

## THIRD DIVISION

[ G.R. No. 163209, October 30, 2009 ]

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

### D E C I S I O N

**CARPIO, J.:**

#### The Case

For review<sup>[1]</sup> is the Decision<sup>[2]</sup> of the Court of Appeals, dated 28 April 2003, ordering petitioners Prudencio and Filomena Lim (petitioners) to provide legal support to respondents Cheryl, Lester Edward, Candice Grace and Mariano III, all surnamed Lim (respondents).

#### The Facts

In 1979, respondent Cheryl S. Lim (Cheryl) married Edward Lim (Edward), son of petitioners. Cheryl bore Edward three children, respondents Lester Edward, Candice Grace and Mariano III. Cheryl, Edward and their children resided at the house of petitioners in Forbes Park, Makati City, together with Edward's ailing grandmother, Chua Giak and her husband Mariano Lim (Mariano). Edward's family business, which provided him with a monthly salary of P6,000, shouldered the family expenses. Cheryl had no steady source of income.

On 14 October 1990, Cheryl abandoned the Forbes Park residence, bringing the children with her (then all minors), after a violent confrontation with Edward whom she caught with the in-house midwife of Chua Giak in what the trial court described "a very compromising situation."<sup>[3]</sup>

Cheryl, for herself and her children, sued petitioners, Edward, Chua Giak and Mariano (defendants) in the Regional Trial Court, of Makati City, Branch 140 (trial court) for support. The trial court ordered Edward to provide monthly support of P6,000 *pendente lite*.<sup>[4]</sup>

#### The Ruling of the Trial Court

On 31 January 1996, the trial court 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.<sup>[5]</sup>

The defendants sought reconsideration, questioning their liability. The trial court,

while denying reconsideration, 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."<sup>[6]</sup>

Petitioners appealed to the Court of Appeals assailing, among others, their liability to support respondents. Petitioners argued that while Edward's income is insufficient, the law itself sanctions its effects by providing that legal support should be "in keeping with the financial capacity of the family" under Article 194 of the Civil Code, as amended by Executive Order No. 209 (The Family Code of the Philippines).<sup>[7]</sup>

### **The Ruling of the Court of Appeals**

In its Decision dated 28 April 2003, the Court of Appeals affirmed the trial court. On the issue material to this appeal, that is, whether there is basis to hold petitioners, as Edward's parents, liable with him to support respondents, the Court of Appeals held:

The law on support under Article 195 of the Family Code is clear on this matter. Parents and their legitimate children are obliged to mutually support one another and this obligation extends down to the legitimate grandchildren and great grandchildren.

In connection with this provision, Article 200 paragraph (3) of the Family Code clearly provides that should the person obliged to give support does not have sufficient means to satisfy all claims, the other persons enumerated in Article 199 in its order shall provide the necessary support. This is because the closer the relationship of the relatives, the stronger the tie that binds them. Thus, the obligation to support is imposed first upon the shoulders of the closer relatives and only in their default is the obligation moved to the next nearer relatives and so on.<sup>[8]</sup>

Petitioners sought reconsideration but the Court of Appeals denied their motion in the Resolution dated 12 April 2004.

Hence, this petition.

### **The Issue**

The issue is whether petitioners are concurrently liable with Edward to provide support to respondents.

### **The Ruling of the Court**

We rule in the affirmative. However, we modify the appealed judgment by limiting petitioners' liability to the amount of monthly support needed by respondents Lester Edward, Candice Grace and Mariano III only.

### **Petitioners Liable to Provide Support but only to their Grandchildren**

By statutory<sup>[9]</sup> and jurisprudential mandate,<sup>[10]</sup> the liability of ascendants to provide legal support to their descendants is beyond cavil. Petitioners themselves admit as much - they limit their petition to the narrow question of when their liability is triggered, not if they are liable. Relying on provisions<sup>[11]</sup> found in Title IX of the Civil Code, as amended, on Parental Authority, petitioners theorize that their liability is activated only upon default of parental authority, conceivably either by its termination<sup>[12]</sup> or suspension<sup>[13]</sup> during the children's minority. Because at the time respondents sued for support, Cheryl and Edward exercised parental authority over their children,<sup>[14]</sup> petitioners submit that the obligation to support the latter's offspring ends with them.

Neither the text of the law nor the teaching of jurisprudence supports this severe constriction of the scope of familial obligation to give support. In the first place, the governing text are the relevant provisions in Title VIII of the Civil Code, as amended, on Support, not the provisions in Title IX on Parental Authority. While both areas share a common ground in that parental authority encompasses the obligation to provide legal support,<sup>[15]</sup> they differ in other concerns including the *duration* of the obligation and its concurrence among relatives of differing degrees.<sup>[16]</sup> Thus, although the obligation to provide support arising from parental authority ends upon the emancipation of the child,<sup>[17]</sup> 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. As we observed in another case raising the ancillary issue of an ascendant's obligation to give support in light of the father's sufficient means:

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 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<sup>[18]</sup> (Emphasis supplied; internal citations omitted)

Here, there is no question that Cheryl is unable to discharge her obligation to provide sufficient legal support to her children, then all school-bound. It is also undisputed that: the amount of support Edward is able to give to respondents, P6,000 a month, is insufficient to meet respondents' basic needs. This inability of Edward and Cheryl to sufficiently provide for their children shifts a portion of their obligation to the ascendants in the nearest degree, both in the paternal