

FIRST DIVISION

[G.R. No. 109557, November 29, 2000]

JOSE UY AND HIS SPOUSE GLENDA J. UY AND GILDA L. JARDELEZA, PETITIONERS, VS. COURT OF APPEALS AND TEODORO L. JARDELEZA, RESPONDENTS.

PARDO, J.:

The case is an appeal via *certiorari* from the decision^[1] of the Court of Appeals and its resolution denying reconsideration^[2] reversing that of the Regional Trial Court, Iloilo, Branch 32^[3] and declaring void the special proceedings instituted therein by petitioners to authorize petitioner Gilda L. Jardeleza, in view of the comatose condition of her husband, Ernesto Jardeleza, Sr., with the approval of the court, to dispose of their conjugal property in favor of co-petitioners, their daughter and son in law, for the ostensible purpose of "financial need in the personal, business and medical expenses of her 'incapacitated' husband."

The facts, as found by the Court of Appeals, are as follows:

"This case is a dispute between Teodoro L. Jardeleza (herein respondent) on the one hand, against his mother Gilda L. Jardeleza, and sister and brother-in-law, the spouses Jose Uy and Glenda Jardeleza (herein petitioners) on the other hand. The controversy came about as a result of Dr. Ernesto Jardeleza, Sr.'s suffering of a stroke on March 25, 1991, which left him comatose and bereft of any motor or mental faculties. Said Ernesto Jardeleza, Sr. is the father of herein respondent Teodoro Jardeleza and husband of herein private respondent Gilda Jardeleza.

"Upon learning that one piece of real property belonging to the senior Jardeleza spouses was about to be sold, petitioner Teodoro Jardeleza, on June 6, 1991, filed a petition (Annex "A") before the R.T.C. of Iloilo City, Branch 25, where it was docketed as Special Proceeding No. 4689, in the matter of the guardianship of Dr. Ernesto Jardeleza, Sr. The petitioner averred therein that the present physical and mental incapacity of Dr. Ernesto Jardeleza, Sr. prevent him from competently administering his properties, and in order to prevent the loss and dissipation of the Jardelezas' real and personal assets, there was a need for a court-appointed guardian to administer said properties. It was prayed therein that Letters of Guardianship be issued in favor of herein private respondent Gilda Ledesma Jardeleza, wife of Dr. Ernesto Jardeleza, Sr. It was further prayed that in the meantime, no property of Dr. Ernesto Jardeleza, Sr. be negotiated, mortgaged or otherwise alienated to third persons, particularly Lot No. 4291 and all the improvements thereon, located along Bonifacio Drive, Iloilo City, and covered by T.C.T. No. 47337.

"A few days later, or on June 13, 1991, respondent Gilda L. Jardeleza herself filed a petition docketed as Special Proceeding NO. 4691, before Branch 32 of the R.T.C. of Iloilo City, regarding the declaration of incapacity of Ernesto Jardeleza, Sr., assumption of sole powers of administration of conjugal properties, and authorization to sell the same (Annex "B"). Therein, the petitioner Gilda L. Jardeleza averred the physical and mental incapacity of her husband, who was then confined for intensive medical care and treatment at the Iloilo Doctor's Hospital. She signified to the court her desire to assume sole powers of administration of their conjugal properties. She also alleged that her husband's medical treatment and hospitalization expenses were piling up, accumulating to several hundred thousands of pesos already. For this, she urgently needed to sell one piece of real property, specifically Lot No. 4291 and its improvements. Thus, she prayed for authorization from the court to sell said property.

"The following day, June 14, 1991, Branch 32 of the R.T.C. of Iloilo City issued an Order (Annex "C") finding the petition in Spec. Proc. No. 4691 to be sufficient in form and substance, and setting the hearing thereof for June 20, 1991. The scheduled hearing of the petition proceeded, attended by therein petitioner Gilda Jardeleza, her counsel, her two children, namely Ernesto Jardeleza, Jr., and Glenda Jardeleza Uy, and Dr. Rolando Padilla, one of Ernesto Jardeleza, Sr.'s attending physicians.

"On that same day, June 20, 1991, Branch 32 of the RTC of Iloilo City rendered its Decision (Annex "D"), finding that it was convinced that Ernesto Jardeleza, Sr. was truly incapacitated to participate in the administration of the conjugal properties, and that the sale of Lot No. 4291 and the improvements thereon was necessary to defray the mounting expenses for treatment and Hospitalization. The said court also made the pronouncement that the petition filed by Gilda L. Jardeleza was "pursuant to Article 124 of the Family Code, and that the proceedings thereon are governed by the rules on summary proceedings sanctioned under Article 253 of the same Code x x x.

"The said court then disposed as follows:

"WHEREFORE, there being factual and legal bases to the petition dated June 13, 1991, the Court hereby renders judgment as follows:

"1) declaring Ernesto Jardeleza, Sr., petitioner's husband, to be incapacitated and unable to participate in the administration of conjugal properties;

"2) authorizing petitioner Gilda L. Jardeleza to assume sole powers of administration of their conjugal properties; and

"3) authorizing aforesaid petitioner to sell Lot No. 4291 of the Cadastral Survey of Iloilo, situated in Iloilo City and covered by TCT No. 47337 issued in the names of Ernesto Jardeleza, Sr. and Gilda L. Jardeleza and the buildings standing thereof.

"SO ORDERED.

"On June 24, 1991, herein petitioner Teodoro Jardeleza filed his Opposition to the proceedings before Branch 32 in Spec. Proc. Case No. 4691, said petitioner being unaware and not knowing that a decision has already been rendered on the case by public respondent.

"On July 3, 1991, herein petitioner Teodoro Jardeleza filed a motion for reconsideration of the judgment in Spec. Proc. No. 4691 and a motion for consolidation of the two cases (Annex "F"). He propounded the argument that the petition for declaration of incapacity, assumption of sole powers of administration, and authority to sell the conjugal properties was essentially a petition for guardianship of the person and properties of Ernesto Jardeleza, Sr. As such, it cannot be prosecuted in accordance with the provisions on summary proceedings set out in Article 253 of the Family Code. It should follow the rules governing special proceedings in the Revised Rules of Court which require procedural due process, particularly the need for notice and a hearing on the merits. On the other hand, even if Gilda Jardeleza's petition can be prosecuted by summary proceedings, there was still a failure to comply with the basic requirements thereof, making the decision in Spec. Proc. No. 4691 a defective one. He further alleged that under the New Civil Code, Ernesto Jardeleza, Sr. had acquired vested rights as a conjugal partner, and that these rights cannot be impaired or prejudiced without his consent. Neither can he be deprived of his share in the conjugal properties through mere summary proceedings. He then restated his position that Spec. Proc. No. 4691 should be consolidated with Spec. Proc. No. 4689 which was filed earlier and pending before Branch 25.

"Teodoro Jardeleza also questioned the propriety of the sale of Lot No. 4291 and the improvements thereon supposedly to pay the accumulated financial obligations arising from Ernesto Jardeleza, Sr.'s hospitalization. He alleged that the market value of the property would be around Twelve to Fifteen Million Pesos, but that he had been informed that it would be sold for much less. He also pointed out that the building thereon which houses the Jardeleza Clinic is a monument to Ernesto Jardeleza Sr.'s industry, labor and service to his fellowmen. Hence, the said property has a lot of sentimental value to his family. Besides, argued Teodoro Jardeleza, then conjugal partnership had other liquid assets to pay off all financial obligations. He mentioned that apart from sufficient cash, Jardeleza, Sr. owned stocks of Iloilo Doctors' Hospital which can be offset against the cost of medical and hospital bills. Furthermore, Ernesto Jardeleza, Sr. enjoys certain privileges at the said hospital which allows him to pay on installment basis. Moreover, two of Ernesto Jardeleza Sr.'s attending physicians are his own sons who do not charge anything for their professional services.

"On July 4, 1991, Teodoro Jardeleza filed in Spec. Proc. No. 4691 a supplement to his motion for reconsideration (Annex "G"). He reiterated his contention that summary proceedings was irregularly applied. He also noted that the provisions on summary proceedings found in Chapter 2 of the Family Code comes under the heading on "Separation in Fact