



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

EDWARD CUMIGAD y DE G.R. No. 219715
CASTRO,

Petitioner,

Present:

-versus-

LEONEN, *J.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
MARQUEZ, *JJ.*

AAA**,

Respondent.

Promulgated:
December 6, 2021

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DECISION

LEONEN, J.:

Victims of economic abuse may file a petition for a protection order. Among the reliefs that a court may grant is provision for spousal and child support, which shall be deducted from the offender's salary or income.

This Court resolves a Petition for Review on Certiorari¹ assailing the Decision² and Resolution³ of the Court of Appeals, which affirmed the

* Designated additional Member per Special Order No. 2868.

** In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, the names of offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *Rollo*, pp. 14–30.

² *Id.* at 34–43. The April 27, 2015 Decision was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Leoncia R. Dimagiba and Maria Elisa Sempio Diy of the Seventeenth Division, Court of Appeals, Manila.

Regional Trial Court Order granting the Petition for Permanent Protection Order filed by an aggrieved spouse under Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004.

Spouses Edward D. Cumigad (Edward) and AAA were married in 2006 in Taguig City.⁴ The two had lived a happy married life, or so it seemed.⁵ A couple of years into their marriage,⁶ AAA gave birth to their only child, BBB.⁷

However, their marriage quickly soured when AAA accidentally discovered Edward's extramarital affair with his former girlfriend⁸ in the last quarter of 2008.⁹ As soon as AAA discovered the illicit affair, Edward abandoned her and their newborn child¹⁰ without so much as an explanation,¹¹ even taking their commonly owned Toyota Revo with him and later selling it.¹² He never returned.¹³

Edward and his paramour cohabited and had two children born in 2010 and 2011.¹⁴ Still, Edward continued to provide monthly financial support of ₱8,500.00 for BBB. This increased to ₱10,500.00 in 2009.¹⁵

In 2010, Edward won a Toyota Vios in a raffle draw. A year after, he sold the vehicle.¹⁶ Around this time, AAA had been asking Edward for BBB's educational support, yet Edward ignored this request.¹⁷

On March 29, 2012, Edward and AAA met to discuss BBB's education. During their meeting, Edward refused to have his name written in the school's information sheet, saying that he would not be able to attend school gatherings anyway.¹⁸

³ Id. at 46–47. The July 30, 2015 Decision was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Leoncia R. Dimagiba and Maria Elisa Sempio Diy of the Seventeenth Division, Court of Appeals, Manila.

⁴ Id. at 16.

⁵ Id. at 80.

⁶ Id. at 35.

⁷ Id. at 16.

⁸ Id. at 35.

⁹ Id. at 35 and 80.

¹⁰ Id. at 35.

¹¹ Id. at 83.

¹² Id. at 92.

¹³ Id. at 83.

¹⁴ Id. at 35.

¹⁵ Id.

¹⁶ Id. at 92.

¹⁷ Id. at 35.

¹⁸ Id. at 36.

In April 2012, AAA asked Edward for ₱61,350.00 to pay for BBB's school tuition fee.¹⁹ Edward refused, insisting that the amount was excessive and unreasonable.²⁰

AAA knew that her meager monthly salary of ₱31,500.00²¹ and the monthly financial support from Edward would not be enough to meet the needs of their growing son who was about to attend school.²² She even had to ask for help from her parents and siblings to maintain her and her son's living conditions.²³ Thus, on May 7, 2012, AAA formally demanded from Edward an increase in the amount of financial support for BBB.²⁴

AAA believed that Edward would be able to meet her demands since he was a branch manager at Metropolitan Bank and Trust Company, earning a basic monthly salary of ₱80,000.00 excluding hefty bonuses and allowances. Yet, AAA's demands fell on deaf ears. Edward said that the demand was unreasonable and that the monthly ₱10,500.00 he gave was more than enough support to sustain BBB's needs.²⁵

AAA felt that Edward neglected his obligations as a father. For several years, Edward only saw BBB on two occasions.²⁶ Even on special events such as Christmas or BBB's birthday, Edward neither greeted his child nor sent him gifts.²⁷ Worse, AAA discovered that Edward and his paramour had publicized their relationship on social media. This wounded AAA emotionally, so much so that she had to seek professional help and was diagnosed with dysthymia.²⁸

On December 18, 2012, AAA filed before the Regional Trial Court a Petition for Issuance of Permanent Protection Order under Republic Act No. 9262.²⁹ She prayed that Edward be directed to provide sufficient support and account for the sale of the cars.³⁰ She also filed a separate criminal case against Edward for violation of Republic Act No. 9262.³¹

For his part, Edward denied AAA's accusations of infidelity, abandonment, and financial and emotional neglect.³² He alleged that their

¹⁹ Id. at 35.

²⁰ Id. at 19.

²¹ Id. at 40.

²² Id. at 36.

²³ Id. at 87.

²⁴ Id. at 35–36.

²⁵ Id. at 36.

²⁶ Id.

²⁷ Id. at 82.

²⁸ Id. at 36. Dysthymia is a form of depression. It is less severe than major depression but lasts longer. See *Dysthymia*, HARVARD HEALTH PUBLISHING, available at <<http://www.health.harvard.edu/depression/dysthymia>> (last accessed on November 31, 2021).

²⁹ Id. at 19.

³⁰ Id. at 85.

³¹ Id. at 80.

³² Id. at 36.

relationship fell apart due to AAA's immaturity and extreme attachment to her parents.³³ Edward described AAA as a temperamental and paranoid woman who had an "obsessive pursuit for material security."³⁴

Edward asserted that he never neglected his obligations as a father. He said that he would talk to AAA to discuss BBB's welfare and would often ask her if he could visit BBB, but AAA forbade Edward from seeing their son. Despite this, Edward regularly sent financial support. He even procured a medical card and educational plan for BBB.³⁵

In a May 15, 2014 Order,³⁶ the Regional Trial Court granted the Petition for Permanent Protection Order:

WHEREFORE, the Court orders [Edward] to provide sufficient support to [AAA] and their son, and directs his employer Metrobank to regularly and timely deduct from his earning[s] one third of everything that (the) he receives and to automatically remit the same to [AAA and their son]. Failure to do so shall render [Edward] and employer liable for indirect contempt (Section 11 (h), A.M. No. 04-10-11-SC). [Edward] shall account for the sale of their car which belongs to the community property in accordance with Article 95 of the Family Code. The other issues raised in the Petition shall be resolved in separate proceedings.

So ordered.³⁷ (Citation omitted)

In granting the Petition, the trial court found Edward guilty of psychological and economic abuse. Aside from failing to rebut the allegation of marital infidelity, Edward deprived his wife and son of the benefits that "should accrue to the absolute community[.]"³⁸

Edward appealed,³⁹ claiming that the award of support equivalent to one-third of all his earnings was both excessive and unreasonable, which would "upset his way of life and destroy him as a person."⁴⁰ He stated that the monthly financial support of ₱10,500.00 was more than enough to meet the needs of a then six-year-old boy.⁴¹ He added that AAA, as BBB's mother, shared the same responsibility of providing support for their son. As to the sale of their family car, Edward claimed that AAA consented to the sale and received her share of the proceeds.⁴²

³³ Id. at 37.

³⁴ Id.

³⁵ Id.

³⁶ Id. at 34. The Order dated May 15, 2014 was issued by the Regional Trial Court, Branch 207, Muntinlupa City. A copy was not attached to the *rollo*.

³⁷ Id. at 34–35. The dispositive portion was lifted from the CA Decision, which quoted it.

³⁸ Id. at 37–38.

³⁹ Id. at 34.

⁴⁰ Id. at 39.

⁴¹ Id.

⁴² Id.

In an April 27, 2015 Decision,⁴³ the Court of Appeals affirmed the Regional Trial Court Order.⁴⁴

The Court of Appeals held that the Permanent Protection Order was issued in accord with Republic Act No. 9262. It ruled that Edward's abandoning his family, refusing to provide adequate and reasonable support for his wife and child, and depriving them of the use and enjoyment of the absolute community property amounted to economic abuse.⁴⁵

The Court of Appeals noted that Edward earned a monthly gross income of ₱102,000.00 while AAA earned ₱31,500.00.⁴⁶ Meanwhile, BBB's average monthly expenses for food, medical attendance, clothing, transportation, and education amounted to ₱60,702.00.⁴⁷ Given Edward's means and his child's needs, the support amounting to one-third of Edward's income was deemed proper. The Court of Appeals also affirmed the order requiring Edward to account for the sale of their commonly owned vehicle.⁴⁸

Edward moved for reconsideration, but this Motion was denied in a July 30, 2015 Resolution.⁴⁹

On October 2, 2015, Edward filed a Petition for Review on Certiorari⁵⁰ before this Court.⁵¹ Subsequently, AAA filed a Comment⁵² on the Petition, to which petitioner then filed a Reply.⁵³

Petitioner argues that the Court of Appeals erred in directing him and his employer to allocate one-third of everything that he receives, including allowances, as support for BBB.⁵⁴ He says that Section 8(g) of Republic Act No. 9262⁵⁵ only requires an appropriate percentage of his income or salary to

⁴³ Id. at 34–43.

⁴⁴ Id. at 43.

⁴⁵ Id. at 41.

⁴⁶ Id. at 42.

⁴⁷ Id.

⁴⁸ Id. at 42.

⁴⁹ Id. 46–47.

⁵⁰ Id. at 14–29.

⁵¹ Id. at 14.

⁵² Id. at 79–93.

⁵³ Id. at 106–109.

⁵⁴ Id. at 21.

⁵⁵ Republic Act No. 9262 (2004), sec. 8(g) provides:

Section 8. Protection Orders. — A protection order is an order issued under this Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

....

be withheld by his employer.⁵⁶ Petitioner asserts that only his basic salary should be subject to deduction.⁵⁷ Meal, representation, and transportation allowances are excluded from the computation of support because allowances do not form part of his earnings or income. These are necessary expenses given by the company so that petitioner may carry out his job as bank manager.⁵⁸

Further, petitioner claims that his net monthly income is not enough for his personal expenses and existing financial obligations.⁵⁹ He emphasizes that respondent is jointly bound to support their son and she should share in the expenses.⁶⁰

In addition, petitioner argues that BBB's alleged monthly expenses amounting to ₱60,702.00 is excessive. He cites 2012 statistics showing that a family of five's average monthly expenses amounted to ₱36,833.33 only.⁶¹ Hence, he claims that the amount of ₱10,500.00 per month is sufficient to meet the needs of a six-year-old boy.⁶²

Finally, petitioner alleges that respondent is estopped from questioning the sale of the family since more than four years have passed since the car was sold.⁶³

In her Comment,⁶⁴ respondent argues that the amount of support awarded by the trial court is just and reasonable under the circumstances.⁶⁵

Respondent says that her monthly salary of ₱31,500.00 is insufficient to cover BBB's present and future needs.⁶⁶ She points out that a deduction of one-third from petitioner's earnings will not destroy his way of life given that he now earns a monthly gross income of ₱102,000.00.⁶⁷ Furthermore, as a bank manager, petitioner is allegedly entitled to annual salary increases and numerous bonuses, allowing him to live comfortably.⁶⁸

(g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court[.]

⁵⁶ *Rollo*, p. 21.

⁵⁷ *Id.* at 24.

⁵⁸ *Id.* at 24–25.

⁵⁹ *Id.* at 25–26.

⁶⁰ *Id.* at 28.

⁶¹ *Id.* at 24. The statistics were derived from the Philippine Statistics Authority.

⁶² *Id.* at 27.

⁶³ *Id.* at 29.

⁶⁴ *Id.* at 79–94.

⁶⁵ *Id.* at 87.

⁶⁶ *Id.*

⁶⁷ *Id.* at 90.

⁶⁸ *Id.* at 90.

Respondent further alleges that petitioner sold the family car and the car he won in a raffle without her consent and without dividing the proceeds between them. For respondent, the proceeds form part of their absolute community property and their sale should be subject to accounting.⁶⁹

In his Reply,⁷⁰ petitioner insists that he never abandoned respondent and their son and that he continuously gives financial support to BBB.⁷¹ He contends that he is not assailing the provision on support but claims that it should only be sourced from his net basic pay, excluding his allowances.⁷² He also insists that respondent consented to the sale of the vehicles, and her belated claim of the proceeds is merely an act of harassment.⁷³

For this Court's resolution are the following issues:

First, whether or not the Court of Appeals erred in ordering petitioner Edward Cumigad y De Castro and his employer to withhold and deduct one-third of everything that he receives, including allowances, and to automatically remit the amount to respondent AAA;

Second, whether or not the Court of Appeals erred in ordering petitioner Edward Cumigad y De Castro to account for the sale of the vehicles.⁷⁴

The Petition must be denied.

Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004, a landmark legislation designed to address discrimination against women and their children caused by unequal power relations between men and women,⁷⁵ recognizes the patriarchal structures entrenched in our society and how these result in gender bias and abuse against women.⁷⁶ This unequal power relation and the widespread prejudice against women “make for real differences” that justify the classification in the law. In *Garcia v. Drilon*,⁷⁷ this Court explained:

The unequal power relationship between women and men; the fact that women are more likely than men to be victims of violence; and the widespread gender bias and prejudice against women all make for real

⁶⁹ Id. at 92.

⁷⁰ Id. at 106–116.

⁷¹ Id. at 107.

⁷² Id. at 108.

⁷³ Id.

⁷⁴ Id.

⁷⁵ Id. at 66.

⁷⁶ *Estacio v. Estacio*, G.R. No. 211851, September 16, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66987>> [Per J. Leonen, Third Division].

⁷⁷ 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, En Banc].

differences justifying the classification under the law. As Justice McIntyre succinctly states, “the accommodation of differences . . . is the essence of true equality.”

....

According to the Philippine Commission on Women (the National Machinery for Gender Equality and Women’s Empowerment), violence against women (VAW) is deemed to be closely linked with the unequal power relationship between women and men otherwise known as “gender-based violence”. Societal norms and traditions dictate people to think men are the leaders, pursuers, providers, and take on dominant roles in society while women are nurturers, men’s companions and supporters, and take on subordinate roles in society. This perception leads to men gaining more power over women. With power comes the need to control to retain that power. And VAW is a form of men’s expression of controlling women to retain power.⁷⁸ (Citations omitted)

Of course, it is a misguided view to always characterize women as victims. It only reinforces their disadvantaged position and rationalizes the discriminatory notion that women are the weaker sex.⁷⁹ Portraying women as victims only widens gender inequality as it perpetuates prejudice and bias against them.

Unfortunately, this erroneous view can find its way in our interpretation of Republic Act No. 9262. Automatically attaching criminal liability to the failure or inability of a woman’s partner to provide financial support reinforces the patriarchal view that men are providers while women are incapable of supporting themselves. In reality, a woman in sexual or dating relationships could be more financially capable than her partner.

Nevertheless, we do not deny the patriarchal dominance that still pervades many social relationships. Courts must still be sensitive and conscious of the existing power relations between genders.⁸⁰

Under Republic Act No. 9262, various acts of violence against women and their children are penalized. It covers not only physical and sexual violence but also psychological violence and economic abuse.⁸¹

Economic abuse refers to acts “that make or attempt to make a woman financially dependent[.]”⁸² It cripples the financial freedom of the woman and her child by depriving them of financial support; preventing them from

⁷⁸ Id. at 91–92.

⁷⁹ *Estacio v. Estacio*, G.R. No. 211851, September 16, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66987>> [Per J. Leonen, Third Division]. See *Toliongco v. Court of Appeals*, G.R. No. 231748, July 8, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66544>> [Per J. Leonen, Third Division].

⁸⁰ *Perez v. People*, 830 Phil. 162 (2018) [Per J. Leonen, Third Division].

⁸¹ Republic Act No. 9262 (2004), sec. 3.

⁸² Republic Act No. 9262 (2004), sec. 3(d).

being gainfully employed; destroying or denying them of use and enjoyment of household property; or controlling their money or property. Economic abuse may be perpetrated to degrade the victims' dignity, to subjugate their will, or to control their conduct.⁸³

Section 3(D) of Republic Act No. 9262 enumerates acts of economic abuse. It includes, but is not limited to, the following:

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
2. deprivation or threat of deprivation of financial resources and the right to use and enjoyment of the conjugal, community or property owned in common;
3. destroying household property; [and]
4. controlling the victim's own money or properties or solely controlling the conjugal money or properties.

The deprivation or denial of sufficient financial support to the woman and her child is an act of violence penalized under Republic Act No. 9262 and is deemed a continuing offense.⁸⁴

Moreover, Section 5(e)(2) of Republic Act No. 9262 states that violence against women and their children may be committed through “depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman’s children insufficient financial support[.]”⁸⁵

In *Del Socorro v. Van Wilsem*,⁸⁶ the petitioner was a woman who sued her former husband for violation of Section 5(e)(2), among others, due to the husband’s refusal to support their child. The husband was a foreign national who argued that he was not bound by Philippine laws. This Court ruled that although the husband’s national law did not impose the obligation on parents to provide child support, the obligation should still be imposed in the Philippines, or it would cause great injustice to the child who was legally entitled to support.⁸⁷

In *Melgar v. People*,⁸⁸ the petitioner was a man charged under Republic Act No. 9262 for failing to provide financial support to his child, who was then just a year old. He and his partner, the woman victim,

⁸³ *Reyes v. People*, G.R. No. 232678, July 3, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65240>> [Per J. Peralta, Third Division].

⁸⁴ *Melgar v. People*, 826 Phil. 177, 186 (2018) [Per J. Perlas-Bernabe, Second Division].

⁸⁵ Republic Act No. 9262 (2004), sec. 5(e)(2).

⁸⁶ 749 Phil. 823 (2014) [Per J. Peralta, Third Division].

⁸⁷ *Id.*

⁸⁸ 826 Phil. 177 (2018) [Per J. Perlas-Bernabe, Second Division].

subsequently entered into a compromise agreement in which his property would answer for the support-in-arrears of their son from 2001 to 2010. However, the case was revived when the man sold the property, and he was found guilty of violating Section 5(e). In affirming the conviction, this Court found that he failed to support his child and his former partner, his intent to evade his obligation made clearer when he sold his property despite the compromise agreement.⁸⁹

Similarly, in *Reyes v. People*,⁹⁰ this Court found the petitioner guilty of economic abuse for deliberately refusing to provide financial support to his wife and their children despite being gainfully employed.⁹¹

Economic abuse is not only the absolute refusal to provide financial support, but also the act of “deliberately providing the woman’s children *insufficient* financial support[.]”⁹² Thus, the financial support must be sufficient to meet the needs of the woman and her child, considering the resources and means of the one obliged to provide.

Under Article 194 of the Family Code, “[s]upport comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family.”⁹³ The obligation to give support becomes a matter of right if filiation is not disputed.⁹⁴ The amount of support “shall be in proportion to the resources or means of the giver and to the necessities of the recipient.”⁹⁵ Support may be “reduced or increased proportionately,” depending on the recipient’s needs and the giver’s means.⁹⁶

However, the award of support must be based on sufficient evidence showing the financial capacity of the persons obliged to give support and the expenses incurred by the person entitled to receive it. For instance, the proper and reasonable amount of support may be determined and granted if it was established that the respondent was earning from numerous business endeavors⁹⁷ or enjoying more than sufficient income. A petitioner must likewise establish the amounts required for the basic needs of the family.⁹⁸

Concomitant to penalizing economic abuse, Republic Act No. 9262 affords reliefs and remedies necessary to safeguard the victims from further

⁸⁹ Id.

⁹⁰ G.R. No. 232678, July 3, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65240>> [Per J. Peralta, Third Division].

⁹¹ Id.

⁹² Republic Act No. 9262 (2004), sec. 5(e)(2).

⁹³ Executive Order No. 209 (1987), art. 194.

⁹⁴ See *Montefalcon v. Vasquez*, 577 Phil. 383 (2008) [Per J. Quisumbing, Second Division]; *Gotardo v. Buling*, 692 Phil. 566 (2012) [Per J. Brion, Second Division].

⁹⁵ FAMILY CODE, art. 201.

⁹⁶ FAMILY CODE, art. 202.

⁹⁷ *Mangonon v. Court of Appeals*, 526 Phil. 505 (2006) [Per J. Chico-Nazario, First Division].

⁹⁸ *Montefalcon v. Vasquez*, 577 Phil. 383 (2008) [Per J. Quisumbing, Second Division].

risk and violence and to grant other necessary reliefs. A protection order may be issued to protect the victims “from further harm, minimiz[e] any disruption in [their] daily li[ves], and facilitat[e] opportunity and ability to regain control of their li[ves].”⁹⁹

The reliefs that may be included in a protection order are enumerated in Section 8 of Republic Act No. 9262:

(a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 5 of this Act;

(b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;

(c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and, if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until respondent has gathered his things and escort respondent from the residence;

(d) Directing the respondent to stay away from petitioner and any designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;

(e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner’s or respondent’s removal of personal belongings;

(f) Granting a temporary or permanent custody of a child/children to the petitioner;

(g) *Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent’s employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;*

(h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license

⁹⁹ Republic Act No. 9262 (2004), sec. 8.

and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on the matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;

(j) Directing the DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need; and

(k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief. (Emphasis supplied)

The broad scope of reliefs provided in protection orders was devised to give greater protection to victims by curtailing perpetrators' control and access to them. In *Garcia*:

The scope of reliefs in protection orders is broadened to ensure that the victim or offended party is afforded all the remedies necessary to curtail access by a perpetrator to the victim. This serves to safeguard the victim from greater risk of violence; to accord the victim and any designated family or household member safety in the family residence, and to prevent the perpetrator from committing acts that jeopardize the employment and support of the victim. It also enables the court to award temporary custody of minor children to protect the children from violence, to prevent their abduction by the perpetrator and to ensure their financial support.¹⁰⁰ (Citation omitted)

In particular, Section 8(g), which orders a respondent to provide support to the victims, is a support enforcement legislation specifically aimed to address economic abuses against women and children.¹⁰¹ Once entitlement to support is proven, the offender's employer shall be directed to withhold and deduct an appropriate percentage of the offender's income or salary to be remitted directly to the woman.¹⁰²

In this case, petitioner assails the Permanent Protection Order, arguing that the amount determined as support for their child BBB is unreasonable. He contends that BBB's alleged monthly expenses of ₱60,702.00 is excessive and that only his basic salary should be subject to the computation for financial support.

We disagree.

¹⁰⁰ *Garcia v. Drilon*, 712 Phil. 44, 105 (2013) [Per J. Perlas-Bernabe, En Banc].

¹⁰¹ *Republic v. Yahon*, 736 Phil. 397 (2014) [Per J. Villarama, Jr., First Division].

¹⁰² Republic Act No. 9262 (2004), sec. 8(g).

Republic Act No. 9262 did not provide an exact figure or amount that the employer should withhold from the offender's income or salary. This is consistent with the principle that the amount of support is never fixed but is always variable,¹⁰³ depending on the changing needs of the recipient and the resources of the person obliged to furnish support.¹⁰⁴

Here, the amount of ₱10,500.00 is clearly insufficient for BBB's needs. As the documentary evidence presented by respondent shows, the average monthly expenses of BBB amounts to ₱60,702.00 covering food, medical attendance, housing, clothing, transportation, and education. Petitioner failed to refute this evidence. In coming up with the monthly support of ₱10,500.00, he merely relied on a statistic, which does not account for BBB's specific needs.

We find no reason to disturb the Regional Trial Court and the Court of Appeals' determination of the expenses of their child. Respondent proved petitioner's financial capacity to provide a greater amount of child support¹⁰⁵ and further substantiated her claim through actual receipts showing BBB's monthly expenses.¹⁰⁶

Moreover, petitioner's claim that his allowances should not form part of the financial support is untenable.

Section 8(g) of the law requires the offender's employer to deduct an "appropriate percentage of the income *or* salary" of the offender. The word *or* is a disjunctive conjunction. In ordinary usage, it indicates alternative; meaning, it "connects a series of words or propositions indicating a choice of either."¹⁰⁷ Although "or" may be read as "and" and vice versa, this only holds true if the context requires such construction.¹⁰⁸

There is no reason to give the word "or" in Section 8(g) of Republic Act No. 9262 a non-disjunctive meaning. The use of "or" signifies that the court may choose between the offender's salary and income from which spousal or child support should be deducted.

¹⁰³ See *Gotardo v. Buling*, 692 Phil. 566, 575 (2012) [Per J. Brion, Second Division].

¹⁰⁴ FAMILY CODE, art. 202 provides:

Article 202. Support in the cases referred to in the preceding article shall be reduced or increased proportionately, according to the reduction or increase of the necessities of the recipient and the resources or means of the person obliged to furnish the same.

¹⁰⁵ *Rollo*, p. 42.

¹⁰⁶ *Id.* at 40.

¹⁰⁷ *First Philippine Holdings Corporation v. Securities and Exchange Commission*, G.R. No. 206673, July 28, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66669>> [Per J. Caguioa, First Division].

¹⁰⁸ *People v. Martin*, 148-A Phil. 294 (1971) [Per J. Castro, En Banc].

Salary, or wages, was defined in *Songco v. National Labor Relations Commission*:¹⁰⁹

Broadly, the word “salary” means a recompense or consideration made to a person for his pains or industry in another man's business. Whether it be derived from “*salarium*,” or more fancifully from “*sal*,” the pay of the Roman soldier, it carries with it the fundamental idea of compensation for services rendered. Indeed, there is eminent authority for holding that the words “wages” and “salary” are in essence synonymous. “Salary,” the etymology of which is the Latin word “*salarium*,” is often used interchangeably with “wage”, the etymology of which is the Middle English word “*wagen*”. Both words generally refer to one and the same meaning, that is, a reward or recompense for services performed.¹¹⁰ (Citations omitted)

Salary excludes allowances and other benefits granted by the employer. In *Equitable Banking Corporation v. Sadac*:¹¹¹

Salary increases are not akin to allowances or benefits, and cannot be confused with either. The term “allowances” is sometimes used synonymously with “emoluments,” as indirect or contingent remuneration, which may or may not be earned, but which is sometimes in the nature of compensation, and sometimes in the nature of reimbursement. Allowances and benefits are granted to the employee apart or separate from, and in addition to the wage or salary.¹¹²

On the other hand, income covers not just salary, but also other sources such as emoluments and honoraria, bonuses, allowances, pensions, retirement pay, and the like.¹¹³ Salary is but a component of income. And because Republic Act No. 9262 provides that the support can be obtained from income *or* salary, we affirm the amount of financial support indicated in the protection order, which includes the petitioner’s allowances.

Furthermore, we lend no credence to petitioner’s argument that his net monthly income is insufficient for his personal expenses and that the amount demanded by respondent is exorbitant.¹¹⁴

Through the years, respondent was left to shoulder the bulk of the expenses for their child despite her modest income. She had to ask for help from her parents and siblings to keep her and her child afloat given the meager financial support from petitioner. Even with the increased support as determined in the Permanent Protection Order, respondent will still

¹⁰⁹ 262 Phil. 667 (1990) [Per J. Medialdea, First Division].

¹¹⁰ Id. at 675.

¹¹¹ 523 Phil. 781 (2006) [Per J. Chico-Nazario, First Division].

¹¹² Id. at 881.

¹¹³ See *ING Bank N.V. v. Commissioner of Internal Revenue*, 764 Phil. 418 (2015) [Per J. Leonen, Second Division].

¹¹⁴ *Rollo*, pp. 24–25.

assume a portion of their son's expenses. Moreover, the financial support that petitioner and respondent will each shoulder is only reasonable and proportionate to their respective means and resources.

This Court also notes that petitioner's employer, despite not being impleaded here, is bound to comply with the order requiring the deduction of one-third from petitioner's earnings or income as child support. This is in line with the mandate of Republic Act No. 9262, as reinforced in *Republic v. Yahon*¹¹⁵ and *Mabugay-Otamias v. Republic*.¹¹⁶

In *Yahon*, the petitioner, the Armed Forces of the Philippines, claimed that it was not bound by the temporary protection order issued by the trial court because it was neither impleaded in the case nor served with summons. Hence, it could not be compelled to deduct 50% from the retirement benefits and pension of its enlisted personnel to be remitted to the wife.¹¹⁷

This Court rejected the petitioner's argument and held that Section 8(g) of Republic Act No. 9262, being a later law, is an exception to the general rule exempting retirement benefits from execution.¹¹⁸

In *Mabugay-Otamias*, a colonel-respondent waived 50% of his retirement benefits in favor of his wife and five children. His wife sought to have this enforced through an action for support, but she failed to implead the employer, also the Armed Forces of the Philippines. The trial court granted the action and issued an order requiring the Armed Forces to deduct 50% of the petitioner's pension as support. Similar to *Yahon*, the Armed Forces argued that it was not bound by the trial court's order because it was not made a party to the case.¹¹⁹

As in *Yahon*, this Court in *Mabugay-Otamias* rejected the argument and held that "[t]he benefit of exemption from execution of pension benefits is a statutory right that may be waived, especially in order to comply with a husband's duty to provide support under Article XV of the 1987 Constitution and the Family Code."¹²⁰

As to the second issue, this Court finds that the Court of Appeals did not err in affirming the Regional Trial Court's order for petitioner to account for the sale of his and respondent's commonly owned vehicles. Section 8(k) of Republic Act No. 9262 grants courts the discretion to provide other forms of relief as they may deem necessary "to protect and provide for the safety

¹¹⁵ 736 Phil. 397 (2014) [Per J. Villarama, First Division].

¹¹⁶ 786 Phil. 517 (2016) [Per J. Leonen, Second Division].

¹¹⁷ Id.

¹¹⁸ Id. at 411.

¹¹⁹ *Mabugay-Otamias v. Republic*, 786 Phil. 517 (2016) [Per J. Leonen, Second Division].

¹²⁰ Id. at 520.

of the petitioner[.]”¹²¹ Moreover, the vehicle is a household property, and its subsequent sale must also redound to the benefit of respondent and her child.

Considering petitioner’s means and his child’s needs, the determination of financial support and the order of accounting for the sale of the vehicles in the Permanent Protection Order are proper and reasonable.

WHEREFORE, the Petition is **DENIED**. The Court of Appeals’ April 27, 2015 Decision and July 30, 2015 Resolution in CA-G.R. CV No. 103011 are **AFFIRMED WITH MODIFICATION**. The Regional Trial Court’s May 15, 2014 Permanent Protection Order is **AMENDED** such that:

1. Petitioner Edward Cumigad y De Castro is **ORDERED** to provide sufficient financial support to respondent AAA and their child;
2. Petitioner’s employer is **DIRECTED** to regularly and timely deduct from his earnings one-third of everything that he receives and to automatically remit this amount to respondent and her son; and
3. Petitioner is further **ORDERED** to account for the sale of the two vehicles, the Toyota Revo and Toyota Vios, and to remit to respondent her share in the proceeds.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

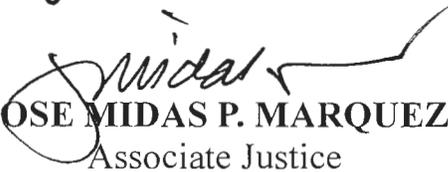
¹²¹ Republic Act No. 9262 (2004), sec. 8(k).

WE CONCUR:


AMY C. LAZARO-JAVIER
 Associate Justice


MARIO V. LOPEZ
 Associate Justice


JHOSEP V. LOPEZ
 Associate Justice


JOSE MIDAS P. MARQUEZ
 Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
 Associate Justice
 Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
 Chief Justice