

FIRST DIVISION

[G.R. No. 112014, December 05, 2000]

TEODORO L. JARDELEZA, PETITIONER, VS. GILDA L. JARDELEZA, ERNESTO L. JARDELEZA, JR., MELECIO GIL L. JARDELEZA, AND GLENDA L. JARDELEZA, RESPONDENTS.

D E C I S I O N

PARDO, J.:

The case is a petition for review on *certiorari* assailing the order^[1] dismissing Special Proceedings No. 4689 of the Regional Trial Court, Iloilo City for appointment of judicial guardian over the person and estate of Dr. Ernesto Jardeleza, Sr. on the ground that such guardianship is superfluous and will only serve to duplicate the powers of the wife, Mrs. Gilda L. Jardeleza, under the explicit provisions of Article 124, second paragraph, of the Family Code.

Dr. Ernesto Jardeleza, Sr. and Gilda L. Jardeleza were married long before 03 August 1988, when the Family Code took effect. The union produced five children, namely: petitioner, Ernesto, Jr., Melecio, Glenda and Rolando, all surnamed L. Jardeleza.

On 25 March 1991, Dr. Ernesto Jardeleza, Sr. then 73 years old, suffered a stroke and lapsed into comatose condition. To date, his condition has not materially improved.

On 06 June 1991, petitioner commenced with the Regional Trial Court, Iloilo City Special Proceedings No. 45689, a petition for appointment of judicial guardian over the person and property of Dr. Jardeleza, Sr. and prayed for the issuance of letters of guardianship to his mother, Gilda L. Jardeleza.^[2]

On 19 June 1991, the trial court issued an order setting the petition for hearing so that all persons concerned may appear and show cause if any why the petition should not be granted.^[3]

On 3 July 1991, petitioner filed with the trial court a motion for the issuance of letters of guardianship to him, rather than to his mother, on the ground that she considered the property acquired by Dr. Jardeleza as her own and did not want to be appointed guardian.^[4]

On 09 August 1991, respondents filed with the trial court an opposition to the petition for guardianship and the motion for issuance of letters of guardianship to petitioner.^[5]

On 20 August 1993, the trial court issued an order dismissing the petition for guardianship.^[6] The trial court concluded, without explanation, that the petition is