**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**

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On January 27, 2003, the petitioner filed a Petition for probate of the Last Will and Testament of the decedent Concepcion A. Cuenco Vda. De Manguerra before the RTC of Makati City, docketed as SP Proc. No. M-5599, seeking allowance of the will and appointment as executor.  
The decedent's will designated the petitioner as executor, disinherited all but one grandchild (Gregorio) from her late son Mariano Jesus Manguerra, Jr., and specified the distribution of properties.,Gregorio was bequeathed Lot No. 903-A-6 and cash equivalent to the balance of his legitime after deductions.,Ma. Victoria C. Manguerra-Montilla was bequeathed a house and lot in Malate and cash equivalent to the balance of her legitime after deductions.,Ma. Cecilia C. Manguerra-Brainard was bequeathed a commercial lot and building in Makati and cash equivalent to the balance of her legitime after deductions.,Ana Maria C. Manguerra was bequeathed an agricultural lot in Toledo, a residential lot in Guadalupe, Cebu City, all remaining cash in banks, and all jewelry.,The will also bequeathed rights and interests in Macovic Development Corporation, Rio Dorado, and CCM Realty Corporation, and the rest of the estate to Ana Maria C. Manguerra.  
On April 15, 2003, the RTC issued an Order allowing the decedent's will and ordering the issuance of letters testamentary to the petitioner, but invalidated the disinheritance provision, entitling the grandchildren to their legitime.,The petitioner's authority to sell or dispose of property was limited to paying taxes and debts pending final disposition by the court.  
The petitioner filed a motion for partial reconsideration, arguing that the invalidation of the disinheritance provision was premature.,On July 16, 2003, the RTC granted the motion, ruling that resolving the issue of disinheritance was premature as it pertained to the intrinsic validity of the will and could be addressed in further proceedings.  
On February 15, 2005, the petitioner filed a Motion for distribution of estate properties to the named devisees and legatees in the will.  
On October 21, 2013, the RTC rendered a Resolution (Partial Distribution Order) directing partial distribution of the estate, including lots and shareholdings to the petitioner, shareholdings to Melissa Montilla Gonzalez, and shareholdings to Monika Montilla Tawngdee.,The RTC noted that Gregorio had not accepted properties bequeathed to him and directed him to submit a manifestation of acceptance or rejection within five days.  
The respondents filed a Motion for Reconsideration of the Partial Distribution Order, which the RTC denied on February 13, 2014.  
The respondents filed a Notice of Appeal and Record on Appeal on April 2, 2014, challenging the Partial Distribution Order.  
On June 2, 2014, the RTC approved the record on appeal and directed submission of the records to the CA.  
While the appeal of the Partial Distribution Order was pending, the petitioner filed a Motion for Final Distribution of Remainder of the Estate on July 28, 2014, which was unopposed by the respondents.  
On September 17, 2014, the RTC granted the petitioner's motion and rendered a Resolution (Final Distribution Order), directing the distribution of all remaining assets in the decedent's estate.,The Final Distribution Order also ordered that the property bequeathed to Gregorio be reverted back to the estate and distributed to the petitioner due to Gregorio's failure to manifest acceptance or rejection.  
On September 30, 2014, the respondents filed a Motion to Inhibit, which was granted by the RTC.,After re-raffle, the respondents filed a Motion for Reconsideration on October 10, 2014, which was denied by the RTC on September 7, 2015.  
The respondents received the RTC Order denying their motion for reconsideration on September 22, 2015.,On October 21, 2015, 29 days after receipt, the respondents filed their Notice of Appeal with attached Record on Appeal, challenging the Final Distribution Order.  
On April 5, 2017, the RTC disapproved the respondents' record on appeal for being filed out of time.,The RTC stated that the proper remedy was an ordinary appeal, for which the 15-day period had prescribed.  
The respondents filed a motion for reconsideration, which was denied by the RTC on June 16, 2017.,In the same order, the RTC granted the petitioner's Motion for Issuance of Entry of Judgment, noting that the proceedings must end and the Final Distribution Order disposed of the core issue.  
The respondents filed a Petition for Certiorari before the CA, alleging grave abuse of discretion by the RTC in disapproving their notice of appeal and record on appeal, denying their motion for reconsideration, and ordering an entry of judgment.  
On June 17, 2019, the CA granted the respondents' Petition for Certiorari, annulling the RTC's orders and ordering the RTC to approve the notice of appeal and record on appeal.  
The CA ruled that the proper mode of appeal in special proceedings is by notice of appeal and record on appeal, and that the RTC committed grave abuse of discretion in disapproving the respondents' timely filed appeal.  
On July 8, 2019, the RTC issued an Order approving the respondents' notice of appeal and record on appeal, in compliance with the CA's directive.  
On July 9, 2019, the petitioner filed a Motion for Reconsideration, arguing that a record on appeal was unnecessary because the RTC had already resolved the core issues with the Final Distribution Order, and the respondents failed to appeal the Final Distribution Order within the 15-day period.  
On September 8, 2020, the CA issued its Resolution, denying the petitioner's motion for reconsideration.  
The petitioner filed the instant petition, challenging the CA's finding that the proper mode of appeal for judgments in special proceedings is by notice of appeal and record on appeal, not ordinary appeal.  
On September 6, 2021, the respondents filed their Opposition, praying for the dismissal of the petition and arguing that the CA correctly found that the RTC committed grave abuse of discretion.  
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**ISSUES**

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The crux of the controversy the Court is now tasked to resolve is whether a record on appeal is still necessary in special proceedings, when the trial court has already completely disposed of the case.

**RULINGS**

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The Petition lacks merit because multiple appeals are allowed in special proceedings where material issues may be determined at various stages.  
Section 2(a), Rule 41 of the Rules of Court specifies that appeals of judgments or final orders in special proceedings are made via notice of appeal and record on appeal.  
The requirement of a record on appeal in cases allowing multiple appeals enables the trial court to continue proceedings while allowing the appellate court to review the appealed matter.  
The purpose of a record on appeal is to enable the lower court to continue with the case while also allowing the appellate court to review the records and resolve the appealed matter.  
The RTC stated the case was fully disposed of, warranting only a notice of appeal, as there was nothing left for the lower court to do.  
The case of Republic v. Nishina, which stated that a record on appeal was unnecessary when no other matter remained for the trial court, is not directly applicable to this case.  
The current Rules do not stipulate that a record on appeal is only required when the case is not fully disposed of. In special proceedings and cases of multiple appeals, a record on appeal must still be filed with a notice of appeal.  
In Brual v. Contreras, the Court declared that both a notice of appeal and a record on appeal are required in appealing final orders in special proceedings, and must be filed within 30 days from notice of the judgment.  
The CA correctly ordered the RTC to approve respondents' notice of appeal and record on appeal because they satisfied the requirements under the Rules.  
The RTC's conclusion that the case was fully disposed of is doubtful because the respondents' appeal of the Partial Distribution Order was pending, and the respondents still had remedies to enforce their shares.  
A record on appeal was required to challenge the Final Distribution Order, and the CA correctly reversed the RTC's disapproval of the respondents' notice of appeal and record on appeal.  
The Petition for Review on Certiorari is denied, and the Court of Appeals' Decision and Resolution are affirmed.