

FIRST DIVISION

[G.R. Nos. 208828-29, August 13, 2014]

RICARDO C. SILVERIO, SR., PETITIONER, VS. RICARDO S. SILVERIO, JR., CITRINE HOLDINGS, INC., MONICA P. OCAMPO AND ZEE2 RESOURCES, INC., RESPONDENTS.

DECISION

VILLARAMA, JR., J.:

Before the Court is a petition for review under Rule 45 of the 1997 Rules of Civil Procedure, as amended, to reverse and set aside the Decision^[1] dated March 8, 2013 of the Court of Appeals (CA) insofar as CA-G.R. SP Nos. 121173 and 122024 are concerned, and Resolution^[2] dated July 4, 2013 denying petitioner's Motion for Partial Reconsideration. The CA nullified the preliminary injunction issued by the Regional Trial Court (RTC) of Makati City ("intestate court"), Branch 57 in Sp. Proc. No. M-2629 and reversed said court's Order dated August 18, 2011 declaring the sales and derivative titles over two properties subject of intestate proceedings as null and void.

The factual and procedural antecedents of the case, as summarized by the CA, are as follows:

The late Beatriz S. Silverio died without leaving a will on October 7, 1987. She was survived by her legal heirs, namely: Ricardo C. Silverio, Sr. (husband), Edmundo S. Silverio (son), Edgardo S. Silverio (son), Ricardo S. Silverio, Jr. (son), Nelia S. Silverio-Dee (daughter), and Ligaya S. Silverio (daughter). Subsequently, an intestate proceeding (SP PROC. NO. M-2629) for the settlement of her estate was filed by SILVERIO, SR.

In the course of the proceedings, the parties filed different petitions and appeal challenging several orders of the intestate court that went all the way up to the Supreme Court. To better understand the myriad of factual and procedural antecedents leading to the instant consolidated case, this court will resolve the petitions in *seriatim*.

The Petitions

CA-G.R. SP No. 121172

The first petition of the three consolidated petitions is CA-G.R. SP No. 121172 wherein petitioner, RICARDO S. SILVERIO JR. ("SILVERIO JR.") assails the Order of the intestate court dated 16 June 2011 reinstating RICARDO SILVERIO SR. ("SILVERIO SR.") as administrator to the estate of the late Beatriz Silverio.

The administrator first appointed by the Court was EDGARDO SILVERIO ("EDGARDO"), but by virtue of a Joint Manifestation dated 3 November 1999 filed by the heirs of BEATRIZ D. SILVERIO, the motion to withdraw as administrator filed by EDGARDO was approved by the intestate court and in his stead, SILVERIO SR. was appointed as the new administrator.

Thereafter, an active exchange of pleadings to remove and appoint a new administrator ensued between SILVERIO SR. and SILVERIO JR. The flip-flopping appointment of administrator is summarized below:

In an Order dated 3 January 2005, SILVERIO SR. was removed as administrator and in his stead, SILVERIO, JR. was designated as the new administrator. A motion for reconsideration was separately filed by SILVERIO SR. and Nelia Silverio-Dee ("SILVERIO-DEE") and on 31 May 2005, the intestate court issued an Omnibus Order affirming among others, the Order of 3 January 2005. In the same Order, the intestate court also granted the motion of SILVERIO JR. to take his oath as administrator effective upon receipt of the order and expunged the inventory report filed by SILVERIO SR.

On 12 December 2005 the intestate court acting on the motion filed by SILVERIO SR. recalled the Order granting letters of administration to SILVERIO JR. and reinstated SILVERIO SR. as administrator. Then again, the intestate court acting on the motion for partial consideration to the Order dated 12 December 2005 filed by SILVERIO JR. issued an Omnibus Order dated 31 October 2006 upholding the grant of Letters of Administration to SILVERIO JR. and removed SILVERIO SR., administrator for gross violation of his duties and functions under Section 1, Rule 81 of the Rules of Court.

SILVERIO SR. moved for reconsideration of the above Order whereas SILVERIO-DEE on the other hand, filed a Petition for *Certiorari* before the Court of Appeals docketed as CA-G.R. SP No. 97196. On 28 August 2008, the Court of Appeals (Seventh Division) rendered a decision reinstating SILVERIO, SR. as administrator, the decretal portion of the Order reads:

"WHEREFORE, the petition is GRANTED. The portions of the Omnibus Order upholding the grant of letters of administration to and the taking of an oath of administration by Ricardo Silverio, Jr., as well as the removal of Ricardo Silverio, Sr. as administrator to the Estate of Beatriz Silverio, are declared NULL and VOID. The writ of preliminary injunction earlier issued is MADE PERMANENT in regard to the said portions. Respondent RTC is ORDERED to reinstate Ricardo Silverio, Sr. as administrator to the Estate of Beatriz Silverio. Costs against the Private Respondents.

SO ORDERED."

SILVERIO JR. filed a Petition for review on *Certiorari* before the Supreme Court docketed as G.R. No. 185619 challenging the 28 August 2008 decision of the Court of Appeals. On 11 February 2009, the Supreme Court issued a resolution denying the petition for failure to sufficiently show any reversible error in the assailed judgment to warrant the exercise by the Court of discretionary appellate jurisdiction. Acting on SILVERIO JR.'s motion for reconsideration, the Supreme Court on 11 February 2011, denied the motion with finality. An entry of judgment was made on 29 March 2011.

On 25 April 2011 SILVERIO SR. filed before the intestate court, an urgent motion to be reinstated as administrator of the estate. Acting on the motion, the intestate court issued the now challenged Order dated 16 June 2011, the pertinent portion of the Order reads:

x x x x

"WHEREFORE, upon posting of a bond in the sum of TEN MILLION PESOS, the same to be approved by this Court, Mr. Ricardo C. Silverio, Sr. is hereby ordered reinstated as the Administrator to the estate of the late Beatriz Silverio and to immediately take his oath as such, and exercise his duties and functions as are incumbent under the law upon the said position.

xxx."

x x x x

CA-G.R. SP No. 121173

x x x x

On 15 March 2011, heirs SILVERIO JR., EDMUNDO and LIGAYA represented by her legal guardian moved for the disqualification and/or inhibition of JUDGE GUANLAO, JR. based on the following grounds: (1) Absence of the written consent of all parties in interest allowing JUDGE GUANLAO, JR. to continue hearing the case considering that he appeared once as counsel in the intestate proceedings; (2) JUDGE GUANLAO, JR. has shown bias and partiality in favor of SILVERIO SR. by allowing the latter to pursue several motions and even issued a TRO in violation of the rules against forum shopping; (3) Heir LIGAYA's Petition for Support and Release of Funds for Medical Support has not been resolved; and (4) It is in the best interest of all the heirs that the proceedings be presided and decided by the cold neutrality of an impartial judge.

On 23 March 2011, JUDGE GUANLAO, JR. issued an order denying the Motion for Disqualification and/or Inhibition. The movants filed a motion for reconsideration but the same was denied in an order dated 14 June

2011. Hence, the instant petition.

x x x x

CA-G.R. SP NO. 122024

x x x x

The intestate court in its Omnibus Order dated 31 October 2006, ordered among others, the sale of certain properties belonging to the estate. The portion of the order which is pertinent to the present petition reads:

"WHEREFORE, above premises considered, this Court for the foregoing reasons resolves to grant the following:

(1) xxx

(2) xxx

(3) Allowing the sale of the properties located at (1) No. 82 Cambridge Circle, Forbes Park, Makati City, covered by T.C.T. No. 137155 issued by Register of Deeds of Makati City; (2) No. 3 Intsia Road, Forbes Park, Makati City covered by T.C.T. No. 4137154 issued by the Register of Deeds of Makati City; and (3) No. 19 Taurus St., Bel-Air Subd. Makati City covered by TCT No. 137156 issued by the Register of Deeds of Makati City to partially settle the intestate estate of the late Beatriz S. Silverio, and authorizing the Administrator to undertake the proper procedure or transferring the titles involved to the name of the estate; and

(4) To apply the proceeds of the sale mentioned in Number 3 above to the payment of taxes, interests, penalties and other charges, if any, and to distribute the residue among the heirs Ricardo C. Silverio, Sr., Ricardo S. Silverio, Jr., Ligaya S. Silverio represented by Legal Guardian Nestor S. Dela Merced II, Edmundo S. Silverio and Nelia S. Silverio-Dee in accordance with the law on intestacy.

SO ORDERED."

By virtue of the aforesaid Order, SILVERIO, JR. on 16 October 2007 executed a Deed of Absolute Sale in favor of CITRINE HOLDINGS, Inc. ("CITRINE") over the property located at No. 3 Intsia Road, Forbes Park, Makati City. CITRINE became the registered owner thereof on 06 September 2010 as evidenced by TCT No. 006-201000063.

A Deed of Absolute Sale was likewise executed in favor of Monica P. Ocampo (notarized on September 16, 2010) for the lot located at No. 82

Cambridge Circle, Forbes Park, Makati City. On 23 December 2010, TCT No. 006-2011000050 was issued to Monica P. Ocampo. The latter subsequently sold said property to ZEE2 Resources, Inc. (ZEE2) and TCT No. 006-2011000190 was issued on 11 February 2011 under its name.

In the interim, or on 12 December 2006 SILVERIO-DEE filed a petition for *certiorari* before the Court of Appeals docketed as CA-G.R. SP No. 97196 with prayer for injunctive relief. As prayed for, the Court of Appeals issued a Temporary Restraining Order (TRO) on 5 February 2007. On 4 July 2007, the Court issued a Writ of Preliminary Injunction conditioned upon the posting of the bond in the amount of two million pesos (Php2,000,000.00). SILVERIO-DEE posted the required bond on February 5, 2007 but in an order dated 3 January 2008, the Court ruled that the bond posted by SILVERIO-DEE failed to comply with A.M. No. 04-7-02-SC. The Court, however, did not reverse the ruling granting the injunction but instead ordered SILVERIO-DEE to comply with A.M. No. 04-7-02-SC. The Court also increased the bond from two million to ten million. On 29 February 2008, the Court issued a Resolution approving the ten million bond and issued the Writ of Preliminary Injunction. Eventually, on 28 August 2008 the Court of Appeals (Seventh Division) issued a decision reinstating SILVERIO SR. as administrator and declaring the Writ of Preliminary Injunction permanent in regard to the appointment of administrator.

On 04 February 2011 SILVERIO SR. filed an Urgent Application for the Issuance of Temporary Restraining Order/Preliminary Prohibitory Injunction (With Motion For the Issuance of Subpoena *Ad Testificandum* and Subpoena *Duces Tecum*) praying among others, that a TRO be issued restraining and/or preventing SILVERIO, JR., MONICA OCAMPO, CITRINE HOLDINGS, INC. and their successors-in-interest from committing any act that would affect the titles to the three properties.

On 14 February 2011, SILVERIO SR. filed an Urgent Omnibus Motion (a) To Declare as Null and Void the Deed of Absolute Sale dated 16 September 2010; (b) To cancel the Transfer Certificate of Title No. 006-2011000050; and (c) To reinstate the Transfer Certificate of Title No. 2236121 in the name of Ricardo C. Silverio Sr. and the Intestate Estate of the late Beatriz S. Silverio.

On 28 February 2011 the Intestate Court issued an Order granting a Temporary Restraining Order enjoining SILVERIO JR., their agent or anybody acting in their behalf from committing any act that would affect the titles to the properties and enjoining the Register of Deeds of Makati City from accepting, admitting, approving, registering, annotating or in any way giving due course to whatever deeds, instruments or any other documents involving voluntary or involuntary dealings which may have the effect of transferring, conveying, encumbering, ceding, waiving, alienating, or disposing in favor of any individual or any entity of the subject properties. Subpoena *ad testificandum and duces tecum* was also issued by the intestate court requiring SILVERIO, JR., MONICA OCAMPO and ALEXANDRA GARCIA of CITRINE to testify and bring with them any books and documents under their control to shed light on the