

****Title: Gandionco vs. Peñaranda, et al., G.R. No. 11935****

****Facts:****

Froilan C. Gandionco (petitioner) and Teresita S. Gandionco (private respondent) were legally married. On May 29, 1986, Teresita filed a complaint against Froilan in the Regional Trial Court (RTC) of Misamis Oriental (Branch 18), presided over by Judge Senen C. Peñaranda, for legal separation on the ground of concubinage, seeking support and damages (Civil Case No. 10636). Subsequently, on October 13, 1986, Teresita also filed a criminal complaint for concubinage in the Municipal Trial Court of General Santos City (Criminal Case No. 15437-111).

On November 14, 1986, Teresita sought support pendente lite in the ongoing civil case for legal separation. On December 10, 1986, Judge Peñaranda ordered Froilan to pay support pendente lite. Froilan filed a motion to suspend the hearings in the legal separation case due to the pending criminal concubinage case, and a motion to inhibit Judge Peñaranda from hearing the civil case; both motions were denied on August 5, 1987.

****Issues:****

1. Should the civil action for legal separation be suspended pending the resolution of the criminal case for concubinage?
2. Is there a necessity for a criminal conviction on the concubinage charge before the civil action for legal separation can proceed?
3. Did the lower court err in granting support pendente lite to Teresita during the pendency of the legal separation case?
4. Did the judge exhibit manifest partiality, necessitating his inhibition from the case?

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

1. ****Suspension of Civil Action:****

- The Supreme Court dismissed Froilan's argument that the legal separation case must be suspended pending the criminal concubinage case. Under the 1985 Rules on Criminal Procedure (Sec. 3, Rule 111), suspension applies only to civil actions for the recovery of civil liability arising from the offense, not to legal separation cases, which involve marital rights and obligations rather than civil liability. Hence, the legal separation case can proceed ahead of or simultaneously with the criminal case for concubinage.

2. ****Requirement of Criminal Conviction:****

- The Court clarified that proof for legal separation based on concubinage could be

established by preponderance of evidence in the civil case. There is no requirement for a criminal conviction before the legal separation can proceed. The Court noted this as a divergence from previous rulings (notably Francisco vs. Tayao) and pointed out that the present Civil Code does not carry over the requirement for a criminal conviction from older laws.

3. **Support Pendente Lite:**

- The Supreme Court found the grant of support pendente lite by the respondent judge to be in accordance with law and not an abuse of discretion. Such support is discretionary to the judge during the pendency of legal separation cases. The petitioner retained the ability to file a motion to modify or reduce the amount ordered.

4. **Judge's Inhibition:**

- The Supreme Court held that a divergence of opinions between a judge and a party's counsel does not warrant the disqualification of the judge. The judge's decisions and dispositions were found to be legally sound and did not indicate bias or partiality towards Teresita.

Doctrine:

- Civil actions for legal separation can proceed independently and do not need to be suspended pending related criminal proceedings, as these actions do not strictly seek civil liability arising from the offense as outlined in Sec. 3, Rule 111 of the 1985 Rules on Criminal Procedure.
- Legal separation cases based on concubinage do not require a prior criminal conviction; preponderance of evidence in the civil case is sufficient.
- Support pendente lite can be awarded at the discretion of the trial judge in legal separation cases, subject to modification based on the parties' circumstances.

Class Notes:

- **Key Concepts:** Legal Separation, Concubinage, Support Pendente Lite, Procedural Rules on Civil and Criminal Actions, Judicial Discretion, Judicial Disqualification.
- **Legal Provisions:**
- **1985 Rules on Criminal Procedure, Rule 111, Sec. 1 & 3**
- **Civil Code of the Philippines**
- **Revised Penal Code**, Article 334 (concubinage)
- **Application & Interpretation:** The legal principles highlight the autonomy of civil actions related to marital issues from criminal actions for concubinage, and the discretion of the

court in awarding interim support without requiring criminal case resolutions.

****Historical Background:****

- This case reflects the evolved jurisprudence in Philippine family law post-independence, emphasizing the separation of civil and criminal liabilities and allowing for more streamlined adjudication of marital disputes without necessitating prior criminal judgments. The decision also aligns with revisions in the Criminal Procedure, reflecting progressive legislative changes in family and procedural laws.