

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 1, 2019** which reads as follows:*

**“G.R. No. 248406 (Spouses Susana R. Paet and Jerry B. Paet, in behalf of their minor grandson, Aljay Melo D. Paet v. Alriann Liezel C. Damito a.k.a. “Alriann C. Damito” and Zeny Damito).-** The petitioners’ motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the March 8, 2019 Decision<sup>2</sup> and the July 12, 2019 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-GR. SP No. 158303 for failure of petitioners Spouses Susana R. Paet and Jerry B. Paet, in behalf of their minor grandson, Aljay Melo D. Paet (petitioners), to sufficiently show that the CA committed any reversible error in upholding the denial<sup>4</sup> of their petition for a writ of *habeas corpus*<sup>5</sup> against respondents Alriann Liezel C. Damito a.k.a. “Alriann C. Damito” and Zeny C. Damito.

As correctly ruled by the CA, petitioners failed to establish the requisites for the grant of a writ of *habeas corpus*, in relation to the custody of their grandchild.<sup>6</sup> On this note, it bears stressing that

\* “Al Riann C. Damito” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 11-25.

<sup>2</sup> *Id.* at 32-38. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Marlene B. Gonzales-Sison and Ruben Reynaldo G. Roxas, concurring.

<sup>3</sup> *Id.* at 40-41.

<sup>4</sup> See RTC Order dated September 20, 2017, signed by Judge Caridad H. Grecia-Cuerdo; *id.* at 201-217.

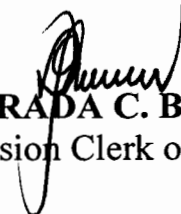
<sup>5</sup> *Id.* at 42-48.

<sup>6</sup> It is settled that *habeas corpus* may be resorted to in cases where “the rightful custody of any person is withheld from the person entitled thereto.” In custody cases involving minors, the writ of *habeas corpus* is prosecuted for the purpose of determining the right of custody over a child. The grant of the writ depends on the concurrence of the following requisites: (a) that

mothers are entitled to the sole parental authority of their illegitimate children, notwithstanding the father's recognition of such children. In the exercise of that authority, mothers are consequently entitled to keep their illegitimate children in their company, and the Court will not deprive them of custody, absent any imperative cause showing the mother's unfitness to exercise such authority and care,<sup>7</sup> as in this case.

**SO ORDERED.**” *Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019. Carandang, J., on official leave.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

**374-A**

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Regional Trial Court, Branch 113  
1300 Pasay City  
(Spec. Proc. No. R-PSY-16-23022-CV)

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the petitioner has the right of custody over the minor; (b) that the rightful custody of the minor is being withheld from the petitioner by the respondents; and (c) that it is to the best interest of the minor concerned to be in the custody of petitioner and not that of the respondents. (See *Masbate v. Relucio*, G.R. No. 235498, July 31, 2018.) See also *rollo*, p. 36.

<sup>7</sup> See *Masbate v. Relucio*, *id.*