

MIGUEL R. UNSON III, PETITIONER, VS. HON. PEDRO C. NAVARRO AND EDITA N. ARANETA, RESPONDENTS.

G.R. No. 52242. November 17, 1980

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-52242/>

BARREDO, J.:

Petition for certiorari to have the order of respondent judge of December 28, 1979 ordering petitioner to produce the child, Maria Teresa Unson, his daughter barely eight years of age, with private respondent Edita N. Araneta and return her to the custody of the latter, further obliging petitioner to "continue his support of said daughter by providing for her education and medical needs," allegedly issued without a "hearing" and the reception of testimony in violation of Section 6 of Rule 99.

Petitioner and private respondent were married on April 19, 1971^[1] and out of that marriage the child in question, Teresa, was born on December 1, 1971. However, as stated in a decision rendered on August 23, 1974 in Civil Case No. 7716 of respondent judge himself, on July 13, 1974 they executed an agreement for the separation of their properties and to live separately, as they have in fact been living separately since June 1972. The agreement was approved by the Court.

The parties are agreed that no specific provision was contained in said agreement about the custody of the child because the husband and wife would have their own private arrangement in that respect. Thus, according to the affidavit of petitioner attached to his supplement to petition, submitted in compliance with the directive of this Court during the hearing of this case, he affirms that:

"xxx xxx xxx

"(8) That when Maria Teresa started pre-school in 1976 at the Early Learning Center in San Lorenzo, very near petitioner's residence, and later when she started school at Assumption College, Maria Teresa would stay with petitioner during school days and spend weekends with her mother, but there were times when her mother wouldn't even bother to pick her up during non-school days;

(9) That during the early part of 1978 petitioner personally acquired knowledge that his wife Edita Araneta has been living with her brother-in-law Agustin F. Reyes, in an apartment at C. Palma St., Makati, Metro Manila, and so petitioner tightened his custody over his daughter, especially after:

a. he found out that Agustin F. Reyes was confined at the Makati Medical Center from October 13 up to December 3, 1977 for "Manic Depressive" under the care of Dr. Baltazar Reyes;

b. he found out that his wife Edita Araneta delivered a child fathered by Agustin F. Reyes on September 24, 1978. (Please see Birth Certificate attached hereto as Annex "A-1");

c. he found out that Agustin F. Reyes had been confined again for the same ailment at the Makati Medical Center from June 27 up to August 29, 1978 under the care of the same doctor;

(10) That on May 21, 1980 Edita Araneta delivered another child fathered by Agustin F. Reyes. (Please see Birth

Certificate attached hereto as Annex "A-2");

(11) That aside from the foregoing circumstances, the following militate against custody of Maria Teresa in favor of Edita Araneta:

- a. Agustin F. Reyes is the child's godfather/baptismal sponsor;
- b. Agustin F. Reyes and Edita Araneta have left the Roman Catholic Church and have embraced a protestant sect (Please see Annex "A-2" hereof, which lists the occupation of Agustin F. Reyes as a seminarian);

(12) That Maria Teresa is almost nine (9) years old, born and reared under the Roman Catholic faith, impressionable, and should not be exposed to an environment alien to the Catholic way of life, which is the upbringing and training petitioner, as her father is committed to;

(13) That petitioner is executing this affidavit for all legal purposes." (Pp. 81-82 of Record)

Upon the other hand, private respondent affirms in her affidavit Annex "A" aforementioned that:

"xxx xxx xxx

"6.

Since the birth of Maria Teresa, she has always lived with affiant, her mother, who has reared and brought up the child to the best of her ability. Affiant has not in any way spoken ill of nor turned the child against her father, herein petitioner;

7.

In fact, it was affiant who was always insistent that petitioner have custody of Maria Teresa every week end and half of summer and Christmas vacation so that the child could establish a healthy and viable relationship with her father, herein petitioner;

8.

This was especially so when affiant noticed that petitioner's parents showed more interest in the child than petitioner; since it was petitioner's parents who would more often pick up Maria Teresa and bring her back to and from affiant's home;

9.

This fact was even noticed by the child; thus affiant immediately requested petitioner to spend more time with Maria Teresa;

10.

From 1972 to 1978, affiant had always exercised full custody of Maria Teresa. It was affiant who voluntarily gave custody of the child to petitioner on weekends and half of the summer and Christmas vacations. In view of this amicable arrangement, no specific terms were agreed and stipulated upon by affiant and petitioner

regarding custody of the child in their petition for separation of property before the lower court;

11.

From 1972 to September, 1979, affiant and petitioner have always had a cordial and amicable relationship. Even from 1973 when affiant started living with her brother-in-law, Agustin F. Reyes at San Lorenzo, Makati, affiant and petitioner retained a cordial relationship. Petitioner, since 1973, always knew about affiant's relationship with Agustin F. Reyes. In fact, petitioner would visit Maria Teresa at affiant's home. Petitioner was always welcome to pick up Maria Teresa at any time.

12.

When petitioner left for Australia in 1974 for a period of one year, petitioner left Maria Teresa to stay with affiant at San Lorenzo. During this time, Maria Teresa was always allowed to visit with and to be picked up at any time by petitioner's parents;

13.

Petitioner, his family, affiant's family (Mr. and Mrs. Teodoro Araneta), affiant's relatives and friends, since 1973, have long known of and accepted the circumstances involving private respondent and Agustin F. Reyes;

14.

Affiant admits that her present circumstances at first impression might seem socially if not morally unacceptable; but in reality this is not so. Maria Teresa has been reared and brought up in an atmosphere of christian love, affection and honesty to the import of the situation. Further, the quality and capacity of affiant of being a good mother has always remained;" (Pars. 6 to 14 of Annex "A" of Record)

It is axiomatic in Our jurisprudence that in all controversies regarding the custody of minors, the sole and foremost consideration is the physical, education, social and moral welfare of the child concerned, taking into account the respective resources and social and moral situations of the contending parents. Never has this Court diverted from that criterion.

With this premise in view, the Court finds no difficulty in this case in seeing that it is in the best interest of the child Teresa to be freed from the obviously unwholesome, not to say immoral influence, that the situation in which private respondent has placed herself, as admitted by her, might create in the moral and social outlook of Teresa who is now in her formative and most impressionable stage in her life. The fact, that petitioner might have been tolerant about her stay with her mother in the past when she was still too young to distinguish between right and wrong and have her own correct impressions or notions about the unusual and peculiar relationship of her mother with her own uncle-in-law, the husband of her sister's mother, is hardly of any consequence now that she has reached a perilous stage in her life. No respectable father, properly concerned with the moral well-being of his child, specially a girl, can be expected to have a different attitude than petitioner's in this case. Under the circumstances thus shown in the record, the Court finds no alternative than to grant private respondent no more than visitorial rights over the child in question. Anyway, decisions even of this Supreme Court on the custody of minor children are always open to adjustment as the circumstances relevant to the matter may demand in the light of the inflexible criterion We have mentioned above. We deem it a grave abuse of discretion on the part of

respondent judge to have acted precipitantly in issuing his order of December 28, 1979 here in question.

As to the issue of jurisdiction, that is, whether or not, after the decision on separation of properties had become final, the matter of the custody of the child should be the subject of a separate proceeding under Rule 99. We are inclined to agree with respondents that, considering that in the decision on the separation of properties mention is made of support for the child, to avoid multiplicity of proceedings, and since under Section 6 of Rule 99, the matter of the custody of children of separated spouses may be brought before the Court of First Instance by petition or as an incident to any other proceeding, the respondent court had jurisdiction to decide the question of custody here. And as regards the petitioner's claim of denial of hearing and due process before the issuance by respondent judge of his order of December 28, 1979, We find that petitioner was given sufficient time and opportunity to be heard, as, in fact, he filed his written opposition. With the facts in this case practically uncontroverted, We do not see the need for the calling of witnesses and the hearing of testimony in open court.

WHEREFORE, the order of respondent judge is hereby set aside, the restraining order heretofore issued is made permanent and the parties are ordered to submit to this Court within fifteen (15) days from notice hereof their own agreement as to the visitorial rights of private respondent, otherwise, the Court will take it upon itself to fix the terms and conditions thereof. No costs.

Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

[1] In her affidavit attached as Annex "A" of comment on supplement to petition, private respondent states that there is a "Roman Catholic Church annulment of the marriage" evidenced by Annex "A" of said decision rendered by Matrimonial Tribunal of the Diocese of Bacolod on April 4, 1976, on the legal effect of which, for purposes of this case, the Court prefers not to make any pronouncement, as anyway, private respondent is not actually relying thereon.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.