an Order dated October 11, 2002 directed Roxas to support the children starting from April 1, 1999.

6. **Motion to Reduce Support:**

On February 11, 2003, Roxas filed a Motion to Reduce Support, arguing that the support amount was higher than his salary as a city councilor.

7. **RTC Decision on Motion:**

On March 7, 2005, the RTC granted Roxas’s motion to reduce support and denied Calderon’s motion for spousal support, increasing the child support pendente lite, and support in arrears.

8. **RTC Decision on Marriage Nullity:**

On May 16, 2005, the RTC declared the marriage null and void, awarded child custody and support, and ordered the dissolution of the conjugal partnership. Petitioner Calderon did not appeal this decision.

9. **Notice of Appeal:**

On June 14, 2005, Calderon appealed the RTC Orders dated March 7, 2005, and May 4, 2005, but specified these were not appeals against the main RTC Decision dated May 16, 2005.

10. **CA Decision:**

On September 9, 2008, the Court of Appeals (CA) dismissed the appeal on the ground that granting the appeal would disturb the already final and executory RTC Decision.

11. **Motion for Reconsideration:**

Calderon's motion for reconsideration was denied by the CA on December 15, 2008.

12. **Petition to the Supreme Court:**

Calderon then filed the present petition for review on certiorari under Rule 45 with the Supreme Court.

Issues:

1. Were the RTC Orders dated March 7, 2005 and May 4, 2005 interlocutory or final?

2. Did the CA err in outrightly dismissing the appeal from said RTC Orders instead of deciding on the merits?

Court's Decision:

Resolution of Issues:

Issue 1: Interlocutory vs. Final Orders:

- The Supreme Court affirmed that the assailed RTC Orders regarding support pendente lite and support in arrears are interlocutory, not final. They disposed of incidental matters during the pendency of the case and did not resolve the main action's merits.

- The Court explained that interlocutory orders resolve incidental issues and do not finally dispose of the case.

Issue 2: Proper Remedy and Dismissal of Appeal:

- The appeal from interlocutory orders is not allowed under Section 1, Rule 41 of the 1997

Revised Rules of Civil Procedure.

- The proper remedy for addressing interlocutory orders not rendered without or in excess of jurisdiction is a special civil action under Rule 65, not an appeal.
- As the CA correctly dismissed Calderon's appeal for utilizing the wrong remedy, the Supreme Court denied Calderon's petition due to lack of merit.

Doctrine:

1. **Interlocutory Orders:**

- Interlocutory orders are issued during the litigation process to address procedural needs or temporary measures, which do not finish the case's main issue.
- They cannot be appealed separately; the remedy is often a special civil action for certiorari, not appeal.

2. **Final Orders:**

- Final orders adjudicate the case's issues resolutely and leave nothing more for the court's final decision.

Class Notes:

- **Interlocutory Orders:** Orders that resolve incidental issues but not the case's main issue.
- **Final Orders:** Orders that dispose of the case or terminate a stage of the action.
- **Provisional Remedies:** Temporary measures to preserve rights during litigation (e.g., support pendente lite).
- **Rule 61 and Rule 65:** Remedies for provisional orders and interlocutory orders respectively.

Statutory Provisions:

- **Art. 36, Family Code of the Philippines:** Grounds on psychological incapacity for nullity of marriage.
- **Section 1, Rule 41, 1997 Revised Rules of Civil Procedure:** Appeal subject.
- **Rule 65, 1997 Revised Rules of Civil Procedure:** Special civil action for certiorari.

Historical Background:

- This case exemplifies the application of provisional remedies and their differentiation from final orders in family law, particularly in the densely litigated area of annulment and support issues.