



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

WILFREDO A. RUIZ,  
Petitioner,

G.R. No. 231619

Present:

-versus-

LEONEN, *J.*, Chairperson,  
CARANDANG,  
ZALAMEDA,  
ROSARIO, and  
DIMAAMPAO\*, *JJ.*

AAA,\*\*  
Respondent.

Promulgated:  
November 15, 2021

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DECISION

LEONEN, *J.*:

Under Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004, the grant of support and all other reliefs in a permanent protection order prevents further acts of violence against the victim, safeguards them from harm, minimizes disruptions in their life, and helps regain control over their life.

This Court resolves a Petition for Review<sup>1</sup> assailing the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals, which affirmed the Regional Trial

\* Designated additional Member per Special Order No. 2839.

\*\* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, the names of offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

<sup>1</sup> *Rollo*, pp. 3–24.

<sup>2</sup> *Id.* at 197–208. The October 3, 2016 Decision was penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Renato C. Francisco of the Fourteenth Division, Court of Appeals. Manila.

<sup>3</sup> *Id.* at 218–219. The May 23, 2017 Resolution was penned by Associate Justice Danton Q. Bueser and

Court's issuance of a Writ of Execution<sup>4</sup> of a final and executory judgment of support under a Permanent Protection Order.

AAA applied for a protection order against her husband, Wilfredo Ruiz (Wilfredo), alleging physical, emotional, and economic abuse committed against her during their marriage.<sup>5</sup>

On September 10, 2008, the Regional Trial Court granted AAA a Permanent Protection Order.<sup>6</sup> The dispositive portion partially states:

WHEREFORE, judgment is hereby rendered granting the offended party [a] Permanent Protection Order against acts of violence pursuant to Republic Act No. 9262. Consequently, the following PERMANENT PROTECTION ORDERS are hereby issued to wit:

.....

i. Directing the respondent to provide support to the petitioner and their child [CCC] and even to their child [BBB], if still studying and unemployed equivalent to 50% [for the time being] of the income or salaries of the respondent from the following sources, to wit:

1. [h]is monthly salaries as reflected in his income tax return for the years 2006 and 2007 of his law office, whichever is higher;

2. his monthly income from Benedicto Pormento & Ruiz Law Office; and

3. his monthly income from Novastar Consultancy and Trading Inc.;

to be withheld regularly by his employer or partnership/companies and to automatically remit them directly to the offended party in person. Failure of said Law Office, Partnership or Company to remit and/or withhold or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer, his Law Office, his Partnership or his company liable for indirect contempt of court[.]<sup>7</sup>

As Wilfredo no longer appealed this Decision, it became final and executory on January 30, 2013.<sup>8</sup>

On July 16, 2013, AAA filed a Motion for Execution on Support (Motion for Execution), alleging that Wilfredo still has not complied with the

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concurrent in by Associate Justices Apolinario D. Bruselas, Jr. and Renato C. Francisco of the Former Fourteenth Division, Court of Appeals, Manila.

<sup>4</sup> Id. at 124–126. Also penned by Judge Cesar Pabel D. Sulit.

<sup>5</sup> Id. at 198.

<sup>6</sup> Id. at 51 and 199. Regional Trial Court Decision dated September 10, 2008, penned by Presiding Judge Cesar Pabel D. Sulit of the Regional Trial Court of Pasig City, Branch 162.

<sup>7</sup> Id. at 199–200.

<sup>8</sup> Id. at 125, Writ of Execution.

portion of the Permanent Protection Order pertaining to support despite the Decision being final and executory.<sup>9</sup>

Wilfredo opposed<sup>10</sup> this, arguing that the Permanent Protection Order has already been revoked by operation of law. He claimed that AAA no longer needed protection as she was already cohabiting with another man. He added that a petition to nullify their marriage was already pending.<sup>11</sup>

On April 22, 2014, the Regional Trial Court issued an Order<sup>12</sup> granting AAA's Motion for Execution and maintaining that the Permanent Protection Order shall be in force and effect. Its dispositive portion states:

WHEREFORE, the petitioner's motion for issuance of writ of execution is hereby GRANTED being a matter of right under Section 1, Rule 39 of the [Revised Rules] of Civil Procedure. Consequently, the respondent's prayer to revoke the Permanent Protection Order is DENIED for lack of merit and for being NOT the proper party to pray for its revocation.

As prayed for, let Writ of Execution be issued to enforce paragraph "i" of the Permanent Protection Order dated June 10, 2008, to commence ONLY from the date the Motion for Execution was filed on July 16, 2013.

As stated in Article 1169 of the New Civil Code:

"Those obliged to deliver or to do something incur in delay from the time the oblige judicially or extrajudicially demands from them the fulfillment of their obligation."

Thus, as regards to the petitioner's "Motion to Cite Novastar Consultancy & Trading Corporation" is concerned, the same had to be DENIED, for the meantime, for failure to prove that prior "demand" was given for the said Corporation to comply with said Permanent Protection Order. As stated in Article 1169 of the New Civil Code:

"Those obliged to deliver or to do something incur in delay from the time the oblige judicially or extrajudicially demands from them the fulfillment of their obligation."

In the same manner, petitioner's prayer to cite the respondent in contempt for not complying with the provisions of the protection order on support is DENIED as prior support had been waived.

It should be noted that all other provisions of the Permanent Protection Order shall remain in force and in effect.

SO ORDERED.<sup>13</sup> (Citations omitted)

<sup>9</sup> Id., Writ of Execution. In the CA Decision, the date was July 17, 2013.

<sup>10</sup> Id. at 83-90.

<sup>11</sup> Id. at 87-88.

<sup>12</sup> Id. at 107-110. The April 22, 2014 Order was penned by Judge Cesar Pabel D. Sulit of the Regional Trial Court of Pasig City, Branch 162.

<sup>13</sup> Id. at 109-110.

On February 27, 2015, the Regional Trial Court issued a Writ of Execution.<sup>14</sup>

Wilfredo moved to stay or quash the Writ, but the Regional Trial Court denied this and even his subsequent Motion for Reconsideration.<sup>15</sup>

In its October 3, 2016 Decision,<sup>16</sup> the Court of Appeals affirmed the Regional Trial Court's ruling. It first ruled that AAA's Motion for Execution was timely filed within the five-year period under Rule 39, Section 6 of the Rules of Court.<sup>17</sup> As Wilfredo did not deny failing to provide support after the Permanent Protection Order had already been issued, the Court of Appeals found that he may not ignore the Writ of Execution.<sup>18</sup>

As to Wilfredo's contention that he should no longer support his daughter BBB as she was already married and of legal age, the Court of Appeals held that the trial court was clear: His support was warranted as long as her daughter was still studying and unemployed.<sup>19</sup> It also rejected Wilfredo's claim that he had no obligation to support his other child, CCC, after discovering that the child was not his own. It noted that filiation cannot be collaterally attacked.<sup>20</sup>

The Court of Appeals denied reconsideration in its May 23, 2017 Resolution.<sup>21</sup> Wilfredo thus filed this Petition for Review on Certiorari.<sup>22</sup>

Petitioner argues that the Motion for Execution was belatedly filed because the Regional Trial Court's Decision became final and executory when it was promulgated on September 10, 2008, not on January 30, 2013.<sup>23</sup> He notes that the Permanent Protection Order had "immediate binding effects" when it was promulgated on September 10, 2008: He was immediately excluded from the conjugal dwelling, prohibited from being near his children, disallowed from owning and possessing firearms, and prevented from leaving the country.<sup>24</sup> He insists that if the Order only became final and executory on January 30, 2013, its immediate implementation was baseless and unlawful, and he should have been given that time to appeal.<sup>25</sup>

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<sup>14</sup> Id. at 124–126. Also penned by Judge Cesar Pabel D. Sulit.

<sup>15</sup> Id. at 202–203.

<sup>16</sup> Id. at 197–208.

<sup>17</sup> Id. at 205. CA Decision, p. 8. The pages were jumbled in the *rollo*.

<sup>18</sup> Id. at 204. CA Decision, p. 9.

<sup>19</sup> Id.

<sup>20</sup> Id. at 204–205.

<sup>21</sup> Id. at 218–219.

<sup>22</sup> Id. at 3–24.

<sup>23</sup> Id. at 13.

<sup>24</sup> Id. at 12.

<sup>25</sup> Id. at 12–13.

To petitioner, this means that respondent belatedly filed the Motion for Execution, and the Writ of Execution was void.<sup>26</sup>

Petitioner further insists that the Permanent Protection Order should be quashed, stayed or modified due to supervening events.<sup>27</sup> He insists that respondent is no longer entitled to support because her circumstances now are completely different from when the Permanent Protection Order had been granted.<sup>28</sup> He also notes that their marriage has since been declared void *ab initio*, terminating his legal obligation to support respondent. As for CCC, petitioner insists that the trial court has given the child's care and custody to the maternal grandmother.<sup>29</sup>

Petitioner also argues that ever since the Permanent Protection Order was issued, he has inflicted no violence on respondent.<sup>30</sup> He also raises that respondent has since had many relationships with other men, graduated from law school, and took the Bar Examinations, all showing that she was no longer a victim of physical and economic violence.<sup>31</sup> He also notes that respondent is also now charged with adultery,<sup>32</sup> putting her out of the State's protection.<sup>33</sup>

In her Comment,<sup>34</sup> respondent argues that the Court of Appeals did not err in ruling that the Writ of Execution was timely issued.<sup>35</sup> She further contends that the supervening events that petitioner claims are "products of his machination and evil manipulations[.]"<sup>36</sup> She points out that petitioner still did not give their children any support, and instead continued to work with his mistress to harass her. She denies having illicit affairs with men,<sup>37</sup> claiming that petitioner only said this to support the marriage nullity case and the adultery case, both lodged against her.<sup>38</sup> She points out that it was petitioner who committed the crime of concubinage.<sup>39</sup> She insists that she does not know of the decision for nullity of their marriage.<sup>40</sup>

The issues for this Court's resolution are:

First, whether or not the Writ of Execution was issued within the five-year period allowed by the Rules of Court; and

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<sup>26</sup> Id. at 13.

<sup>27</sup> Id. at 14, 19, and 21.

<sup>28</sup> Id. at 15.

<sup>29</sup> Id.

<sup>30</sup> Id. at 16.

<sup>31</sup> Id. at 17.

<sup>32</sup> Id. at 15.

<sup>33</sup> Id. at 18.

<sup>34</sup> Id. at 269–296.

<sup>35</sup> Id. at 278–280.

<sup>36</sup> Id. at 282.

<sup>37</sup> Id.

<sup>38</sup> Id. at 285.

<sup>39</sup> Id. at 291.

<sup>40</sup> Id. at 289.

Second, whether or not there is a supervening event that falls as an exception to the rule on immutability of judgments such that petitioner Wilfredo A. Ruiz should no longer be liable to provide support to respondent AAA.

This Court partially grants the Petition.

## I

The Writ of Execution was timely issued.

When a judgment has become final and executory, it may be executed upon the filing of a motion within five years from the date of its entry. Rule 39, Section 6 of the Rules of Court provides:

SECTION 6. *Execution by Motion or by Independent Action.* — A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

Here, the Regional Trial Court issued the Permanent Protection Order on September 10, 2008. It became final and executory on January 30, 2013.<sup>41</sup> Only several months later, respondent filed the Motion for Execution on July 16, 2013. On April 22, 2014, the Regional Trial Court granted AAA's Motion for Execution, and on February 27, 2015, issued a Writ of Execution.<sup>42</sup> Thus, the Motion for Execution was filed within the five-year period under the Rules of Court.

Yet, petitioner argues that because of the "immediate binding effects" of the Permanent Protection Order, the Regional Trial Court's Decision became final and executory when it was promulgated on September 10, 2008, not on January 30, 2013.<sup>43</sup>

This Court disagrees. A judgment becomes final and executory if no appeal was filed and the period to file an appeal has lapsed.<sup>44</sup>

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<sup>41</sup> Id. at 125, Writ of Execution.

<sup>42</sup> Id. at 125–126.

<sup>43</sup> Id. at 13.

<sup>44</sup> *Munez v. Court of Appeals*, 236 Phil. 212 (1987) [Per J. Gutierrez Jr., Third Division].

Under Section 31 of the Rule on Violence Against Women and Their Children,<sup>45</sup> a permanent protection order may be appealed, but this appeal shall not stay the enforcement of the judgment:

SECTION 31. *Appeal.* — Any aggrieved party may appeal by filing a notice of appeal with the court that rendered the final order or judgment within fifteen days from notice and serving a copy thereof upon the adverse party. The appeal shall not stay the enforcement of the final order or judgment.

Thus, while a permanent protection order is immediately implemented, it is not deemed final and executory as long as the judgment ordering its issuance may still be contested during the reglementary period of appeal. Accordingly, even if petitioner was immediately excluded from the conjugal dwelling and prevented from leaving the country,<sup>46</sup> he may still contest the ruling against him through a timely and proper appeal.

An appeal presents the possibility of a change in the judgment. The period to file an appeal is crucial as it not only determines when parties may still contest the ruling, but also when the judgment will be final and executory. Thus, contrary to petitioner's arguments, the period to move for execution is not reckoned from the time the judgment is promulgated, but from the time it becomes final and executory.

## II

Final and executory judgments are immutable and unalterable. They may no longer be amended by any court even to correct errors of law or fact. The doctrine of immutability of judgment ensures that all judicial controversies are determined with finality and shall not go on indefinitely. In *Mercury Drug Corporation v. Spouses Huang*:<sup>47</sup>

A final and executory judgment produces certain effects. Winning litigants are entitled to the satisfaction of the judgment through a writ of execution. On the other hand, courts are barred from modifying the rights and obligations of the parties, which had been adjudicated upon. They have the ministerial duty to issue a writ of execution to enforce the judgment.

It is a fundamental principle that a judgment that lapses into finality becomes immutable and unalterable. The primary consequence of this principle is that the judgment may no longer be modified or amended by any court in any manner even if the purpose of the modification or amendment is to correct perceived errors of law or fact. This principle known as the doctrine of immutability of judgment is a matter of sound

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<sup>45</sup> A.M. No. 04-10-11-SC, October 19, 2004.

<sup>46</sup> *Rollo*, p. 12, Petition.

<sup>47</sup> 817 Phil. 434 (2017) [Per J. Leonen, Third Division].

public policy, which rests upon the practical consideration that every litigation must come to an end.

The rationale behind the rule was further explained in *Social Security System v. Isip*, thus:

The doctrine of immutability and inalterability of a final judgment has a two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time.<sup>48</sup> (Citations omitted)

This doctrine, however, is subject to exceptions, one of which is when a supervening event transpires after the finality of the decision.<sup>49</sup> A supervening event, however, must have occurred *after* the judgment has become final and executory, and it must have changed the substance and rendered inequitable the execution of the judgment:

Parties must establish two (2) conditions in order to properly invoke the exception on supervening events. First, the fact constituting the supervening event must have transpired after the judgment has become final and executory. It should not have existed prior to the finality of the judgment. Second, it must be shown that the supervening event “affects or changes the substance of the judgment and renders its execution inequitable.”<sup>50</sup> (Citations omitted)

In this case, the final and executory judgment pertains to the Permanent Protection Order, which petitioner insists must be modified due to supervening events. He argues that he should no longer provide respondent support as their marriage has been declared void *ab initio*.<sup>51</sup> He also claims that no violence has been inflicted on respondent since 2007, and she has had many relationships with other men, has graduated from law school, and has taken the Bar Examinations.<sup>52</sup> He adds that she is now charged with adultery, removing her from the State’s protection.<sup>53</sup> As for CCC, petitioner says the child’s care and custody was placed with the maternal grandmother.<sup>54</sup>

Permanent protection orders, and the relief of support under them, are discussed in Section 8 of Republic Act No. 9262:

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<sup>48</sup> Id. at 445–446.

<sup>49</sup> Id. at 453.

<sup>50</sup> Id. at 454.

<sup>51</sup> *Rollo*, pp. 16 and 21, Petition.

<sup>52</sup> Id. at 16–17.

<sup>53</sup> Id. at 15 and 18.

<sup>54</sup> Id. at 21.



SECTION 8. *Protection Orders*. — A protection order is an order issued under this Act for the purpose of *preventing further acts of violence against a woman or her child* specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order should serve the purpose of *safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life*. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

....

(g) Directing the respondent to provide support to the woman and/or her child if entitled to *legal support*. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

....

Any of the reliefs provided under this section shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage.

The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

Under the law, granting any relief under a permanent protection order has several purposes: to prevent further acts of violence, to safeguard the offended parties from harm, to minimize disruptions in their life, and to help regain control over their life. In *Garcia v. Drilon*:<sup>55</sup>

A protection order is an order issued to prevent further acts of violence against women and their children, their family or household members, and to grant other necessary reliefs. Its purpose is to safeguard the offended parties from further harm, minimize any disruption in their daily life and facilitate the opportunity and ability to regain control of their life.

“The scope of reliefs in protection orders is broadened to ensure that the victim or offended party is afforded all the remedies necessary to curtail access by a perpetrator to the victim. This serves to safeguard the victim from greater risk of violence; to accord the victim and any designated family

<sup>55</sup> 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, En Banc]. See also *Pavlow v. Mendenilla*, 809 Phil. 24 (2017) [Per J. Leonen, Second Division].

or household member safety in the family residence, and to prevent the perpetrator from committing acts that jeopardize the employment and support of the victim. It also enables the court to award temporary custody of minor children to protect the children from violence, to prevent their abduction by the perpetrator and to ensure their financial support.”<sup>56</sup> (Citations omitted)

In *Estacio v. Estacio*:<sup>57</sup>

Republic Act No. 9262 is a social legislation enacted as a measure to address domestic violence. . . .

The law specifically protects women from violence committed in the context of an intimate relationship, which can be physical violence, sexual violence, psychological violence, or economic abuse. This also includes those committed against the woman’s child.

. . . .

Thus, the law gives victims of violence remedies that can address their situation. One innovative creation of this law is the remedy of protection orders, which are issued to protect the woman and her child from further acts of violence committed by the offender. They safeguard “the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life.”

. . . .

. . . Since Section 4 of the law expressly mandated its liberal construction, this meant that courts are bound to interpret its provisions in a manner that advances the intent behind the law, thus:

It bears mention that the intent of the statute is the law and that this intent must be effectuated by the courts. In the present case, the express language of R.A. No. 9262 reflects the intent of the legislature for liberal construction as will best ensure the attainment of the object of the law according to its true intent, meaning and spirit — the protection and safety of victims of violence against women and children.<sup>58</sup> (Citations omitted)

Under Section 8(g) of Republic Act No. 9262, a respondent may be directed to provide support *if the woman and/or her child is entitled to legal support*.<sup>59</sup> What legal support means and who are obliged to provide it are stated in Articles 194 and 195 of the Family Code:

<sup>56</sup> Id. at 104–105.

<sup>57</sup> G.R. No. 211851, September 16, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66987>> [Per J. Leonen, Third Division].

<sup>58</sup> Id.

<sup>59</sup> See also A.M. No. 04-10-11-SC (2004), sec. 11, which states:

SECTION 11. *Reliefs available to the offended party.* — The protection order shall include any, some or all of the following reliefs:

. . . .

ARTICLE 194. Support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family.

The education of the person entitled to be supported referred to in the preceding paragraph shall include his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work. (290a)

ARTICLE 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article:

- (1) The spouses;
- (2) Legitimate ascendants and descendants;
- (3) Parents and their legitimate children and the legitimate and illegitimate children of the latter;
- (4) Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and
- (5) Legitimate brothers and sisters, whether of full or half-blood. (291a)

In *Canonizado v. Ordonez Benitez*,<sup>60</sup> this Court held that “[a] judgment for support is never final in the sense that not only can its amount be subject to increase or decrease but its demandability may also be suspended or re-enforced when appropriate circumstances exist.”<sup>61</sup> It discussed:

With regard to the issue of payment of current support, Article 303 of the New Civil Code provides:

“Art. 303. The obligation to give support shall also cease:

....

(3) When the recipient may engage in a trade, profession, or industry, or has obtained work, or has improved his fortune in such a way that he no longer needs the allowance for his subsistence;”

....

When any of the above circumstances occurs, the support stops since the recipient no longer needs it for subsistence. It does not mean, however, that the obligation to give or the right to ask for support also ceases permanently because the lack of a need for it may only be temporary. In

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(h) Directing the respondent to provide support to the woman and/or her child, *if entitled to legal support*. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by his employer and to automatically remit it directly to the offended party. Failure to withhold, remit or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer liable for indirect contempt of court[.] (Emphasis supplied)

<sup>60</sup> 212 Phil. 564 (1984) [Per J. Gutierrez, Jr., First Division].

<sup>61</sup> Id. at 571.

other words, the above circumstances do not affect the right to support between spouses but only the action to make it demandable, such right being born from the law and created as such by the marriage tie. *It subsists throughout the period that the marriage subsists.*

In the instant petition the respondent can rightfully file a motion to oppose the payment of current support or to terminate the demandability of the same for the time being, since he alleges and it appears undisputed that herein petitioner became a member of the bar sometime in 1967 and has long been in the employ of the Central Bank of the Philippines, even before she became a lawyer. It is not necessary to file a separate action for a suspension of current support. The matter of determining whether or not petitioner is entitled to support up to the present is subject to the presentation of evidence both by the petitioner and the respondent and is for the lower court to decide. The respondent judge, therefore, cannot be compelled by mandamus to order respondent to pay current support when the latter alleges that a ground exists for the suspension of such obligation. *A judgment for support is never final in the sense that not only can its amount be subject to increase or decrease but its demandability may also be suspended or re-enforced when appropriate circumstances exist.*<sup>62</sup> (Emphasis supplied)

This ruling is in line with Articles 201 to 203 of the Family Code, which state:

ARTICLE 201. The amount of support, in the cases referred to in Articles 195 and 196, shall be in proportion to the resources or means of the giver and to the necessities of the recipient. (296a)

ARTICLE 202. Support in the cases referred to in the preceding article shall be reduced or increased proportionately, according to the reduction or increase of the necessities of the recipient and the resources or means of the person obliged to furnish the same. (297a)

ARTICLE 203. The obligation to give support shall be demandable from the time the person who has a right to receive the same needs it for maintenance, but it shall not be paid except from the date of judicial or extrajudicial demand.

Support *pendente lite* may be claimed in accordance with the Rules of Court.

Payment shall be made within the first five days of each corresponding month or when the recipient dies, his heirs shall not be obliged to return what he has received in advance. (298a)

Notably, in the dispositive portion of the Regional Trial Court's Decision, the amount of support granted to respondent was qualified by the words "[for the time being]":

i. Directing the respondent to provide support to the petitioner and their child [CCC] and even to their child [BBB], if still studying and

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<sup>62</sup> Id. at 570-571.

unemployed equivalent to 50% [*for the time being*] of the income or salaries of the respondent from the following sources[.]<sup>63</sup>

Thus, the order of support may be demanded or modified depending on the circumstances, even if the judgment has become final and executory.

Here, in a December 27, 2016 Decision,<sup>64</sup> the Regional Trial Court declared the marriage between petitioner and respondent void:

WHEREFORE, the herein petition is hereby GRANTED, ordering as follows:

1. The marriage between [AAA] and WILFREDO A. RUIZ, celebrated on August 18, 1989, in Manila, is hereby declared null and void ab-initio [sic];
2. The City Civil Registrar of Manila and the National Statistician and Civil Registrar General of the Philippine Statistics Authority are hereby ordered to cause the annotation of this decision, on the said marriage, in the Book of Marriage, under Registry No. 89-21952;
3. The care and custody over the youngest child of the parties shall remain with the mother of the respondent;
4. Notably, the eldest child (daughter) is already married; and
5. Be it noted that neither personal nor real properties were jointly acquired by both parties, during their marriage.

SO ORDERED.<sup>65</sup>

On March 3, 2017, this Decision became final and executory and was recorded in the Book of Entries of Judgments.<sup>66</sup>

Article 198 of the Family Code states:

ARTICLE 198. During the proceedings for legal separation or for annulment of marriage, and for declaration of nullity of marriage, the spouses and their children shall be supported from the properties of the absolute community or the conjugal partnership. After the final judgment granting the petition, the obligation of mutual support between the spouses ceases. However, in case of legal separation, the court may order that the guilty spouse shall give support to the innocent one, specifying the terms of such order. (292a)

Thus, after the final judgment nullifying the marriage, “the obligation of mutual support between the spouses ceases.” Petitioner and respondent’s

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<sup>63</sup> Id. at 200.

<sup>64</sup> Id. at 220–242. The December 27, 2016 Decision was penned by Judge Caridad H. Grecia-Cuerdo of the Regional Trial Court of Pasay City, Branch 113.

<sup>65</sup> Id. at 242.

<sup>66</sup> Id. at 243.

marriage having been declared void, they are no longer obliged to give spousal support to each other.

Nonetheless, the rest of the reliefs granted under the Permanent Protection Order in favor of respondent shall remain in full force and effect.

Unlike in an ordinary case for spousal support, the grant of support under a permanent protection order also serves to protect the offended party from harm and violence and help them recover and regain control over their life. This added layer differentiates it from ordinary legal support between spouses and other dependents provided under the Family Code, which is solely meant to provide subsistence.

Moreover, the protection order granted in this case is a *permanent* one. In *Pavlow v. Mendenilla*:<sup>67</sup>

A protection order is not a procedural mechanism, which is imperative for the progression of an initiated action. Rather, it is itself a substantive relief which “prevent[s] further acts of violence against a woman or her child specified in Section 5 of [the Anti-VAWC Law] and granting other necessary relief.” Protection orders issued by courts come in two (2) forms: temporary and permanent. The distinction, as their respective names denote, is their duration. A temporary protection order is provisional, whereas a permanent protection order is *lasting or final*.<sup>68</sup> (Emphasis in the original, citation omitted)

A permanent protection order under Republic Act No. 9262 “shall be effective until revoked by a court upon application of the person in whose favor the order was issued.”<sup>69</sup> Thus, here, it is respondent who may apply to have the Permanent Protection Order revoked, not petitioner.

This Court notes that most of the reliefs granted under the Permanent Protection Order does not depend on whether a marriage between petitioner and respondent subsists. Respondent may still be entitled to the other reliefs even if she is no longer petitioner’s wife, because the determining factor in the grant of the relief is whether the offended party was subjected to physical, sexual, psychological, or economic abuse. Thus, under Section 16 of Republic Act No. 9262, even if the charge against a respondent has been dismissed, a permanent protection order shall still be granted “as long as there is no clear showing that the act from which the order might arise did not exist.” It also does not depend on the subsistence of a marriage between the parties.

In *Garcia v. Drilon*:<sup>70</sup>

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<sup>67</sup> 809 Phil. 24 (2017) [Per J. Leonen, Second Division].

<sup>68</sup> Id. at 58.

<sup>69</sup> Republic Act No. 9262 (2004), sec. 16.

<sup>70</sup> 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, En Banc].

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Moreover, the application of R.A. 9262 is not limited to the existing conditions when it was promulgated, but to future conditions as well, for as long as the safety and security of women and their children are threatened by violence and abuse.

R.A. 9262 applies equally to all women and children who suffer violence and abuse. Section 3 thereof defines VAWC as:

. . . any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.<sup>71</sup>

This is also affirmed in Section 8 of Republic Act No. 9262, which states that the reliefs of a permanent protection order are “granted even in the absence of a decree of legal separation or annulment or declaration of absolute nullity of marriage.”

Respondent likewise alleged that petitioner filed the adultery case against her and continues to work with his mistress to harass her.<sup>72</sup> This allegation presents the possibility that, contrary to petitioner’s contention, the harm he committed against respondent has not ceased. In *Estacio*:

Although not expressly mentioned, coercive control is recognized as a form of psychological violence under Republic Act No. 9262. Psychological violence is defined under Section 3(a)(C) as:

SECTION 3. Definition of Terms. — As used in this Act,

(a) “*Violence against women and their children*” refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

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<sup>71</sup> Id. at 101.

<sup>72</sup> *Rollo*, p. 282.

....

C. “*Psychological violence*” refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

As a form of psychological violence, coercive control pertains to a “pattern of behavior meant to dominate a partner through different tactics such as physical and sexual violence, threats, emotional insults, and economic deprivation.”

In relationships where coercive control exists, dominant partners do things that help them exert long-term power and control over their partners, such as isolating them from society, manipulating their children, using their male privilege, or employing economic abuse.

While domestic abuse has traditionally been seen only through physical abuse, violence can and does occur in other forms, such as psychological abuse. It is helpful to not only look at isolated acts—usually of physical abuse—but to also focus on the effects of these acts on the coercion and control of one partner over the other. To achieve a fuller understanding of domestic violence, its distorting consequences on the dynamics that exist in an intimate relationship should be important considerations. Its damaging effects on the freedom of victims to live their lives in peace are, after all, what the law ultimately seeks to eliminate.<sup>73</sup> (Citations omitted)

Thus, it cannot be assumed that respondent is already living in peace and free from the infliction of harm against her.

In any case, the adultery case filed against respondent does not affect her entitlement to the reliefs, especially since she has not been found guilty of the crime charged.

Furthermore, the grant of support in the Permanent Protection Order pertains to respondent *and her children with petitioner*. Thus, while petitioner is no longer obligated to legally support respondent because their marriage was nullified, his obligation to provide support to his minor child CCC does

<sup>73</sup> G.R. No. 211851, September 16, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66987>> [Per J. Leonen, Third Division].



not cease even if care and custody are no longer with respondent. Neither does it depend on petitioner's relationship with respondent.

In *Patricio v. Dario III*,<sup>74</sup> this Court affirmed that parents are primarily responsible for the support of their children as the latter's closest relatives, keeping in mind the principle that "the closer the relationship of the relatives, the stronger the tie that binds them."<sup>75</sup>

Furthermore, "although the obligation to provide support arising from parental authority ends upon the emancipation of the child, the same obligation arising from spousal and general familial ties ideally lasts during the obligee's lifetime."<sup>76</sup>

Thus, as their father, petitioner still has the obligation to support CCC and even their other child [BBB], if still studying and unemployed.<sup>77</sup>

**WHEREFORE**, the Petition is **PARTIALLY GRANTED**. The October 3, 2016 Decision and May 23, 2017 Resolution of the Court of Appeals in CA-G.R. SP No. 143344 is **MODIFIED**. The Writ of Execution issued by the Regional Trial Court on February 27, 2015 shall remain **VALID** as to **all reliefs** granted under the Permanent Protection Order, **except** as to the grant of legal support in favor of respondent AAA.

Respondent shall no longer be entitled to legal support from the time of the finality of the Decision declaring her marriage with petitioner void.

Petitioner shall likewise be liable for 6% interest for any delinquent support from the time of the issuance of the Permanent Protection Order, in accordance with *Nacar v. Gallery Frames*.<sup>78</sup>

**SO ORDERED.**

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:

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<sup>74</sup> 537 Phil. 595 (2006) [Per J. Ynares-Santiago, First Division].


<sup>75</sup> Id. at 607.

<sup>76</sup> *Spouses Lim v. Lim*, 619 Phil. 694, 701 (2009) [Per J. Carpio, Third Division].

<sup>77</sup> *Rollo*, p. 21, Petition.

<sup>78</sup> 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

  
**ROSMARI D. CARANDANG**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

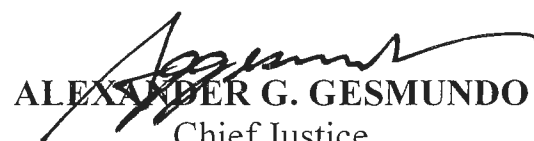
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice