

**\*\*Title:\*\*** Ralph P. Tua vs. Hon. Cesar A. Mangrobang, et al.: A Legal Examination of Temporary Protection Orders under RA 9262

**\*\*Facts:\*\*** Rossana Honrado-Tua filed a Verified Petition against her husband Ralph Tua under Republic Act (RA) 9262, also known as the Anti-Violence Against Women and their Children Act of 2004, alleging abusive conduct and seeking a protection order for herself and her children. The petition was filed in the Regional Trial Court (RTC) of Imus, Cavite, on May 20, 2005, detailing instances of physical threats, deprivation of custody and access to minor children, and financial support threats. The RTC issued a Temporary Protection Order (TPO) on May 23, 2005, providing various protections, including prohibiting Ralph from approaching Rossana and their children and mandating the return of the children to Rossana's custody.

Ralph Tua challenged the TPO, arguing it was issued without due process and was unconstitutional. After his motion to lift the TPO was not resolved to his satisfaction, he petitioned the Court of Appeals (CA), which issued a temporary restraining order against the TPO but eventually upheld the TPO's issuance, finding no grave abuse of discretion by the RTC.

The case then escalated to the Supreme Court when Ralph Tua filed a petition for review on certiorari, challenging both the procedural aspects of the TPO's issuance and the constitutionality of RA 9262 itself, specifically Section 15 regarding the ex parte issuance of TPOs.

**\*\*Issues:\*\***

1. Whether the RTC committed grave abuse of discretion in issuing the TPO without allegedly observing due process.
2. Whether the provisions of RA 9262, particularly on the issuance of TPOs, are constitutional.

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

The Supreme Court affirmed the CA's decision, upholding the constitutionality of RA 9262 and finding no grave abuse of discretion by the RTC in issuing the TPO. The Court reasoned that RA 9262 allows for the ex parte issuance of TPOs to prevent further violence and protect the victims urgently. It emphasized that due process is observed through immediate notice to the respondent and subsequent hearings. Moreover, the Court clarified that the issuance of TPOs and Permanent Protection Orders (PPOs) falls within the judiciary's

protective and jurisdictional mandates, dismissing challenges to the delegation of such powers as unfounded.

**\*\*Doctrine:\*\*** The Supreme Court reinforced the doctrine that the ex parte issuance of Temporary Protection Orders under RA 9262 is constitutional and serves a vital protective function for victims of violence, aligning with due process requirements through subsequent hearings and notices to the respondent.

**\*\*Class Notes:\*\***

- RA 9262, also known as the Anti-Violence Against Women and their Children Act of 2004, provides mechanisms for the issuance of protection orders to victims of violence.
- Temporary Protection Orders (TPOs) can be issued ex parte, meaning without the presence of the respondent, based on an immediate and judicially determined need to protect the victims.
- Due process in the context of TPOs under RA 9262 is satisfied through immediate notification to the respondent and the opportunity for a subsequent hearing.
- Section 15 of RA 9262 explicitly allows for the ex parte issuance of TPOs, deemed constitutional in this case, to quickly protect the victims' safety.

**\*\*Historical Background:\*\*** The case highlights the Philippine legal system's response to domestic violence through RA 9262. It showcases the judiciary's role in interpreting laws in a manner that balances constitutional rights with the need to protect vulnerable individuals from immediate harm, reflecting the societal and legal advancements in addressing domestic abuses.