



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

CCC,

Petitioner,

G.R. No. 264846

Present:

CAGUIOA, *J.*, Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH,** *JJ.*

- versus -

Promulgated:

DDD, EEE, FFF, GGG & HHH,
Respondents.*

February 5, 2024

Mick De Santa

DECISION

DIMAAMPAO, J.:

This Verified Appeal by *Certiorari*¹ under Rule 45 of the Rules of Court rails against the Decision² and the Resolution³ of the Court of Appeals (CA), which affirmed the Judgment⁴ rendered by Branch ■ of the Regional Trial Court (RTC) of ■, Cotabato, denying the petition for *habeas corpus* and custody of minors filed by CCC, and which gave short shrift to the Motion for Reconsideration (Of the Decision dated June 21, 2022),⁵ respectively, in CA-G.R. SP No. 10277-MIN.

* The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Amended Administrative Circular No. 83-2015, entitled: Protocols and Procedures in the Promulgation, Publication and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances dated September 5, 2017.

** On official business.

¹ *Rollo*, pp. 11–36.

² *Id.* at 72–86. The June 21, 2022 Decision was penned by Associate Justice Oscar V. Badelles, with the concurrence of Associate Justices Lily V. Biton and Ana Marie T. Mas of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 102–103. Dated November 14, 2022.

⁴ *Id.* at 40–70. The December 4, 2020 Judgment was rendered by Presiding Judge Lily Lydia A. Laquindanum.

⁵ *Id.* at 89–100.

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Antecedents

CCC married the late III in 2006. They begot two children, namely: AAA, who was born in 2006, and BBB, who was born in 2011. After seven years of marriage, their relationship turned sour due to personal differences. As a result, III left the marital home together with their children and sought refuge at her parents' house in ██████████, North Cotabato. In 2014, the marriage was legally dissolved through a divorce obtained from a Shari'a Court. Three years thereafter, III passed away; AAA and BBB were left under the care and custody of her relatives, the respondents in this case.⁶

Meanwhile, respondent EEE, III's brother, became the judicially appointed guardian of the children.⁷

In 2018, CCC discovered that his children were no longer residing in ██████████, North Cotabato. He found them living in an apartment in ██████████ with III's siblings. Left without recourse, he filed a petition before the CA seeking the issuance of a writ of *habeas corpus* to regain custody over the minors.⁸

Prior to the final adjudication of the petition, the CA referred the case to Branch ██████ of the RTC of ██████████, Cotabato, and ordered III's siblings to appear before the trial court together with the children and to show cause why they should not be returned to the custody of CCC.⁹

In his testimony, AAA vividly described how CCC physically abused him, his sister, and their late mother. AAA highlighted a specific incident when CCC traveled to ██████████, Cotabato with the sole purpose of threatening III's life. AAA also overheard him explicitly stating that he refuses to acknowledge her as his wife and their children as his own. When given the choice, AAA expressed his preference to live with his mother's siblings instead of CCC. Furthermore, AAA conveyed a deep-seated sense of hatred toward his father.¹⁰

BBB's testimony aligned with her brother's account. She expressed her desire to remain in the care of her aunts and uncles, as they had treated her kindly. She intimated her reluctance to live with CCC because he already has another wife and children.¹¹

As III's relatives, respondents explicated that they had been entrusted with the care of the children following her death. However, it was EEE who

⁶ *Id.* at 72–73.

⁷ *Id.* at 54–55, RTC Judgment.

⁸ *Id.* at 73.

⁹ *Id.* at 74.

¹⁰ *Id.* at 43–44.

¹¹ *Id.* at 44.

officially filed and obtained the petition for guardianship over the minors. Despite EEE's work as a seaman abroad, he consistently provided monthly support of PHP 40,000.00 for the children. Respondents expressed their strong desire to maintain custody of the children, citing concerns about CCC's inability to provide them proper care. They also provided detailed accounts of the hardships that their sister endured during the years she lived with him.¹²

In response, CCC vehemently denied abandoning III and their children for another woman. He claimed entering into a new relationship only after separating from III. He accused respondents of influencing his children's perspective, leading them to reject the idea of living with him. He expressed his strong desire to personally raise and provide guidance to his children while acknowledging and striving to address his past shortcomings. Despite having a new family, he avouched that his new wife willingly agreed to take the children into their household.¹³

In due course, the RTC denied the *habeas corpus* and custody petition and refused to grant CCC custody over the minors. The *fallo* of the Judgment reads:

WHEREFORE, the Court finds no cogent reason to grant the herein petition for *habeas corpus* and custody of minors AAA and BBB to herein petitioner, thus, hereby **DENIES** the same and **judgment** is hereby rendered:

1. That the custody over the person of minors AAA and BBB shall remain with EEE, the guardian designated and appointed by the Court in Spl. Proc. No. 17-010, rendered by the RTC, Branch ■■■, Cotabato;
2. That petitioner is ordered to give monthly financial support to AAA and BBB necessary for their support, maintenance and education, in the sum of [PHP] 40,000.00, for the two of them, which amount was the financial support that EEE has been providing the minors, and may be increased depending upon the needs of the children;
3. Direct the Social Welfare Officer of the LSWDO of ■■■, Cotabato, to conduct a thorough and continuous counselling to the minors, AAA and BBB, including the guardian, to prepare the minors emotionally and psychologically in allowing the petitioner to visit them, and if the children are already prepared for the visitation, to schedule the time of visitation which is the most convenient to the minor children, and submit a case study and report on the continuous counselling being undertaken to the Court. Counselling must be done immediately, and upon coordination with guardian appointed by the Court;
4. Direct the petitioner to undergo psychological and psychiatric counselling, to prepare him of his responsibilities toward his

¹² *Id.* at 44-47.

¹³ *Id.* at 49.

- children, and to consult with the local Social Welfare Officer of [REDACTED], Cotabato, for the conduct of said counselling; [and]
5. Grant unto the petitioner visitation rights, upon the recommendation of the Social Welfare Officer, when the minor-children AAA and BBB are already ready and willing to allow the petitioner to visit them, and the visitation period must be scheduled in accordance with what is most convenient to the minor children[.]

SO ORDERED.¹⁴

The trial court took into consideration the best interest and welfare of AAA and BBB.¹⁵ Noting the children's preference to stay in the custody of their uncle and aunts, the RTC deemed it best to retain the *status quo*.¹⁶

Unflinching, CCC appealed to the CA which, however, affirmed the RTC ruling. Taking into account all relevant circumstances that have bearing on the children's well-being and development, the CA found that respondents have the better right to retain custody of the minor children.¹⁷ Being the judicially appointed guardian, EEE has not unlawfully restrained and deprived the minors AAA and BBB of their liberty.¹⁸

CCC's plea for a reconsideration of the adjudication of the CA having been denied in the assailed Resolution, he now comes to this Court seeking to overturn the unanimous disposition of the RTC and CA.

The Court's Ruling

After a percipient study of the case at bench, the Court rules and so holds to deny the Petition.

The CA committed no reversible error in affirming the trial court's denial of CCC's petition for the issuance of the writ of *habeas corpus* and in refusing to grant him custody of his minor children.

A writ of *habeas corpus* shall extend to all cases where the rightful custody of any person is withheld from the persons entitled thereto. In cases involving minors, the purpose of a petition for *habeas corpus* is not limited to the production of the child before the court. The main purpose of the petition for *habeas corpus* is to determine who has the rightful custody over the

¹⁴ *Id.* at 69–70.

¹⁵ *Id.* at 59–61.

¹⁶ *Id.* at 63.

¹⁷ *Id.* at 83.

¹⁸ *Id.* at 85.

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child.¹⁹ In deciding custody issues, the child's welfare is the most important consideration.²⁰

Along this grain, the trial court must carefully consider the totality of the circumstances. Ultimately, such issue is factual in nature, which the Court is not tasked to undertake under a Rule 45 petition as it is not a trier of facts.²¹ Thus, as a matter of sound practice and procedure, the Court defers and accords finality to the factual findings of trial courts.²²

In the case at bench, the RTC, as affirmed by the CA, found that AAA and BBB are better off living with respondents, who are III's relatives.

The Court could not agree more.

As earlier adumbrated, in custody cases involving minors, the writ of *habeas corpus* is prosecuted for the purpose of determining the right of custody over a child. The grant of the writ depends on the concurrence of the following requisites: (1) that the petitioner has the right of custody over the minor; (2) that the rightful custody of the minor is being withheld from the petitioner by the respondent; and (3) that it is to the best interest of the minor concerned to be in the custody of petitioner and not that of the respondent.²³

Section 14 of A.M. No. 03-04-04-SC²⁴ fleshes out the factors in determining custody, thus:

Section 14. Factors to consider in determining custody. - In awarding custody, the court shall consider the best interests of the minor and shall give paramount consideration to his material and moral welfare. The best interests of the minor refer to the totality of the circumstances and conditions as are most congenial to the survival, protection, and feelings of security of the minor encouraging to his physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the minor.

The court shall also consider the following:

(a) Any extrajudicial agreement which the parties may have bound themselves to comply with respecting the rights of the minor to maintain direct contact with the non custodial parent on a regular basis, except when there is an existing threat or danger of physical, mental, sexual or emotional violence which endangers the safety and best interests of the minor;

¹⁹ See *Bagtas v. Hon. Judge Santos*, 621 Phil. 94, 103–104 (2009) [Per J. Carpio, Second Division].

²⁰ *Id.* at 105.

²¹ RULES OF COURT, Rule 45, sec. 1.

²² See *Pascual v. Pangyarihan-Ang*, 872 Phil. 1035, 1042 (2020) [Per C.J. Peralta, First Division].

²³ See *Masbate v. Relucio*, 837 Phil. 515, 526 (2018) [Per J. Perlas-Bernabe, Second Division].

²⁴ Re: Proposed Rule on Custody of Minors and Writ of *Habeas Corpus* in Relation to Custody of Minors, promulgated on April 22, 2003.

- (b) The desire and ability of one parent to foster an open and loving relationship between the minor and the other parent;
- (c) The health, safety and welfare of the minor;
- (d) Any history of child or spousal abuse by the person seeking custody or who has had any filial relationship with the minor, including anyone courting the parent;
- (e) The nature and frequency of contact with both parents;
- (f) Habitual use of alcohol, dangerous drugs or regulated substances;
- (g) Marital misconduct;
- (h) The most suitable physical, emotional, spiritual, psychological and educational environment for the holistic development and growth of the minor; and
- (i) The preference of the minor over seven years of age and of sufficient discernment, unless the parent chosen is unfit.

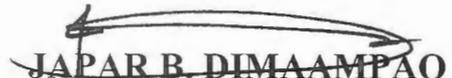
Here, both the RTC and the CA deep dived into the significant and negative inner feelings of hatred expressed by AAA and BBB towards petitioner. These sentiments stem from the purported physical and emotional abuses he had inflicted upon them and their deceased mother. Additionally, the minors explicitly stated their preference for their aunts and uncle to be their custodians. These circumstances provide sufficient justification for maintaining custody of the minors to respondents. Indeed, children possess an innate ability to discern authentic love and care from empty utterances. The path to rekindling the bond between petitioner's children and him lies not solely in legal avenues but in the unequivocal demonstration of love and devotion. This journey requires more than superficial gestures; it necessitates heartfelt efforts to earn the children's trust and affection.

In the same breath, it is worth noting that EEE, as the judicially appointed guardian, has been fulfilling his role responsibly. Petitioner failed to proffer any evidence to demonstrate the unfitness of EEE to continue acting as the guardian of his children. Thence, there are no compelling reasons to revoke EEE's guardianship and disturb the current custody arrangement.

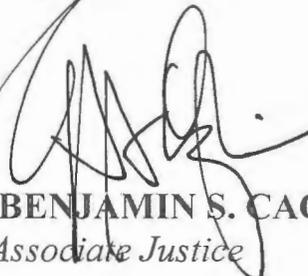
ACCORDINGLY, the Verified Appeal by *Certiorari* is hereby **DENIED**. The June 21, 2022 Decision and the November 14, 2022 Resolution of the Court of Appeals in CA-G.R. SP No. 10277-MIN are **AFFIRMED**.

SO ORDERED.




JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

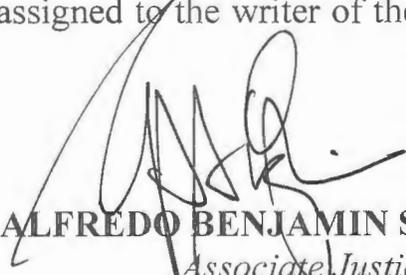

HENRI JEAN PAUL B. INTING
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

On official business
MARIA FILOMENA D. SINGH
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.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice