

****Title:****

AAA255299 vs. XXX255299, G.R. No. 255299

****Facts:****

- AAA255299, a Filipina, and XXX255299, a German national, were married on January 13, 2007.
- AAA255299 claimed that during their marriage, her husband had multiple affairs. Beyond these affairs, starting in May 2013, XXX255299 became verbally abusive.
- On June 2, 2013, AAA255299 found XXX255299 with another woman in their residence. He threatened and physically dragged her out, causing injury.
- AAA255299 sought police help, leading to criminal complaints against XXX255299 for concubinage and violating R.A. No. 9262 (Anti-Violence Against Women and Their Children Act).
- Fearing further abuse, she pursued and was granted a barangay protection order.
- On June 7, 2013, AAA255299 filed for a Temporary Protection Order (TPO) before the RTC, which was granted on June 10, 2013. The TPO was extended multiple times during trial.
- On March 2, 2016, the RTC converted the TPO into a Permanent Protection Order (PPO), which included directives such as monthly support of PHP 100,000, keeping a distance of 200 meters, and removal of XXX255299 from their residence.
- Both parties moved for reconsideration, which was denied by the RTC on July 4, 2016.
- XXX255299 lodged a Notice of Appeal, but AAA255299 opposed, citing finality of the PPO and procedural improprieties.
- The RTC ruled in favor of allowing XXX255299's appeal, leading to its review by the CA which, on February 18, 2019, affirmed the RTC's decision with modifications.
- Both parties sought reconsideration of the CA's ruling, which was denied on September 17, 2020.
- AAA255299 then filed the present petition for review before the Supreme Court.

****Issues:****

1. Whether the petition should be dismissed for failure to attach material records.
2. Whether the lower courts erred in allowing XXX255299's appeal despite being filed out of time.
3. Whether the CA erred in modifying the PPO to exclude the penthouse unit and other stipulations.

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

1. **Material Records:**

- The Court ruled that AAA255299 attached sufficient portions of the record to support her petition. Even assuming deficiencies, the complete records were available, allowing a decision on the merits.

2. **Timeliness of Appeal:**

- The Supreme Court concluded that XXX255299's appeal was indeed filed out of time as his Motion for Reconsideration did not toll the appeal period due to being a prohibited pleading under A.M. No. 04-10-11-SC. Despite procedural errors by both parties, fairness and substantial justice warranted the appeal's consideration since allowing XXX255299 to appeal served the interests of justice.

3. **Modification of PPO:**

- The Court upheld the CA's ruling that there was no sufficient evidence that AAA255299 resided in the penthouse unit, thus excluding it from the PPO. The record showed the unit was uninhabited and abandoned by AAA255299.

- Given her lack of residence in the disputed property and the lack of water usage or association dues payment, the Court found no need to include the unit in the PPO, and her retirement nullified any claim of necessity for job-related purposes.

The Supreme Court denied AAA255299's petition, affirming the CA's modified PPO.

Doctrine:

1. **Prohibited Pleadings:** Motions for reconsideration are prohibited under A.M. No. 04-10-11-SC and do not toll appeal periods.
2. **Substantial Justice:** Courts may permit appeals beyond procedural defaults to serve justice, especially in family and domestic violence matters.
3. **Protection Orders:** Inclusion of properties under protection orders must be supported by evidence indicating the victim's residence or significant need for the property.

Class Notes:

1. **Elements of a PPO under R.A. No. 9262:** Injunction against harassment, exclusion from residences, and provision of financial support.
2. **Prohibited Pleadings:** Under A.M. No. 04-10-11-SC, motions for reconsideration in protection order cases are prohibited.
3. **Fairness and Due Process:** Equitable application of procedural rules considers substantive justice.

****Historical Background:****

This case contextualizes the application of the Anti-Violence Against Women and Their Children Act of 2004 (R.A. No. 9262) in protection order proceedings, emphasizing procedural fairness and the pursuit of substantial justice amidst procedural intricacies.