

**\*\*Title:\*\*** Zenaida Medina v. Dra. Venancia L. Makabali

**\*\*Facts:\*\***

1. On February 4, 1961, petitioner Zenaida Medina gave birth to a baby boy named Joseph Casero at the Makabali Clinic in San Fernando, Pampanga. The clinic was owned and operated by respondent Dra. Venancia L. Makabali, who also assisted in the delivery.
2. Joseph Casero was Zenaida's third child with Feliciano Casero, a married man. Immediately after his birth, Zenaida left Joseph in the care of Dra. Makabali.
3. Dra. Makabali took care of Joseph as her own son, covered his medical expenses including treatment for poliomyelitis, and provided for his education.
4. Zenaida Medina, during this period, lived with Feliciano Casero and their two other children. It is noted that Feliciano's lawful wife was living elsewhere, and the children from both relationships were on good terms.
5. For more than five years, from Joseph's birth until August 1966, Zenaida did not visit or support her child financially.
6. In an effort to regain custody of Joseph, Zenaida Medina filed a habeas corpus proceeding in the Court of First Instance of Pampanga (Special Proceeding No. 1947).
7. The trial was held, and when called to the stand, Joseph expressed his preference to stay with Dra. Makabali, whom he called "Mammy," stating that she reared him.
8. The trial court, after obtaining a promise from Dra. Makabali to allow Joseph a choice of living with his biological mother at the age of 14, ruled in favor of Dra. Makabali, concluding that staying with her was in the best interest of Joseph.
9. Zenaida Medina appealed directly to the Supreme Court, challenging the trial court's decision solely on points of law.

**\*\*Issues:\*\***

1. Whether the biological mother's natural right to the custody of her child should prevail over the interest and welfare of the child when the child has been in long-term care and custody of a third party.

2. Whether the trial court erred in refusing Zenaida Medina's petition for the custody of her son, Joseph Casero.

**\*\*Court's Decision:\*\***

1. **\*\*Natural Right vs. Child's Welfare:\*\***

- The Supreme Court affirmed the trial court's decision emphasizing that a parent's right to custody is not absolute and must be balanced against the child's welfare. The paramount consideration is the best interest and welfare of the child as stipulated in Article 363 of the Civil Code of the Philippines.

2. **\*\*Validity of the Trial Court's Decision:\*\***

- The Supreme Court concluded there was no abuse of discretion by the trial court. It noted that Zenaida Medina had failed to fulfill her parental duties, having abandoned her child for several years. Her financial resources were meager, and the child's established emotional attachment and well-being with Dra. Makabali made it unjustifiable to disturb the existing custody arrangement.

**\*\*Doctrine:\*\***

- The right of parents to the custody of their children is secondary to the fulfillment of parental duties and the best interest of the child (Civil Code, Art. 363).  
- Custody may be awarded to a third party if it is in the best interest of the child, reflecting the evolved concept of 'patria protestas' from a right of control to a duty of care and responsibility.

**\*\*Class Notes:\*\***

- Key Concepts:

- **\*\*Parental Custody vs. Child Welfare:\*\*** Parental custody rights are subordinate to the child's welfare (Civil Code, Article 363).

- **\*\*Doctrine of Best Interest of the Child:\*\*** The legal principle prioritizing the child's well-being over biological relations.

- Statutory Citation:

- Article 363, Civil Code of the Philippines: "In all questions on the care, custody, education, and property of children, the latter's welfare shall be paramount."

- Application: This principle guided the Supreme Court to uphold the trial court's decision favoring the child's welfare over mere biological rights.

**\*\*Historical Background:\*\***

- This case reflects the societal values related to family and child welfare in the Philippines during the 1960s. It illustrates a shift in legal perspective from parental rights to child-centered approaches driven by evolving recognition of children's rights and welfare, influenced by Christian doctrines and legal reforms adapting to modern familial structures. This context underscores the gradual transformation of legal duties and the sacred trust parents hold for their children's welfare, marking the progress of family law principles in the Philippine legal system.