

**BASILIO S. FALCON, DECEASED SUBSTITUTED BY HIS WIFE
LOURDES BURGOS AND CHILDREN ARNULFO FALCON, FE FALCON,
SILVESTRE FALCON, EMILIO FALCON, AND BLANCO QUITA FALCON,
PETITIONER, ...**

G.R. No. 18135. July 31, 1963

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

Petition for certiorari seeking annulment of respondent Judge's order of February 17, 1961 and praying that pending resolution of the petition a preliminary writ of injunction be issued to restrain the implementation of said order. The petition was given due course but no injunction was issued.

In the Court of First Instance of Laguna, presided over by respondent Judge, Roberto Falcon, represented by his mother Rosario Alvarez, filed against Basilio S. Falcon an action for support based on the allegation that he is an illegitimate child of the defendant (Civil Case No. 9736). After trial, the court dismissed the complaint. On appeal, the Court of Appeals reversed the trial court's decision, and based on the finding that Roberto is an illegitimate son of Basilio, ordered the latter to pay the former P50.00 monthly by way of support (CA-G. R. No. 17664-R, March 21, 1959, Annex A). In compliance therewith Basilio gave Roberto the adjudged monthly support until December 31, 1960, when he stopped doing so because Roberto had reached the age of majority on December 27, 1960. On February 9, 1961 Roberto filed in the trial court a petition praying that Basilio be ordered to continue supporting him until he completed his education and/or training for a trade or vocation (Annex B). This was opposed by Basilio (Annex C), but on February 17, 1961 respondent Judge issued an order directing him to continue supporting Roberto in the amount of P50.00 monthly, payable within the first five days of every month, and to give the first payment within ten (10) days from the date of the order, otherwise he would be punished for contempt of court (Annex D).

Basilio S. Falcon filed the present petition assailing said order as having been issued without or in excess of jurisdiction. According to him, the decision of the appellate court was for him to support respondent only until the latter reached majority or completed training for a profession, trade or vocation, so that whichever event came first would result in the extinguishment of his obligation; and that since Roberto had attained majority the order complained of went beyond the appellate court's decision and was not within the authority of respondent court to issue.

Respondent Falcon claims, as special and affirmative defense, that it is the Court of Appeals and not this Court which has the sole and exclusive jurisdiction "regarding the enforcement or non-enforcement of the decision promulgated by the former." However, the issue is not so much one of enforcement as of interpretation of the decision to determine whether or not the court's order of February 17, 1961 was in accordance therewith. The Court of Appeals exhausted its appellate jurisdiction when its judgment became final and executory. The interpretation thereof for purposes of ascertaining its legal operation and effect is a question of law which only

this Court may pass upon. The judgment of the Court of Appeals reads:

"Por las consideraciones arriba expuestas, nos vemos constrenidos a revocar como por la presente revocamos la sentenci& de que ; se apela y declaramos al demandante, Roberto Falcon, hijo ilegítimo del demandado, Basilio Falcon, y con derecho a pedir del demandado, los alimentos que la ley le concede. Las pruebas del demandante no son muy convincentes con respecto a los ingresos del demandado y teniendo en cuenta que este tiene varios hijos con su esposa legítima la manutención mensual del apelante debe ser moderada para que no perjudique la manutención y educación de los hijos legítimos. Entendemos que una pensión mensual de P50.00 es razonable y ordenamos al demandado Basilio Falcon que pague mensualmente al demandante por conducto del su madre Rosario Alvarez, la cantidad de P50.00 hasta que el demandante llegue a la mayoría de edad o termine alguna profesión u oficio. El demandado pague, además, la cantidad de P300.00 como honorarios de abogado. Sin costas."

An illegitimate child is entitled to support from his father.[1] The Civil Code defines support thus:

"Art. 290. Support is everything that is indispensable for sustenance, dwelling, clothing and medical attendance, according to the social position of the family.

"Support also includes the education of the person entitled to be supported until he completes his education or training for some profession, trade or vocation, even beyond the age of majority."

It is apparent in the judgment of the Court of Appeals that it intended to grant respondent Falcon support in accordance with law ("los alimentos que la ley le concede").[2]

And in the body of the decision the court stated that it could neither forget nor ignore the fact that the new Civil Code has increased the rights of illegitimate children. For this reason, and considering that the law expressly provides that support also includes education until the recipient shall have completed his training for some profession, trade or vocation, even beyond the age of majority, respondent Judge acted correctly and within his jurisdiction in issuing the order of February 17, 1961.

During the pendency of this proceeding, more specifically on August 2, 1961, petitioner Basilio S. Falcon died, and by court resolution of January 22, 1962 the motion of his widow and children that they be allowed to substitute him was noted. The obligation to furnish support ceases upon the death of the obligor, even if he may be bound to give it in compliance with a final judgment (Article 300, Civil Code). The respondent Judge should consider these circumstances in carrying out his order.

The writ prayed for is, denied, with costs against the petitioner.

Bengzon, C. J., Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, and Regala, JJ. concur.

[1] Article 287 and Article 291, par. 5, Civil Code.

[2] The determinative factor is the intention of the court, as gathered from all parts of the judgment itself. In applying the rule, effect must be given to that which is unavoidably and necessarily implied in a judgment, as well as to that which is expressed in the most appropriate language. 30 Am., Jur. 212-213.

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