

****Title:**** Dolina v. Vallecerera: A Legal Perspective on the Claims for Child Support in the Context of Domestic Violence Protections

****Facts:****

In February 2008, Cherryl B. Dolina initiated a legal action against Glenn D. Vallecerera by petitioning for the issuance of a temporary protection order (TPO) under Republic Act (RA) 9262, alleging woman and child abuse. In her petition submitted to the Regional Trial Court (RTC) of Tacloban City (P.O. 2008-02-07), she included a handwritten request for financial support for their supposed child, citing Vallecerera as the father on the child's birth certificate. Additionally, Dolina sought to have Vallecerera's employer withhold an amount from his salary for child support.

Vallecerera refuted the petition, arguing that Dolina's primary intention was to secure financial support rather than protection from abuse. He denied paternity of the child and the authenticity of his signature on the birth certificate, contending he had never cohabited with Dolina, thus nullifying the need for a TPO.

The RTC dismissed Dolina's petition on March 13, 2008, after determining that no prior judicial ruling established the child's paternity or entitlement to support, an imperative basis for compelling financial assistance. Dolina's motion for reconsideration was rejected on April 4, 2008, with the court advising a separate action for compulsory child recognition.

Dissatisfied with the RTC's decision, Dolina directed a petition for review to the Supreme Court, challenging the RTC's dismissal of her action for temporary protection and denial of temporary child support.

****Issues:****

1. Whether the RTC accurately dismissed Dolina's action for temporary protection and her request for temporary support for her child.

****Court's Decision:****

The Supreme Court held that Dolina had initiated an incorrect action to secure support for her child. The Court clarified that RA 9262's main objective is to safeguard women and children from abuse, not to resolve paternity and support issues. While a protection order could include child support, it presupposes an acknowledged relationship and entitlement to such an order.

The Court observed that Dolina's actual agenda was to obtain financial support from Vallecera by asserting him as the child's father, a claim he vehemently denied. It was established that for a child to be eligible for legal support, paternity must be conclusively determined if not previously acknowledged. The Court proposed that Dolina could either pursue an action for compulsory recognition to establish paternity and subsequently demand support or file a direct support action where paternity determination could be integrated.

Furthermore, the Court noted the RTC's oversight in dismissing the entire petition based on the absence of a judicial declaration of filiation but ultimately recognized that Dolina hadn't raised this procedural error for review, implicitly affirming that her prime motive was to secure financial support.

****Doctrine:****

Illegitimate children are entitled to support and successorial rights, provided their filiation is duly proved. A parent must first establish paternity through appropriate legal channels before claiming support. The ruling underscores the necessity of a judicial declaration of filiation as a precondition for the issuance of child support.

****Class Notes:****

- RA 9262 is designed to protect women and children from abuse, not to establish paternity or enforce child support.
- Legal support for a child requires a judicial determination of paternity unless the parent has voluntarily acknowledged the child.
- A protection order can include child support, assuming established entitlement due to familial relationships.
- The process for seeking child support from an unacknowledged parent involves first establishing paternity through compulsory recognition or through a direct action for support where paternity will be determined.

****Historical Background:****

This case underscores the complexity of addressing issues of paternity, child support, and domestic violence under a single legal framework. It highlights the Philippine judiciary's stance on the necessity of clear legal grounds for paternity and support claims, reflecting a broader legal principle that paternal obligations, while inherent, must be judiciously

established to prevent unwarranted intrusions into individuals' lives. This case serves as a clarion call for a more streamlined legal mechanism for addressing such intertwined issues while safeguarding the rights and welfare of all parties involved.