

ESPERANZA F. DE GONZALEZ, PLAINTIFF AND APPELLEE, VS. ERNESTO GONZALEZ, DEFENDANT AND APPELLANT.

G.R. No. L-2057. October 29, 1949

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f161b20d61c1/>

TORRES, J.:

This case is before this Court upon certification by the Court of Appeals which in its resolution of February 17, 1948 said that it lacks jurisdiction to pass upon the question raised by appellant herein.

It appears that on January 2, 1946, in civil case No. 70660 between the above-named parties, the Court of First Instance of Manila pendente lite issued an order commanding the defendant to pay the plaintiff a monthly pension of P500 for her support and that of her eight children beginning from July 1, 1945 less the amounts already delivered by him to plaintiff for her support.

The case was appealed, and on April 29, 1947, the Court of Appeals rendered a decision the dispositive part of which says: "In view of the foregoing considerations, the judgment of the trial court is modified, reducing the amount of support to P350 monthly, with costs."

On June 18, 1947, and in connection with the above-quoted dispositive part of the decision of the Court of Appeals, the Honorable Felipe Natividad of the Court of First Instance of Manila, issued an order the dispositive part of which reads:

"Wherefore, the order of this Court of February 10, 1947, is hereby amended so as to read as follows:

" 'Wherefore, the defendant, Ernesto Gonzalez, is hereby ordered to pay to the plaintiff, Esperanza F. de Gonzalez, the amount of P2,845 as pension in arrears for the support of said plaintiff and her eight children living with her for the period from July 1, 1945, to May 31, 1947, within fifteen days counted from that on which notice of this order is served on him, plus the sum of P350 monthly beginning June 1, 1947, for the same concept, until further orders from this Court.' "

This case was brought once more to the Court of Appeals, appellant Ernesto Gonzalez alleging that the lower court erred in making the decision of the Court of Appeals effective only from June 1, 1947, and not from July 1, 1945, and that therefore it also erred in ordering the defendant-appellant to pay the plaintiff-appellee the sum of P2,845 as pension in arrears.

The above-quoted dispositive part of the decision of the Court of Appeals, is silent as to the date when the payment of the reduced monthly support of P350 to appellee shall become effective. Appellant claims that the monthly payment of the sum of P350 should be made effective as of July 1, 1945. On the other hand, the appellee contends that a monthly pension of P500 should be paid to her during the period from July, 1945 to May 31, 1947, and thereafter said pension should be at the rate of P350 monthly. Thus while the appellant contends that the lower court arbitrarily interpreted the decision of the Court of Appeals, the appellee holds the contrary view. Therefore, the Court of Appeals in its said resolution of February 17, 1948, held that, there being no question of

fact raised, the issue involved herein is clearly one of law.

From the clear wording of the dispositive part of the decision of April 29, 1947, it cannot be denied that when the Court of Appeals said that "the judgment of the trial court is modified, reducing the amount of support to P350 monthly," it meant that the reduction of the amount of the monthly pension from P500 to P350 is applicable to the whole period covered by this litigation, and, therefore, it became effective from July 1, 1945. In the absence of any word or expression which might suggest a contrary intention on the part of the Court of Appeals, the above is the most correct and sound interpretation of the wording of the dispositive part of said decision of the Court of Appeals, particularly in view of the fact that defendant appealed from the order of the lower court of January 2, 1946, on the question of the amount which he should pay the plaintiff for her support and that of his eight children, which was decided by the Court of Appeals by reducing it from P500 to P350.

We, therefore, reverse the order of the lower court of June 18, 1947, in so far as it is not in accord with the terms of this decision; otherwise, it is affirmed. The Court of First Instance shall make the necessary and proper readjustment of the amount, if any, that is still due the plaintiff. Without costs. So ordered.

Ozaeta, Paras, Feria, Bengzon, Padilla, Tuason, Montemayor, and Reyes, 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.