

****Title:** Teodoro E. Lerma vs. The Honorable Court of Appeals and Concepcion Diaz**

****Facts:****

1. Teodoro E. Lerma and Concepcion Diaz were married on May 19, 1951.
2. On August 22, 1969, Lerma filed an adultery complaint against Diaz and a certain Teodoro Ramirez in the Court of First Instance of Rizal.
3. On November 18, 1969, Diaz filed a complaint for legal separation, separation of properties, custody of their children and support in the Juvenile and Domestic Relations Court of Quezon City (presided by Judge Leonor Ines Luciano). She also filed an urgent petition for support pendente lite for herself and their youngest son, Gregory.
4. Diaz's claim for legal separation was based on grounds of concubinage and an attempt on her life.
5. Lerma opposed Diaz's application for support pendente lite, citing the adultery charge.
6. On December 24, 1969, Judge Luciano granted Diaz's application for support pendente lite. The order was amended on February 15, 1970, reducing the monthly support from P2,250.00 to P1,820.00.
7. On March 12, 1970, Lerma filed a petition for certiorari and prohibition with preliminary injunction in the Court of Appeals to annul the orders. The Court of Appeals initially issued a writ of preliminary injunction halting enforcement of the orders.
8. On October 8, 1970, the Court of Appeals set aside the orders and directed the lower court to allow Lerma to present evidence for his defense.
9. On January 20, 1971, the Court of Appeals reversed its decision and dismissed Lerma's petition.
10. In response, Lerma filed a petition for review by certiorari with the Supreme Court on March 21, 1971, and a motion for reconsideration on February 28, 1974.
11. Diaz filed an urgent motion on December 5, 1973, in the lower court seeking payment of the awarded support pendente lite, which was granted by Judge Luciano on January 19, 1974.
12. The Supreme Court issued a temporary restraining order on January 28, 1974, suspending the enforcement of the lower court's order.
13. The case was set for oral arguments but was finally resolved through memoranda submitted by the parties.

****Issues:****

1. Did the Court of Appeals err in holding that the Juvenile and Domestic Relations Court did

not commit a grave abuse of discretion in granting support pendente lite to Concepcion Diaz?

2. Did the Court of Appeals err in interpreting that Article 292 of the Civil Code mandates support pendente lite during the pendency of legal separation proceedings notwithstanding the wife's adultery?

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

****Issue 1: Abuse of Discretion****

The Supreme Court ruled that the lower court committed a grave abuse of discretion by granting support pendente lite without provisionally determining the pertinent facts, especially those that could affect the probable outcome of the case. The Court emphasized that the procedural law on support pendente lite under Rule 61 of the Revised Rules of Court requires a provisional determination considering the case's likely outcome.

****Issue 2: Interpretation of Article 292****

The Court held that while Article 292 mandates support from conjugal partnership property during legal separation proceedings, it presupposes the respondent's prima facie right to legal separation. Given that Diaz was convicted of adultery, her case for legal separation was likely to fail, thus invalidating her claim to support pendente lite. Adultery, affirmed by a court's conviction, negated the provision mandating support during separation proceedings.

****Doctrine:****

- Adultery serves as a valid defense against claims for support pendente lite.
- Article 292 of the Civil Code's provision for support during legal separation proceedings must consider the probable outcome of the separation case, including whether the requesting spouse is not guilty of adultery.

****Class Notes:****

1. ****Support Pendente Lite**** – Provisional support granted during the pendency of legal proceedings, governed by Rule 61, Section 5, requiring a provisional determination of facts.
2. ****Art. 292, Civil Code**** – States that during legal separation/annulment proceedings, support for spouses/children comes from conjugal property, mandating court assessment of prima facie entitlement.

3. **Defense of Adultery** – Recognized by Philippine jurisprudence (Quintana vs. Lerma, Sanchez vs. Zulueta, etc.) as a valid defense against claims for support.
4. **Legal Separation Requirements** – Article 100 Civil Code stipulates innocence as a precondition for claiming legal separation.

Historical Background:

The case emerged during a period when Philippine family law was being scrutinized and developed within the broader context of evolving societal norms. The emphasis on marital fidelity and the nascent importance of equitable legal processes marked this era in Philippine jurisprudence.

Conclusion:

Given Diaz's conviction, the Supreme Court ruled in favor of Lerma, emphasizing that a prima facie determination is essential in granting support pendente lite and adultery remains a significant defense against such claims.