



Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

**MA. HAZELINA A. TUJAN-
MILITANTE IN BEHALF OF
THE MINOR CRISELDA M.
CADA,**

Petitioner,

- versus -

RAQUEL M. CADA-DEAPERA,
Respondent.

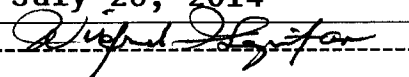
G.R. No. 210636

Present:

VELASCO, JR., *J.*, Chairperson,
BERSAMIN,^{*}
VILLARAMA, JR.,^{**}
MENDOZA, and
LEONEN, *JJ.*

Promulgated:

July 28, 2014

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DECISION

VELASCO, JR., *J.*:

Nature of the Case

Before Us is a petition for review on certiorari under Rule 45 of the Rules of Court with prayer for injunctive relief seeking the reversal of the Court of Appeals (CA) Decision¹ dated May 17, 2013 as well as its Resolution dated December 27, 2013 in CA-G.R. SP No. 123759. In the main, petitioner questions the jurisdiction of the Regional Trial Court, Branch 130 in Caloocan City (RTC-Caloocan) to hear and decide a special civil action for habeas corpus in relation to the custody of a minor residing in Quezon City.

The Facts

On March 24, 2011, respondent Raquel M. Cada-Deapera filed before the RTC-Caloocan a verified petition for writ of habeas corpus, docketed as Special Civil Action Case No. C-4344. In the said petition, respondent demanded the immediate issuance of the special writ, directing petitioner Ma. Hazelina Tujan-Militante to produce before the court respondent's biological daughter, minor Criselda M. Cada (Criselda), and to return to her

^{*} Acting member per Special Order No. 1691-K dated May 22, 2014.

^{**} Additional member per raffle dated July 14, 2014.

¹ Penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesinando E. Villon and Florito S. Macalino.

the custody over the child. Additionally, respondent indicated that petitioner has three (3) known addresses where she can be served with summons and other court processes, to wit: (1) 24 Bangkal St., Amparo Village, Novaliches, Caloocan City; (2) 118B K9 Street, Kamias, Quezon City; and (3) her office at the Ombudsman-Office of the Special Prosecutor, 5th Floor, Sandiganbayan, Centennial Building, Commonwealth Avenue cor. Batasan Road, Quezon City.²

The next day, on March 25, 2011, the RTC-Caloocan issued a writ of habeas corpus, ordering petitioner to bring the child to court on March 28, 2011. Despite diligent efforts and several attempts, however, the Sheriff was unsuccessful in personally serving petitioner copies of the habeas corpus petition and of the writ. Instead, on March 29, 2011, the Sheriff left copies of the court processes at petitioner's Caloocan residence, as witnessed by respondent's counsel and *barangay* officials.³ Nevertheless, petitioner failed to appear at the scheduled hearings before the RTC-Caloocan.

Meanwhile, on March 31, 2011, petitioner filed a Petition for Guardianship over the person of Criselda before the RTC, Branch 89 in Quezon City (RTC-Quezon City). Respondent filed a Motion to Dismiss the petition for guardianship on the ground of *litis pendentia*, among others. Thereafter, or on June 3, 2011, respondent filed a criminal case for kidnapping before the Office of the City Prosecutor – Quezon City against petitioner and her counsel.

On July 12, 2011, the RTC-Quezon City granted respondent's motion and dismissed the guardianship case due to the pendency of the *habeas corpus* petition before RTC-Caloocan.⁴ The *fallo* of the Order reads:

WHEREFORE, in view of the foregoing, the subject motion is hereby **GRANTED**. Accordingly, the case is hereby **DISMISSED**.

SO ORDERED.⁵

Then, on August 4, 2011, Raquel moved for the ex parte issuance of an alias writ of habeas corpus before the RTC-Caloocan, which was granted by the trial court on August 8, 2011. On even date, the court directed the Sheriff to serve the alias writ upon petitioner at the Office of the Assistant City Prosecutor of Quezon City on August 10, 2011.⁶ In compliance, the Sheriff served petitioner the August 8, 2011 Order as well as the Alias Writ during the preliminary investigation of the kidnapping case.⁷

Following this development, petitioner, by way of special appearance, moved for the quashal of the writ and prayed before the RTC Caloocan for

² *Rollo*, pp. 848-849.

³ *Id.* at 861-862.

⁴ *Id.* at 1058-1059.

⁵ *Id.* at 1059.

⁶ *Id.* at 878.

⁷ *Id.* at 881.

the dismissal of the habeas corpus petition,⁸ claiming, among others, that she was not personally served with summons. Thus, as argued by petitioner, jurisdiction over her and Criselda's person was not acquired by the RTC-Caloocan.

Ruling of the Trial Court

On January 20, 2012, the RTC-Caloocan issued an Order denying petitioner's omnibus motion, citing *Saulo v. Brig. Gen. Cruz*,⁹ where the Court held that a writ of habeas corpus, being an extraordinary process requiring immediate proceeding and action, plays a role somewhat comparable to a summons in ordinary civil actions, in that, by service of said writ, the Court acquires jurisdiction over the person of the respondent, as petitioner herein.¹⁰

Moreover, personal service, the RTC said, does not necessarily require that service be made exclusively at petitioner's given address, for service may be made elsewhere or wherever she may be found for as long as she was handed a copy of the court process in person by anyone authorized by law. Since the sheriff was able to personally serve petitioner a copy of the writ, albeit in Quezon City, the RTC-Caloocan validly acquired jurisdiction over her person.¹¹ The dispositive portion of the Order reads:

WHEREFORE, premises considered, the Very Urgent Motion (Motion to Quash Alias Writ; Motion to Dismiss) filed by respondent Ma. Hazelina Tujan-Militante dated August 11, 2011 is hereby DENIED for lack of merit.

In the meantime, respondent Ma. Hazelina Tujan-Militante is hereby directed to appear and bring Criselda Martinez Cada before this Court on February 10, 2012 at 8:30 o'clock in the morning.

SO ORDERED.¹²

Aggrieved, petitioner, via certiorari to the CA, assailed the issued Order.

Ruling of the Court of Appeals

Over a year later, the CA, in the challenged Decision dated May 17, 2013,¹³ dismissed the petition for certiorari in the following wise:

WHEREFORE, the instant petition is hereby **DISMISSED** for lack of merit. The Regional Trial Court, Branch 130 of Caloocan City is

⁸ Id. at 882.

⁹ 105 Phil. 315 (1959).

¹⁰ *Rollo*, p. 980.

¹¹ Id.

¹² Id.

¹³ Entitled *Ma. Hazelina A. Tujan-Militante, in behalf of the Minor Criselda M. Cada v. Raquel M. cada-Deapera, Hon. Judge Raymundo Vallega, Presiding Judge of RTC Caloocan, Branch 130, and Sheriff Jun S. Pangilinan, Branch Sheriff of RTC Caloocan, Branch 130.*

DIRECTED to proceed with due dispatch in Spec. Proc. Case No. C-4344 for *Habeas Corpus*, giving utmost consideration to the best interest of the now nearly 14-year old child.

SO ORDERED.¹⁴

In so ruling, the CA held that jurisdiction was properly laid when respondent filed the habeas corpus petition before the designated Family Court in Caloocan City.¹⁵ It also relied on the certification issued by the *punong barangay* of Brgy. 179, Caloocan City, stating that petitioner is a bona fide resident thereof, as well as the medical certificate issued by Criselda's doctor on April 1, 2011, indicating that her address is "Amparo Village, KC."¹⁶ Anent the RTC-Caloocan's jurisdiction, the appellate court ruled that service of summons is not required under Section 20 of A.M. No. 03-04-04-SC, otherwise known as the *Rules on Custody of Minors and Habeas Corpus in Relation to Custody of Minors*. According to the CA, the rules on summons contemplated in ordinary civil actions have no place in petitions for the issuance of a writ of habeas corpus, it being a special proceeding.¹⁷

Petitioner sought reconsideration of the above Decision but the same was denied by the CA in its December 27, 2013 Resolution.

Hence, this Petition.

The Issues

At the core of this controversy is the issue of whether or not the RTC-Caloocan has jurisdiction over the habeas corpus petition filed by respondent and, assuming arguendo it does, whether or not it validly acquired jurisdiction over petitioner and the person of Criselda. Likewise pivotal is the enforceability of the writ issued by RTC-Caloocan in Quezon City where petitioner was served a copy thereof.

The Court's Ruling

The petition lacks merit. The RTC-Caloocan correctly took cognizance of the habeas corpus petition. Subsequently, it acquired jurisdiction over petitioner when the latter was served with a copy of the writ in Quezon City.

The RTC-Caloocan has jurisdiction over the habeas corpus proceeding

Arguing that the RTC-Caloocan lacked jurisdiction over the case, petitioner relies on Section 3 of A.M. No. 03-04-04-SC and maintains that

¹⁴ *Rollo*, p. 637.

¹⁵ *Id.* at 632.

¹⁶ *Id.* at 632.

¹⁷ *Id.* at 633.

the habeas corpus petition should have been filed before the family court that has jurisdiction over her place of residence or that of the minor or wherever the minor may be found.¹⁸ As to respondent, she asserts, among others, that the applicable rule is not Section 3 but Section 20 of A.M. No. 03-04-04-SC.¹⁹

We find for respondent.

In the case at bar, what respondent filed was a petition for the issuance of a writ of habeas corpus under Section 20 of A.M. No. 03-04-04-SC and Rule 102 of the Rules of Court.²⁰ As provided:

Section 20. *Petition for writ of habeas corpus.* - A verified petition for a writ of habeas corpus involving custody of minors shall be filed with the Family Court. The writ shall be enforceable within its judicial region to which the Family Court belongs.

However, the petition may be filed with the regular court in the absence of the presiding judge of the Family Court, provided, however, that the regular court shall refer the case to the Family Court as soon as its presiding judge returns to duty.

The petition may also be filed with the appropriate regular courts in places where there are no Family Courts.

The writ issued by the Family Court or the regular court shall be enforceable in the judicial region where they belong.

The petition may likewise be filed with the Supreme Court, Court of Appeals, or with any of its members and, if so granted, the writ shall be enforceable anywhere in the Philippines. The writ may be made returnable to a Family Court or to any regular court within the region where the petitioner resides or where the minor may be found for hearing and decision on the merits.

Upon return of the writ, the court shall decide the issue on custody of minors. The appellate court, or the member thereof, issuing the writ shall be furnished a copy of the decision. (emphasis added)

Considering that the writ is made enforceable within a judicial region, petitions for the issuance of the writ of habeas corpus, whether they be filed under Rule 102 of the Rules of Court or pursuant to Section 20 of A.M. No. 03-04-04-SC, may therefore be filed with any of the proper RTCs within the judicial region where enforcement thereof is sought.²¹

¹⁸ Id. at 27.

¹⁹ Id. at 745.

²⁰ Id. at 849.

²¹ See 2 Regalado, Florenz D., REMEDIAL LAW COMPENDIUM 176 (11th Ed.).

On this point, Section 13 of *Batas Pambansa Blg. 129* (BP 129), otherwise known as the *Judiciary Reorganization Act of 1980*, finds relevance. Said provision, which contains the enumeration of judicial regions in the country, states:

Section 13. *Creation of Regional Trial Courts.* – There are hereby created thirteen Regional Trial Courts, one for each of the following judicial regions:

X X X X

The **National Capital Judicial Region**, consisting of the cities of Manila, **Quezon**, Pasay, **Caloocan** and Mandaluyong, and the municipalities of Navotas, Malabon, San Juan, Makati, Pasig, Pateros, Taguig, Marikina, Parañaque, Las Piñas, Muntinlupa, and Valenzuela. (emphasis ours)

In view of the afore-quoted provision, it is indubitable that the filing of a petition for the issuance of a writ of habeas corpus before a family court in any of the cities enumerated is proper as long as the writ is sought to be enforced within the National Capital Judicial Region, as here.

In the case at bar, respondent filed the petition before the family court of Caloocan City. Since Caloocan City and Quezon City both belong to the same judicial region, the writ issued by the RTC-Caloocan can still be implemented in Quezon City. Whether petitioner resides in the former or the latter is immaterial in view of the above rule.

Anent petitioner's insistence on the application of Section 3 of A.M. No. 03-04-04-SC, a plain reading of said provision reveals that the provision invoked only applies to petitions for custody of minors, and not to habeas corpus petitions. Thus:

Section 3. *Where to file petition.* - The **petition for custody of minors** shall be filed with the Family Court of the province or city where the petitioner resides or where the minor may be found. (emphasis added)

Lastly, as regards petitioner's assertion that the summons was improperly served, suffice it to state that service of summons, to begin with, is not required in a habeas corpus petition, be it under Rule 102 of the Rules of Court or A.M. No. 03-04-04-SC. As held in *Saulo v. Cruz*, a writ of habeas corpus plays a role somewhat comparable to a summons, in ordinary civil actions, in that, by service of said writ, the court acquires jurisdiction over the person of the respondent.²²


In view of the foregoing, We need not belabor the other issues raised.

²² 105 Phil. 315 (1959).

WHEREFORE, the instant petition is **DENIED**. The Court of Appeals Decision dated May 17, 2013 and its Resolution dated December 27, 2013 are **AFFIRMED**.

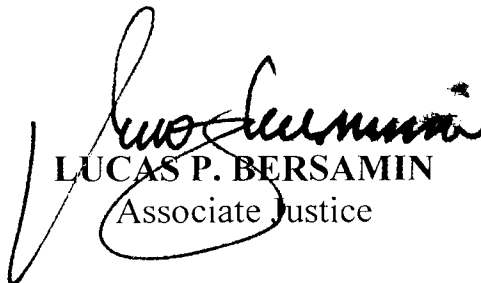
No pronouncement as to costs.

SO ORDERED.



PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:



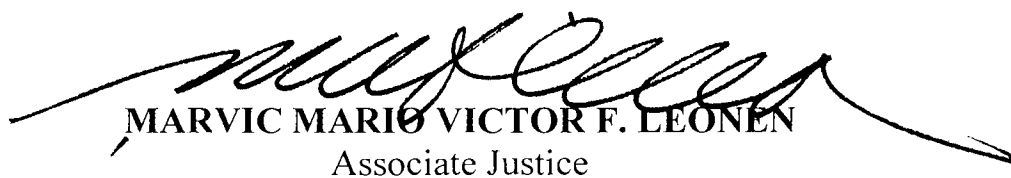
LUCAS P. BERSAMIN
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE CATRAL MENDOZA
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

ATTESTATION

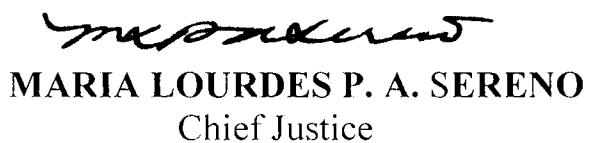
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice