

Title

Abella v. Cabañero, G.R. No. L-816 Phil. 466 (2018)

Facts

Richelle P. Abella, representing her minor daughter Marl Jhorylle Abella, filed a Complaint for Support against Policarpio Cabañero on April 22, 2005. Richelle alleged that as a minor between 2000 and 2002, she was repeatedly sexually abused by Cabañero, resulting in the birth of her daughter on August 21, 2002. Notably, Richelle had previously initiated and lost criminal cases for rape and child abuse against Cabañero.

In his Answer, Cabañero denied the allegations of abuse and any sexual relations with Richelle, questioning his paternity of Marl Jhorylle Abella. Pre-trial was deferred twice, and eventually, only Richelle's counsel appeared, leading to a default judgment where Richelle was allowed to present her evidence ex parte.

Richelle testified about the alleged abuses and presented three letters from Cabañero. Despite her claims, Cabañero's paternal recognition was not reflected in the child's birth certificate.

On March 19, 2007, the Regional Trial Court (RTC) dismissed the complaint without prejudice due to Richelle's failure to join her daughter in the petition as plaintiff. Richelle filed a petition for certiorari and mandamus to the Court of Appeals (CA), which upheld the RTC's dismissal. The CA ruled that, according to existing jurisprudence and Articles in the Family Code, Richelle should have first filed a separate action for filiation before seeking support. Following the denial of her motion for reconsideration by the CA, Richelle elevated her case to the Supreme Court.

Issues

1. Whether the Court of Appeals erred in ruling that a prior separate filiation proceeding was necessary before maintaining an action for support.
2. Whether non-joinder of the minor child as a party in the suit warranted the dismissal of the support action.

Court's Decision

The Supreme Court reversed the CA's decision. Justice Leonen, writing for the Court, ruled that while establishing filiation is a prerequisite for claiming support, it was unnecessary to dismiss Richelle's action outright. Instead, the trial court should have facilitated the inclusion of evidence regarding filiation within the support action. The case was remanded

to the RTC for a comprehensive hearing on the matters of paternity and eventual support if paternity was established.

Issue 1: Necessity of Separate Filiation Proceedings

The Supreme Court ruled that the CA erred in requiring a separate action for establishing filiation before pursuing support. Referring to *Dolina v. Vallecera*, the Court emphasized that an action for support directly filed can simultaneously resolve the issue of compulsory recognition (filiation). The ruling aligns with jurisprudence which permits integrated adjudication of support claims together with the determination of paternal recognition as this serves judicial economy by avoiding multiplicity of suits and unnecessary expenses for the litigants.

Issue 2: Non-joinder of the Minor Child

The Supreme Court reiterated that non-joinder of an indispensable party (the minor child, in this case) is not a cause for immediate dismissal. Instead, the trial court should have mandated an amendment to the complaint to include the minor child as a co-plaintiff.

Doctrine

1. **Integrated Filiation and Support Actions:** A complaint for support can appropriately integrate and resolve issues of filiation. A separate action for compulsory recognition is not a prerequisite.
2. **Non-Joinder:** Non-joinder of indispensable parties should be corrected by ordering an amendment to the complaint, not by dismissal.

Class Notes

1. **Procedural Posture:** Understanding the procedural journey - Complaint filed, trial court dismissal, CA upholding, petition in Supreme Court.
2. **Family Code Provisions:** Articles 194, 195, and 203 regarding support and recognition under the Family Code.
3. **Judicial Economy:** Principles of avoiding multiplicity of suits and facilitating joint actions for filiation and support.
4. **Evidence in Filiation:** Necessity to substantiate claims of filiation through birth certificates, documents, or continuous possession of status.
5. **Rules on Joinder of Parties:** Application of remedial statutes and rule adjustments to ensure fairness and justice without procedural rigidity.

Historical Background

This case occurs within the context of evolving Filipino jurisprudence on family law, especially regarding the rights and obligations concerning illegitimate children. The case highlights ongoing refinements in procedural norms to balance judicial efficiency and substantive justice, reflecting broader cultural and legal shifts about paternal responsibilities and children's welfare.

The ruling is significant for its doctrinal establishment that issues of support and filiation can be resolved within a single proceeding. This approach mitigates hardship for claimants and aligns with the contemporary principles of child welfare and judicial economy prevailing in Philippine legal philosophy.