

LUIS MA. ARANETA, PETITIONER, VS. HONORABLE HERMOGENES CONCEPCION, AS JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, BRANCH VI AND EMMA BENITEZ ARANETA, RESPONDENTS.*G.R. No. L-9667. July 31, 1956*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7e2601466536/>**LABRADOR, J.:**

The main action was brought by petitioner against his wife, one of the respondent herein, for legal separation on the ground of adultery. After the issues were joined defendant therein filed an omnibus petition to secure custody of their three minor children, a monthly support of P5,000 for herself and said children, and the return of her passport, to enjoin plaintiff from ordering his hirelings from harassing and molesting her, and to have plaintiff therein pay for the fees of her attorney in the action. The petition is supported by her affidavit. Plaintiff opposed the petition, denying the misconduct imputed to him and alleging that defendant had abandoned the children; alleging that conjugal properties were worth only P80,000, not one million pesos as alleged by defendant; denying the taking of her passport or the supposed vexation, and contesting her right to attorney's fees. Plaintiff prayed that as the petition for custody and support cannot be determined without evidence, the parties be required to submit their respective evidence. He also contended that defendant is not entitled to the custody of the children as she had abandoned them and had committed adultery, that by her conduct she had become unfit to educate her children, being unstable in her emotions and unable to give the children the love, respect and care of a true mother and without means to educate them. As to the claim for support, plaintiff claims that there are no conjugal assets and she is not entitled to support because of her infidelity and that she was able to support herself. Affidavits and documents were submitted both in support and against the omnibus petition.

The respondent judge resolved the omnibus petition, granting the custody of the children to defendant and a monthly allowance of P2,300 for support for her and the children, P300 for a house and P2,000 as attorney's fees. Upon refusal of the judge to reconsider the order, petitioner filed the present petition for certiorari against said order and for mandamus to compel the respondent judge to require the parties to submit evidence before deciding the omnibus petition. We granted a writ of preliminary injunction against the order.

The main reason given by the judge, for refusing plaintiff's request that evidence be allowed to be introduced on the issues, is the prohibition contained in Article 103 of the Civil Code, which reads as follows:

"ART. 103. An action for legal separation shall in no case be tried before six months shall have elapsed since the filing of the petition."

Interpreting the spirit and policy of the provision the trial judge says:

"This provision of the code is mandatory. This case cannot be tried within the period of six months from the filing of the complaint. The court understands that the introduction of any evidence, be it on the merits of the case or on any incident, is prohibited. The law, up to the last minute, exerts efforts at preserving the family and the home from utter ruin. Interpreting the intent of said article, the court understands that every step it should

take within the period of six months above stated should be taken toward reconciling the parties. Admitting evidence now will make reconciliation difficult if not impossible. In this case the court should act as if nothing yet had happened. The children must be given for custody to him or her who by family custom and tradition is the custodian of the children. The court should ignore that defendant had committed any act of adultery or the plaintiff, any act of cruelty to his wife. The status quo of the family must be restored as much as possible. In this country, unlike perhaps in any other country of the globe, a family or a home is a petite corporation. The father is the administrator who earns the family funds, dictates rules in the home for all to follow, and protects all members of his family. The mother keeps home, keeps children in her company and custody, and keeps the treasure of that family. In a typical Filipino family, the wife prepares home budget and makes little investment without the knowledge of her husband. A husband who holds the purse is un-Filipino. He is shunned in Filipino community. The court therefore, in taking action on petition No. 1 should be guided by the above considerations." (pp. 116-117, Record on Appeal.)

It may be noted that since more than six months have elapsed since the filing of the petition the question offered may not be allowed. It is, however, believed that the reasons for granting the preliminary injunction should be given that the scope of the article cited may be explained. It is conceded that the period of six months fixed therein Article 103 (Civil Code) is evidently intended as a cooling off period to make possible a reconciliation between the spouses. The recital of their grievances against each other in court may only fan their already inflamed passions against one another, and the lawmaker has imposed the period to give them opportunity for dispassionate reflection. But this practical expedient, necessary to carry out legislative policy, does not have the effect of overriding other provisions such as the determination of the custody of the children and alimony and support pendente lite according to the circumstances. (Article 105, Civil Code.) The law expressly enjoins that these should be determined by the court according to the circumstances. If these are ignored or the courts close their eyes to actual facts, rank in justice may be caused.

Take the case at bar, for instance. Why should the court ignore the claim of adultery by defendant in the face of express allegations under oath to that effect, supported by circumstantial evidence consisting of letter the authenticity of which cannot be denied. And why assume that the children are in the custody of the wife, and that the latter is living at the conjugal dwelling, when it is precisely alleged in the petition and in the affidavits, that she has abandoned the conjugal abode? Evidence of all these disputed allegations should be allowed that the discretion of the court as to the custody and alimony pendente lite may be lawfully exercised.

The rule is that all the provisions of the law even if apparently contradictory, should be allowed to stand and given effect by reconciling them if necessary.

"The practical inquiry in litigation is usually to determine what a particular provision, clause or word means. To answer it one must proceed as he would with any other composition—construe it with reference to the leading idea or purpose of the whole instrument. A statute is passed as a whole and not in parts or sections and is animated by one general purpose and intend. Consequently, each part of section should be construed in connection with every other part or section so as to produce a harmonious whole. Thus it is not proper to confine interpretation to the one section to be construed." (Southerland, Statutory Construction section 4703, pp. 336-337.).

Thus the determination of the custody and alimony should be given effect and force provided it does not go to the extent of violating the policy of the cooling off period. That is, evidence not affecting the cause of the separation, like the actual custody of the children, the means conducive to their welfare and convenience during the pendency of the case, these should be allowed that the court may determine which is best for their custody.

The writ prayed for is hereby issued and the respondent judge or whosoever takes his place is ordered to proceed on the question of custody and support pendente lite in accordance with this opinion. The court's order fixing the

alimony and requiring payment is reversed. Without costs,.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.