

**IN THE MATTER OF THE GUARDIANSHIP OF FERNANDO,
FRANCISCA, RAFAEL, AND MARIA CANDELARIA, ALL SURNAMED
BAUTISTA, MINORS. FELISA PANGILINAN VDA. DE BAUTISTA,
GUARDIAN. UNITED STATE...**

G.R. No. L-4155. December 17, 1952

Ponente: LABRADOR, J.

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LABRADOR, J.:

Special proceedings No. 7688 of the Court of First Instance of Manila is the proceeding for the guardianship of the minors Fernando, Francisca, Rafael, and Maria Candelaria, all surnamed Bautista, instituted in said court on March 17, 1949. The People's Bank and Trust Company is the guardian appointed by the court of their properties, and Felisa Pangilinan Vda. de Bautista, the mother of the minors, of their persons. Letters of guardianship were issued to the above-mentioned bank on April 27, 1949; the record does not disclose when the corresponding letters were issued to the minors' mother.

On December 13, 1949, the minors' mother signed a document entitled "Deed of Loan" (Annex A), wherein she declares having borrowed and received from Adela Bustos, for the support of her minor children, rice, clothing, and money from May 3, 1945, to January 1, 1949, by way of loan, with a total value of P6,525, which "will be paid in full in favor of Miss Bustos * * * as soon as the claim for pension in favor of the above-named six children shall have been approved and received." On February 28, 1950, Adela Bustos filed a claim in the special proceedings for the total sum of 16,525 on the basis of the above-described "Deed of Loan," alleging that the expenses for the maintenance and education of the wards during the period from May 3, 1945, to January 1, 1949, were shouldered and advanced by the claimant, as evidenced by said "Deed of Loan." Opposition to this claim was filed by the U. S. Veterans Administration. Without any evidence having been offered or submitted, the court disallowed the claim, and against this disallowance an appeal has been taken directly to this court.

The gist of claimant's appeal is that the minors' mother was the de facto guardian of the minors properties, and may, therefore, validly encumber the same for "necessaries" furnished said minors for their support, and that equity and justice demand that as the minors benefited from the loan, technicalities should be brushed aside and the claim paid.

Neither the arguments of claimant-appellant nor the authorities cited by her in support thereof can apply to the facts of the case at bar. The minors mother was their natural guardian, entitled to their custody and care and responsible for their education, but such guardianship did not extend to their properties. (Section 553, Code of Civil Procedure; Palet vs. Aldecoa & Co., 15 Phil., 232; Gayondato vs. Treasurer of the Philippine Islands, 49 Phil., 236.) She was not a de facto guardian; her acts were made as mother of the children, not as a de facto guardian. It is further to be noted that the claim is predicated exclusively on the "Deed of Loan," which was executed even after the judicial guardian of the minors' properties had already been appointed and after she had also been appointed judicial guardian of their persons, for supposed expenses prior to the institution of the

guardianship proceedings. No evidence was offered to prove that the necessities mentioned in the deed of loan were actually given and were actually used or spent for the minors. The deed of loan itself is not sufficient to prove the above facts or competent as against the minors.

Assuming, arguendo, that the mother and her natural children secured loans from claimant-appellant with which to purchase the food, clothing, and necessities of her minor wards or to provide them with education, she certainly has no power nor authority to encumber the property of the wards to guaranty the loan thus secured, or to bind for the payment of the loan the pensions that the minors may be entitled to receive thereafter. Only a judicial guardian of the ward's property may validly do so, and even then only with the court's prior approval secured in accordance with the proceedings set forth by the rules. (Rule 96, Rules of Court.) The execution of the "Deed of Loan" in the case at bar is, therefore, clearly beyond the scope of a natural guardian's power or authority.

The authorities cited are beside the issue. They refer to contracts for the purchase of necessities entered into by judicial guardians, not by natural guardians, or to allowances paid to them (judicial guardians) for necessities supplied or purchased for the ward. These questions, entirely different and distinct from the issue involved in the case at bar, we are not asked to decide. Assuming, without deciding, that the minors herein should be made to pay for the necessities furnished them before their pension was approved, and that justice supports claimant's demand because she furnished such necessities, the appropriate remedy to enforce their liability is not through the written promise that their natural guardian made.

The appeal must be, as it hereby is, dismissed, with costs against the claimant-appellant.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, and Bautista Angelo, JJ., concur.

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