

## FIRST DIVISION

[ G.R. NO. 159374, July 12, 2007 ]

**FELIPE N. MADRIÑAN, PETITIONER, VS. FRANCISCA R.  
MADRIÑAN, RESPONDENT.**

### D E C I S I O N

#### **CORONA, J.:**

When a family breaks up, the children are always the victims. The ensuing battle for custody of the minor children is not only a thorny issue but also a highly sensitive and heart-rending affair. Such is the case here. Even the usually technical subject of jurisdiction became emotionally charged.

Petitioner Felipe N. Madriñan and respondent Francisca R. Madriñan were married on July 7, 1993 in Parañaque City. They resided in San Agustin Village, Brgy. Moonwalk, Parañaque City.

Their union was blessed with three sons and a daughter: Ronnick, born on January 30, 1994; Phillip, born on November 19, 1996; Francis Angelo, born on May 12, 1998 and Krizia Ann, born on December 12, 2000.

After a bitter quarrel on May 18, 2002, petitioner allegedly left their conjugal abode and took their three sons with him to Ligao City, Albay and subsequently to Sta. Rosa, Laguna. Respondent sought the help of her parents and parents-in-law to patch things up between her and petitioner to no avail. She then brought the matter to the *Lupong Tagapamayapa* in their barangay but this too proved futile.

Thus respondent filed a petition for habeas corpus of Ronnick, Phillip and Francis Angelo in the Court of Appeals, alleging that petitioner's act of leaving the conjugal dwelling and going to Albay and then to Laguna disrupted the education of their children and deprived them of their mother's care. She prayed that petitioner be ordered to appear and produce their sons before the court and to explain why they should not be returned to her custody.

Petitioner and respondent appeared at the hearing on September 17, 2002. They initially agreed that petitioner would return the custody of their three sons to respondent. Petitioner, however, had a change of heart<sup>[1]</sup> and decided to file a memorandum.

On September 3, 2002, petitioner filed his memorandum<sup>[2]</sup> alleging that respondent was unfit to take custody of their three sons because she was habitually drunk, frequently went home late at night or in the wee hours of the morning, spent much of her time at a beer house and neglected her duties as a mother. He claimed that, after their squabble on May 18, 2002, it was respondent who left, taking their daughter with her. It was only then that he went to Sta. Rosa, Laguna where he

worked as a tricycle driver. He submitted a certification from the principal of the Dila Elementary School in Sta. Rosa, Laguna that Ronnick and Phillip were enrolled there. He also questioned the jurisdiction of the Court of Appeals claiming that under Section 5(b) of RA 8369 (otherwise known as the "Family Courts Act of 1997") family courts have exclusive original jurisdiction to hear and decide the petition for *habeas corpus* filed by respondent.<sup>[3]</sup>

For her part, respondent averred that she did not leave their home on May 18, 2002 but was driven out by petitioner. She alleged that it was petitioner who was an alcoholic, gambler and drug addict. Petitioner's alcoholism and drug addiction impaired his mental faculties, causing him to commit acts of violence against her and their children. The situation was aggravated by the fact that their home was adjacent to that of her in-laws who frequently meddled in their personal problems.<sup>[4]</sup>

On October 21, 2002, the Court of Appeals<sup>[5]</sup> rendered a decision<sup>[6]</sup> asserting its authority to take cognizance of the petition and ruling that, under Article 213 of the Family Code, respondent was entitled to the custody of Phillip and Francis Angelo who were at that time aged six and four, respectively, subject to the visitation rights of petitioner. With respect to Ronnick who was then eight years old, the court ruled that his custody should be determined by the proper family court in a special proceeding on custody of minors under Rule 99 of the Rules of Court.

Petitioner moved for reconsideration of the Court of Appeals decision but it was denied. Hence, this recourse.

Petitioner challenges the jurisdiction of the Court of Appeals over the petition for *habeas corpus* and insists that jurisdiction over the case is lodged in the family courts under RA 8369. He invokes Section 5(b) of RA 8369:

Section 5. *Jurisdiction of Family Courts.* – The Family Courts shall have exclusive original jurisdiction to hear and decide the following cases:

x x x x x x x x

b) Petitions for guardianship, custody of children, *habeas corpus* in relation to the latter;

x x x x x x x x

Petitioner is wrong.

In *Thornton v. Thornton*,<sup>[7]</sup> this Court resolved the issue of the Court of Appeals' jurisdiction to issue writs of *habeas corpus* in cases involving custody of minors in the light of the provision in RA 8369 giving family courts exclusive original jurisdiction over such petitions:

**The Court of Appeals should take cognizance of the case since there is nothing in RA 8369 that revoked its jurisdiction to issue writs of *habeas corpus* involving the custody of minors.**

x x x x x x x x