

FIRST DIVISION

[G.R. No. 124553, February 10, 1997]

**ROSARIO R, TUASON, PETITIONER, VS. HON. COURT OF
APPEALS, AND EMILIO R. TUASON, RESPONDENTS.**

D E C I S I O N

VITUG, J.:

Petitioner Rosario Tuason, mother of private respondent Emilio R. Tuason, filed, on 21 November 1991, with the Regional Trial Court of Quezon City a petition, docketed Case No. Q-91-10677, for the confinement and treatment of Emilio at the Medical City General Hospital on account of his being a drug dependent. The trial court, acting on the petition, directed the confinement of Emilio at the hospital. About three months later, or on 11 February 1992, Rosario initiated, in SP Proc. M-3051, guardianship proceedings over the person and estate of her son. Corresponding letters of guardianship were forthwith issued in favor of petitioner.

On 06 June 1994, on motion of private respondent Emilio who claimed to have been freed from drug dependence, the trial court dismissed Case No. Q-91-10677. Emilio then filed, on 28 October 1990, a Manifestation and Motion in SP Proc. No. M-3051 asking for the termination of his guardianship or, in the alternative, for the appointment of Mrs. Milagros Balatbat, in lieu of petitioner, as guardian. The motion was denied by the trial court which, later, also rejected a reconsideration thereof.

Private respondent went up to the Court of Appeals on a petition for certiorari. The petition was followed by an exchange of pleadings. In his reply to petitioner's comment, private respondent zeroed in on the nullity of the court's ruling in SP Proc. Case No. M-3051 for alleged lack of jurisdiction. He averred that the guardianship proceedings were null and void, asseverating that the Sheriff's Return, dated 14 February 1991, indicated that copies of the petition and the order setting the case for hearing on 20 February 1992 had been served not on private respondent personally but on the Director of Medical City General Hospital. Private respondent disclaimed having been aware of the petition. In a decision, dated 22 November 1995, the appellate court found the petition meritorious and declared the appealed judgment null and void.

We find merit in the instant petition.

There is sufficient basis to establish that the trial court has validly acquired jurisdiction over the person of private respondent Emilio Tuason. The records show that private respondent did voluntarily submit himself to the court's jurisdiction. Several pleadings have been filed by him that, in fact, accounted for a number of interlocutory orders issued by the trial court; viz: