

****Title:**** Augustus Caesar R. Gan vs. Hon. Antonio C. Reyes, et al.

****Facts:****

1. Bernadette C. Pondevida, concerned about her ability to send her three-year-old daughter Francheska Joy C. Pondevida to school, wrote to Augustus Caesar R. Gan demanding support for their alleged child.
2. Gan responded by denying paternity of Francheska.
3. Bernadette filed a complaint for support on behalf of Francheska, including a prayer for support pendente lite.
4. Gan filed a motion to dismiss, arguing Francheska's birth certificate listed her father as "UNKNOWN," suggesting no basis for the support claim.
5. The trial court denied Gan's motion to dismiss, but Gan did not file an answer within the required period.
6. Bernadette moved for Gan to be declared in default, which the trial court granted.
7. The trial court received Bernadette's evidence ex parte and ordered Gan to recognize Francheska as his illegitimate child and pay P20,000.00 monthly support, plus arrears, attorney's fees, and litigation expenses.
8. Bernadette moved for immediate execution of the judgment, which the trial court granted, leading to the sheriff levying a motor vehicle registered under a third party's name.
9. Gan appealed to the Court of Appeals, arguing grave abuse of discretion for the immediate execution of the judgment and lack of notice.
10. The Court of Appeals dismissed Gan's petition, affirming the trial court's decision that judgments for support are immediately executory under Sec. 4, Rule 39 of the 1997 Rules of Civil Procedure.

****Issues:****

1. Whether the trial court erred in issuing the writ of execution despite Gan's appeal.
2. Whether the writ of execution was valid given Gan's claim of lack of notice.
3. Whether the default judgment and subsequent orders were valid.
4. Whether Gan should be allowed to present a defense or undergo DNA testing to dispute the claim of paternity.

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

1. ****Immediate Execution of Judgment (Sec. 4, Rule 39):****
 - The Supreme Court found no grave abuse of discretion in issuing the writ of execution.
 - Judgments for support are immediately executory and cannot be stayed by an appeal, adhering to the rule's clear mandate for immediate execution.

2. **Validity of the Writ and Lack of Notice:**

- The Court upheld the writ's validity, prioritizing substantial justice over procedural technicalities.
- It was noted that Gan had enough time to delay the execution with several unsuccessful legal maneuvers, compelling the court to favor swift justice.

3. **Default Judgment:**

- Addressing Gan's challenge to the default judgment, the Supreme Court stressed this issue was beyond the present certiorari petition focused on writ execution.
- The decision didn't touch on the default judgment's merits as it awaited the Court of Appeals' disposition on the main support case.

4. **Defense and DNA Testing:**

- Gan's arguments for presenting a defense or undergoing DNA testing were considered unnecessary at this stage.
- The Court emphasized that the primary concern in support cases involving children is the child's welfare and immediate need for support.

Doctrine:

- **Immediate Execution of Support Judgments:**
- Sec. 4, Rule 39 of the 1997 Rules of Civil Procedure mandates immediate execution of support judgments, even if under appeal.
- Procedural technicalities should not hinder justice in cases of child support.

Class Notes:

1. **Rule on Immediate Execution:**

- Sec. 4, Rule 39 - Judgments for support are immediately executory, emphasizing the urgency of providing for a child's needs.

2. **Substantial Justice over Technicalities:**

- Courts prioritize substantial justice and the child's welfare over procedural delays in support cases.

3. **Child Welfare Principle:**

- Welfare and best interests of the child are paramount in support cases, preventing delays that can harm the child's well-being.

Historical Background:

- This case sheds light on the judicial approach in the Philippines regarding the urgency of child support and the balance between procedural fairness and substantial justice.
- It underscores the court's focus on the child's immediate and continuous needs, aligning with the universal principle of protecting minors' welfare in legal proceedings.