Republic of the Philippines
Supreme Court
Cagayan de Oro

SECOND DIVISION

AAA255299,*
Petitioner,

G.R. No. 255299

Present:

-*versus*-

LEONEN, *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J.,
KHO, JR. *JJ.*

XXX255299,
Respondent.

Promulgated:
MAR 0 8 2023

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DECISION

LOPEZ, J., *J.*

Before this Court is a Petition for Review on *Certiorari*[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals (*CA*), which affirmed with modification the Decision[4] and Order[5] of the Regional Trial Court (*RTC*), which granted petitioner AAA255299 Petition for Issuance of a Permanent Protection Order (*PPO*) under Republic Act (*R.A.*) No. 9262 or the Anti-

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* In line with Amended Administrative Circular No. 83-2015, as mandated by R.A. No. 9262, the names of the private 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. 12–26.

2 *Id.* at 29–52. The February 18, 2019 Decision in CA-G.R. CV No. 06205 was penned by Associate Justice Marilyn B. Lagura-Yap, and concurred in by Associate Justices Louis P. Acosta and Emily Aliño-Geluz of the Special Eighteenth Division, Court of Appeals, Cebu City.

3 *Id.* at 63–71. The September 17, 2020 Resolution in CA-G.R. CV No. 06205 was penned by Associate Justice Marilyn B. Lagura-Yap, and concurred in by Associate Raymond Reynold R. Lauigan and Emily Aliño-Geluz of the Special Former Special Eighteenth Division, Court of Appeals, Cebu City.

4 *Id.* at 80–86. The March 2, 2016 Decision in S.P. No. 9697 was penned by Presiding Judge Bienvenido P. Barrios, Jr., Branch [redacted], RTC, [redacted].

5 Records, pp. 642–643. The July 4, 2016 Order in S.P. No. 9697 was penned by Presiding Judge Bienvenido P. Barrios, Jr., Branch [redacted], RTC, [redacted].

Violence Against Women and Their Children Act of 2004, against her husband, respondent XXX255299.

The Antecedents

AAA255299, a Filipina, and XXX255299, a German national, were married on January 13, 2007 in [redacted].[6] During the years of their married life, AAA255299 claimed that her husband had several affairs with different women but she swallowed her pride in order to save their relationship.[7]

Sometime in May 2013, AAA255299 claimed that her husband started to become indifferent to her and started shouting insults at her even in public.[8] On June 2, 2013, she, together with two of her friends, went to her and XXX255299's residence in [redacted] where she discovered that XXX255299 was with another woman inside the master's bedroom. AAA255299 demanded for the other woman to leave their residence but XXX255299 insisted that she stay as she was his girlfriend and that he and AAA255299 were already separated. XXX255299 then berated and threatened his wife and then forcefully dragged her out of their residence which resulted to her suffering an injury. [9]

AAA255299 requested for police assistance which led to police officers arresting XXX255299 and his companion and the subsequent filing of criminal complaints for concubinage and violation of R.A. No. 9262 against them.[10]

Afraid of suffering further abuse from her husband, AAA255299 filed for a barangay protection order before the Office of the Barangay Captain, Barangay [redacted] which was subsequently granted.[11]

On June 7, 2013, AAA255299 filed a Petition[12] for issuance of a protection order against XXX255299 before the RTC of [redacted]. In her Petition, AAA255299 prayed for the *ex parte* issuance of a temporary protection order and that after hearing on the merits, the same be converted to a permanent protection order.[13]

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6 *Rollo*, p. 15
7 *Id.*
8 *Id.*
9 *Id.* at 15–16.
10 *Id.* at 16.
11 *Id*
12 Records, pp. 1–8.
13 *Id.* at 7–8.

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On June 10, 2013, the RTC issued a Temporary Protection Order[14] (*TPO*) in favor of AAA255299. Trial on the merits then ensued. The TPO was extended several times during the course of the trial.

On March 2, 2016, the RTC issued a Decision which converted the earlier issued TPO into a PPO, the dispositive portion of which states:

> **WHEREFORE**, premises considered, the petition dated June 7, 2013 is partially GRANTED. Accordingly, the respondent [XXX255299] is hereby directed to give a monthly support to the petitioner [AAA255299] in the amount of One Hundred Thousand Pesos (P100,000.00) for the management and maintenance of their household. In addition, a Permanent Protection Order is hereby ordered as follows:
>
> a) Prohibiting respondent [XXX255299] from threatening to commit or committing, personally or through another, acts of violence against the petitioner [AAA255299];
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> b) Prohibiting respondent from harassing, annoying, contacting or otherwise communicating in any form with the petitioner, either directly or indirectly;
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> c) Requiring respondent to stay away from petitioner at a distance of 200 meters;
>
> d) Requiring respondent to stay away from the residence at [redacted] and [redacted] or place of employment of petitioner;
>
> e) Prohibiting respondent from carrying or possessing any firearm or deadly weapon and ordering him to surrender the same to the court for appropriate disposition, including revocation of license and disqualification to apply for any license to carry or possess a firearm.
>
> f) Removing and excluding respondent from the residence of the petitioner at [redacted] and [redacted] If respondent must remove personal effects from the said residences, he must secure permission from this Court so that the court shall direct a law enforcement agent to accompany him to the said residence, remain there until the respondent has gathered his things and escort him therefrom at such reasonable hours to be determined by this court.
>
> **SO ORDERED**.[15] (Emphasis in the original)

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14 *Id.* at 25–27.

15 Records, pp. 615–616.

Both XXX255299 and AAA255299 moved for reconsideration of the RTC ruling. XXX255299 claimed that the RTC should not have extended the PPO to affect the properties that he owned as it violated his property rights[16] and that the support awarded to his wife should be reduced in view of her gainful employment.[17] For her part, AAA255299 asked the RTC to increase the monetary support awarded to her to PHP 200,000.00.[18] On July 4, 2016, the RTC issued an Order [19] which denied both of their Motions for Reconsideration, the dispositive portion of which states:

> WHEREFORE, premised considered, the Motion for Reconsideration respectively filed by both parties are hereby DENIED.
>
> SO ORDERED.[20]

Undeterred, XXX255299 filed a Notice of Appeal[21] before the RTC. AAA255299 opposed[22] the same arguing that the PPO had already attained finality considering that XXX255299's Motion for Reconsideration was a prohibited pleading under A.M. No. 04-10-11-SC or the Rule on Violence Against Women and Their Children, and thus did not toll the prescribed period within which to file an appeal.[23]

On September 1, 2016, the RTC issued an Order[24] which approved XXX255299's Notice of Appeal, the dispositive portion of which states:

> Hence, the Notice of Appeal dated July 27, 2016 of respondent [XXX255299], having been filed within the reglementary period, the same is hereby approved.
>
> The Clerk of Court is hereby directed to give due course to said appeal in close accordance with the pertinent provisions of law.
>
> SO ORDERED.[25]

The RTC reasoned that considering that AAA255299 herself resorted to a Motion for Reconsideration, fairness and due course required that XXX255299's Notice of Appeal be likewise approved.[26] On November 9, 2016, the RTC forwarded the records of the case to the CA for its consideration.[27]

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16 *Id.* at 620–621.
17 *Id.* at 622–623.
18 *Id.* at 625–626.
19 *Id.* at 642–643.
20 *Id.* at 643.
21 *Id.* at 647.
22 *Id.* at 659–660.
23 *Id.* at 659–661.
24 *Rollo*, pp. 143–144.
25 *Id.* at 144.
26 *Id.* at 143.
27 CA *rollo*, p. 10.

On March 1, 2017, the CA issued a Notice[28] which required the parties to file their respective briefs.

In his Appellee's Brief,[29] XXX255299 argued that the RTC erred when it issued the PPO considering that: (1) it failed to recognize his property rights despite AAA255299's admission of the same; (2) AAA255299's Petition for issuance of a PPO was insufficient to begin with; (3) the PPO should already be lifted considering that he had already obtained a divorce decree against AAA255299 and that she had already abandoned the Shaw Residenza property.[30]

In AAA255299's Appellant's Brief,[31] she prayed for the dismissal of XXX255299's appeal in view of: (1) the appeal being filed out of time;[32] (2) XXX255299 is already estopped from questioning the validity of the PPO issued against him;[33] (3) XXX255299 failed to adduce any evidence that the properties covered by the PPO are owned exclusively by him; [34] (4) XXX255299's previous as well as his continued harassment of AAA255299 warranted the issuance of the PPO;[35] (5) the foreign divorce obtained by XXX255299 has yet to be recognized by a local court;[36] (6) she did not abandon the [redacted] property but was evicted therein by XXX255299.[37]

XXX255299 countered in his Reply Brief[38] by arguing that the continued enforcement of the PPO was violative of his property rights and that the same must be set aside.[39]

On February 18, 2019, the CA issued the assailed Decision which denied XXX255299's appeal and affirmed with modification the PPO issued by the RTC. The dispositive portion of the assailed Decision reads:

> **WHEREFORE**, premises considered, We DENY the instant Appeal. The March 2, 2016 Decision and July 4, 2016 Order of the Regional Trial Court, Branch [redacted] of [redacted], in Special Proceedings No. 9697 are **AFFIRMED WITH MODIFICATION**, in that, letter (d) and (f), of the enumeration thereof, should now read:
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> . . . .

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28 *Id.* at 19.
29 *Id.* at 28–58.
30 *Id.* at 39–40.
31 *Id.* at 99–116.
32 *Id.* at 112–113.
33 *Id.* at 113–114.
34 *Id.* at 105.
35 *Id.* at 105.
36 *Id.* at 111.
37 *Id.* at 112.
38 *Id.* at 139–145.
39 *Id.* at 140–143.

> d. Requiring respondent to stay away from the residence at [redacted]
>
> . . . .
>
> f. Removing and excluding respondent from the residence of the petitioner at [redacted]. If respondent must remove personal effects from said residences, he must secure permission from this Court so that the court shall direct a law enforcement agency to accompany him to the said residence, remain there until the respondent has gathered his things and escort him therefrom at such reasonable hours to be determined by this court.
>
> **SO ORDERED**.[40] (Emphasis in the original)

Both aggrieved, AAA255299 and XXX255299 separately moved for reconsideration of the same. On September 17, 2020, the CA issued the assailed Resolution which denied the Motions for Reconsideration filed by the parties therein, the dispositive portion of which states:

> In sum, We **RESOLVE** to:
>
> **DENY** the *Motion for Reconsideration with Motion for Immediate Execution of Support Pendente Lite* filed by plaintiff-appellee.
>
> **DENY** the *Motion for Partial Reconsideration [Re: Decision dated February 18, 2019]* filed by defendant-appellant.
>
> **NOTE** the *Comment And/Or Opposition (Re: Motion for Authority to Lease Out Asiana Property with Prayer to Set incident for Hearing) WITH MOTION FOR EARLY RESOLUTION* filed by plaintiff-appellee.
>
> **SO ORDERED**.[41] (emphasis and italics in the original)

Hence the present Petition.

In her Petition, AAA255299 claims that the CA erred when it modified the PPO issued by the RTC considering that: (1) XXX255299's appeal should not have been given due course as it was filed out of time; and (2) her job as a flight attendant necessitates that the penthouse unit in [redacted] in [redacted] should likewise be covered by the PPO.

On September 8, 2021, XXX255299 filed his Comment wherein he prayed that the instant Petition be dismissed and that his properties be released

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[40] *Rollo*, p. 51.
[41] *Id.* at 70.

from the coverage of the PPO considering that: (1) AAA255299's Petition was unaccompanied by material portions of the records of the case;[42] (2) his appeal was not filed out of time as the RTC had jurisdiction to resolve his Motion for Reconsideration, and AAA255299's resort to the same remedy shows that she herself does not find practicable the application of the rules of summary procedure in the proceedings before the trial court;[43] (3) the grant of two residences in favor of AAA255299 is a "luxury" not contemplated by the framers of R.A. No. 9262;[44] and (4) the inclusion of his properties in the PPO violates his property rights.[45]

The Issues

I.

Whether or not the instant Petition should be dismissed for failure of AAA255299 to attach therein material portions of the record of the case;

II.

Whether or not the lower courts erred when it gave due course to XXX255299's appeal; and

III.

Whether or not the CA erred when it modified the parameters of the Permanent Protection Order issued by the trial court in favor of AAA255299 to exclude the property located at [redacted] in [redacted].

This Court's Ruling

We first dispose of XXX255299's contention that the present Petition should be dismissed for failure of AAA255299 to append thereto relevant portions of the records of the case.[46]

Relevantly, Sections 4 and 5 of Rule 45 of the Rules of Court provide that failure to attach material portions of the record of the case in a Rule 45 petition is a cause for dismissal of the same, to wit:

> **Section 4.** *Contents of petition.* — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being

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42 *Id.* at 127–129.
43 *Id.* at 129–135.
44 *Id.* at 135–137.
45 *Id.* at 137–143.
46 *Supra* note 43.

> indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) *be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition;* and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42.
>
> **Section 5.** *Dismissal or denial of petition. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.*
>
> The Supreme Court may on its own initiative deny the petition on the ground that the appeal is without merit, or is prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration. (Emphasis supplied)

In *E.I. Dupont de Nemours and Co. v. Francisco*,[47] We provided guidelines on how to determine whether a petitioner has attached to his/her petition "material portions of the record of the case," to wit:

> If a petition fails to attach material portions of the record, it may still be given due course if it falls under certain exceptions. Although Rule 45, Section 4 of the Rules of Court requires that the petition "be accompanied by . . . such material portions of the record as would support the petition," the failure to do so will not necessarily warrant the outright dismissal of the complaint.
>
> Respondent Therapharma, Inc. argues that the Petition should have been outright dismissed since it failed to attach certain documents to support its factual allegations and legal arguments, particularly: the annexes of the Petition for Review it had filed before the Court of Appeals and the annexes in the Motion for Leave to Intervene it had filed. It argues that petitioner's failure to attach the documents violates Rule 45, Section 4, which requires the submission of material portions of the record.
>
> On the other hand, petitioner argues that it was able to attach the Court of Appeals Decision dated August 31, 2004, the Resolution dated January 31, 2006, and the Amended Decision dated August 30, 2006, all of which were sufficient for this Court to give due course to its Petition.
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> In Magsino v. De Ocampo, this Court applied the procedural guideposts in Galvez v. Court of Appeals in determining whether the Court

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[47] 794 Phil. 97 (2016) [Per J. Leonen, Second Division].

of Appeals correctly dismissed a petition for review under Rule 42 for failure to attach relevant portions of the record. Thus:

> In Galvez v. Court of Appeals, a case that involved the dismissal of a petition for certiorari to assail an unfavorable ruling brought about by the failure to attach copies of all pleadings submitted and other material portions of the record in the trial court (like the complaint, answer and position paper) as would support the allegations of the petition, the Court recognized three guideposts for the CA to consider in determining whether or not the rules of procedures should be relaxed, as follows:
>
> *First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a prima facie case of grave abuse of discretion as to convince the court to give due course to the petition.*
>
> *Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also [sic] found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.*
>
> *Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.*
>
> Although Magsino referred to a petition for review under Rule 42 before the Court of Appeals, the procedural guideposts cited in Magsino may apply to this case since the contents of a pleading under Rule 42 are substantially the same as the contents of a pleading under Rule 45, in that both procedural rules require the submission of "material portions of the record as would support the allegations of the petition."[48] (Emphasis supplied)

Thus, a petition filed under Rule 45 of the Rules of Court is deemed to have attached "material portions of the records of the case" when it included relevant and pertinent records of the same, *i.e.*, portions of the record that will make out a *prima facie* case, that the appellate court committed errors of law.[49] Further, relevant and pertinent portions of the record need not be appended to the petition if the contents of the same are summarized or are already included in pleadings attached to the petition. Finally, a petition lacking essential portions may still be given due course or reinstated if earlier dismissed, if the

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48 *Id.* at 115–118.

49 *Lopez v. Saludo, Jr.*, G.R. No. 233775, September 15, 2021 [Per J. Hernando, Second Division].

petitioner was able to rectify such error by later submitting such relevant portions or if it is in the interest of substantive justice that the case be decided on its merits.

Here, We find that AAA255299 was able to attach portions of the record of the case to support her claim that the CA committed errors of law when it resolved XXX255299's appeal, *i.e.*, the assailed Decision and Resolution of the CA;[50] her Motion for Reconsideration filed before the CA;[51] the Decision of the RTC granting her prayer for the issuance of a PPO;[52] and other pleadings and issuances in the case before the RTC.[53] Thus, We see no reason to dismiss the instant Petition.

In any event, assuming *arguendo* that AAA255299 failed to attach relevant portions of the records of the case, We already have at our disposal the entire record of the case and can thus resolve the present Petition on its merits with sufficient knowledge of what transpired before the lower courts.

AAA255299 likewise argues that the lower courts should not have given due course to XXX255299's appeal as it was filed out of time.[54] She avers that XXX255299's filing of a motion for reconsideration before the RTC did not toll the period for the filing of an appeal, as a motion for reconsideration is a prohibited pleading under A.M. No. 04-10-11-SC.[55] Finally, she claims that XXX255299 is estopped from questioning the correctness of the PPO issued against him as he stated in a pleading before the RTC that he does not intend to question the PPO but only the amount of support granted by the RTC in her favor.[56]

In his defense, XXX255299 claims that since AAA255299 herself resorted to filing a Motion for Reconsideration before the RTC, she cannot deny that the trial court had the authority to resolve the same.[57] XXX255299 likewise argues that per Section 26(a) of A.M. No. 04-10-11-SC, the Revised Rules on Summary Procedure, which also prohibits the filing of motions for reconsideration, should only be applied in proceedings under A.M. No. 04-10-11-SC if it is "practicable."[58] Finally, XXX255299 claims that A.M. No. 04-10-11-SC did not deprive the RTC of its jurisdiction to resolve motions for reconsideration as the same is merely a procedural rule.[59]

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50 *Rollo*, pp. 29–52 and 63–71.
51 *Id.* at 53–60.
52 *Id.* at 80–86.
53 *Id.* at 87–95.
54 *Id.* at 21.
55 *Id.*
56 *Id.* at 21–22.
57 *Id.* at 130–131.
58 *Id.* at 132–134.
59 *Id.* at 134.

Relevantly, Sections 22 and 26 of A.M. No. 04-10-11-SC provide in pertinent part:

> **SEC. 22. *Prohibited pleadings and motions.*** - The following pleadings, motions or petitions shall not be allowed:
>
> ....
>
> (k) Motion for new trial, or for reconsideration of a protection order, or for reopening of trial; and
>
> ....
>
> **SEC. 26. *Hearing.*** –
>
> (a) Rule applicable. - The Revised Rule on Summary Procedure shall apply as far as practicable.

Preliminarily, XXX255299 conflates the prohibition from the filing of motions for reconsideration in proceedings under A.M. No. 04-10-11-SC with the applicability of the Revised Rules on Summary Procedure. From the aforecited provisions of A.M. No. 04-10-11-SC, it can be gleaned that the Revised Rules on Summary Procedure only applies to cases governed by A.M. No. 04-10-11-SC in so far as the conduct of hearings is concerned. The prohibition on the filing of motions for reconsideration is not the result of applying the Revised Rules on Summary Procedure in cases falling within the ambit of A.M. No. 04-10-11-SC, but of the explicit provision in the rules that prohibit the same. Thus, contrary to XXX255299's claim, the term "as far as practicable" only qualify the application of the Revised Rules on Summary Procedure in cases falling under A.M. No. 04-10-11-SC and not the prohibition on the filing but motions for reconsideration in such cases.

As to whether XXX255299's Notice of Appeal was filed out of time, a review of the records of the instant case shows that he received a copy of the RTC Decision on March 8, 2016. Thus, per Section 31 of A.M. No. 04-10-11-SC,[60] he had 15 days from receipt of the RTC Decision or until March 23, 2016 to file a notice of appeal. However, he instead resorted to filing a motion for reconsideration to question the RTC's issuance of a PPO in favor of AAA255299, a prohibited pleading under A.M. No. 04-10-11-SC. In *Land Bank of the Philippines v. Ascot Holdings and Equities, Inc.*,[61] We held that: "[i]t is obvious that a prohibited pleading cannot toll the running of the period to appeal since such pleading cannot be given any legal effect precisely because of its being prohibited."[62]

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60 Section 31 of A.M. 04-10-11-SC provides:
SEC. 31. *Appeal.* - Any aggrieved party may appeal by filing a notice of appeal with the court that rendered the final order or judgment within fifteen days from notice and serving a copy thereof upon the adverse party. The appeal shall not stay the enforcement of the final order or judgment.

61 562 Phil. 974 (2007) [Per J. Garcia, First Division].

62 *Id.* at 983.

Consequently, XXX255299's Motion for Reconsideration did not toll the period of filing of a Notice of Appeal, as such, when he filed his Notice of Appeal on July 28, 2016, the same was already filed out of time. The RTC, in resolving XXX255299's Notice of Appeal and AAA255299's Opposition thereto, highlighted the fact that she, herself, filed a Motion for Reconsideration before the RTC to question the amount of support granted to her and that considering that it took the same amount of time to resolve the parties' separate motions, fairness dictates that XXX255299's Notice of Appeal should be given due course.[63]

In an effort to try to extricate herself from a seemingly self-contradicting stance, AAA255299 argues that her Motion for Reconsideration was not covered by the prohibition in A.M. No. 04-10-11-SC, as the same only questioned the amount of support awarded to her and not the PPO. We find however that such reasoning is specious. Section 11 of A.M. No. 04-10-11-SC states that the grant of support is a relief that forms part of the protection order, to wit:

> **SEC. 11.** ***Reliefs available to the offended party.*** - The protection order shall include any, some or all of the following reliefs:
>
> ....
>
> (h) Directing the respondent to provide support to the woman and/or her child, if entitled to legal import. 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 his employer and to automatically remit it directly to the offended party. Failure to withhold, remit or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

Thus, when AAA255299 sought reconsideration as to the amount of support granted to her by the RTC, she, similar to XXX255299, questioned the correctness of the PPO. Thus, the RTC reasoned that considering that both parties availed of prohibited remedies and thus were equally at fault for any delay in the final resolution of AAA255299's Petition for issuance of protective orders, it is but fair to give due course to XXX255299's Notice of Appeal.

Notably, this is not the first occasion that this Court had to resolve the effects of the filing of a prohibited pleading in cases falling under A.M. No. 04-10-11-SC. In *Brown-Araneta v. Araneta*,[64] a case involving the issuance of a TPO under R.A. No. 9262, this Court sustained the filing of a Petition for *Certiorari* questioning the issuance of TPO despite the same being a

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[63] *Rollo*, p. 143.

[64] 719 Phil. 293 (2013) [Per J. Velasco, Jr., Third Division].

prohibited pleading under A.M. No. 04-10-11-SC. Essentially, this Court sanctioned the CA's reasoning when it took cognizance of a prohibited pleading and granted the reliefs prayed therein that "[procedural] rules are not sacrosanct" and that if such rules get in the way of the administration of justice, "magistrates should apply their best judgment. If not, courts would be so hideously bound or captives to the stern and literal provisions of the law that they themselves would, wittingly or otherwise, become administrators of injustice."[65] We find that the same reasoning should apply to the present case.

Procedural rules should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed.[66] In the case at bar, We agree with the RTC ruling that fairness dictates that XXX255299's appeal should be given due course in view of AAA255299's resorting to the same prohibited remedy. Moreover, no harm was done to AAA255299 as XXX255299's appeal did not stay the effectivity of the PPO granted to her by the RTC.[67] Verily, allowing XXX255299 to appeal the decision of the trial court served the interest of substantial justice as he was allowed to ventilate arguments based on supervening events that he felt was relevant in determining the validity of the PPO issued against him.

Thus, in view of the unique circumstances surrounding the instant case, We affirm the lower courts' ruling giving due course to XXX255299's appeal despite being filed out of time.

As for AAA255299's claim that her husband is estopped from questioning the validity of the PPO since he declared before the RTC that he was merely questioning the amount of support granted to AAA255299, the same is without merit. We reiterate that since the provision of support is one of the reliefs granted in a PPO, any question on the correctness of the amount of support granted in a petition for issuance of protection orders under R.A. No. 9262 amounts to assailing the validity of the PPO itself.

AAA255299 also argued that the CA erred when it ruled that there is no evidence on record that she resided in [redacted] and that if she ever did, she had already abandoned the same, and thus removed from the ambit of the PPO the unit in [redacted].[68] She claims that her job as a flight stewardess for international flights meant that she did not reside in [redacted] all the time but reasoned that the same has to be included in the PPO as she needed a place to stay in Metro Manila when she is in between

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65 *Id.* at 311.
66 *Heirs of Zaulda v. Zaulda*, 729 Phil. 639, 651 (2014) [Per J. Mendoza, Third Division].
67 *Supra* note 66.
68 *Rollo*, p. 22.

flights.[69] She further claims that she was forcibly evicted from the subject unit in [redacted] when XXX255299 changed the lock of the main entrance of the condominium to deny her entrance.[70]

XXX255299 on the other hand claims that the grant of two residences in favor of AAA255299 is a "luxury" not contemplated by the framers of R.A. No. 9262;[71] and that the inclusion of his properties in the PPO violates his property rights.[72]

Relevantly, a protection order is an order issued by the court to prevent further acts of violence against women and their children, their family or household members, and to grant other necessary relief. Its purpose is to safeguard the offended parties from further harm, minimize any disruption in their daily life, and facilitate the opportunity and ability to regain control of their life.[73]

In *Garcia v. Drilon*,[74] We further explained the rationale for the issuance of protection orders, *viz.*:

> 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.[75]

In the case at bar, We find no reason to reverse the finding of the CA. Verily, apart from her bare assertions, there is no evidence on record that AAA255299 actually resided in [redacted] such that the same is required to be covered by the PPO. There is also no evidence on record that AAA255299 was "evicted" from the subject property after XXX255299 supposedly changed the locks in the main door. Moreover, even assuming *arguendo* that AAA255299 previously resided in [redacted], the evidence on record shows that she already abandoned the same.

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69 *Id.*
70 *Id.* at 23.
71 *Supra* note 45.
72 *Id.* at 46.
73 Section 4(o), A.M. No. 04-10-11-SC.
74 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, *En Banc*].
75 *Id.* at 105.

We note that per the records of [redacted], the subject condominium unit was uninhabited for the majority of 2016 and that association dues for the same was unpaid.[76] The fact that the unit was uninhabited is further bolstered by water usage records which show that there was no tap water consumption in the unit from June 2016 to February 2017.[77] Further, attempts to serve court processes to AAA255299 in her supposed residence in [redacted] in February 2016 was unsuccessful considering that per information given by the building receptionist, AAA255299 was no longer residing in [redacted] for more than a year.[78] These circumstances, taken together, points to no other conclusion that even assuming that AAA255299 previously resided in [redacted], she had already abandoned the same. Thus, there is no longer any need to extend the PPO over the same property as it will not serve to "curtail the perpetrator's access to the victim" as AAA255299 no longer resided therein.

Finally, We cannot give credence to the AAA255299's claim that she needed the PPO to cover the [redacted] property when she is in between her international flights in view of her job as a flight attendant.[79] She herself declared that she already retired from her employment.[80]

ACCORDINGLY, the Petition is denied for lack of merit. The Decision dated February 18, 2019 and the Resolution dated September 17, 2020 issued by the Court of Appeals in CA-G.R. CV No. 06205 are **AFFIRMED** *in toto*. The Permanent Protection Order issued by Branch [redacted], Regional Trial Court, [redacted] in Special Proceedings No. 9697 is **MODIFIED** to read as follows:

a) XXX255299 is ordered to give monthly support to AAA255299 in the amount of PHP 100,000.00 for the management and maintenance of their household;

b) XXX255299 is prohibited from threatening to commit or committing, personally or through another, acts of violence against AAA255299;

c) XXX255299 is prohibited from harassing, annoying, contacting or otherwise communicating in any form with AAA255299, either directly or indirectly;

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76 *Rollo*, p. 157.
77 *Id.* at 158.
78 CA *rollo*, pp. 72–73.
79 *Rollo*, p. 22.
80 *Id.*

d) XXX255299 is required to stay away from AAA255299 at a distance of 200 meters;

e) XXX255299 is required to stay away from AAA255299's residence at [redacted], or her place of employment;

f) XXX255299 is prohibited from carrying or possessing any firearm or deadly weapon, and he is ordered to surrender the same to the court for appropriate disposition, including revocation of license and disqualification to apply for any license to carry or possess a firearm; and

g) XXX255299 is removed and excluded from AAA XXX255299's residence at [redacted]. If XXX255299 must remove personal effects from the said residences, he must secure permission from this Court so that it shall direct a law enforcement agent to accompany him to the said residence, remain there until the respondent has gathered his things, and escort him therefrom at such reasonable hours to be determined by this Court.

SO ORDERED.

JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:

MARVIC M.V.F. LEONEN
Senior Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

ANTONIO T. KHO, JR.
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 this Court's Division.

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

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 this Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice