EDUARDO BALAGTAS, PETITIONER, VS. COURT OF APPEALS, THE CEBU CITY POLICE STATION SUPERINTENDENT, THE SUB-STATION COMMANDER OF PARDO, POLICE SUBSTATION, CEBU CITY, SPO-3 FIDEL PA...

G.R. No. 109073. October 20, 1999

Ponente: PURISIMA, J.

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PURISIMA, J.:

This is a Petition for Certiorari under Rule 65 of the Revised Rules of Court assailing the Decision of the Court of Appeals[1] in CA G.R. SP No. 28155, dated January 26, 1993, affirming the Decision of Branch 11, 7th Judicial Region, Regional Trial Court of Cebu, dismissing the petition in Special Proceeding Case No. 3328-CEB, entitled "In the Matter of the Petition for Habeas Corpus of Rutchel Apostol".

The pertinent facts are as follows:

On November 18, 1991, the officers of Danao Police Station and Pardo Sub-Station took Rutchel Apostol from the house of Eduardo Balagtas without any warrant of arrest.

On December 4, 1991, the petitioner, acting on behalf of Rutchel Apostol, initiated special proceedings for habeas corpus, docketed as Spec. Proc. Case No. 3328-CEB before the Regional Trial Court of Cebu City. He theorized that sometime in May 1991, Rutchel started to reside with him in Cebu City because of her desire to undertake spiritual studies at the Chaitanya Mission. On the same day, the trial Court issued an order directing the public respondents to bring the body of Rutchel before it on December 9, 1991, at 10:40 P.M., and to show cause why Rutchel Apostol had been deprived of her liberty and/or petitioner was denied rightful custody of Rutchel.

On December 9, 1991, the public respondents did not produce the body of Rutchel Apostol. As a result, the Trial Court issued another Order giving them five (5) days to submit their opposition to the petition, and resetting the hearing to December 27, 1991, at 10:00 A.M.

On December 27, 1991, the respondents explained in their Comment that Mrs. Angeles Apostol, Rutchel's mother, sought police assistance from the Metropolitan Command Headquarters of the Philippine National Police to locate Rutchel and thereafter, persuaded her to return to their home in Iloilo City. She brought with her a copy of a police blotter that Rutchel left their home on August 15, 1991.

Responding to the same, there was conducted a police surveillance which unearthed that Rutchel was living with the petitioner in Pardo, Cebu City. Thereat, Mrs. Angeles met Rutchel and talked to her, after which the two returned to Iloilo City.

Meanwhile, the trial Court reset the hearing on January 14, 1992 and ordered Rutchel's parents to produce her body but the latter failed to do so. The trial Court then granted Rutchel's parents until February 14, 1992 to comply with the directive but, instead, counsel for respondents presented a telegram signed by Dr. Gustillo stating

that Rutchel was undergoing psychiatric treatment and her condition did not allow her to travel and attend the scheduled hearing in Cebu City.

The next thing the trial court did was to appoint Nena R. Buenconsejo, a court personnel, as commissioner to determine the veracity of the telegram. The said commissioner reported:

> "xxx After a short while, Miss Rutchel Apostol appeared. From my observation, she look a bit pale but physically healthy, well-groomed and very accommodating. xxx
>
> In few hours, Dr. Gustillo, the psychiatrist arrived. After the amenities, we informed Dr. Gustillo why we were there that day. Then the questioning begun.
>
> The undersigned asked Miss Apostol whether she is held against her will in their home to which she answered in the affirmative. When asked whether she's free to go out, she said she can but only if she has a companion. She said that she has freedom but not the freedom of doing what she wants and likes to do. When further asked what does she wants and likes to do. When further asked what does she like, being there in their house or somewhere else, she said that she prefers the Chaitanya Mission. The undersigned also asked her whether she is fit to go to Cebu City and show herself in Court on February 28, 1992, the next scheduled hearing, she answered "yes" and she wants to. When questioned whether she is under treatment, she said "no". However, the psychiatrist said that she has been undergoing psychotherapy, a treatment which do not prescribe medicines, but only deals in psychology. In short, is just talking with the patient, listening to her problems and ideas and in the process, advicing and helping her. The psychiatrist called this psychotherapy. According to him psychiatry deals in two things, the objective and subjective observations. Miss Rutchel Apostol argued and insisted that there was no mention of her being under treatment, that the psychiatrist is merely her and her mother's mediator. But when asked by the doctor to confirm to the truth that she once admitted that she suffered depression which sometimes made her contemplate suicide, she confirmed to the truth of the matter but qualified that she is coping with the situation.
>
> At this point, the undersigned sought the psychiatrist's opinion on Miss Apostol's fitness to travel to Cebu City and show herself in Court on February 28, 1992, the psychiatrist said that as of that time, he would not advice her to. However, he said that in about four (4) weeks time from February 22, 1992, Ms. Apostol may do so. The psychiatrist believes that Ms. Apostol may not be able to cope with the stress yet because of the different factors that may ensue.

Before the investigation ended, Ms. Rutchel Apostol offered three (3) conditions to her mother which her mother rejected, namely:

> 1. That she be allowed to go to the mission in Cebu for one (1) month;
>
> 2. That when summer classes will open, she will enroll and be allowed to visit the Chaitanya Mission in Iloilo; and
>
> 3. That after she will finish her college course, she will be left free to go where she pleases."[2]

On March 25, 1992, the Regional Trial Court of origin rendered a Decision dismissing the Complaint for lack of cause of action since it has been shown that Rutchel Apostol was under the care and custody of her parents and not being illegally detained by the respondents."[3]

On August 11, 1992, Eduardo Balagtas took an appeal to the Court of Appeals, docketed as CA-G.R. SP. No. 28155, asseverating:

> "Although the original respondents were the policemen who forcibly took away Rutchel Apostol from the Chaitanya Mission, and whom the petitioner believed were in custody of Rutchel Apostol, the petition was deemed amended when the policemen in their comment to the petition alleged that it is the parents of Rutchel

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> Apostol who are now in actual custody of Rutchel Apostol and the parents of Rutchel Apostol admitted that they are in custody of Rutchel Apostol and submitted themselves to the jurisdiction of this Honorable Court by allowing the Commissioner appointed by this Honorable Court to examine Rutchel Apostol in their house in Iloilo City.
>
> xxx xxx xxx

It is to be stressed that since Rutchel Apostol is now 19 years of age, she has now reached the age of majority and is now emancipated from parental control:

> ART. 234. Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of eighteen years."

Since Rutchel Apostol has reached the age of majority, the parents of Rutchel Apostol cannot keep her in their custody against her will:

"xxx xxx xxx

In a case, the petitioner asked for writ of habeas corpus to return his daughter, who had already reached the age of majority, to her parental home which she left without his consent as father nor the consent of her mother. In denying the application, the Supreme Court held: 'There can be no question that parental authority, which includes the right to custody, terminates upon a child reaching the age of majority, at which age the child acquires the right, power and privilege to control his person (articles 314 and 137, Civil Code). This right to control one's person includes the right to choose a separate place of residence and the persons in whose company he desires to live. The freedom is incompatible with custody; no one can be said to have freedom to control his person and at the same time continue subject to someone's custody. As habeas corpus applies only in cases where the rightful custody of a person is denied to another (section 1, Rule 102, Rules of Court), petitioner herein would be entitled thereto only if the right to custody of his daughter is reserved to him by law.

Emancipation by majority is always absolute as to one's person; there is no provision in the law that limits it in any case. Article 317 refers to control over property. Article 321 is not an exception to the effects of emancipation by attainment of the age of majority; it is a limitation of the right of an emancipated daughter to leave the home of her parents if she is living with them, in the interest of public decorum (2 Manresa, 786-787). It can not, therefore, be said that the daughter, who after majority continues to live with her parents, remains under her parents custody. The right to freedom and control of one's person is a natural right; no limitation thereto can be imposed or inferred, except by express provision of law. The prohibition for daughters from leaving their parental homes, if they live in company with their parents, is a limitation of a natural right and can not be enlarged beyond its very limited scope; it can not be extended by interpretation into a sort of parental authority with its corresponding concomitant of custody. Custody ends with emancipation, and the mere fact that she may have live with them cannot be considered as a continuation of revival of the custody, which had definitely terminated upon her emancipation.'(V-B, Francisco, The Revised Rules of Court In the Philippines, 696 citing Dy Pico v. Ricardo, 47 O.G. 5232)

The parents of Rutchel Apostol should be ordered to discharge Rutchel Apostol from their custody:

> 'When prisoner discharged if no appeal.- When the court or judge has examined into the cause of the caption and restraint of the prisoner, and is satisfied that he is unlawfully imprisoned or restrained, he shall forthwith order his discharge from confinement, but such discharge shall not be effective until a copy of the order has been served on the officer or person detaining the prisoner does not desire to appeal, (sic) the petitioner shall be forthwith release.' Section 15, Rule 102)"[4]

On January 26, 1993, the Fifth Division of the Court of Appeals came out with a Decision[5] affirming the Decision below, ratiocinating as follows:

> "xxx Petitioner has failed to establish a cause of action against the respondent members of the Philippine National Police of the Danao Police Station and the PARDO Sub-Station, Cebu City Police Station. There is no showing that respondents ever detained or are restraining Rutchel Apostol, in whose behalf the petition for habeas corpus is purportedly filed. It is the burden of the petitioner to substantiate by clear and convincing evidence that Rutchel is under the custody or is unlawfully detained and restrained of her liberty by the respondents. Petitioner's evidence failed to prove this; and the petition should be dismissed (Ngaya-an vs. Balweg, 200 SCRA 149).
>
> In this case, respondents presented the mother of Rutchel Apostol, who affirmed in court that the respondents merely responded to her request for assistance in locating her daughter, who voluntarily returned home with her to Iloilo City on the day that she was located. Although the Commissioner's report tends to show that she still wishes to join the Chaitanya Mission in Cebu City and that she is presently in the house of her parents, where she is not free to do what she wants and likes to do, the parents are not named as respondents in this case. The fact that the mother Angeles Apostol, testified in behalf of herein respondents does not make the parents a party to this special proceeding, nor justify the issuance of an order directed against parties not properly impleaded. The thrust of the petitioner's complaint is that Rutchel Apostol was forcibly taken and abducted on November 18, 1991 and that respondents continue to detain her at the Pardo Police Sub-station and/or Danao Police Station. The essential allegations of the petition were not proven, and the petition was correctly dismissed."[6]

Undaunted, the petitioner found his way to this Court via the present Petition for Certiorari, assigning as lone error, that:

> "THE RESPONDENT COURT ERRED IN DISMISSING THE PETITION ON THE GROUND OF TECHNICALITY THAT THE MOTHER OF RUTCHEL APOSTOL WHO IS ILLEGALLY DETAINING HER WAS NOT FORMALLY IMPLEADED AS A RESPONDENT IN THIS CASE."[7]

The petition is not impressed with merit.

To begin with, habeas corpus embraces so broad a dimension. In one case, this Court held that:

> "xxx habeas corpus, aside from being thorough and complete, affords prompt relief from unlawful imprisonment of any kind, and under all circumstances. xxx" (Cf. People ex rel Livingston vs. Wyatt, 186 N.Y. 383; 79 N.E. 330)" (Pepito Lao Alfonso et. al., v. Mirtiniano Vivo, March 31, 1966, G. R. No. L-20801, 16 SCRA 510, 517)

However, explicit is the following provision of the Revised Rules of Court:

> Section 2, Rule 3.- A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise authorized by law or these Rules, every action must be prosecuted or defended in the name of the real party in interest.

The trial Court did not acquire jurisdiction over the person of Rutchel's mother (Mrs. Angeles Apostol) since she was not impleaded as defendant and neither did she intervene in the case as required by the Rules. No judgment could be pronounced against her; otherwise, she would be deprived of the rudiments of due process.

Petitioner has no cause of action against her and therefore, the respondent Court correctly dismissed the Petition. If the suit is not brought in the name of or against the real party in interest, a motion to dismiss may be filed on the ground that the Complaint states no cause of action (Sec. 1(g), Rule 16). The respondents sufficiently explained that they conducted police surveillance and merely acted upon the directive of the PNP officials who, in turn,

performed their duties as requested by Rutchel's mother.

A real party in interest is the party who could be benefited or injured by the judgment or the party entitled to the avails of the suit.

Then too, in Bautista v. Barredo, et. al., G.R. No. 20653, April 30, 1965, 13 SCRA 744, 746, the Court held:

> "In dismissing the case against defendant Jose M. Barredo the court a quo took the view that he could not be impleaded on the basis of the judgment rendered in Civil Case No. 1636 for the reason that he was not a party therein upon the theory "that an action on the judgment cannot be maintained against one not a party or not bound by it. xxx"

In Filipinas Ind. Corp., et al. v. San Diego, G.R. No. 22347, May 27, 1968, it was held that the foregoing rule is mandatory. Again, in another case, the Court ruled thus:

> "xxx and as Ayala y Cia, Alfonso Zobel and the Dizons were the only ones impleaded as parties-defendants, the judgment was made effective exclusively against them. xxx" (Republic v. Ayala y Cia, et. al, G. R. L-20950, May 31, 1965)

Assuming arguendo that the mother of Rutchel was impleaded, still the petitioner failed to substantiate the petition for habeas corpus. The facts clearly indicate that Rutchel is on her right mind, not to mention her being one of the topnotchers in the Midwifery Licensure Examination given by the Professional Regulations Commission. She was not forcibly detained or abducted by her mother, the fact being that she voluntarily went with her mother after the latter persuaded her to return to their home in Iloilo City. There was no amount of force employed on her, which would amount to deprivation of liberty.

In light of the attendant circumstances at bar, the Court deems it unnecessary to pass upon the other questions raised by petitioner.

WHEREFORE, the Petition is DISMISSED for lack of merit, and the Decision of the Court of Appeals in CA G.R. SP No. 28155 affirming the Decision of Branch 11 of the Regional Trial Court of Cebu AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Davide, C.J., Melo, Puno, Vitug, Mendoza, Panganiban, Pardo, Buena, Gonzaga-Reyes, and De leon, JJ., concur.

Bellosillo, Kapunan, Quisumbing, and Ynares-Santiago, JJ., on official leave.

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[1] Penned by Justice Minerva Gonzaga-Reyes and concurred by Justices Luis A. Javellana and Consuelo Ynares-Santiago, concurring.

[2] Annex, "A", Petition, S. P. Case No. 3328-CEB, p. 2, Rollo, p. 22.

[3] Annex "B", Petition, penned by Judge Rodolfo N. Bellafor, p. 3, Rollo, p. 25.

[4] Petitioner's Memorandum, pp. 8-10, Rollo, pp. 33-35.

[5] CA G.R. SP No. 28155, p. 4, Rollo, p. 40.

[6] CA Decision, pp. 3-4, Rollo, pp. 39-40.

[7] Petition, p. 10 Rollo, p. 12.

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