

Grandfather's Little Dividends Ask for Alimony

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1 ATENEO L.J. 69 (1951)

SUBJECT(S): SUCCESSION, CIVIL LAW

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The Article begins by conceiving a hypothetical situation, one that does not include particular facts in names, ages, or problems. The Author then introduces a new case, in contrast to the first, as one that possesses similar facts. The Article discussed key issues and cited different cases to answer each. First, is when the grandfather becomes liable for the support of his grandchildren. This only comes, as stated, upon the showing that the father or mother is incapacitated to do so. Second, is if the grandfather is subsidiary liable for the support of his grandchildren. Being the case, such liability will be dependent on the inability of the father to provide support, since the obligations are not joint and concurrent. Third, is if the grandfather's consent to the marriage and his subsequent help to the spouses create any liability on his part to support his grandchildren. Answered in the negative, the decision was based on the lack of any provision of law vesting such right on the grandchildren. Fourth, is if the mother and the conceived child are entitled to support. The Court held that the child, at that time, had no need for the separate sustenance. Fifth and finally, is the effect of the denial of the right to support. This would result in the court exceeding its jurisdiction. The Author concludes that in such cases, the decision to grant alimony pendente lite is one based on equity and humanity, and to hold otherwise would mean that the Courts could go beyond mere interpretation and application of the law.