

ROMEO N. GUMBA, PETITIONER, VS. JUVENILE AND DOMESTIC RELATIONS COURT OF CAMARINES SUR AND THE CITIES OF NAGA AND IRIGA AND HAIDE B. VISTA-GUMBA, RESPONDENTS.

G.R. No. 54097. September 30, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-54097/>

AQUINO, J.:

The spouses Romeo N. Gumba and Haide B. Vista, both lawyers, were married in 1968. They lived with Haide's parents in Naga City. Some months after the marriage, Romeo left Haide and lived in Canaman, Camarines Sur with his concubine, Josefina Ballena, and their two children. Haide was then pregnant. On August 19, 1969, she gave birth to a baby girl who was named Romy Fay.

In 1972, Haide sued Romeo for support. The Court of First Instance of Camarines Sur, Naga City Branch II, in a decision dated February 14, 1974, ordered Romeo to pay Haide "in advance every month" seventy-five pesos for the support of their child and past support at the same rate as of July 7, 1972 (when the complaint was filed) plus five hundred pesos as attorney's fees (Civil Case No. 7334).

No support was adjudged in favor of Haide because she was working as legal officer of the regional health office at P472 per month. Romeo did not appeal. So, that judgment became final and executory.

On December 17, 1974, Romeo rejoined Haide and lived with her in an apartment at Naga City. On April 27, 1978, he again abandoned her and refused to pay the rental for the apartment and to support her and their child. Haide was constrained once more to go to court.

On August 21, 1978, she sued Romeo in the Juvenile and Domestic Relations Court in Naga City for the revival of the judgment against him. As a second cause of action, she asked that Romeo be ordered to pay P950 (instead of P75) a month for the support of their child and of herself because she was no longer gainfully employed (Civil Case No. 81).

Romeo filed a motion to dismiss on the ground that the five-year period for executing the judgment by writ of execution had not yet expired and that the modification of that judgment is within the jurisdiction of the Court of First Instance. The motion was denied by the Juvenile and Domestic Relations Court in its orders of December 14, 1979 and March 6, 1980.

Romeo filed in the Court of Appeals a petition for certiorari dated March 17, 1980 wherein he prayed for the annulment of the order of December 14, 1979. After the respondents had filed their comments, the Court of Appeals in its resolution of May 23, 1980 certified the case to this Court because it involves the trial court's jurisdiction (CA-G. R. No. 10542-SP).

The issues are whether the Juvenile and Domestic Relations Court has jurisdiction over the action filed by Haide and whether the record of Civil Case No. 7334 of the Court of First Instance should be transferred to the special court.

Republic Act No. 6591, which took effect on September 30, 1972, created the Juvenile and Domestic Relations Court for Camarines Sur and the Cities of Naga and Iriga. It contains the following provisions on jurisdiction and transfer of cases:

"SECTION 1. The Juvenile and Domestic Relations Court. -

x x x x x x x x

"Provisions of the Judiciary Act to the contrary notwithstanding, the court shall have exclusive original jurisdiction to hear and decide the following cases:

x x x x x x x x

"(c) Annulment of marriages, relief from marital obligations, legal separation of spouses, and actions for support;

x x x x x x x x"

"SEC. 9. Transitory provisions. - Upon the organization of the Juvenile and Domestic Relations Court, the Secretary of Justice shall cause all cases and proceedings pending before the courts of first instance, municipal courts and city courts in the Province of Camarines Sur and the Cities of Naga and Iriga, properly cognizable by said court to be transferred thereto."

The Chief Justice in Administrative Order No. 4 dated February 3, 1976 directed that "all cases and proceedings, except those that have already been submitted for decision as of this date, pending before the Courts of First Instance, Circuit Criminal Court, City Courts and Municipal Courts within the Province of Camarines Sur and the Cities of Naga and Iriga, which are within the jurisdiction of the Juvenile and Domestic Relations Court for the Province of Camarines Sur and the Cities of Naga and Iriga," should be transferred to the latter court (72 O. G. 2050).

We hold that the complaint by Haide in the Juvenile and Domestic Relations Court, Civil Case No. 81, should be regarded as a new action which is separate and distinct from Civil Case No. 7334 (R-799) of the Court of First Instance.

The new action is based on the inadequacy of the support awarded to the child in Civil Case No. 7334 and the necessity for giving support to the mother who had a job in 1974 when Civil Case No. 7334 was decided but who was jobless in 1978 when the new case was filed.

The complaint in Civil Case No. 81 covers a period starting on April 27, 1978, when Romeo abandoned Haide for the second time, or at least from August 21, 1978, when the complaint was filed and which is, therefore, the date of the judicial demand for support.

That case is within the exclusive original jurisdiction of the Juvenile and Domestic Relations Court. The cause of action for revival of the 1974 judgment may be disregarded as not being in order because the judgment for support does not become dormant and the five-year period for executing it by motion does not apply thereto (Velayo vs. Velayo, L-23538, July 21, 1967, 20 SCRA 734, 65 O. G. 2096).

With respect to the transfer of the expediente of Civil Case No. 7334, that cannot be allowed since it was not a pending case when the Juvenile and Domestic Relations Court was organized in 1976. The original record of the case was destroyed. Only the decision was reconstituted and a copy of that decision already forms part of the record of Civil Case No. 81 of the Juvenile and Domestic Relations Court.

The Court of First Instance should be the one to resolve the pending incidents in Civil Case No. 7334 and should

en-force the 1974 judgment in that case which judgment will not be affected by judgment to be rendered in Civil Case No. 81. The two cases are independent of each other.

JDRC Judge Ma. Rosario Quetulio-Losa did not err in denying Romeo N. Gumba's motion to dismiss and in setting Civil Case No. 81 for pre-trial.

WHEREFORE, the petition is dismissed and the res-training order issued by the Court of Appeals is dissolved. Costs against the petitioner.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Fernandez, and De Castro, JJ., concur.
Abad Santos, J., on leave.

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.