

****Case Title:**** Zayco and Hinlo vs. Atty. Jesus V. Hinlo, Jr. (574 Phil. 736)

****Facts:****

Enrique Hinlo died intestate on January 31, 1986. His heirs filed a petition for letters of administration for his estate in the Regional Trial Court (RTC) of Negros Occidental, Silay City, Branch 40. Ceferina Hinlo, Enrique's widow, was appointed the special administratrix but had to step down due to illness. On December 23, 1991, Nancy H. Zayco and Remo Hinlo were appointed as co-administrators.

On March 4, 2003, Atty. Jesus V. Hinlo, Jr., a grandson of Enrique and heir by representation, sought the issuance of letters of administration in his favor and also moved for the removal of the petitioners as co-administrators. The petitioners opposed these.

The RTC, on July 23, 2002, granted Atty. Hinlo, Jr.'s petition, removed the petitioners as co-administrators, and directed the issuance of letters of administration to Atty. Hinlo upon his posting of a P50,000 bond. He complied and assumed his duties.

The petitioners received the RTC order on August 2, 2002, and moved for reconsideration on August 9, 2002, which the RTC denied on July 23, 2003. They received this order on July 31, 2003, and filed a notice of appeal the same day, with the record on appeal submitted on August 29, 2003.

On January 5, 2004, the RTC denied their appeal, ruling that the orders dated July 23, 2002, and July 23, 2003, were interlocutory and not appealable, and even if appealable, the petitioners filed late.

The petitioners challenged this in the Court of Appeals (CA), which dismissed their petition for certiorari and mandamus on June 27, 2005, ruling there was no grave abuse of discretion by the RTC. A motion for reconsideration was similarly denied on October 27, 2005.

****Issues:****

1. Whether the RTC erred in ruling that the orders dated July 23, 2002, and July 23, 2003, were interlocutory and not appealable.
2. Whether the petitioners' notice of appeal and record on appeal were filed on time.

****Court's Decision:****

1. ****Final Order Determination****: The Court held that an order appointing an administrator

is a final determination of the rights of the parties in connection with the administration, management, and settlement of the estate. Therefore, such an order is final and appealable.

2. ****Timeliness of Appeal****: The Court held that the appeal period in a special proceeding is 30 days from receipt of the final order, and this starts anew from the receipt of the order denying a motion for reconsideration. The petitioners filed their notice of appeal and record on appeal on August 29, 2003, within the 30-day period from receiving the order denying the motion for reconsideration on July 31, 2003.

The Supreme Court granted the petition, reversed the CA's decision, and directed the RTC to approve the appeal and forward it to the CA.

****Doctrine:****

An order appointing an administrator is final and thus appealable. The appeal period of 30 days in special proceedings is to be reckoned from receipt of the order denying the motion for reconsideration or new trial.

****Class Notes:****

- ****Final and Appealable Orders****: Orders that determine the rights of parties concerning the administration and settlement of estates are final.
- ****Key Statutes****: Section 3, Rule 41 of the Rules of Court.
- ****Applicable Jurisprudence****: Neypes v. CA (G.R. No. 141524, 14 September 2005, 469 SCRA 633), Testate Estate of Manuel v. Biascan.
- ****Appeal Period Calculation****: Under Rule 41, the notice of appeal and the record on appeal should be filed within 30 days from receipt of the final order or order denying the motion for reconsideration.

****Historical Background:****

The case arises in the context of Philippine estate law and procedural rules concerning the administration of estates, specifically addressing the appellate procedures in special proceedings. This is notable for clarifying the appellate rights of parties in estate administrations and reinforcing the finality of certain trial court orders, highlighting procedural precision in estate disputes.