

Title

Masbate vs. Relucio (2019)

Facts

1. **Background**:

- Petitioner Renalyn A. Masbate and respondent Ricky James Relucio lived together in Renalyn's family home without the benefit of marriage. They have an illegitimate daughter, Queenie Angel M. Relucio, born on May 3, 2012.

2. **Relationship Ends**:

- April 2015: The relationship between Renalyn and Ricky James ends. Renalyn moves to Manila to study dentistry, leaving Queenie in the care of Ricky James.

3. **Incident at School**:

- November 7, 2015: Renalyn's parents, Spouses Renato and Marlyn Masbate, took Queenie from school. They showed a Special Power of Attorney (SPA) executed by Renalyn granting them custody.

4. **Petition for Habeas Corpus and Child Custody**:

- Consequent to not returning Queenie, Ricky James files a petition for habeas corpus and child custody with the Regional Trial Court (RTC) of Legazpi City.

5. **RTC Hearing**:

- December 3, 2015: Renalyn brings Queenie to court and expresses intent for Queenie to remain in her custody.

- December 4, 2015: RTC grants custody to Renalyn citing Article 213 of the Family Code, emphasizing that Queenie, being under seven years, should not be separated from her mother. Ricky James's petition is dismissed.

6. **Motion for Reconsideration**:

- Ricky James argues that the RTC failed to conduct a proper hearing as required and that he was denied due process. His motion is denied by the RTC on January 7, 2016.

7. **Appeal to the Court of Appeals (CA)**:

- Ricky James appeals, asserting errors in not conducting a full-blown trial, not considering the best interests of the child, and not granting him shared custody or visitation rights.

- September 2, 2016: Mediation fails.

Issues

1. **Procedural Issues**: Whether the RTC erred in dismissing the habeas corpus and child custody petition without a full trial and whether the hearing conducted was sufficient.
2. **Substantive Issues**:
 - **Custody Rights**: Whether an illegitimate father like Ricky James has rights to custody or visitation.
 - **Best Interests of the Child**: Whether the decision served the best interests of Queenie, considering factors such as neglect or abandonment by Renalyn.

Court's Decision

1. **Procedural Aspect**:
 - **CA's Decision**: The CA set aside the RTC Orders and remanded the case for a full trial to determine custody, establishing factual issues about Renalyn's alleged neglect. The CA also granted Ricky James visitation rights of two days per week and temporary custody of up to 24 hours once a month.
 - **Supreme Court's Ruling**: The SC affirmed the remand for full trial to determine who should exercise custody. Procedural rules should yield to the substantial justice mandate, especially where child welfare is concerned.
2. **Substantive Aspect**:
 - **Presumption of Maternal Custody**: Article 213 of the Family Code applies to both legitimate and illegitimate children, meaning a child under seven should not be separated from his/her mother unless compelling evidence of unfitness is presented.
 - **Illegitimate Father's Custody Rights**: Articles 216 and 176 of the Family Code do not automatically disqualify an illegitimate father from seeking custody. The paramount concern is the child's best interests.
 - **Temporary Custody**: The SC overturned the CA's additional grant of temporary custody to Ricky James due to the lack of compelling evidence against Renalyn's suitability as Queenie's custodian. The SC allowed visitation rights of two days a week, with the possibility of taking Queenie out upon Renalyn's written consent.

Doctrine

1. **Parental Custody of Illegitimate Children**:
 - Article 176, Family Code: Parental authority over an illegitimate child is vested in the mother, and this authority includes the right to custody unless declared unfit.
 - Article 213, Family Code: A child under seven years old shall not be separated from the

mother unless compelling reasons exist.

2. **Best Interest of the Child**: The court's ultimate consideration in custody cases is the child's welfare, transcending mere parental rights.

Class Notes

- **Key Concepts**:
- **Parental Authority and Custody**: Article 176, Family Code - vested in the mother for illegitimate children.
- **Tender Age Presumption**: Article 213, Family Code - children below seven should not be separated from their mother unless clear evidence indicates the mother's unfitness.
- **Best Interests of the Child**: Family Code and precedence dictate the child's welfare as the supreme consideration (Article 363 of the Civil Code).
- **Statutes**:
- **Article 213, Family Code**: Reflects on the separation and custody considerations of children under seven.
- **Article 176, Family Code**: Consolidates custodial rights predominantly with the mother for illegitimate children unless otherwise unsuitable.

Historical Background

The case builds on previous jurisprudence relating to the custody of minors, particularly emphasizing the courts' role in protecting children's welfare under evolving family structures and relationships. Historical interpretation of the Family Code prioritizes children under seven remaining with the mother, reflecting continuing legal concerns about the emotional and developmental well-being of children in custody disputes. This approach also underscores the adaptability of legal frameworks to accommodate contemporary family dynamics.