**Digest – G.R. No. 253426**

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| G.R. Number | G.R. No. 253426 |
| Date of Trial | November 29, 2022 |
| Court Level | Court Of Appeals |
| Division | En Banc |
| Is En Banc | Yes |
| Petitioners | Ana Maria C. Manguerra, Petitioner |
| Respondents | Ma. Patricia Concepcion E. Manguerra-Aberasturi, Jose Mariano E. Manguerra, Christine Martina E. Manguerra, Mamerto Luis E. Manguerra, Juan Paolo E. Manguerra, And Gregorio Constantino E. Manguerra, Respondents. |
| Ponente | Gaerlan J. |

**FACTS**

\* \*\*January 27, 2003:\*\* Petitioner filed a Petition for the probate of Concepcion A. Cuenco Vda. De Manguerra's (decedent) will in RTC Makati City.  
\* \*\*In the will:\*\* The decedent designated the petitioner as executor and disinherited most of her grandchildren from her late son, Mariano Jesus Manguerra, Jr., except Gregorio. Specific properties were bequeathed to Gregorio Constantino E. Manguerra, Ma. Victoria C. Manguerra-Montilla, Ma. Cecilia C. Manguerra-Brainard, and Ana Maria C. Manguerra.  
\* \*\*April 15, 2003:\*\* RTC issued an Order allowing the will and the issuance of letters testamentary to petitioner but invalidated the disinheritance provision.  
\* \*\*July 16, 2003:\*\* RTC granted petitioner's motion for partial reconsideration and ruled that resolving the issue of disinheritance is premature.  
\* \*\*February 15, 2005:\*\* Petitioner filed a Motion for distribution of the estate properties to the devisees and legatees named in the will.  
\* \*\*October 21, 2013:\*\* RTC issued a Resolution (Partial Distribution Order) directing the partial distribution of specific assets, noting that Gregorio had not accepted properties bequeathed to him and directed him to manifest his acceptance or rejection.  
\* \*\*February 13, 2014:\*\* RTC denied the respondent's Motion for Reconsideration of the Partial Distribution Order.  
\* \*\*April 2, 2014:\*\* Respondents filed a Notice of Appeal and Record on Appeal, challenging the Partial Distribution Order.  
\* \*\*June 2, 2014:\*\* RTC approved the record on appeal and directed the records to be submitted to the CA.  
\* \*\*July 28, 2014:\*\* Petitioner filed a Motion for Final Distribution of Remainder of the Estate.  
\* \*\*September 17, 2014:\*\* RTC granted petitioner's motion and issued a Resolution (Final Distribution Order) directing the distribution of all remaining assets. The property bequeathed to Gregorio was ordered to revert to the estate and be distributed to the petitioner due to Gregorio's failure to respond to the RTC's previous order.  
\* \*\*September 30, 2014:\*\* Respondents filed a Motion to Inhibit.  
\* \*\*October 10, 2014:\*\* Respondents filed a Motion for Reconsideration.  
\* \*\*September 7, 2015:\*\* RTC denied the respondent's motion for reconsideration.  
\* \*\*September 22, 2015:\*\* Respondents received the RTC Order denying their motion for reconsideration.  
\* \*\*October 21, 2015:\*\* Respondents filed their Notice of Appeal with attached Record on Appeal, challenging the Final Distribution Order.  
\* \*\*April 5, 2017:\*\* RTC disapproved the respondents' record on appeal.  
\* \*\*June 16, 2017:\*\* RTC denied the respondents' motion for reconsideration and granted the petitioner's Motion for Issuance of Entry of Judgment.  
\* \*\*June 17, 2019:\*\* CA granted respondents' Petition for Certiorari, setting aside the RTC's orders of April 5, 2017, and June 16, 2017, and ordering the RTC to approve the Notice of Appeal and Record on Appeal.  
\* \*\*July 8, 2019:\*\* RTC issued an Order approving respondents' notice of appeal and record on appeal in compliance with CA's directive.  
\* \*\*July 9, 2019:\*\* Petitioner filed her Motion for Reconsideration [Re: Decision dated 17 June 2019].  
\* \*\*September 8, 2020:\*\* CA issued its Resolution, which denied petitioner's motion for reconsideration.  
\* \*\*September 6, 2021:\*\* Respondents filed their Opposition [to Petition for Review on Certiorari dated 30 September 2020].

**ISSUES**

Based on the provided issue, the court formally addressed and resolved the following legal issue:  
  
\* \*\*Procedural Issue:\*\* Whether a record on appeal is necessary in special proceedings when the trial court has already completely disposed of the case.

**RULINGS**

Okay, here's a breakdown of the legal issues, the court's resolution of each, and the dispositive portion of the decision:  
  
\*\*Legal Issues and Resolutions:\*\*  
  
1. \*\*Issue:\*\* Is a record on appeal required in special proceedings when the Regional Trial Court (RTC) states that the case has been fully disposed of?  
  
 \*\*Resolution:\*\* Yes, a record on appeal is still required in special proceedings, even if the RTC claims the case is fully disposed of. While the RTC's rationale for waiving the record on appeal might seem sound on the surface, the Court emphasizes that the Rules of Court, specifically Section 2(a), Rule 41, explicitly mandate the filing of a record on appeal in special proceedings and other cases of multiple or separate appeals. The Court distinguishes \*Republic v. Nishina\*, which held that a record on appeal was not necessary because it involved a petition for cancellation of birth records and change of name, which is not covered by Section 1, Rule 109 of the Rules of Court where multiple appeals are allowed.  
  
 \*\*Ruling/Holding:\*\* In special proceedings, the filing of both a notice of appeal and a record on appeal is required to appeal final orders, as per Section 2(a), Rule 41 of the Rules of Court, regardless of whether the RTC believes the case is fully disposed of.  
  
2. \*\*Issue:\*\* Did the respondents comply with the procedural requirements for appealing the RTC's orders in the special proceeding?  
  
 \*\*Resolution:\*\* Yes, the Court found that the respondents did comply with the requirements by timely filing both a notice of appeal and a record on appeal. Therefore, the Court of Appeals (CA) was correct in ordering the RTC to approve these filings.  
  
 \*\*Ruling/Holding:\*\* The respondents properly observed the procedure for appealing the RTC's orders by timely filing both a notice of appeal and a record on appeal, as required by the Rules of Court.  
  
3. \*\*Issue:\*\* Was the RTC's conclusion that the case was fully disposed of accurate?  
  
 \*\*Resolution:\*\* The Court found the RTC's conclusion doubtful. At the time the RTC declared the case fully disposed of, the respondents' appeal of the Partial Distribution Order was still pending. Also, despite the issuance of the Final Distribution Order, the respondents still had several remedies to enforce their shares in the estate. The Court concluded that there was still something left to be done on the part of the RTC.  
  
 \*\*Ruling/Holding:\*\* Based on the record, the RTC's determination that the case was fully disposed of was erroneous.  
  
\*\*Dispositive Portion:\*\*  
  
"WHEREFORE, the Petition for Review on Certiorari dated September 30, 2020 filed by Ana Maria C. Manguerra is DENIED. The Decision dated June 17, 2019 and the Resolution dated September 8, 2020 of the Court of Appeals in CA-G.R. SP No. 151780 are AFFIRMED.  
  
SO ORDERED."