

**\*\*Title:\*\*** Spouses Elbe Lebin and Erlinda Lebin vs. Vilma S. Mirasol and RTC of Iloilo, Branch XXVII

**\*\*Facts:\*\***

1. **\*\*Initial Offer and Deposit: January & August 1985\*\***

- Spouses Elbe and Erlinda Lebin (petitioners) offered to purchase Lot 18, Block 7 of 971 for P22,560.00, depositing 20% of the offer.
- The administrator sought judicial approval, noting Erlinda Lebin's occupancy. RTC commissioned Atty. Tabares to inspect, confirming Erlinda Lebin's occupancy.

2. **\*\*Approval & Competing Offer: August 1985\*\***

- RTC approved the petitioners' offer. Vilma Mirasol (respondent) also offered to buy the lot but found her house actually stood on Lot 18, not Lot 4.

3. **\*\*Petition for Relief & Final Payment by Petitioners: December 1985 - December 1987\*\***

- Mirasol filed a petition for relief from the August 28, 1985 order. Petitioners paid the last installment for Lot 18 and moved for the deed execution, which was unacted.

4. **\*\*RTC Order: May 3, 1995\*\***

- RTC resolved to divide Lot 18 equally between petitioners and respondent, directing sales execution and partition.

5. **\*\*Motions and Appeals: 1995 - 2004\*\***

- Petitioners moved for reconsideration, denied in March 1998. Filed notice of appeal and record on appeal, which respondent moved to dismiss for tardiness.
- RTC dismissed the appeal on February 1, 2002. Petitioners' motion for reconsideration was denied on May 21, 2004. Petitioners then appealed to the Supreme Court.

**\*\*Issues:\*\***

1. Did the RTC err in dismissing the petitioners' appeal for untimely filing of the record on appeal?
2. Did the RTC commit reversible error in adjudging that Lot 18 be sold in equal portions to both the petitioners and Vilma Mirasol?

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

1. **\*\*Timeliness of Appeal:\*\***

- The appeal lacked merit as petitioners failed to file the record on appeal within the 30-day period required by law. Appeal was mandatory and jurisdictional, thus not filed on time dismissed the appeal. RTC's power to do so was validated by Sections 2 and 3 of Rule 41 and further emphasized in *Murillo v. Consul*.

2. **Division of Lot 18:**

- RTC's adjudication was valid. Petitioners and Mirasol were both actual occupants, and the aim was to avoid dislocation. RTC exercised authority under Section 4 of Rule 89 of Rules of Court. Any modification or judicial approval associated with estate liquidation was proper and within the court's discretion.

**Doctrine:**

1. **Mandatory Perfection of Appeals:**

- The failure to timely file a record on appeal results in the dismissal of the appeal. Appeals in civil cases must strictly follow statutory requirements to avoid lapsing into finality.

2. **Probate Court Authority:**

- Probate courts have discretionary power to nullify or adjust property dispositions based on new factual findings to avoid dislocation and abide by established policies.

**Class Notes:**

- **Key Elements:**

- Appeals: must be perfected within the statutory period.
- Judicial approval: mandatory for property sales within estate administration.
- Probate court authority: inclusive of sale approvals, modifications, and equitable property distribution among actual occupants.

**Historical Background:**

The case illustrates procedural stringency in estate litigation within the Philippines legal framework, emphasizing the critical importance of adhering to judicial procedures and timeliness. The court's balancing of equitable distribution between parties underscores the welfare focus within estate settlements, reflecting broader judicial policies aimed at minimizing dislocation and maximizing equitable outcomes.