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### Support Pendente Lite

#### 1. Notes and Cases

1.1 Support pendente lite can be granted by the court in two (2) instances:

(1) civil action for support; and

(2) criminal action where civil liability includes support for the offspring as a consequence of the crime.

1.2 Where the right to support is put in issue by the pleadings or the fact from which the right to support arises is in controversy or has not been established, the court cannot grant support pendente lite.<sup>386</sup>

1.3 The amount of support pendente lite is not final in character in the sense that it can be the subject of modification depending on the changing conditions affecting the ability of the obligor to pay the amount fixed for support.<sup>387</sup>

1.4 If an application for support pendente lite is denied, the remedy is certiorari.

1.5 Mere affidavits or other documents appearing in the record are sufficient basis for the court to determine amount of support pendente lite.<sup>388</sup>

1.6 Support pendente lite are allowed in criminal actions where the civil liability includes support for the offspring as a consequence of the crime and the civil aspect thereof has not been waived, reserved or instituted prior to its filing.<sup>389</sup>

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<sup>386</sup> Francisco v. Zanduetta, 61 Phil. 752 [1929].

<sup>387</sup> San Juan v. Valenzuela, No. L-59906, October 23, 1982, 117 SCRA 926.

<sup>388</sup> Reyes v. Ines-Luciano, No. L-48219, February 28, 1979, 88 SCRA 803.

<sup>389</sup> Rules of Court, Rule 6, Sec. 6.

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