

PHILIPPINE TRUST CO., SPECIAL GUARDIAN FOR FELINA TORMO Y GONZALEZ, INCAPACITATED, PLAINTIFF AND APPELLANT, VS. DOROTEO T. MACUAN, DEFENDANT AND APPELLANT.

G. R. No. 32280. March 24, 1930

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-32280/>

VILLA-REAL, J.:

body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

Two appeals were taken, one by the plaintiff, the Philippine Trust Co., as special guardian for Felina Tormo y Gonzalez, incapacitated, and the other by the defendant, Doroteo T. Macuan, from the judgment of the Court of First Instance of Manila, the dispositive part of which reads as follows:

"In view of the foregoing, it is held that the parcels of land described in transfer certificates of title Nos. 18261, 11205, and 18536, as well as those described in transfer certificate of title No. 19335 are conjugal property of the defendant and Felina Tormo y Gonzalez, and said defendant is hereby ordered to include said property in the inventory filed by himself in special proceeding No. 32569, stating that only one-half of said property belongs to the ward. This decision must not be understood as altering the rights and obligations of the conjugal partnership and of the spouses severally, with relation to said property, as provided in the Civil Code. Without special pronouncement as to costs."

In support of its appeal, the Philippine Trust Co., special guardian of Felina Tormo y Gonzalez, incapacitated, assigns the following allege errors as committed by the court below in its decision, to wit:

"1. The trial court erred in not holding that the defendant's stock in the Centro de Modas belongs to the conjugal partnership of the defendant and his incapacitated wife, Felina Tormo.

"2. It likewise erred in not holding that the dividends from said stock are also conjugal property."

In turn, the defendant, Doroteo T. Macuan, assigns the following errors. alleged to have been committed by the court below in its decision, in support of his appeal, to wit:

"1. The trial court erred in holding that the property described in transfer certificates of title Exhibits A, B, C, and D, is conjugal property of the defendant Doroteo T. Macuan and his incapacitated wife, Felina Torino y Gonzalez.

"2. The trial court also erred in ordering said defendant, as guardian of the person and property of the aforesaid incapacitated person, to include the property alleged to be conjugal, in the inventory filed by himself, in special proceeding No. 32569 of the Court of First Instance of Manila, stating that one-half of said property belongs to said incapacitated party.

"3. The trial court, finally, erred in not dismissing the complaint as improper."

The following facts were proved at the trial without question:

The defendant, Doroteo T. Macuan, married Felina Torino y Gonzalez in 1905, this being his second marriage, and has had no issue by her. At that time, the defendant was already a merchant in this City of Manila, and brought to the marriage contract a capital of about P20,000. Felina Tormo y Gonzalez brought nothing to the marriage; she was merely a dressmaker earning a salary of from P3 to P5 a week. Felina Tormo y Gonzalez having become mentally incapacitated, her husband, the herein defendant- appellant, Doroteo T. Macuan, on October 17, 1927, filed a petition with the Court of First Instance of Manila, asking that he be appointed guardian of the person and estate of his wife, the latter consisting in an undivided one-half interest in a certain parcel of land with the improvements thereon, situated at No. 265 San Rafael Street, in the City. of Manila, with Torrens title No. 19335, claimed to be conjugal property. On December 17, 1927, the Court of First Instance declared Felina Tormo y Gonzalez, mentally incapacitated and appointed her husband, Doroteo T. Macuan, guardian of her person and estate. On January 24, 1928, said guardian filed with said court an inventory of said property.

On February 1, 1928, Mariano Tormo, Francisco Tormo y Gonzalez, Gregorio Tormo y Gonzalez, Martin Caluag y Gonzalez, Manuela Tormo y Gonzalez, and Vicente Caluagr y Gonzalez, filed with the court a motion praying that the guardian be instructed to file a complete inventory of all the property belonging to his ward in accordance with the testimony given on October 17, 1927. The guardian having opposed said motion on the ground that the movants lacked the personality to file it, the court denied said motion but reserved to the movants the right to petition for the appointment of a special guardian empowered to start proceedings against the regular guardian for the recovery of the ownership and possession of the property which they alleged belongs either to the conjugal partnership, or to the incapacitated party alone.

In pursuance of said order, the plaintiff has filed the complaint herein in the interests of the incapacitated Felina Tormo y Gonzalez against the defendant, Doroteo T. Macuan, praying for an order requiring him to file a complete inventory of the property of his ward.

The first question that must be decided in this appeal, and upon the decision of which will depend the necessity of deciding the other questions raised, is whether or not a woman judicially declared to be mentally incapacitated, is entitled to have included in the inventory of her property, before the dissolution of the marriage, that which is conjugal, and whether or not the husband may be compelled to include in the inventory of his wife's property, judicially declared mentally incapacitated, whose guardian he is, her undivided half of the conjugal property.

According to section 561 of the Code of Civil Procedure, the guardian appointed shall have the care and custody of the person of his ward and the administration of all the latter's property, and according to section 567 of the same Code, he must file with the court an inventory of the property of his ward, which shall be appraised by two experts appointed by the judge, and, in accordance with section 565 of the same Code, as said administrator, he is empowered to sell with the authorization of the court, the real property, applying the proceeds, as far as may be necessary to the support of the ward.

On the other hand, article 1392 of the Civil Code provides that in virtue of the conjugal partnership, the earnings or profits obtained by either of the spouses during the marriage shall belong to the husband and wife, share and share alike, upon the dissolution of the marriage, and article 1412 of said Code provides that the husband shall be the manager of the conjugal partnership, and as such, according to article 1413 of said Code, he may for a valuable consideration alienate and encumber the property of the conjugal partnership without the consent of the wife. Article 1416 of said Civil Code prescribes that the wife cannot bind the property of the conjugal partnership without the consent of the husband, except in the cases provided in article 1362, referring to the unappraised

dowry which answers for the usual daily expenses of the family incurred by the wife or by her order with the tacit consent of her husband, and in articles 1441 and 1442 where the management of the conjugal property belonging to the marriage has been transferred to the wife in the cases provided in these two last articles.

The provisions of the Code of Civil Procedure referring to the management and to the inventory of a demented ward's property, be she married or not, are general in character, for they affect all her property without exception; while the provisions of the Civil Code referring to the management of the property of the said demented ward, when married, are special provisions; therefore, the latter take precedence over the former in case of conflict.

If the husband were obliged, as Ms demented wife's guardian, to include in the inventory of her property, her half of the conjugal property, it would be a diminution of his powers conferred upon him by the Civil Code to manage the property of the conjugal partnership, and to encumber and bind for a valuable consideration said property without his wife's consent, for as said guardian he would not be able to exercise said powers freely, being subject to the supervision and control of the court, with regard to the demented wife's half of the conjugal property. And this anomaly is not remedied by declaring in the judgment that it is not to be understood as altering the rights and obligations of the partnership and of the spouses severally, with relation to said property established in said Civil Code, inasmuch as such a proviso constitutes a limitation of the guardian's power to manage the property of the married demented ward, and, therefore, an amendment to the law,—an act beyond the powers of the courts of justice.

For the foregoing considerations, we are of opinion and so hold that a married woman, under guardianship by reason of mental derangement, is not entitled to have her half of the legal conjugal partnership which still subsists, included in the inventory of her property to be filed by her guardian, and therefore, the husband, appointed guardian of her person and estate, cannot be compelled to include in the inventory of the same, said half of the conjugal property.

Having reached this conclusion, we deem it unnecessary to decide the questions raised in the other assignments of error, since the special guardian does not contend that the regular guardian holds in his possession property belonging exclusively to the ward, other than conjugal property.

By virtue whereof, the judgment appealed from is reversed, and the complaint is dismissed, without special pronouncement as to costs. So ordered.

Johnson, Malcolm, Villamor, Ostrand and Johns, JJ., concur.

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.