

SECOND DIVISION

[G.R. NO. 150644, August 28, 2006]

**EDWARD V. LACSON, PETITIONER, VS. MAOWEE DABAN LACSON AND
MAONAA DABAN LACSON, REPRESENTED BY THEIR MOTHER AND
GUARDIAN AD-LITEM, LEA DABAN LACSON, RESPONDENTS.**

D E C I S I O N

GARCIA, J.:

Petitioner Edward V. Lacson, father of the respondent sisters Maowee Daban Lacson and Maonaa Daban Lacson and husband of their mother and guardian *ad-litem*, Lea Daban Lacson, has come to this Court via this petition for review under Rule 45 of the Rules of Court to seek the reversal and setting aside of the Decision^[1] dated July 13, 2001 of the Court of Appeals (CA) in *CA-G.R. CV No. 60203*, as reiterated in its Resolution^[2] of October 18, 2001 denying his motion for reconsideration.

From the petition and its annexes, the respondents' reply thereto, and other pleadings, the Court gathers the following facts:

The sisters Maowee Daban Lacson and Maonaa Daban Lacson are legitimate daughters of petitioner Edward V. Lacson and his wife, Lea Daban Lacson. Maowee was born on December 4, 1974, while Maonaa, a little less than a year later. Not long after the birth of Maonaa, petitioner left the conjugal home in Molo, Iloilo City, virtually forcing mother and children to seek, apparently for financial reason, shelter somewhere else. For a month, they stayed with Lea's mother-in-law, Alicia Lacson, then with her (Lea's) mother and then with her brother Noel Daban. After some time, they rented an apartment only to return later to the house of Lea's mother. As the trial court aptly observed, the sisters and their mother, from 1976 to 1994, or for a period of eighteen (18) years, shuttled from one dwelling place to another not their own.

It appears that from the start of their estrangement, Lea did not badger her husband Edward for support, relying initially on his commitment memorialized in a note dated December 10, 1975 to give support to his daughters. As things turned out, however, Edward reneged on his promise of support, despite Lea's efforts towards having him fulfill the same. Lea would admit, though, that Edward occasionally gave their children meager amounts for school expenses. Through the years and up to the middle part of 1992, Edward's mother, Alicia Lacson, also gave small amounts to help in the schooling of Maowee and Maonaa, both of whom eventually took up nursing at St. Paul's College in Iloilo City. In the early part of 1995 when Lea, in behalf of her two daughters, filed a complaint against Edward for support before the Regional Trial Court of Iloilo City, Branch 33, Maowee was about to graduate.

In that complaint dated January 30, 1995, as amended,^[3] docketed as Civil Case No. 22185, Maowee and Maonaa, thru their mother, averred that their father Edward, despite being gainfully employed and owning several pieces of valuable lands, has not provided them support since 1976. They also alleged that, owing to years of Edward's failure and neglect, their mother had, from time to time, borrowed money from her brother Noel Daban. As she would later testify, Lea had received from Noel, by way of a loan, as much as P400,000.00 to P600,000.00.

In his Answer, Edward alleged giving to Maowee and Maonaa sufficient sum to meet their needs. He explained, however, that his lack of regular income and the unproductivity of the land he inherited, not his neglect, accounted for his failure at times to give regular support. He also blamed financial constraint for

his inability to provide the P12,000.00 monthly allowance prayed for in the complaint.

As applied for and after due hearing, the trial court granted the sisters Maowee and Maonaa support *pendente lite* at P12,000.00 per month, subject to the schedule of payment and other conditions set forth in the court's corresponding order of May 13, 1996.^[4]

Following trial, the RTC rendered on June 26, 1997 judgment finding for the plaintiff sisters, as represented by their mother. In that judgment, the trial court, following an elaborate formula set forth therein, ordered their defendant father Edward to pay them a specific sum which represented 216 months, or 18 years, of support in arrears. The *fallo* of the trial court's decision^[5] reads:

WHEREFORE, judgment is hereby rendered:

1) Ordering defendant to compensate plaintiffs support in arrears in the amount of TWO MILLION FOUR HUNDRED NINETY-SIX THOUSAND (P2, 496,000.00) PESOS from which amount shall be deducted ONE HUNDRED TWENTY-FOUR (P124,000.00) PESOS that which they received from defendant for two years and that which they received by way of support pendent lite;

2) Ordering defendant to pay TWENTY THOUSAND (P20,000.00) PESOS as attorney's fees; and

3) Pay costs.

SO ORDERED.

Therefrom, Edward appealed to the CA whereat his recourse was docketed as *CA-G.R. CV. No. 60203*.

Eventually, the CA, in the herein assailed Decision dated July 13, 2001,^[6] dismissed Edward's appeal, disposing as follows;

WHEREFORE, premises considered, the present appeal is hereby DISMISSED and the appealed Decision in Civil Case No. 22185 is hereby AFFIRMED.

Double costs against the defendant – appellant [Edward Lacson].

SO ORDERED. (Words in bracket added.)

In time, Edward moved for reconsideration, but his motion was denied by the appellate court in its equally assailed Resolution of October 18, 2001.^[7]

Hence, Edward's present recourse on his submission that the CA erred -

I. XXX WHEN IT AFFIRMED THE GRANT OF SUPPORT IN ARREARS FROM 1976 TO 1994.

II. XXX IN AFFIRMING THE ALLEGED ADVANCES OF SUPPORT BY RESPONDENTS' UNCLE NOEL DABAN.

III. XXX IN AFFIRMING THE AWARD OF SUPPORT EVEN IF PETITIONER IS NOT FINANCIALLY CAPABLE OF PROVIDING THE SAME TO ... RESPONDENTS.

IV. XXX WHEN IT ORDERED PETITIONER TO PROVIDE SUPPORT TO XXX RESPONDENTS EVEN IF PETITIONER'S OBLIGATION TO PROVIDE SUPPORT HAD ALREADY BEEN COMPLETELY SATISFIED BY THE PROCEEDS OF THE SALE OF HIS EXCLUSIVE PROPERTY WHICH WERE ALL APPROPRIATED BY THE ... RESPONDENTS.

The petition lacks merit.

Petitioner admits being obliged, as father, to provide support to both respondents, Maowee and Maonaa. It is his threshold submission, however, that he should not be made to pay support in arrears, *i.e.*, from 1976 to 1994, no previous extrajudicial, let alone judicial, demand having been made by the respondents. He invokes the following provision of the Family Code to complete his point:

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.

To petitioner, his obligation to pay under the aforequoted provision starts from the filing of Civil Case No. 22185 in 1995, since only from that moment can it be said that an effective demand for support was made upon him.

Petitioner's above posture has little to commend itself. For one, it conveniently glossed over the fact that he veritably abandoned the respondent sisters even before the elder of the two could celebrate her second birthday. To be sure, petitioner could not plausibly expect any of the sisters during their tender years to go through the motion of demanding support from him, what with the fact that even their mother (his wife) found it difficult during the period material to get in touch with him. For another, the requisite demand for support appears to have been made sometime in 1975. It may be that Lea made no extrajudicial demand in the sense of a formal written demand in terms and in the imperious tenor commonly used by legal advocates in a demand letter. Nonetheless, what would pass as a demand was, however, definitely made. Asking one to comply with his obligation to support owing to the urgency of the situation is no less a demand because it came by way of a request or a plea. As it were, the trial court found that a demand to sustain an award of support in arrears had been made in this case and said so in its decision, thus:

From 1976, [respondents'] mother now and then went to their [paternal] grandmother's house by their father and asked for support; this notwithstanding their father's commitment for this purpose which the latter embodied in a note dated December 10, 1975. For twenty-one years that they needed support, [petitioner] complied with his obligation for only two (2) years.

xxx xxx xxx

Last December 10, 1975, [petitioner] committed self for the support of his children, the [respondents] herein but failing, plaintiffs' mother asked extrajudicially for her children's support since 1976, when she went to her mother's house. ...^[8] (Words in bracket and underscoring added.)

The appellate court made a parallel finding on the demand angle, formulating the same in the following wise:

We could not confer judicial approval upon [petitioner's] posture of trying to evade his responsibility to give support to his daughters simply because their mother did not make a "formal" demand therefor from him. [Petitioner's] insistence on requiring a formal demand from his wife is truly pointless, in the face of his acknowledgment of and commitment to comply with such obligation through a note in his own handwriting. Said note [stating that he will "sustain his two daughters Maowee and Maonaa"] also stated "as requested by their mother" thus practically confirming the fact of such demand having been made by [respondents'] mother. The trial court thus correctly ruled that [petitioner's] obligation to pay support in arrears should commence from 1976.^[9] (Words in bracket added).

The Court finds no adequate reason to disturb the factual determination of the CA confirmatory of that of the trial court respecting the demand Lea made on the petitioner to secure support for the respondents. As a matter of long and sound appellate practice, factual findings of the CA are accorded respect, if not finality,

save for the most compelling and cogent reasons.^[10] Not one of the well-recognized exceptions to this rule on conclusiveness of factual findings appear to obtain in this case. Accordingly, the Court cannot grant the petitioner's plea for a review of the CA's findings bearing on the actuality that, as basis for an award of support in arrears, an extrajudicial demand for support had been made on the petitioner as evidenced by the December 10, 1975 note adverted to. Lest it be overlooked, the jurisdiction of the Court in a petition for review, as here, is generally limited to correction of errors of law. Complementing that postulate is the rule that the Court is not bound to analyze and weigh all over again the evidence already considered in the proceedings below,^[11] except when, as earlier indicated, compelling reasons demand a review of the factual conclusions drawn from such evidence.

Petitioner's second specification of error touches on the CA's affirmatory holding that respondents' uncle, Noel Daban, advanced the money for their support. Again, petitioner's lament on the matter is a veritable call for review of factual determinations of the two courts below. It need not, accordingly, detain us long. Suffice it to state in that regard that, of their close relatives, the respondents appeared to have stayed longest with their uncle, Noel Daban. Noteworthy also is the fact that petitioner, from 1976 to 1994, only gave Maowee and Maonaa token amounts for schooling when support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance and education,^[12] or, in short, whatever is necessary to keep a person alive. Logically, the sisters would, thru their mother, turn to their uncle (Noel Daban) for their sustenance and education when petitioner failed to give the same, a failing which stretched from their pre-schooling days to their college years. Since such failure has been established, it is not amiss to deduce, as did the trial court and the CA, that Noel Daban who, owing to consideration of kinship, had reasons to help, indeed lent his sister Lea money to support her children.

Pursuant to Article 207 of the Family Code, Noel Daban can rightfully exact reimbursement from the petitioner. The provision reads:

When the person obliged to support another unjustly refuses or fails to give support when urgently needed by the latter, any third person may furnish support to the needy individual, with right of reimbursement from the person obliged to give support.

Mention may also be made that, contextually, the resulting juridical relationship between the petitioner and Noel Daban is a quasi-contract,^[13] an equitable principle enjoining one from unjustly enriching himself at the expense of another.

As for the amount of support in arrears, there is also no reason to disturb the absolute figures arrived at by the two courts below, appearing as they do to be reasonable and proper. Arbitrariness respecting the determination of the final numbers cannot plausibly be laid on the doorsteps of the CA, and the trial court before it, considering that they fixed such amount based on the varying needs of the respondents during the years included in the computation and to the financial resources of the petitioner, as proved by the evidence adduced below. As a matter of law, the amount of support which those related by marriage and family relationship is generally obliged to give each other shall be in proportion to the resources or means of the giver and to the needs of the recipient.^[14]

Petitioner closes his petition by urging the Court, as it did the CA earlier, to consider a transaction that transpired after the trial court had rendered judgment. We refer to the sale by Lea of half of what petitioner claims to be his exclusive or capital property. As the petitioner would have this Court believe, Lea and the respondent sisters appropriated the P5 Million proceeds of the sale for themselves. Pressing on, he alleged that the amount thus received from the sale is more than enough to fully satisfy – thus release him from complying with- the underlying judgment for support, assuming *ex gratia argumenti* his obligation to pay support in arrears.

Petitioner's above submission is flawed by the premises holding it together. For firstly, it assumes as a fact that what was sold for P5 Million was indeed his exclusive property. But, as the CA aptly observed, "there is no showing whether the property subject of the transaction mentioned by [the petitioner] is a conjugal

property or [his] exclusive property," as in fact "[respondents'] mother asserts that she and [petitioner] had separately sold their respective shares on said property."^[15]

Secondly, the respondent sisters were not party to the sale aforementioned. Petitioner's suggestion, therefore, that part of the proceeds of the sale went to them and may be set off for what petitioner owes them by way of support in arrears is unacceptable, being at best gratuitous and self-serving.

Petitioner, unlike any good father of a family, has been remiss in his duty to provide respondents with support practically all throughout their growing years. At bottom, the sisters have been deprived by a neglectful father of the basic necessities in life as if it is their fault to have been born. This disposition is thus nothing more than a belated measure to right a wrong done the herein respondents who are no less petitioner's daughters.

WHEREFORE, the instant petition is **DENIED** and the appealed CA decision and resolution are **AFFIRMED**.

Costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona and Azcuna, JJ., concur.

^[1] Penned by Associate Justice Martin S. Villarama, Jr., with Associate Justice Conrado M. Vasquez, Jr., and Associate Justice Sergio L. Pestaño (ret.) concurring; Rollo, pp. 44-49.

^[2] Id. at 51.

^[3] Id. at 56 *et seq.*

^[4] Page 2 of CA Decision; Id. at 45.

^[5] Id. at 66-80.

^[6] Supra note 1.

^[7] Supra note 2.

^[8] Page 14 of RTC Decision; Rollo, p. 79

^[9] CA Decision, p. 4; Id. at 47.

^[10] *Republic v. CA*, G.R. No. 116372, January 18, 2001, 349 SCRA 451.

^[11] *Velasquez, Jr. v. Court of Appeals*, G.R. No. 138480, March 25, 2004, 426 SCRA 309, citing cases.

^[12] Art. 194 of the Family Code.

^[13] Sta. Maria, Persons and Family Relations Law, 3rd [1999] ed., p. 684.

[14] Art. 201, Family Code; *Baltazar v. Serfino*, No. L. 17315, July 31, 1965, 10 SCRA 189.

[15] CA Decision, pp. 5-6; Rollo, pp. 48-49.



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