

NANCY H. ZAYCO AND REMO HINLO IN THEIR CAPACITY AS JUDICIAL CO-ADMINISTRATORS OF THE ESTATE OF ENRIQUE HINLO, PETITIONERS, VS. ATTY. JESUS V. HINLO, JR., RESPONDENT.

G.R. No. 170243. April 16, 2008

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-170243/>

CORONA, J.:

This is a petition for review[1] of the June 27, 2005 decision[2] and October 27, 2005 resolution of the Court of Appeals (CA) in CA-G.R. SP No. 82129.

After Enrique Hinlo died intestate on January 31, 1986, his heirs filed a petition for letters of administration of his estate in the Regional Trial Court (RTC) of Negros Occidental, Silay City, Branch 40. Ceferina Hinlo, widow of Enrique, was initially appointed as special administratrix of Enrique's estate. On December 23, 1991, petitioners Nancy H. Zayco and Remo Hinlo were appointed as co-administrators in lieu of their mother Ceferina who was already sickly and could no longer effectively perform her duties as special administratrix.

On March 4, 2003, respondent Atty. Jesus V. Hinlo, Jr., a grandson of Enrique and heir to his estate by virtue of representation,[3] filed a petition for the issuance of letters of administration in his favor and an urgent motion for the removal of petitioners as co-administrators of Enrique's estate.[4] Petitioners opposed both the petition and the motion.

In an order dated July 23, 2002,[5] the RTC revoked the appointment of petitioners as co-administrators of the estate of Enrique and directed the issuance of letters of administration in favor of respondent on a P50,000 bond. Respondent posted the required bond, took his oath as administrator and was issued letters of administration.

Petitioners received a copy of the July 23, 2002 order on August 2, 2002 and moved for its reconsideration on August 9, 2002. The RTC denied the motion for reconsideration in an order dated July 23, 2003.[6]

Petitioners received a copy of the July 23, 2003 order on July 31, 2003 and filed a notice of appeal the same day. They submitted a record on appeal on August 29, 2003.

In an order dated January 5, 2004,[7] the RTC denied the notice of appeal and record on appeal. It ruled that petitioners resorted to a wrong remedy as the July 23, 2002 and July 23, 2003 orders were interlocutory and not subject to appeal. Even assuming that appeal was the proper remedy, it was filed late:

Granting [a]rguendo, that the Orders dated July 23, 2002 and July 23, 2003 maybe the subject of appeal, the Notice of Appeal and the Record on Appeal were already filed out of time. Records will show that the Order of this Court dated July 23, 2002 removing the former co-administrators were received by them on August 2, 2002. Subsequently, they filed a Motion for Reconsideration on August 9[, 2002] which was denied by this Court in its Order dated July 23, 2003 and was received by them on July 31, 2003. A Notice of Appeal was filed on July 31, 2003 but a Record on Appeal was only filed on August 29, 2003. The 30 days reglementary period to file an appeal in special proceedings started to run on August 2, 2002 when [the] former

[co-]administrators received the order of this Court and stopped to run when they filed their Motion for Reconsideration and started to run again [on] July 31, 2003 when they received the order denying their Motion for Reconsideration until they filed their Record on Appeal on August 29, 2003. Thus, from August 2, 2002 to August 9, 2002, [the] former [co-]administrators already consumed a period of 7 days and from July 31, 2003 to August 29, 2003, a period of 29 days[,] or a total of 36 days. x x x[8] (emphasis supplied)

Petitioners challenged the January 5, 2004 RTC order in the CA by way of a petition for certiorari and mandamus. In a decision dated June 27, 2005, the CA dismissed the petition.[9] It ruled that there was no grave abuse of discretion on the part of the RTC as the notice of appeal and record on appeal were in fact filed beyond the prescribed period.

Petitioners sought reconsideration but the CA denied it. Hence, this petition.

Petitioners contend that the RTC erred when it ruled that the July 23, 2002 and July 23, 2003 orders were not appealable. They also claim that their notice of appeal and record on appeal were filed on time.

We agree.

An order appointing an administrator of a deceased person's estate is a final determination of the rights of the parties in connection with the administration, management and settlement of the decedent's estate.[10] It is a final order and, hence, appealable.[11]

In appeals in special proceedings, a record on appeal is required. The notice of appeal and the record on appeal should both be filed within 30 days from receipt of the notice of judgment or final order.[12] Pursuant to *Neypes v. CA*,[13] the 30-day period to file the notice of appeal and record on appeal should be reckoned from the receipt of the order denying the motion for new trial or motion for reconsideration.

From the time petitioners received the July 23, 2003 order (denying their motion for reconsideration of the July 23, 2002 order) on July 31, 2003, they had 30 days or until August 30, 2003 to file their notice of appeal and record on appeal. They did so on August 29, 2003. Thus, the appeal was made on time.

WHEREFORE, the petition is hereby GRANTED. The June 27, 2005 decision and October 27, 2005 resolution of the Court of Appeals in CA-G.R. SP No. 82129 affirming the January 5, 2004 order of the Regional Trial Court of Negros Occidental, Silay City, Branch 40 are REVERSED and SET ASIDE. The trial court is hereby directed to approve the notice of appeal and record on appeal and, thereafter, to forward the same to the Court of Appeals.

SO ORDERED.

Puno, C.J., (Chairperson), Azcuna, and Leonardo De Castro, JJ., concur.
Carpio, J., on leave.

[**] Judge Renaldo M. Alon, Presiding Judge of the Regional Trial Court of Silay City, Branch 40 was impleaded as respondent but was excluded by the Court pursuant to Section 4, Rule 45 of the Rules of Court.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Pampio A. Abarintos (retired) and concurred in by Associate Justices Mercedes Gozo-Dadole (retired) and Ramon M. Bato, Jr. of the Eighteenth Division of the Court of Appeals. Rollo, pp. 53-59.

[3] Respondent is a child of Jesus Enrique Hinlo, one of Enrique's children with Ceferina, who predeceased his

father in 1979.

[4] Rollo, pp. 65-78.

[5] Id., pp. 99-102.

[6] Id., pp. 150-156.

[7] Id., pp. 214-217.

[8] Id.

[9] Supra note 2.

[10] Testate Estate of Manuel v. Biascan, 401 Phil. 49 (2000).

[11] Id.

[12] Section 3, Rule 41 of the Rules of Court provides:

SEC. 3. Period of ordinary appeal. – The appeal shall be taken within fifteen (15) days from the notice of the judgment or final order appealed from. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from the notice of judgment or final order.

The period to appeal shall be interrupted by a timely motion for new trial or reconsideration. No motion for extension of time to file a motion for new trial or reconsideration shall be allowed. (Emphasis supplied)

[13] G.R. No. 141524, 14 September 2005, 469 SCRA 633.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.