

Title:

Ricardo S. Silverio, Jr. vs. Court of Appeals (Fifth Division) and Nelia S. Silverio-Dee (G.R. No. 182611, January 26, 2010)

Facts:

The case involves the intestate estate of Beatriz Silverio. Her surviving spouse, Ricardo Silverio, Sr., filed for the settlement of her estate in the Regional Trial Court (RTC) of Makati, Branch 57. During the proceedings:

1. **Nov. 16, 2004**: Ricardo Silverio, Jr. petitioned to remove Ricardo C. Silverio, Sr. as the estate administrator.
2. **Nov. 22, 2004**: Edmundo S. Silverio supported the removal and suggested appointing a new administrator.
3. **Jan. 3, 2005**: RTC removed Ricardo Sr. as administrator and appointed Ricardo Jr. as the new administrator.
4. **Jan. 26, 2005**: Nelia S. Silverio-Dee filed a motion for reconsideration (MR) against the Jan. 3 Order.
5. **Feb. 4, 2005**: Ricardo Jr. requested the court to prohibit unauthorized occupation of the estate properties.
6. **May 31, 2005**: RTC issued an Omnibus Order denying Nelia's MR and affirming Ricardo Jr.'s appointment. It also directed Nelia to vacate the No. 3 Intsia property within 15 days.
7. **Jun. 8, 2005**: Nelia received the Order.
8. **Jun. 16, 2005**: Nelia filed another MR, which the RTC denied on **Dec. 12, 2005**. This Order reinstated Ricardo Sr. as the administrator.
9. **Jan. 6, 2006**: Nelia filed a Notice of Appeal from the Dec. 12 Order.
10. **Jan. 23, 2006**: She filed the Record on Appeal, ten days late.
11. **Apr. 2, 2007**: The RTC denied the appeal and issued a writ of execution for the May 31, 2005 Order, directing Nelia to vacate the property.
12. **Apr. 17, 2007**: Writ of Execution issued.
13. **Apr. 19, 2007**: Notice to Vacate issued.
14. **May 2, 2007**: Nelia filed a Petition for Certiorari and Prohibition with the Court of Appeals (CA).

The CA granted the TRO and, on **Jul. 6, 2007**, annulled the RTC's orders and directed the appeal to proceed. Ricardo Jr. then filed this current petition.

Issues:

1. Is the RTC's May 31, 2005 Order interlocutory and non-appealable?
2. Did the CA err in issuing a TRO and annulling the RTC's orders?
3. Was there a grave abuse of discretion by the CA in its rulings about the occupancy and execution orders?

Court's Decision:

The Supreme Court found merit in the petition and addressed each issue as follows:

1. **Interlocutory Nature**:

- The May 31, 2005 Order was deemed interlocutory as it did not finalize the settlement nor determine specific entitlements among the heirs. Therefore, it should not be subject to appeal.

2. **Improper Filing**:

- Nelia S. Silverio-Dee's Notice of Appeal against the Dec. 12, 2005 Order, which denied her MR against the interlocutory May 31, 2005 Order, was improper. Instead of appealing, she should have filed a special civil action for certiorari under Rule 65.

3. **Reglementary Period**:

- By filing an improper appeal, Nelia did not toll the reglementary period for filing a proper certiorari petition, thus rendering her actions untimely and ineffective.

Therefore, the Supreme Court reversed the CA's decisions, reinstating the RTC's orders.

Doctrine:

1. **Interlocutory Orders**:

- Appeal from an interlocutory order is improper. The appropriate remedy is a petition for certiorari under Rule 65.

2. **Proper Mode of Appeal**:

- Filing an incorrect remedy does not toll the period to file the correct one, resulting in loss of the right to appeal.

Class Notes:

Key Elements/Concepts:

- **Interlocutory Order**: An order that does not end the judicial action or determine the rights of the parties entirely.
- Example: "The possession directives in an estate case preparing for the final

distribution.”

- ****Special Civil Action for Certiorari (Rule 65)****: Proper remedy for orders issued without or in excess of jurisdiction with grave abuse of discretion.
- Example: “An inappropriate motion filed does not toll the reglementary period for filing specific civil actions.”

Historical Background:

The case exemplifies the judicial procedural rigor in estate settlements and the enforcement of correct procedural remedies in the Philippine legal system. It highlights the intricacies involved when heirs contest administrator roles and property occupancy while awaiting final estate partition—a common and significant discourse in the administration of estates.