

GUARDIANSHIP OF THE MINORS LIM CHU HIONG ET AL. LIM CHU LAN, PETITIONER AND APPELLEE, VS. LIM CHU KUN, GUARDIAN AND APPELLANT.

G.R. No. 31316. December 28, 1929

Ponente: STREET, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-31316/>

STREET, J.:

This is an appeal from an order of the Court of First Instance of the City of Manila removing the appellant, Lim Chu Kun, from the position of guardian of the minor, Lim Chu Lan and appointing in his stead one Chin Chong Gui, husband of Lim Chu Lan.

It appears that the minor, Lim Chu Lan, is now over 20 years of age and the wife of Chin Chong Gui, to whom she was married on December 26, 1927. The motion with which we are here concerned was filed by Lim Chu Lan on October 31, 1928, and it is therein stated that the estate of the minor is in the hands of the appellant, Lim Chu Kun, a brother of Lim Chu Lan, in the character of guardian. It is also shown that, from the reports of the guardian, approved by the court, the value of the estate of the petitioner ending with the year 1927 was in the amount of P333,496.04 and that from January, 1922, to December, 1927, the annual average income of the petitioner's property has been more than P15,000. In the month of December, 1927, the petitioner contracted marriage with Chin Chong Gui; and it appears that, since that date, the guardian, Lim Chu Kun, has supplied no maintenance to the petitioner. The petitioner therefore asks that her guardian be required to supply maintenance in the amount of P500 per month and that he be substituted in the guardianship by the petitioner's husband, Chin Chong Gui.

The facts stated in the petition are not controverted, but opposition is made by the guardian on the ground that no sufficient ground has been shown for removing him, and in particular that none of the reasons specified in section 574 of the Code of Civil Procedure relative to the removal of guardians has been shown to exist. From this it is argued that the substitution, or removal, of the guardian cannot be effected.

We have no hesitancy in declaring that the order appealed from was a proper exercise of the discretion vested in the Court of First Instance in such matters, since it is clear that in the language of section 574 of the Code of Civil Procedure the appellant had shown himself to be unsuitable for the position of guardian of the petitioner. The fact of marriage alone introduces a change in the conditions of guardianship over a minor woman, and although the marriage of a girl who is under guardianship does not ipso facto abolish the guardianship over the property, it does terminate the guardianship over the person (sec. 575, Code of Civ. Proc). Moreover, the existence of a guardianship over the estate of a married woman in other hands than those of the husband is in certain respects undesirable, since the husband is legally entitled to the management of conjugal property, and the earnings of the paraphernal property of the wife constitute community property. Therefore, if the husband is found to be a suitable person, he is the proper individual to fill the office. In the case before us it is not shown that the husband is unfit for the office to which he was appointed by the trial court.

We note that, after the appealed order was made, the appellant entered into an agreement with the representatives of Lim Chu Lan to pay her P500 a month for maintenance, but this was done grudgingly; and it is insisted here that the amount which the appellant is thus paying is too much. We are of the opinion that the sum of P500 per month is not improper for a person having the standing of the petitioner in the community, in view of the size of the capital of her estate and its earning capacity.

The order appealed from will be affirmed, and it is so ordered, with costs against the appellant.

Avanceña, C. J., Johnson, Malcolm, Villamor, Ostrand, and Romualdez, JJ., concur.

Johns and Villa-Real, JJ., dissent.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.