

IN THE MATTER OF THE PETITION FOR WRIT OF HABEAS CORPUS FOR AND IN BEHALF OF MINOR CHILDREN YOONA YSABELLA D. AMPULLER AND YUAN YUSEFF D. AMPULLER

Ponente: ABDULWAHID, J.

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ABDULWAHID, J.:

When this case was called for preliminary hearing on March 24, 2015, both petitioner Xyrus Albert E. Ampuller, assisted by counsels, Attys. Jose R. Ramos, Jr. and Reyjie R. Torres, and respondent May Ann Gellotte R. Doblados-Ampuller, together with their minor children, Yoona Ysabella D. Ampuller and Yuan Yuseff D. Ampuller, accompanied by Supervising Agent Darwin Camilo Lising and Special Investigator III Ferdinand A. Manuel of the National Bureau of Investigation, appeared before this Court. Respondent was unassisted by counsel, but she manifested her desire to have the services of a counsel, although she indicated that she cannot afford to retain a private counsel. Thus, this Court advised her to procure the services of the Public Attorney's Office.

Considering that this case involves the writ of habeas corpus in relation to custody of minors, and in accordance with A.M. No. 03-04-04-SC (Re: Proposed Rule on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors), the same should be referred to the Executive Judge of the Regional Trial Court (RTC) of Imus, Cavite, for raffling to any of the family courts therein for hearing and decision on the merit.

Meanwhile, upon leave of court, petitioner and respondent conferred with each other, and then, agreed on the provisional arrangement on custody of the two minor children under the following terms and conditions: 1) that respondent shall allow their eldest child, Yoona Ysabelle D. Ampuller, to attend and participate in the graduation rehearsal on March 25, 2015, Wednesday, and the graduation ceremony on March 27, 2015, Friday, at her pre-school in Imus, Cavite; (2) that, in the meantime, respondent, together with their minor children, shall transfer to a decent and reasonable accommodation in Imus, Cavite, to be agreed upon by both petitioner and respondent, and at the expense of petitioner; (3) that respondent shall not take away the minor children from the said place during the provisional period, provided that petitioner shall fully support respondent and their minor children financially and provide all their reasonable needs during said period; (4) that petitioner shall be granted visitatorial rights to the two minor children from 1:00 p.m. to 7:00 p.m. daily, starting March 24, 2015 until April 7, 2015, and that he be allowed to take the children out, provided that they be accompanied by respondent at all times; and (5) that for prompt service of this resolution and future court proceses, petitioner shall immediately inform the Division Clerk of Court, this Court, of the specific address of the place provided by petitioner under the provisional arrangement.

WHEREFORE, the provisional arrangement on the custody of the two minor children Yoona Ysabella D Ampuller and Yuan Yuseff D. Ampuller, is APPROVED, without prejudice to the parties agreeing to further extension of the period thereof. Both parties are enjoined to faithfully comply with the terms and conditions of the provisional arrangement.

Further, the instant case is referred to the Executive Judge of the RTC of Imus, Cavite, for raffling to the proper Family Court therein, for hearing and decision on the merit. The case is set for preliminary hearing at the designated Family Court of Imus, Cavite, on April 7, 2015, at 8:30 a.m. Both parties are required to appear before the said court for the hearing.

SO ORDERED.

Baltazar-Padilla, P.J.B., and Inting, S.B., JJ., concur.

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