

IN THE MATTER OF PETITION FOR THE ISSUANCE OF A WRIT OF HABEAS CORPUS FOR THE MINOR SUHAILA HASAN ABDULRASOOL SHEER MOHAMED JANNALIZA DOMINGO CHAN, PETITIONER, VS. JOYCERINE D. ...

Ponente: BATO, JR., J.

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BATO, JR., J.:

This is a petition for habeas corpus filed on 03 April 2014 by the biological mother Jannaliza Domingo Chan for the custody of her minor nine (9) year old daughter Suhaila Hasan Abdulrasool Sheer Mahamed against respondents Ronald “Onald” Alcantara and her sisters Joycerine D. Chan and Jackielyn Finch-Raymundo.

On 10 April 2014, the Court issued a writ of habeas corpus directing the respondents to produce before the Court the live person of the subject minor on 14 April 2014. Respondents complied with the Court's order and during the hearing on 14 April 2014 provisional custody of the subject minor was turned over to the biological mother.

During the hearing on 28 April 2014, upon the intercession of the Court, the parties manifested their willingness to enter into an amicable settlement. On the same date, the parties, with the assistance of their respective counsel, jointly submitted for approval the following Compromise Agreement, viz.:

“COMPROMISE AGREEMENT

For the best interest of the minor child Suhaila Hasan Abdulrasool Sheer Mahamed, the parties agreed that:

- Custody over the person of the minor shall be under the sole custody of the mother, JANNALIZA DOMINGO CHAN while she stays in the Philippines but subject to the visitation rights of respondent JOYCERINE D. CHAN, which is once a week, preferably on Saturday. The said respondent shall be allowed to visit the child on the said day from 8:00 o'clock in the morning up to 6:00 in the evening and she can also bring the child out for bonding or leisure together with the “YAYA” on the said hours. In the event that the child shall not be available on a Saturday, respondent can exercise the same visitation rights over the child on Sunday the following day but preferably between the hours of 8:00 o'clock in the morning until 1:00 o'clock in the afternoon.

- If the mother, JANNALIZA DOMINGO CHAN shall leave the Philippines for work or for whatever reason, the parties agreed that custody shall be momentarily given to respondent JOYCERINE D. CHAN who shall return back the custody as soon as the former returns back to the Philippines.

- Parties agreed that in case of school activities, it is the mother, JANNALIZA DOMINGO CHAN who shall accompany the said minor not unless she is not available where respondent JOYCERINE D. CHAN can be a

substitute.

- Likewise, parties agreed to withdraw all cases file against each other more particularly, NPS Nos. XV-18d-INV-14C-01919-20, entitled, “SUHAILA HASAN SHEER MOHAMED, JANNALIZA CHAN Y DOMINGO vs. JOYCERINE CHAN Y DOMINGO”, for Kidnapping and Failure to Return a Minor and Violation of R.A. 7610 and NPS Docket No. XV-18d-INV-14D-02293, entitled, “SUHAILA HASAN SHEER A. MOHAMED/JOYCERINE D. CHAN VS. JANNALIZA D. CHAN”, for Violation of R.A. 7610, both pending before the Office of the Provincial Prosecution of Rizal and all other cases relative to this case and that parties undertake to execute the necessary Affidavit of Desistance for the withdrawal and/or dismissal of the said cases.

- For the best interest of the minor, SUHAILA HASAN SHEER MOHAMED, JANNALIZA D. CHAN undertakes to bring the child to Dr. Lourdes Jusay to continue the psychological treatment of the said minor.

- Parties undertake not to change their respective addresses without the knowledge of each other.

- Parties agreed not to utter defamatory and/or derogatory words against each other for their best interest and that of the child.

PRAYER

WHEREFORE, premises considered, parties respectfully prayed before this Honorable Court that the above Compromise Agreement be approved.

Parties further prayed for such other reliefs just and equitable under the premises.

City of Manila, 28 April 2014.

(Sgd.)

(Sgd.)

JANNALIZA D. CHAN

JOYCERINE D. CHAN

Petitioner

Respondent

(Sgd.)

(Sgd.)

JACKIELYN-FINCH RAYMUNDO

RONALD ALCANTARA

Respondent

Respondent

With the assistance of counsels:

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by:

(Sgd.)

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by:

(Sgd.)

ATTY. ALELI A. OKIT

(Sgd.)

ATTY. LEZELDA M. RAÑESES

Xxx”[1]

ACCORDINGLY, finding the Compromise Agreement not being contrary to law, morals, good custom and public policy, the same is hereby APPROVED. The parties are enjoined to comply with the terms and conditions of the same.

The above-entitled case is now considered CLOSED and TERMINATED.

Let this case be excluded from the docket of this Court.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Zalameda and Diy, JJ., concur.

[1] Rollo, pp. 82-85.

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