

****Title:** Briones v. Miguel, G.R. No. 156343 (March 20, 2006)**

****Facts:****

The petitioner, Joey D. Briones, and respondent Loreta P. Miguel are the biological parents of an illegitimate child, Michael Kevin Pineda, born in Japan. Loreta is now married to a Japanese national and resides in Japan. Joey claimed he had custody of Michael in the Philippines, having brought him there and enrolled him in school. Loreta, however, contested that she had brought Michael to the Philippines pursuant to an agreement with Joey.

In May 2001, Maricel P. Miguel and Francisca P. Miguel, Loreta's relatives, took Michael from Joey's home under the pretense of a visit but did not return him. Joey sought their whereabouts and filed for police assistance, but his efforts were unsuccessful, leading him to file a Petition for Habeas Corpus in the RTC of Caloocan City, which was withdrawn *ex parte*.

Joey then filed a Petition for Habeas Corpus in the Court of Appeals (CA), aiming to obtain custody of Michael. He highlighted that Loreta frequently traveled to Japan and that her relatives were unfit custodians. In opposition, Loreta maintained she had always retained custody and contended that Joey was unfit due to unemployment and past legal infractions in Japan.

The CA granted custody to Loreta but awarded Joey visitorial rights, also providing for Michael, upon reaching ten years old, to choose his preferred parent per Section 6, Rule 99 of the Rules of Court. Joey appealed this decision to the Supreme Court (SC).

****Issues:****

1. Whether an illegitimate child's custody should be awarded to the father when the mother is residing abroad.
2. Whether the application of Section 6, Rule 99 of the Rules of Court allowing the child to choose his custodian upon reaching ten years old is appropriate in this situation.

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

****Issue 1: Custody of the Child****

The SC upheld the CA's decision, stating that, per Article 176 of the Family Code, parental authority over an illegitimate child lies solely with the mother. Despite Loreta's travels, there was no evidence proving her unfitness to care for Michael. Thus, custody remained with Loreta while the petitioner retained visitorial rights.

****Issue 2: Application of Section 6, Rule 99****

The SC found the CA's reference to Section 6, Rule 99 erroneous, as it applies to parents who are legally separated or living separately within a valid marriage, which was not the case here. Joey and Loreta were never married. Consequently, the section allowing Michael to choose his custodian at age ten was deleted from the decision.

****Doctrine:****

An illegitimate child is under the sole parental authority of the mother, in alignment with Article 176 of the Family Code. The doctrine reaffirmed here is that sole parental authority cannot be transferred or renounced except as authorized by law, e.g., through adoption or guardianship.

****Class Notes:****

- ****Illegitimate Children:**** According to Article 176, they are under the custody of the mother even if the father recognizes the child.
- ****Custodial Rights:**** The mother's fitness must be proven unfit for custodial rights to transfer.
- ****Parental Authority Transfer:**** Parental authority cannot be transferred or renounced (Family Code, Articles 210 and 216).

****Historical Background:****

This case underscores the evolution from the Civil Code's distinctions between 'natural' and 'spurious' illegitimate children to the Family Code's simplified classification. Historically, this underscores a move towards gender equity in parental authority issues concerning illegitimate children, providing mothers with default custodial rights unless unfitness is demonstrably proven. This consolidation in law reflects broader shifts towards clarity and fairness in family law jurisprudence in the Philippines.