

# **SPOUSES PRUDENCIO AND FILOMENA LIM, PETITIONERS, VS. MA. CHERYL S. LIM, FOR HERSELF AND ON BEHALF OF HER MINOR CHILDREN LESTER EDWARD S. LIM, CANDICE GRACE S. LIM, AND MARIANO S. LIM, III, RESPONDENTS.**

G.R. No. 163209

October 30, 2009



## **EXECUTIVE SUMMARY**

This case addresses the extent of legal support obligations, specifically whether ascendants (grandparents) are concurrently liable with parents to provide support to their descendants (grandchildren) when the parents' means are insufficient. The Supreme Court affirmed the Court of Appeals' decision, holding the petitioners (grandparents) liable to provide support, but modified it to limit their liability solely to their grandchildren, excluding the daughter-in-law. The Court reasoned that the obligation to provide legal support passes to ascendants not only upon default of parents but also when parents are unable to provide sufficient support, following the order of liability in Article 199 of the Family Code. Furthermore, the Court denied the petitioners' alternative option to provide support by maintaining the respondents in their family dwelling, citing a "moral impediment" under Article 204 of the Family Code due to the daughter-in-law's discomfort arising from her husband's infidelity. This ruling clarifies the

subsidiary but concurrent nature of ascendants' support obligations and the limitations on the "option to maintain" provision in Philippine jurisprudence.



## FACTUAL BACKGROUND

**Petitioner:** Spouses Prudencio and Filomena Lim, parents of Edward Lim and paternal grandparents of Lester Edward, Candice Grace, and Mariano III.

**Respondent:** Ma. Cheryl S. Lim, wife of Edward Lim, acting for herself and on behalf of her minor children Lester Edward S. Lim, Candice Grace S. Lim, and Mariano S. Lim, III.

**Nature of Case:** Civil action for support.

### Key Events:

In 1979, respondent Cheryl S. Lim married Edward Lim, son of petitioners.

Cheryl and Edward had three children: Lester Edward, Candice Grace, and Mariano III.

The family resided at the house of petitioners in Forbes Park, Makati City. Edward's family business provided him a monthly salary of P6,000, which covered family expenses. Cheryl had no steady source of income.

On October 14, 1990, Cheryl abandoned the Forbes Park residence, bringing the children with her, after a violent confrontation with Edward whom she caught with the in-house midwife of Chua Giak "in a very compromising situation."

### Lower Court Proceedings:

Cheryl, for herself and her children, sued petitioners, Edward, Chua Giak (Edward's ailing grandmother), and Mariano Lim (Chua Giak's husband) in the Regional Trial Court (RTC) of Makati City, Branch 140, for support.

The RTC ordered Edward to provide monthly support of P6,000 pendente lite.

On January 31, 1996, the RTC rendered judgment ordering Edward and

petitioners to "jointly" provide P40,000 monthly support to respondents, with Edward shouldering P6,000 and petitioners the balance of P34,000, subject to Chua Giak's subsidiary liability.

The RTC clarified that petitioners and Chua Giak were held jointly liable with Edward because of the latter's "inability x x x to give sufficient support x x x."

Petitioners appealed to the Court of Appeals (CA), assailing their liability and arguing that Edward's insufficient income is sanctioned by Article 194 of the Family Code, which states that legal support should be "in keeping with the financial capacity of the family."

In its Decision dated April 28, 2003, the CA affirmed the trial court, holding that Article 195 and Article 200 paragraph (3) of the Family Code clearly provide for the obligation of parents and their legitimate children to mutually support one another, extending to legitimate grandchildren, and that closer relatives provide support first.

Petitioners sought reconsideration, but the CA denied their motion in a Resolution dated April 12, 2004.

**How Case Reached Supreme Court:** Petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure.



## LEGAL ISSUES PRESENTED

**Primary Issue:** Whether petitioners (paternal grandparents) are concurrently liable with Edward (father) to provide support to respondents (Cheryl and their children).

**Secondary Issues:**

Whether the liability of ascendants to provide support is triggered only upon default of parental authority (termination or suspension) or also upon the parents' inability to provide sufficient support.

Whether respondent Cheryl S. Lim (daughter-in-law) is entitled to receive support from petitioners (parents-in-law)

support from petitioners (parents-in-law).

Whether petitioners can avail of the alternative option under Article 204 of the Family Code to fulfill their obligation by maintaining respondents in their family dwelling.

**Constitutional Questions:** No specific constitutional questions were raised or addressed in the decision.

**Procedural Issues:** No distinct procedural issues were presented for resolution by the Supreme Court, other than the review of the CA's decision.



## COURT'S RULING & DETAILED REASONING

**Primary Holding: The Supreme Court ruled in the affirmative that petitioners are concurrently liable with Edward to provide support, but modified the appealed judgment by limiting petitioners' liability to the amount of monthly support needed by their grandchildren only (Lester Edward, Candice Grace, and Mariano III). The Court also denied petitioners' request to fulfill their obligation by maintaining respondents at petitioners' Makati residence.**

### Legal Doctrine Applied:

Articles 194, 195, 199, 200, and 204 of the Family Code of the Philippines (Executive Order No. 209).

Title VIII of the Civil Code, as amended, on Support.

Title IX of the Civil Code, as amended, on Parental Authority (distinguished from general support obligations).

### **Statutory Interpretation:**

The Court interpreted Article 199 of the Family Code, which lists the order of persons obliged to give support, to mean that the liability of ascendants (grandparents) is triggered not only by the default of parents but also by their "inability to provide sufficient support." The Court stated: "Thus, 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. Also, while parental authority under Title IX (and the correlative parental rights) pertains to parents, passing to ascendants only upon its termination or suspension, the obligation to provide legal support passes on to ascendants not only upon default of the parents but also for the latter's inability to provide sufficient support."

The Court interpreted the exception clause in Article 204 of the Family Code ("The latter alternative cannot be availed of in case there is a moral or legal obstacle thereto") broadly. It found that Cheryl's "steadfast insistence on its occurrence [Edward's infidelity] amounts to a moral impediment bringing the case within the ambit of the exception clause of Article 204, precluding its application."

### **Precedent Analysis:**

*Patricia v. Dario III, G.R. No. 170829, 20 November 2006, 507 SCRA 438:* The Court cited this case to support the view that grandchildren cannot demand support directly from their grandparents if they have parents who are capable of supporting them, thereby implying that if parents are \*incapable\*, the obligation shifts. The Court quoted: "Professor Pineda is of the view that grandchildren cannot demand support directly from their grandparents if they have parents (ascendants of nearest degree) who are capable of supporting them. This is so because we have to follow the order of support under Art. 199. We agree with this view. x x x There is no showing that private respondent is without means to support his son; neither is there any

evidence to prove that petitioner, as the paternal grandmother, was willing to voluntarily provide for her grandson's legal support, x x x"

*Pelayo v. Lauron, 12 Phil. 453, 457 (1908)*: This case was cited to clarify that in-laws "are strangers with respect to the obligation that revolves upon the husband to provide support" to his wife, supporting the decision to exclude Cheryl from the support obligation of the petitioners.

**Policy Considerations:** The Court emphasized the policy of ensuring the welfare of children and preventing their "extreme material deprivation" due to parental inability to give adequate support, even if ascendants one degree removed are able to fill the void.

## **Ratio Decidendi (Reasoning)**

The Court held that the liability of ascendants to provide legal support to their descendants is "beyond cavil" by statutory and jurisprudential mandate. It rejected petitioners' argument that their liability is activated only upon default of parental authority (termination or suspension). The Court clarified that while parental authority pertains to parents and passes to ascendants upon its termination or suspension, the obligation to provide legal support passes to ascendants not only upon default of the parents but also for the latter's "inability to provide sufficient support."

Given that Cheryl was unable to discharge her obligation to provide sufficient legal support and Edward's P6,000 monthly support was insufficient to meet the children's basic needs, this "inability" shifted a portion of the obligation to the ascendants in the nearest degree, following the ordering in Article 199 of the Family Code.

However, the Court clarified that petitioners' partial concurrent obligation extends only to their descendants by blood. Thus, only

respondents Lester Edward, Candice Grace, and Mariano III, as petitioners' grandchildren, fall into this category. Cheryl's right to receive support from the Lim family extends only to her husband Edward, arising from their marital bond. The case was remanded to the trial court to determine Cheryl's share of the monthly support, which would cease if her marriage to Edward is declared null.

The Court denied petitioners' request to avail of the option in Article 204 of the Family Code to fulfill their obligation by maintaining respondents at their Makati residence. While the option is generally available, it is subject to the exception clause that it cannot be availed of "in case there is a moral or legal obstacle thereto." The Court found that Cheryl's "steadfast insistence" on her husband's infidelity, even if criminal charges did not prosper, amounted to a "moral impediment" that would force her to return to a place associated with her husband's infidelity, thus precluding the application of Article 204.

### **Concurring/Dissenting Opinions**

The decision was unanimous, with Carpio, J., as the ponente, and Quisumbing, Chico-Nazario, Peralta, and Abad, JJ., concurring. No separate concurring or dissenting opinions were noted in the provided text.



## **JURISPRUDENTIAL IMPACT & SIGNIFICANCE**

**Legal Precedent Established:** This case firmly establishes that ascendants

(grandparents) have a subsidiary but concurrent obligation to provide legal support to their descendants (grandchildren) when the parents are unable to provide \*sufficient\* support, even if parental authority has not been terminated or suspended. It clarifies that "inability" of parents, not just their "default" or absence of parental authority, is a trigger for the ascendants' liability under Article 199 of the Family Code.

**Impact on Philippine Law:** The decision reinforces the comprehensive nature of the obligation to support under the Family Code, ensuring that children's welfare is prioritized even when parents' financial capacity is limited. It provides a clear judicial interpretation of the scope of Article 199 and distinguishes the obligation of support from the concept of parental authority.

**Effects on Future Cases:** Future claims for support against grandparents will likely cite this ruling to establish the conditions under which such liability arises (i.e., parental insufficiency). It also sets a precedent for interpreting the "moral obstacle" clause in Article 204, allowing obligees to refuse the option of being maintained in the obligor's dwelling under emotionally distressing circumstances, even if not strictly illegal.

**Practical Implications:** This ruling provides a legal avenue for children to seek adequate support from their grandparents when their parents' income is insufficient. It also offers protection to individuals who may be forced into uncomfortable living situations if the "option to maintain" were applied without considering moral impediments.

**Doctrinal Significance:** The case clarifies the interplay between different titles of the Family Code (Support vs. Parental Authority) and emphasizes the strong familial ties and the comprehensive nature of the obligation to support under Philippine law. It underscores the principle that the welfare of dependents, especially children, is paramount.

**Legislative Impact:** While not directly calling for legislative action, the decision provides a robust judicial interpretation of existing Family Code provisions, which could inform future legislative discussions or amendments related to familial support obligations.

