531 Phil. 277

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. 602*03.

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