

**\*\*Title:\*\*** Edward Cumigad y De Castro vs. AAA

**\*\*Facts:\*\***

Edward and AAA were married in 2006 and had one child, BBB. In 2008, AAA discovered Edward's affair and he subsequently abandoned his family, taking a shared vehicle and cohabiting with his paramour, having two more children. While Edward continued to give financial support initially, disputes arose over the adequacy of this support, especially when AAA's requests for increased support and educational expenditures were ignored or denied by Edward. AAA's meager income was insufficient to support BBB, leading her to seek help from her family.

On December 18, 2012, AAA filed a Petition for Issuance of Permanent Protection Order (PPO) under Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), seeking increased financial support and accountability for the sale of their vehicles. Edward denied the accusations, claiming AAA's financial demands were unreasonable and that he had always provided sufficient support.

The Regional Trial Court (RTC) found Edward guilty of psychological and economic abuse, granted the PPO, and directed sufficient support from Edward's income. Edward appealed, contending the support amount ordered was excessive and unreasonable. The Court of Appeals affirmed the RTC's decision. Edward's subsequent motion for reconsideration was denied, leading him to file a Petition for Review on Certiorari with the Supreme Court.

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

1. Whether the Court of Appeals erred in ordering Edward and his employer to withhold one-third of everything that he receives, including allowances, as support for BBB.
2. Whether the Court of Appeals erred in directing Edward to account for the sale of the vehicles.

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

1. **\*\*On the withholding of one-third of Edward's earnings, including allowances:\*\*** The Supreme Court upheld the decisions of the lower courts, affirming that the financial support must be sufficient to meet the needs of the child, taking into account the resources and means of the person obliged to provide support. The Court found that the amount of P10,500.00 was grossly insufficient to cover BBB's needs, the monthly expenses of BBB being P60,702.00. The argument that only Edward's basic salary should be considered for the computation of support was dismissed. The law allows for support to be drawn not just

from salary but also from emoluments, bonuses, allowances, and other forms of income.

2. **On accounting for the sale of vehicles:** The Court ruled that the Family Code and Republic Act No. 9262 require that communal property such as the vehicles be accounted for, with the proceeds being divided accordingly. The Court affirmed the lower courts' directive for Edward to account for the sale and to remit AAA's share of the proceeds.

**Doctrine:**

- **Economic abuse:** Section 3(D) of Republic Act No. 9262 includes deprivation of financial resources and the right to use community property among acts of economic abuse.
- **Support:** Article 194 of the Family Code specifies that support comprises sustenance, dwelling, clothing, medical attendance, education, and transportation, to be proportionate to the giver's means and recipient's needs.
- **Protection Orders:** Sections 7 and 8 of Republic Act No. 9262 allow courts to include reliefs such as directing the respondent to provide support and the deducting of such support from the respondent's income by their employer.

**Class Notes:**

- **Key Elements of Economic Abuse under RA 9262:** Withdrawal of financial support, deprivation of use of community property, prevention of gainful employment.
- **Supporting Legal Provisions:** Article 194 of the Family Code (support criteria), and Section 8 of RA 9262 (protection orders' scope and reliefs).
- **Application:** Support awards must consider financial capacity and actual needs, encompassing all forms of income including allowances, emoluments, and bonuses.

**Historical Background:**

Republic Act No. 9262, enacted in 2004, is a landmark legislation aimed at combating violence against women and children in the Philippines. It reflects the country's commitment to addressing gender-based violence by recognizing both physical and non-physical forms of abuse, including economic and psychological abuse. The act emerged from societal needs to correct the unequal power dynamics and widespread gender biases that have historically disadvantaged women. This case exemplifies the judicial application of RA 9262 provisions, particularly in defining adequate financial support and economic violence.