

RIZA MIKAELA E. TURINGAN, REPRESENTED BY HER MOTHER ELIZABETH E. TURINGAN, PETITIONER, V. RICO M. TURINGAN, RESPONDENT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On March 16, 2011, a Resolution[1] was issued granting the Petition for Habeas Corpus[2] ("Petition" for brevity) filed by petitioner Elizabeth E. Turingan ("petitioner" for brevity) against Rico M. Turingan ("respondent" for brevity). The Resolution[3] issued a Writ of Habeas Corpus ("Writ" for brevity) commanding the National Bureau of Investigation ("NBI" for brevity) to produce the living body of minor Riza Mikaela Turingan ("minor Riza" for brevity) and to submit a return of the Writ before the Regional Trial Court of Quezon City, Branch 78 ("RTC-Br. 78" for brevity). The Resolution[4] also ordered the RTC to conduct a hearing pursuant to the return of the Writ and on the merits of the Petition[5].

Pursuant to Our directive in such Resolution[6] of March 16, 2011, Hon. Fernando T. Sagun, Jr. ("Hon. Sagun" for brevity), Acting Executive Judge of RTC-Br. 78, filed to Us a letter[7] which stated that the parties in the Petition[8] at bench had entered into a Compromise Agreement[9], and that the case should now be deemed closed and terminated.[10]

Hon. Sagun attached to his letter[11], the parties' Compromise Agreement[12] which in turn, stated the following:

"PARTIES assisted by their respective counsels, unto this Honourable (sic) Court, most respectfully state:

1. Respondent agreed to turn over in favor of petitioner custody of the subject minor child Riza Mikaela E. Turingan upon submission to the Honorable Court petitioner's passport. Meantime, the Branch Clerk of Court of RTC 78, Quezon City shall take custody of the said passport of the petitioner for safe keeping only.
2. Respondent acknowledges that petitioner mother shall have full custody of the subject child from 1:00 P.M. of March 23, 2011 until 4:00 P.M. of March 28, 2011.
3. Petitioner agrees that she will turn over the said child to the respondent's custody at 4:00 P.M. on March 28, 2011 at RTC, 78, Quezon City and to which time the court shall turn over to the petitioner her passport. It is understood, however, that petitioner may get her passport from the Branch Clerk of Court of RTC 78, Quezon City at anytime she wishes to leave the country earlier than March 28, 2011, provided she turns over custody of her child Riza Mikaela Turingan to the respondent.

WHEREFORE, it is respectfully prayed that the compromise agreement be approved by the Honorable Court, not being contrary to law, morals, good customs and public policy."[13]

Such terms of the Compromise Agreement[14] are shown to be not contrary to law, morals, good customs, public order or public policy.

In addition, the rule is settled that the RTC enjoys the presumption of regularity in the performance of its official duty[15].

GIVEN ALL THESE, the case at bench is considered CLOSED and TERMINATED.

SO ORDERED.

Salazar-Fernando (Chairperson) and Librea-Leagogo, JJ., concur.

[1] Rollo, pp. 24-28

[2] Rollo, pp. 3-10

[3] Rollo, pp. 24-28

[4] Rollo, pp. 24-28

[5] Rollo, pp. 3-10

[6] Rollo, pp. 24-28

[7] Rollo, p. 30

[8] Rollo, pp. 3-10

[9] Rollo, p. 36

[10] Rollo, p. 30

[11] Rollo, p. 30

[12] Rollo, p. 36

[13] Rollo, p. 36

[14] Rollo, p. 36

[15] Sec. 3 (m), Rule 131, Rules of Court

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