

GUARDIANSHIP OF THE INCOMPETENT MARCOSA RIVERA, REMEDIOS E. ESPIRITU, GUARDIAN AND APPELLEE, VS. ARMINIO RIVERA, OSCAR RIVERA, APOLINARIO RIVERA AND DANILO RIVERA, OPPOSITORS AN...

G.R. No. 17092. September 30, 1963

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by Arminio, Oscar, Apolinario and Danilo, all surnamed Rivera, from the order of the Court of First Instance of Rizal dated January 9, 1960 in Special Proceedings No. 1709 approving the Final Report of Accounts submitted by Remedios E. Espiritu as guardian of the estate of Marcosa Rivera.

On March 2, 1953, appellee was appointed guardian of the estate of the above-named incompetent. The latter died on September 11, 1957, and Remigio R. Espiritu, appellee's brother, was appointed executor of her testate estate (Sp. Proc. No. 2826 of the same court).

On May 20, 1959, appellants-nearest relatives and heirs of the deceased Marcosa-filed a motion for contempt in the guardianship proceedings against appellee due to her failure to render an accounting of the properties of her deceased ward. In its order of September 29, 1959, the Court denied the motion but directed appellee to render an accounting within a period of one month from notice. Pursuant thereto, appellee filed her verified Final Report of Accounts on October 29, 1959, to which appellants filed a written opposition, alleging, among other things, that it was incomplete as it did not account for certain personal properties of the ward and other fruits of her estate. But on the date set for the hearing of the report, appellants and their counsel did not appear. Thereafter, the Court, finding said report to be "reasonable and in order", approved it. Appellants' motion for reconsideration having been denied, they took the present appeal.

The only assignment of error submitted by appellants is to the effect that the lower court erred in approving the report mentioned heretofore without receiving any evidence in support thereof, inspite of the fact that the same appeared to be incomplete. We find this claim to be without merit.

As the lower court observed, the report was verified, and the opposition thereto filed by appellants was couched in general terms and was not under oath. To this must be added the circumstance that appellants failed to appear on the day set for the hearing and, consequently, failed to substantiate the claim advanced in their opposition. We can not say, therefore, that the lower court erred in finding the final report of accounts in question to be "reasonable", considering that the same was detailed and was supported by the affidavit of the guardian.

Moreover, appellants' motion for reconsideration was not verified nor supported with any kind of evidence reasonably supporting their claim that appellee's report was incomplete. Neither did it specify the jewelries allegedly belonging to the deceased incompetent Marcosa Rivera, received by the guardian and not included in her final statement of accounts. We find, therefore, that the lower court was justified in denying the same.

Wherefore, the order appealed from is affirmed, with costs.

Bengzon, C. J. Padilla, Barrera, Parades, Regala, and Makalintal, JJ., concur.

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