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SECOND DIVISION

[G.R. No. 182367, December 15, 2010]

CHERRYL B. DOLINA, PETITIONER, VS. GLENN D. VALLECERA, RESPONDENT.

D E C I S I O N

ABAD, J.:

This case is about a mother's claim for temporary support of an unacknowledged child, which she sought in an action for the issuance of a temporary protection order that she brought against the supposed father.

The Facts and the Case

In February 2008 petitioner Cherryl B. Dolina filed a petition with prayer for the issuance of a temporary protection order against respondent Glenn D. Vallecera before the Regional Trial Court (RTC) of Tacloban City in P.O. 2008-02-07[1] for alleged woman and child abuse under Republic Act (R.A.) 9262.[2] In filling out the blanks in the *pro-forma* complaint, Dolina added a handwritten prayer for financial support[3] from Vallecera for their supposed child. She based her prayer on the latter's Certificate of Live Birth which listed Vallecera as the child's father. The petition also asked the RTC to order Philippine Airlines, Vallecera's employer, to withhold from his pay such amount of support as the RTC may deem appropriate.

Vallecera opposed the petition. He claimed that Dolina's petition was essentially one for financial support rather than for protection against woman and child abuses; that he was not the child's father; that the signature appearing on the child's Certificate of Live Birth is not his; that the petition is a harassment suit intended to force him to acknowledge the child as his and give it financial support; and that Vallecera has never lived nor has been living with Dolina, rendering unnecessary the issuance of a protection order against him.

On March 13, 2008[4] the RTC dismissed the petition after hearing since no prior judgment exists establishing the filiation of Dolina's son and granting him the right to support as basis for an order to compel the giving of such support. Dolina filed a motion for reconsideration but the RTC denied it in its April 4, 2008 Order,[5] with an admonition that she first file a petition for compulsory recognition of her child as a prerequisite for support. Unsatisfied, Dolina filed the present petition for review directly with this Court.

The Issue Presented

The sole issue presented in this case is whether or not the RTC correctly dismissed Dolina's action for temporary protection and denied her application for temporary