

JOSE PLATON AND ROMAN CASTILLO, PETITIONERS, VS. HON. CLAUDIO SANDOVAL, IN HIS CAPACITY AS JUDGE, COURT OF FIRST INSTANCE OF LAGUNA, AND INES MAILOM, RESPONDENTS.

G.R. No. 49031. August 28, 1944

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-49031/>

OZAETA, J.:

This is an original petition for certiorari and mandamus to annul an order issued by the respondent judge whereby the receiver appointed in civil case No. 7385 of the Court of First Instance of Laguna, entitled "Ines Mailom vs. Antonino Castillo and Roman Castillo," was discharged, and to compel the respondent judge to approve the appeal of said receiver from said order.

It appears that said civil case was instituted by Ines Mailom, one of the heirs of the deceased Servanda Mailom, to annul the sale of certain parcels of land made by the spouses Roman Castillo and Servanda Mailom (previous to the death of the latter) in favor of Antonino Castillo, a brother of Roman. After the death Servanda Mailom, her husband Roman Castillo was appointed administrator of the estate left by her. The herein petitioner Jose Platon was appointed receiver of the property in litigation in said civil case No. 7385 at the instance of the plaintiff (now respondent) Ines Mailom.

It was also Ines Mailom who, through her attorney, moved the court on November 11, 1942, to discharge the receiver on the ground that there was no more necessity for the continuation of the receivership inasmuch as the defendant Antonino Castillo had renounced his claim to said property in a stipulation of facts submitted to the court on November 25, 1940, and the heirs of the deceased Servanda Mailom, including the administrator Roman Castillo, had submitted a project of partition in the intestate proceedings of the deceased Servanda Mailom, case Ho. 3148 of said court, which project of partition had been approved by the court. Upon such allegations, which the court found to be true, the respondent judge granted the motion, discharging the receiver and ordering him to deliver the properties under receivership to the persons entitled to receive the same in accordance with the project of partition aforementioned.

The receiver Jose Platon filed a motion to set aside said order on the grounds (1) that he had not been notified of the motion upon which the same was issued; (2) that the case in which he was appointed receiver, was still pending decision by Judge Proceso Sebastian; (3) that in the event Antonino Castillo wins the case, the receiver has to deliver to him the properties, thereby rendering the project of partition useless and of no value; and (4) that irregularities were committed by Attorney Acuña for the plaintiff and the heirs of Servanda Mailom regarding the disposition of the properties in question after the approval of the project of partition. In a memorandum submitted by the attorney for the receiver Jose Platon in support of said motion, said attorney, who also represents the defendant-administrator Roman Castillo, said that the latter joins the receiver in said motion and makes it his own.

After hearing both parties upon said motion to set aside the order discharging the receiver, the respondent judge reaffirmed his finding that there was no necessity for the continuation of the receivership and denied said motion.

Thereupon the receiver filed a notice of appeal from said order and tendered a record on appeal which the respondent judge disapproved on the ground that the order was interlocutory and not appealable.

With regard to the order discharging the receiver and terminating the receivership, we find no excess of jurisdiction nor grave abuse of discretion on the part of the respondent judge. The property in litigation and under receivership belongs to the intestate estate of the deceased

It is immaterial to decide now whether the receiver was entitled to be heard on the original motion to discharge him, for the reason that he was actually heard in the premises when thru his attorney he filed a motion for reconsideration.

With regard to the approval of the record on appeal, we agree with the respondent judge that the order sought to be appealed from is interlocutory, and hence mandamus does not lie to compel him to approve and certify the record on appeal. As a matter of fact, certiorari to annul an order and mandamus to approve an appeal from said order are inconsistent remedies. The first is predicated on the theory that the second is unavailable; Having decided to pass upon the petition for certiorari on the merits, we cannot consistently compel the approval of an appeal from the same order which was the object of the certiorari proceeding. The petition is denied and the orders assailed are affirmed.

With costs against the petitioners.

Yulo, C.J., Moran, Horrilleno, and Paras, 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.