



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**REPUBLIC OF THE
 PHILIPPINES, represented by the
 Armed Forces of the Philippines
 Finance Center (AFPFC),**
 Petitioner,

G.R. No. 201043

Present:

SERENO, C.J.,
Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 VILLARAMA, JR., and
 REYES, J.J.

- versus -

DAISY R. YAHON,
 Respondent.

Promulgated:

JUN 16 2014

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DECISION

VILLARAMA, JR., J.:

Before the Court is a petition for review on certiorari under Rule 45 which seeks to nullify and set aside the Decision¹ dated November 29, 2011 and Resolution² dated March 9, 2012 of the Court of Appeals (CA) Mindanao Station in CA-G.R. SP No. 02953-MIN. The CA affirmed the orders and decision of the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 22 granting temporary and permanent protection orders, and denying the motion to lift the said temporary protection order (TPO).

Daisy R. Yahon (respondent) filed a petition for the issuance of protection order under the provisions of Republic Act (R.A.) No. 9262,³ otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004,” against her husband, S/Sgt. Charles A. Yahon (S/Sgt. Yahon), an enlisted personnel of the Philippine Army who retired in January 2006. Respondent and S/Sgt. Yahon were married on June 8, 2003. The couple did not have any child but respondent has a daughter with her previous live-in

¹ *Rollo*, pp. 36-45. Penned by Associate Justice Edgardo A. Camello with Associate Justices Pamela Ann Abella Maxino and Zenaida T. Galapate-Laguilles concurring.

² *Id.* at 46-47.

³ AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES.

anj.

partner.

On September 28, 2006, the RTC issued a TPO, as follows:

Finding the herein petition for the Issuance of Protection Order to be sufficient in form and substance and to prevent great and irreparable injury to the petitioner, a TEMPORARY PROTECTION ORDER is forthwith issued to respondent, S/SGT. CHARLES A. YAHON directing him to do the following acts:

1. Respondent is enjoined from threatening to commit or committing further acts of physical abuse and violence against the petitioner;
2. To stay away at a distance of at least 500 meters from petitioner, her residence or her place of work;
3. To refrain from harassing, annoying, intimidating, contacting or communicating with petitioner;
4. Respondent is prohibited from using or possessing any firearm or deadly weapon on occasions not related to his job;
5. To provide reasonable financial spousal support to the petitioner.

The Local Police Officers and the Barangay Officials through the Chairman in the area where the petitioner and respondent live at Poblacion, Claveria, Misamis Oriental and Bobuntogan, Jasaan, Misamis Oriental are directed to respond to any request for assistance from the petitioner for the implementation of this order. They are also directed to accompany the petitioner to their conjugal abode at Purok 2, Bobuntogan, Jasaan, Misamis Oriental to get her personal belongings in order to insure the safety of the petitioner.

The Deputy Sheriff of this Court is ordered to immediately serve the Temporary Protection Order (TPO) upon the respondent personally and to seek and obtain the assistance of law enforcement agents, if needed, for purposes of effecting the smooth implementation of this order.

In the meantime, let copy of this order and petition be served upon the respondent for him to file an OPPOSITION within a period of five (5) days from receipt hereof and let a Preliminary Conference and hearing on the merits be set on October 17, 2006 at 2:00 o'clock in the afternoon.

To insure that petitioner can receive a fair share of respondent's retirement and other benefits, the following agencies thru their heads are directed to WITHHOLD any retirement, pension and other benefits of respondent, S/SGT. CHARLES A. YAHON, a member of the Armed Forces of the Philippines assigned at 4ID, Camp Evangelista, Patag, Cagayan de Oro City until further orders from the court:

1. Commanding General/Officer of the Finance Center of the Armed Forces of the Philippines, Camp Emilio Aguinaldo, Quezon City;
2. The Management of RSBS, Camp Emilio Aguinaldo, Quezon City;
3. The Regional Manager of PAG-IBIG, Mortola St., Cagayan de

Oro City.

VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW.

IF THE RESPONDENT APPEARS WITHOUT COUNSEL ON THE DATE OF THE PRELIMINARY CONFERENCE AND HEARING ON THE MERITS OF THE ISSUANCE OF A PERMANENT PROTECTION ORDER, THE COURT SHALL NOT RESCHEDULE OR POSTPONE THE PRELIMINARY CONFERENCE AND HEARING BUT SHALL APPOINT A LAWYER FOR THE RESPONDENT AND IMMEDIATELY PROCEED WITH THE SAID HEARING.

IF THE RESPONDENT FAILS TO APPEAR ON THE DATE OF THE PRELIMINARY CONFERENCE AND HEARING ON THE MERITS DESPITE PROPER NOTICE, THE COURT SHALL ALLOW EX-PARTE PRESENTATION OF EVIDENCE BY THE PETITIONER AND RENDER JUDGMENT ON THE BASIS OF THE PLEADINGS AND EVIDENCE ON RECORD. NO DELEGATION OF THE RECEPTION OF EVIDENCE SHALL BE ALLOWED.

SO ORDERED.⁴ (Emphasis supplied.)

S/Sgt. Yahon, having been personally served with copy of the TPO, appeared during the scheduled pre-trial but informed the court that he did not yet have a counsel and requested for time to hire his own counsel. However, he did not hire a counsel nor file an opposition or answer to the petition. Because of his failure to appear in the subsequent hearings of the case, the RTC allowed the *ex-parte* presentation of evidence to determine the necessity of issuance of a Permanent Protection Order (PPO).

Meanwhile, as prayed for by respondent who manifested that S/Sgt. Yahon deliberately refused to give her spousal support as directed in the TPO (she claimed that she had no source of livelihood since he had told her to resign from her job and concentrate on keeping their house), the RTC issued another order directing S/Sgt. Yahon to give respondent spousal support in the amount of P4,000.00 per month and fifty percent (50%) of his retirement benefits which shall be automatically deducted and given directly to respondent.⁵

In her testimony, respondent also said that S/Sgt. Yahon never complied with the TPO as he continued making threats and inflicting physical abuse on her person, and failed to give her spousal support as ordered by the court.

On July 23, 2007, the RTC rendered its Decision,⁶ as follows:

After careful review and scrutiny of the evidence presented in this case, this court finds that there is a need to permanently protect the applicant, Daisy R. Yahon from further acts of violence that might be

⁴ Id. at 63-64.

⁵ Id. at 76.

⁶ Id. at 75-80. Penned by Presiding Justice Francisco L. Calingin.

committed by respondent against her. Evidences showed that respondent who was a member of the Armed Forces of the Philippines assigned at the Headquarters 4ID Camp Evangelista, Cagayan de Oro City had been repeatedly inflicting physical, verbal, emotional and economic abuse and violence upon the petitioner. Respondent in several instances had slapped, mauled and punched petitioner causing her physical harm. Exhibits G and D are medical certificates showing physical injuries suffered by petitioner inflicted by the respondent at instances of their marital altercations. Respondent at the height of his anger often poked a gun on petitioner and threatened to massacre her and her child causing them to flee for their lives and sought refuge from other people. He had demanded sex from petitioner at an unreasonable time when she was sick and chilling and when refused poked a gun at her. Several police blotters were offered as evidence by petitioner documenting the incidents when she was subjected to respondent's ill temper and ill treatment. Verbally, petitioner was not spared from respondent's abuses by shouting at her that he was wishing she would die and he would celebrate if it happens and by calling and sending her threatening text messages. These incidents had caused petitioner great psychological trauma causing her [to] fear for her life and these forced her to seek refuge from the court for protection. Economically, petitioner was also deprived by respondent of her spousal support despite order of the court directing him to give a monthly support of Php4,000.00. In view of the foregoing, this court finds a need to protect the life of the petitioner not only physically but also emotionally and psychologically.

Based on the evidence presented, both oral and documentary, and there being no controverting evidence presented by respondent, this Court finds that the applicant has established her case by preponderance of evidence.

WHEREFORE, premises considered, judgment is hereby rendered GRANTING the petition, thus, pursuant to Sec. 30 of A.M. No. 04-10-1-SC, let a PERMANENT PROTECTION ORDER be issued immediately and respondent, S/Sgt. CHARLES A. YAHON is ordered to give to petitioner, DAISY R. YAHON the amount of FOUR THOUSAND PESOS (Php4,000.00) per month by way of spousal support.

Pursuant to the order of the court dated February 6, 2007, respondent, **S/Sgt. Charles A. Yahon is directed to give it to petitioner 50% of whatever retirement benefits and other claims that may be due or released to him from the government and the said share of petitioner shall be automatically deducted from respondent's benefits and claims and be given directly to the petitioner, Daisy R. Yahon.**

Let copy of this decision be sent to the Commanding General/Officer of Finance Center of the Armed Forces of the Philippines, Camp Emilio Aguinaldo, Quezon City; the Management of RSBS, Camp Emilio Aguinaldo, Quezon City and the Regional Manager of PAG-IBIG, Mortola St., Cagayan de Oro City for their guidance and strict compliance.

SO ORDERED.⁷ (Emphasis supplied.)

Herein petitioner Armed Forces of the Philippines Finance Center (AFPFC), assisted by the Office of the Judge Advocate General (OTJAG),

⁷ Id. at 78-79.

AFP, filed before the RTC a Manifestation and Motion (To Lift Temporary Protection Order Against the AFP)⁸ dated November 10, 2008. Stating that it was making a limited and special appearance, petitioner manifested that on August 29, 2008, it furnished the AFP Pension and Gratuity Management Center (PGMC) copy of the TPO for appropriate action. The PGMC, on September 2, 2008, requested the Chief, AFPFC the temporary withholding of the thirty-six (36) Months Lump Sum (MLS) due to S/Sgt. Yahon. Thereafter, on October 29, 2008, PGMC forwarded a letter to the Chief of Staff, AFP for the OTJAG for appropriate action on the TPO, and requesting for legal opinion as to the propriety of releasing the 36 MLS of S/Sgt. Yahon. Petitioner informed the RTC that S/Sgt. Yahon's check representing his 36 MLS had been processed and is ready for payment by the AFPFC, but to date said check has not been claimed by respondent.

Petitioner further asserted that while it has initially discharged its obligation under the TPO, the RTC had not acquired jurisdiction over the military institution due to lack of summons, and hence the AFPFC cannot be bound by the said court order. Additionally, petitioner contended that the AFPFC is not a party-in-interest and is a complete stranger to the proceedings before the RTC on the issuance of TPO/PPO. Not being impleaded in the case, petitioner lamented that it was not afforded due process and it was thus improper to issue execution against the AFPFC. Consequently, petitioner emphasized its position that the AFPFC cannot be directed to comply with the TPO without violating its right to procedural due process.

In its Order⁹ dated December 17, 2008, the RTC denied the aforesaid motion for having been filed out of time. It noted that the September 28, 2006 TPO and July 23, 2007 Decision granting Permanent Protection Order (PPO) to respondent had long become final and executory.

Petitioner's motion for reconsideration was likewise denied under the RTC's Order¹⁰ dated March 6, 2009.

On May 27, 2009, petitioner filed a petition for certiorari before the CA praying for the nullification of the aforesaid orders and decision insofar as it directs the AFPFC to automatically deduct from S/Sgt. Yahon's retirement and pension benefits and directly give the same to respondent as spousal support, allegedly issued with grave abuse of discretion amounting to lack of jurisdiction.

Respondent filed her Comment with Prayer for Issuance of Preliminary Injunction, manifesting that there is no information as to whether S/Sgt. Yahon already received his retirement benefit and that the latter has repeatedly violated the TPO, particularly on the provision of

⁸ Id. at 65-72.

⁹ Id. at 73-74.

¹⁰ Id. at 88.

spousal support.

After due hearing, the CA's Twenty-Second Division issued a Resolution¹¹ granting respondent's application, *viz*:

Upon perusal of the respective pleadings filed by the parties, the Court finds meritorious private respondent's application for the issuance of an injunctive relief. While the 36-month lump sum retirement benefits of S/Sgt. Charles A. Yahon has already been given to him, yet as admitted by petitioner itself, the monthly pension after the mentioned retirement benefits has not yet been released to him. It appears that the release of such pension could render ineffectual the eventual ruling of the Court in this Petition.

IN VIEW OF THE FOREGOING, let a WRIT OF PRELIMINARY INJUNCTION issue enjoining the Armed Forces of the Philippines Finance Center, its employees, agents, representatives, and any all persons acting on its behalf, from releasing the remaining pension that may be *due* to S/Sgt. Charles A. Yahon.

SO ORDERED.¹²

By Decision dated November 29, 2011, the CA denied the petition for certiorari and affirmed the assailed orders and decision of the RTC. The CA likewise denied petitioner's motion for reconsideration.

In this petition, the question of law presented is whether petitioner military institution may be ordered to automatically deduct a percentage from the retirement benefits of its enlisted personnel, and to give the same directly to the latter's lawful wife as spousal support in compliance with a protection order issued by the RTC pursuant to R.A. No. 9262.

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.¹³ The protection orders issued by the court may be a Temporary Protection Order (TPO) or a Permanent Protection Order (PPO), while a protection order that may be issued by the barangay shall be known as a Barangay Protection Order (BPO).¹⁴

Section 8 of R.A. No. 9262 enumerates the reliefs that may be included in the TPO, PPO or BPO, to wit:

(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;

¹¹ CA *rollo*, pp. 222-223.

¹² Id. at 223.

¹³ Sec. 4(o), A.M. No. 04-10-11-SC (*Rule on Violence Against Women and Their Children*).

¹⁴ Sec. 11, Rule IV, Implementing Rules and Regulations of R.A. No. 9262.

(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 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 matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, child care 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.)

Petitioner argues that it cannot comply with the RTC's directive for the automatic deduction of 50% from S/Sgt. Yahon's retirement benefits and pension to be given directly to respondent, as it contravenes an explicit mandate under the law governing the retirement and separation of military personnel.

The assailed provision is found in Presidential Decree (P.D.) No. 1638,¹⁵ which states:

Section 31. The benefits authorized under this Decree, except as provided herein, *shall not be subject to attachment, garnishment, levy, execution or any tax whatsoever; neither shall they be assigned, ceded, or conveyed to any third person:* Provided, That if a retired or separated officer or enlisted man who is entitled to any benefit under this Decree has unsettled money and/or property accountabilities incurred while in the active service, not more than fifty per centum of the pension gratuity or other payment due such officer or enlisted man or his survivors under this Decree may be withheld and be applied to settle such accountabilities. (Emphasis supplied.)

A similar provision is found in R.A. No. 8291, otherwise known as the "Government Service Insurance System Act of 1997," which reads:

SEC. 39. *Exemption from Tax, Legal Process and Lien -- x x x*

x x x x

The funds and/or the properties referred to herein as well as the benefits, sums or monies corresponding to the benefits under this Act shall be exempt from attachment, garnishment, execution, levy or other processes issued by the courts, quasi-judicial agencies or administrative bodies including Commission on Audit (COA) disallowances and from all financial obligations of the members, including his pecuniary accountability arising from or caused or occasioned by his exercise or performance of his official functions or duties, or incurred relative to or in connection with his position or work except when his monetary liability, contractual or otherwise, is in favor of the GSIS.

In *Sarmiento v. Intermediate Appellate Court*,¹⁶ we held that a court order directing the Philippine National Bank to refrain from releasing to petitioner all his retirement benefits and to deliver one-half of such monetary benefits to plaintiff as the latter's conjugal share is illegal and improper, as it violates Section 26 of CA 186 (old GSIS Law) which exempts retirement benefits from execution.

The foregoing exemptions have been incorporated in the 1997 Rules of Civil Procedure, as amended, which governs execution of judgments and court orders. Section 13 of Rule 39 enumerates those properties which are exempt from execution:

¹⁵ Issued on September 10, 1979.

¹⁶ 237 Phil. 106, 112-113 (1987).

SEC. 13. *Property exempt from execution.* – **Except as otherwise expressly provided by law**, the following property, and no other, shall be exempt from execution:

x x x x

(1) The right to receive legal support, or money or property obtained as such support, or **any pension or gratuity from the Government**; (Emphasis supplied.)

It is basic in statutory construction that in case of irreconcilable conflict between two laws, the later enactment must prevail, being the more recent expression of legislative will.¹⁷ Statutes must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence.¹⁸ However, if several laws cannot be harmonized, the earlier statute must yield to the later enactment. The later law is the latest expression of the legislative will.¹⁹

We hold that Section 8(g) of R.A. No. 9262, being a later enactment, should be construed as laying down an exception to the general rule above-stated that retirement benefits are exempt from execution. The law itself declares that the court shall order the withholding of a percentage of the income or salary of the respondent by the employer, which shall be automatically remitted directly to the woman “[n]otwithstanding other laws to the contrary.”

Petitioner further contends that the directive under the TPO to segregate a portion of S/Sgt. Yahon’s retirement benefits was illegal because said moneys remain as public funds, citing the case of *Pacific Products v. Ong*.²⁰ In that case, this Court sustained the CA when it held that the garnishment of the amount of ₱10,500 payable to BML Trading and Supply while it was still in the possession of the Bureau of Telecommunications was illegal and therefore, null and void. The CA therein relied on the previous rulings in *Director of Commerce and Industry v. Concepcion*²¹ and *Avendano v. Alikpala, et al.*²² wherein this Court declared null and void the garnishment of the salaries of government employees.

Citing the two aforementioned cases, we thus declared in *Pacific Products*:

A rule, which has never been seriously questioned, is that money in the hands of public officers, although it may be due government employees, is not liable to the creditors of these employees in the process of garnishment. One reason is, that the State, by virtue of its sovereignty may not be sued in its own courts except by express authorization by the

¹⁷ *Magno v. Commission on Elections*, 439 Phil. 339, 347 (2002), citing *Philippine National Bank v. Cruz*, 259 Phil. 696, 701-702 (1989).

¹⁸ *Valera v. Tuazon*, 80 Phil. 823 (1948).

¹⁹ *Eraña v. Vergel de Dios*, 85 Phil. 17 (1947); *City of Naga vs. Agna*, 71 SCRA 176 (1976).

²⁰ 260 Phil. 583 (1990).

²¹ 43 Phil. 384 (1922).

²² 120 Phil. 1331 (1964).

Legislature, and to subject its officers to garnishment would be to permit indirectly what is prohibited directly. *Another reason is that moneys sought to be garnished, as long as they remain in the hands of the disbursing officer of the Government, belong to the latter, although the defendant in garnishment may be entitled to a specific portion thereof.* And still another reason which covers both of the foregoing is that every consideration of public policy forbids it.²³

We disagree.

Section 8(g) of R.A. No. 9262 used the general term “employer,” which includes in its coverage the military institution, S/Sgt. Yahn’s employer. Where the law does not distinguish, courts should not distinguish. Thus, Section 8(g) applies to *all* employers, whether private or government.

It bears stressing that Section 8(g) providing for spousal and child support, is a support enforcement legislation. In the United States, provisions of the Child Support Enforcement Act²⁴ allow garnishment of certain federal funds where the intended recipient has failed to satisfy a legal obligation of child support. As these provisions were designed “to avoid sovereign immunity problems” and provide that “moneys payable by the Government to any individual are subject to child support enforcement proceedings,” the law is clearly intended to “create a limited waiver of sovereign immunity so that state courts could issue valid orders directed against Government agencies attaching funds in their possession.”²⁵

This Court has already ruled that R.A. No. 9262 is constitutional and does not violate the equal protection clause. In *Garcia v. Drilon*²⁶ the issue of constitutionality was raised by a husband after the latter failed to obtain an injunction from the CA to enjoin the implementation of a protection order issued against him by the RTC. We ruled that R.A. No. 9262 rests on real substantial distinctions which justify the classification under the law: 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 bias and prejudice against women.

We further held in *Garcia* that the classification is germane to the purpose of the law, *viz.*:

The distinction between men and women is germane to the purpose of R.A. 9262, which is to address violence committed against women and children, spelled out in its *Declaration of Policy*, as follows:

SEC. 2. *Declaration of Policy.* – It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its

²³ Supra note 20, at 591.

²⁴ 42 USCS. § 659(a).

²⁵ See *Rose v. Rose, et al.*, 481 U.S. 619 (1987).

²⁶ G.R. No. 179267, June 25, 2013, 699 SCRA 352.

members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.²⁷

Under R.A. No. 9262, the provision of spousal and child support specifically address one form of violence committed against women – *economic* abuse.

D. “*Economic abuse*” refers to acts that make or attempt to make a woman financially dependent which 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 the use and enjoyment of the conjugal, community or property owned in common;
3. Destroying household property;
4. Controlling the victims' own money or properties or solely controlling the conjugal money or properties.²⁸

The relief provided in Section 8(g) thus fulfills the objective of restoring the dignity of women who are victims of domestic violence and provide them continued protection against threats to their personal safety and security.

“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.*”²⁹

²⁷ Id. at 421.

²⁸ Sec. 3, R.A. No. 9262.

²⁹ RATIONALE OF THE PROPOSED RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN.

WHEREFORE, the petition is **DENIED** for lack of merit. The Decision dated November 29, 2011 and Resolution dated March 9, 2012 of the Court of Appeals Mindanao Station in CA-G.R. SP No. 02953-MIN are **AFFIRMED and UPHELD**.

No costs.

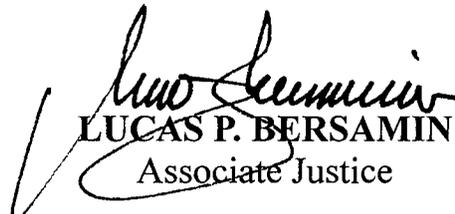
SO ORDERED.

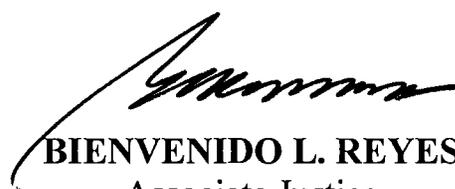

MARTIN S. VILLARAMA, JR.
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution, 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.


MARIA LOURDES P. A. SERENO
Chief Justice