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FIRST DIVISION

[G.R. No. L-48219. July 25, 1979]

MANUEL J.C. REYES, *petitioner, vs.* **HON. LEONOR INES-LUCIANO, as Judge of the Juvenile and Domestic Relations Court, Quezon City, COURT OF APPEALS and CELIA ILUSTRE-REYES,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL PROCEEDINGS; SUPPORT *PENDENTE LITE*; RETROACTIVE FROM THE DATE THE RECIPIENT DID NOT RECEIVE ANY SUPPORT.—During the period that she was not receiving any support she incurred debts. She must also pay attorney's fees. Considering that whatever support the private respondent, Celia Ilustre-Reyes, might now be receiving will be deducted from her share of the conjugal properties, the Court finds that under the equities and circumstances of the case, the decision should be modified so as to make the support *pendente lite* of Four Thousand Pesos (₱4,000.00) a month retroact to November 1, 1977.

RESOLUTION

FERNANDEZ, *J.*:

This is a motion for reconsideration filed on April 26, 1979 by the private respondent, Celia Ilustre-Reyes, asking that the decision be modified by making the payment of the support *pendente lite* of Four Thousand Pesos (₱4,000.00) a month retroact to June 1976, on the following grounds:

(1) There is ample evidence that the businesses of the petitioner, Manuel J. C. Reyes, can very easily bear the burden of support;

(2) The petition for support *pendente lite* is directed mainly on the private respondent's share in the conjugal partnership;

(3) Full support may be taken from the private respondent's share of the conjugal properties;

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(4) The private respondent, Celia Ilustre-Reyes, has incurred obligations during the three (3) year period that she was not given any actual support and she also has to pay attorney's fees;

(5) The corporation, Development and Technology Consultants, Inc., of which the petitioner is the controlling stockholder, in addition to four (4) cars in its name, has acquired two (2) new Opel Record sedan cars, each worth One Hundred Twenty Thousand Pesos (₱120,000.00), and the petitioner lives in an expensive condominium and maintains business offices in different buildings in Makati and Manila; and

(6) Finally, on April 20, 1979, the petitioner and his three (3) children went abroad on a two-month pleasure trip, while the private respondent, Celia Ilustre-Reyes, lives in a difficult and penurious situation, deeply in debt and caught in the web of high prices and current inflation.

The petitioner has also filed a motion for reconsideration of the decision on the grounds that (1) the trial court should be ordered to receive evidence on the issue of whether or not the private respondent is entitled to support *pendente lite*; and (2) assuming, *arguendo*, that the private respondent is entitled to support *pendente lite*, the amount of Four Thousand Pesos (₱4,000.00) is not only excessive for the needs of private respondent but beyond the means of the petitioner herein.

The Court has gone over the different exhibits attached by the parties to their respective motions. The Development and Technology Consultants, Inc. has multi-million construction projects with gross receipts of several million pesos.

The petitioner cannot seriously complain that the amount of support *pendente lite* he is ordered to pay will ruin him. He has not denied the allegations of the private respondent that the Development and Technology Consultants, Inc. has acquired two (2) new automobiles and that the petitioner maintains expensive offices and resides in an expensive condominium. It is not also denied that he and his three (3) children had recently traveled abroad for two (2) months.

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The support *pendente lite* in the amount of Four Thousand Pesos (₱4,000.00) is reasonable. Hence, the motion for reconsideration of the petitioner has no merit.

In resolving the motion for reconsideration of the private respondent, Celia Ilustre-Reyes, the Court has taken into consideration the fact that in view of the issuance of the restraining order by the Court of Appeals she had not received any support at all until this Court issued a resolution allowing her only One Thousand Pesos (₱1,000.00) a month.

Obviously, during the period that she was not receiving any support she incurred debts. She must also pay attorney's fees.

Considering that whatever support the private respondent, Celia Ilustre-Reyes, might now be receiving will be deducted from her share of the conjugal properties, the Court finds that under the equities and circumstances of the case, the decision should be modified so as to make the support *pendente lite* of Four Thousand Pesos (₱4,000.00) a month retroact to November 1, 1977.

WHEREFORE, the decision promulgated on February 28, 1979 is hereby modified in the sense that the support *pendente lite* at the rate of Four Thousand Pesos (₱4,000.00) a month should commence from November 1, 1977.

SO ORDERED.

Teehankee (Chairman), Makasiar, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.