

INES FELICIANO, PETITIONER AND APPELLANT, VS. ELISA CAMAHORT, ADMINISTRATRIX AND APPELLEE.

G.R.No. 6962. March 14, 1912

Ponente: CARSON, J.

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CARSON, J.:

This is an appeal from the action of the Court of First Instance of Manila in removing the appellant Ines Feliciano, and appointing one Manuel Navarro, as guardian of certain minor children.

In matters of this nature a large discretion must be allowed the judge who deals directly with the parties, and who, for this reason, should be exceptionally well qualified to form a correct opinion as to the special needs of the minors, the character and qualifications of persons whose names are proposed for appointment as guardian, and the wise and prudent course to be adopted under all the varying circumstances of each particular case. As a rule, when it appears, as it does in this case, that the judge has exercised care and diligence in selecting the guardian, and has given due consideration to the reasons for and against his action which are urged by the interested parties, his action should not be disturbed unless it is made very clear that he has fallen into grievous error.

In the case at bar, we do not think that appellant has made such a showing and we do not believe therefore, that we would be justified in interfering with the appointment made by the experienced judge from whom this appeal has been taken. It must be admitted that appellant makes a fairly strong showing in support of his contentions, and it may even be admitted that upon that showing, some of us, at least, would not have followed the course adopted by the trial judge had we been called upon to act in this matter originally; but we are all agreed that the facts before us are not sufficient to justify us in holding that such an error in the exercise of his discretion was committed by the judge below as would justify us in reversing the action taken by him. We the more readily adopt this view, because, if it develops in the light of future events that the guardian heretofore appointed is not a fit person, the question, of his removal can again be brought to the attention of the court below.

The decree entered in these proceedings in the court below is affirmed, with the costs of this instance against the appellant.

Arellano, C, J., Torres, Mapa, and Trent, JJ., concur.

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