

## THIRD DIVISION

**[ G. R. No. 147148, January 13, 2003 ]**

**PILAR Y. GOYENA, PETITIONER, VS. AMPARO LEDESMA-GUSTILO, RESPONDENT.**

### DECISION

**CARPIO MORALES, J.:**

From the Court of Appeals June 19, 2000 Decision which affirmed that of the Regional Trial Court (RTC) of Makati, Branch 149 in Special Proceeding No. N-4375 appointing herein respondent Amparo Ledesma Gustilo as guardian over the person and property of her sister Julieta Ledesma, Pilar Y. Goyena, Julieta's close friend and companion of more than 60 years, comes to this Court on petition for review on certiorari.

On July 8, 1996, respondent filed at the RTC of Makati a "PETITION FOR LETTERS OF GUARDIANSHIP"<sup>[1]</sup> over the person and properties of her sister Julieta, the pertinent allegations of which read:

2. That for the most part during the year 1995 and 1996, Julieta Ledesma has been a patient in the Makati Medical Center where she is under medical attention for old age, general debility, and a "mini"-stroke which she suffered in the United States in early 1995;
3. That Julieta Ledesma is confined to her bed and can not get up from bed without outside assistance, and she has to be moved by wheel chair;
4. That Julieta Ledesma owns real estate and personal properties in Metro Manila and in Western Visayas, with an aggregate estimated assessed and par value of P1 Million Pesos[;]
5. That Julieta Ledesma is not in a position to care for herself, and that she needs the assistance of a guardian to manage her interests in on-going corporate and agricultural enterprises;
6. That the nearest of kin of Julieta Ledesma are her sisters of the full blood, namely, petitioner Amparo Ledesma Gustilo, Teresa Ledesma (aka. Sister Cristina of the Religious of the Assumption, and Loreto Ledesma Mapa, all of whom have given their consent to the filing of this petition as shown by their signatures at the bottom of this petition[;]
7. That petitioner has extensive experience in business management of commercial, agricultural and corporate enterprises, many of

which are in the same entities where Julieta Ledesma holds an interest, and that she is in a position to monitor and supervise the delivery of vitally needed medical services to Julieta Ledesma whether in the Metro Manila area, or elsewhere.

Petitioner filed an Opposition to the petition for letters of guardianship. She later filed an Amended Opposition on August 15, 1996 reading in part:

2.03 The petition lacked factual and legal basis in that Julieta Ledesma is competent and sane and there is absolutely no need to appoint a guardian to take charge of her person/property. She is very able to take charge of her affairs, and this is clearly evident from her letters to the petitioner. Copies of her recent letters are herewith attached as Annexes "A" to "E."

x x x

2.05 Petitioner is not fit to be appointed as the guardian of Julieta Ledesma since their interests are antagonistic (Sudler v. Sudler, 121 Md. 46. 49 L.R.A. 800, as cited in vol. V-B Francisco Revised Rules of Court, Rule 93, Section 4, p. 414).

x x x

3.01 The above captioned petition should be dismissed for utter lack of legal and/or factual basis.

3.02 In the remote event that this Honorable Court should find that Julieta Ledesma is incompetent and resolve that there is need to appoint a guardian over her person and property, this Honorable Court should appoint as such guardian:

1. Oppositor Goyena;
2. Bart Lacson;
3. Fely Montelibano;
4. Jose T. Revilla; or
5. a qualified and reputable person as may be determined fit by this Honorable Court.

By Decision<sup>[2]</sup> of October 4, 1996, the trial court found Julieta "incompetent and incapable of taking care of herself and her property" and appointed respondent as guardian of her person and properties, ratiocinating as follows:

A perusal of the records shows that petitioner (Amparo) is 72 years of age, the youngest sister of Julieta. Admittedly, the Oppositor Pilar Goyena, 90 years of age has been the close friend and companion of Julieta for 61 years. Julieta was with Oppositor when she suffered her first stroke in Makati in 1991 which was the reason why Julieta had to give up the management of their hacienda in Bacolod. It is also not disputed that Julieta was with Pilar when she had her second stroke in the U.S. In short, the special bond of friendship existing between Julieta and the Oppositor cannot be denied. Now that Julieta is unable to manage her personal life and business concerns due to senility and

"vascular dementia," the oppositor wants to be appointed her guardian or else Bart Lacson, Fely Montelibano and Jose T. Revilla.

*It is interesting to note that the oppositor has interposed her objection to the appointment of Amparo as guardian because she thinks that the latter dislikes her.* She further added that there were a number of letters allegedly written by Julieta to Amparo which showed Julieta's sentiments regarding certain matters. Nevertheless, not one of the nearest of kin of Julieta opposed the petition. As a matter of fact, her sisters signified their conformity thereto. Thus, Ms. Goyena's mere conjecture that Amparo dislikes her is no sufficient reason why the petition should be denied. Neither does it make Amparo unsuitable and unfit to perform the duties of a guardian. On the contrary, it is Ms. Goyena who could be considered as to have an adverse interest to that of Julieta if it is true that 50% of Julieta's holdings at the Makati Medical Center has been transferred to her as alleged in Exhibit 1 and Exhibit A.

By and large, the qualification of Amparo to act as guardian over the person and properties of Julieta has been duly established. As a sister, she can best take care of Julieta's concerns and well being. Now that Julieta is in the twilight of her life, her family should be given the opportunity to show their love and affection for her without however denying Pilar Goyena access to her considering the special bond of friendship between the two. Needless to say, the oppositor at 90 years of age could not be said to be physically fit to attend to all the needs of Julieta.

WHEREFORE, petitioner Amparo Gustilo, is hereby appointed guardian over the person and property of Julieta Ledesma, an incompetent with all the powers and duties specified under the law.

Accordingly, let letters of guardianship issue to petitioner upon her filing of a bond in the amount of P200,000.00 to guarantee the performance of the obligations prescribed for general guardians.

SO ORDERED. (Emphasis supplied)

Petitioner's Motion for Reconsideration of the trial court's decision was, by Order of November 4, 1996<sup>[3]</sup>, denied in this wise:

Acting on the Motion for Reconsideration filed by the Oppositor thru counsel, and finding no merits on the ground stated therein, considering that petitioner appears to be most qualified and suitable to act as Julieta Ledesma's guardian after taking into consideration the qualifications of the oppositor and her other recomendees [sic], aside from the fact that petitioner's appointment as such was not objected to by any of her nearest kin, in contrast to the hostile interest of oppositor, the same is hereby DENIED.

SO ORDERED.

On appeal of petitioner, the Court of Appeals affirmed the trial court's decision on the following ratiocination:<sup>[4]</sup>

Indeed, oppositor-appellant (Pilar) has not shown the authenticity and due execution of the letters which purport to show the existence of a rift between Julieta and her family and dissatisfaction as to how the businesses were managed. At any rate, while it is correct to say that no person should be appointed guardian if his interest conflict with those of the ward (Guerrero vs. Teran, 13 Phil. 212), there are really no antagonistic interests to speak of between petitioner [Amparo] and Julieta, they being co-owners of certain properties. There is also no showing that petitioner's business decisions in the past had resulted in the prejudice of Julieta.

While the oppositor may have been very close to Julieta, there is no sufficient showing that petitioner is hostile to the best interests of the latter. On the contrary, it was the petitioner who, realizing the need for the appointment of a person to guard her sister's interests, initiated the petition for guardianship. **We see no indication that petitioner is animated by a desire to prejudice Julieta's health as well as financial interests.** In point of fact, **it was oppositor-appellant who had initially concealed the deteriorating state of mind of Julieta from the court.** Oppositor's advanced age of 90 years also militate against her assuming the guardianship of the incompetent. **The oppositor has declared that she is not interested to be appointed legal guardian (p.21[,]** Appellant's Brief, *Id.*, p. 59). But the persons that she points to as being better choices as Julieta's guardian over the appellee have not acted, nor even indicated, their desire to act as such. In any case, We see no cogent reason why We should reverse the well-reasoned disquisition of the trial court.

WHEREFORE, finding no error in the appealed decision, the same is hereby *AFFIRMED*.

SO ORDERED. (Emphasis supplied)

Petitioner's Motion for Reconsideration of the Court of Appeals decision having been denied, she filed the present petition which proffers that:

THE COURT OF APPEALS HAS DECIDED A QUESTION OF SUBSTANCE IN A WAY NOT IN ACCORD WITH LAW AND APPLICABLE DECISIONS OF THIS HONORABLE COURT.

THE COURT OF APPEALS HAS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS IN AFFIRMING THE TRIAL COURT'S DECISION DATED OCTOBER 4, 1996 AND IN ISSUING THE RESOLUTIONS DATED JUNE 29, 2000 AND FEBRUARY 9, 2001.

The petition fails.

It is well-entrenched doctrine that questions of fact are not proper subjects of appeal by certiorari under Rule 45 of the Rules of Court as this mode of appeal is confined to questions of law.<sup>[5]</sup> The test of whether the question is one of law or of