

**\*\*Title:\*\*** Querubin vs. Querubin, G.R. No. L-4110, July 31, 1950

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

1. **\*\*Background and Marriage:\*\*** Silvestre Querubin, originally from Caoayan, Ilocos Sur, went to the United States in 1926 to study and earned a “Master of Arts and Sciences” from the University of Southern California. He resided in Los Angeles from 1934. On October 20, 1943, he married Margaret Querubin in Albuquerque, New Mexico, and they had a daughter, Querubina Querubin.
2. **\*\*Divorce Proceedings:\*\*** In 1948, Margaret filed for divorce based on “mental cruelty.” Silvestre counterclaimed for divorce on grounds of Margaret’s infidelity, which was granted to him on February 7, 1948. An order on April 5, 1949, awarded custody of Querubina to Silvestre, to be maintained in a neutral home in California.
3. **\*\*Margaret’s Custody Petition:\*\*** While these proceedings were ongoing, Silvestre left the U.S. with Querubina and moved to the Philippines, specifically to Caoayan, Ilocos Sur, on November 25, 1949. Subsequently, Margaret obtained a modified order from the Los Angeles court on November 30, 1949, granting her custody of Querubina and requiring Silvestre to pay child support.
4. **\*\*Habeas Corpus Petition in the Philippines:\*\*** On February 10, 1950, Margaret filed for a writ of habeas corpus in the Philippine Court of First Instance of Ilocos Sur, seeking custody of Querubina based on the California court order. The trial court denied her petition on February 28, 1950.
5. **\*\*Appeal to the Philippine Supreme Court:\*\*** Margaret appealed the decision, asserting that the California decree should be enforced in the Philippines under Article 48 of the Rules of Court.

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

1. Whether the interlocutory decree modifying the custody order from the California court can be enforced in the Philippines.
2. Whether the doctrine of comity mandates recognition and enforcement of the California decree in the Philippines.
3. Whether the interest of the child’s welfare overrides the procedural claims for enforcement of foreign judgments.

**\*\*Court’s Decision:\*\***

1. **Enforcement of Interlocutory Decree:** The Supreme Court held that an interlocutory decree about child custody is not a final judgment and is subject to changes based on evolving circumstances. The interlocutory decree does not have the finality required for enforcement under Philippine laws.
2. **Doctrine of Comity:** The Court ruled that the doctrine of comity is not absolute and should not be applied if it contradicts Philippine laws, customs, and public policy. Comity may be rejected when the foreign decree contravenes local statutes or moral principles.
3. **Welfare of the Child:** The paramount consideration was the welfare of the child. The Court found that it would not be in Querubina's best interest to be placed under her mother's custody, especially in light of Margaret's past infidelity and the potential adverse moral impact on the child.

**Doctrine:**

- **Finality of Divorce and Custody Orders:** Only final judgments that adjudicate the rights of parties conclusively can be enforced internationally, not interlocutory decrees.
- **Comity of Nations:** Foreign judgments should not contravene the domestic laws, public order, or moral principles of the enforcing country.
- **Child's Best Interest:** In custody disputes, the child's welfare takes precedence over the enforcement of procedural orders or parental rights.

**Class Notes:**

1. **Interlocutory vs. Final Judgments:** Understanding the distinction is crucial—the former are subject to change and not enforceable in other jurisdictions, while the latter adjudicates rights conclusively.
2. **Doctrine of Comity:** It promotes international cooperation but is constrained by local laws and public policy considerations.
3. **Custody and Child Welfare:** The principle of prioritizing the child's best interest is a universal standard, often outweighing procedural technicalities.
4. **Philippine Family Law:** Articles 154 and 171 of the Civil Code outline the parental authority and the grounds for its suspension or deprivation due to improper conduct.

**Historical Background:**

The case reflects post-World War II complexities in personal laws involving international marriage and divorce, amidst tightening moral and societal norms in the Philippine legal system. It showcases the evolving dynamics of family law, especially in custody issues

influenced by cross-border legal interactions, and underscores the priority of a child's welfare above all legal and procedural contentions.