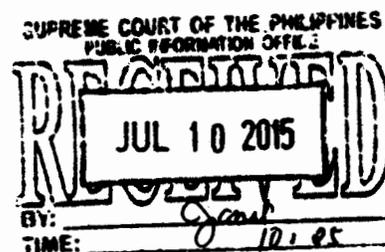




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** which reads as follows:*

“G.R. No. 211948 (*Ace S. Intrepido v. Julienne Iris C. Taguinod*).
– After a judicious review of the records, the Court resolves to **DENY** the motion for reconsideration filed by petitioner, there being no substantial matter raised to warrant the reversal of our Resolution dated 24 November 2014.

In a Petition for Review under Rule 45, the Court’s discretionary appellate review is based only on errors of law. In our earlier Resolution, we found that the errors raised by petitioner are actually fact-based. We had no other recourse but to affirm the Court of Appeals’ judgment granting the habeas corpus petition.

In this Motion for Reconsideration,¹ petitioner stresses that the factual circumstances when the case was with the Court of Appeals and when it reached the Supreme Court are markedly different.² Petitioner insists that since the minor was already over seven years of age when the Petition was filed in this Court, she must be allowed to make her choice as to which parent she would like to have custody of her pursuant to Article 213³ of the Family Code.⁴

- over - two (2) pages

¹ *Rollo*, p. 121.

² *Id.*

³ ARTICLE 213. In case of separation of the parents, parental authority shall be exercised by the parent designated by the court. The court shall take into account all relevant considerations, especially the choice of the child over seven years of age, unless the parent chosen is unfit. (n)

No child under seven years of age shall be separated from the mother, unless the court finds compelling reasons to order otherwise.

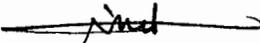
⁴ *Rollo*, p. 122.

We rule that the Court of Appeals committed no reversible error in applying the tender-years doctrine to grant custody of the minor to the mother. It is of no moment that the minor was already eight years old when the Petition for Review was filed with this Court, because when the case was still pending with the Court of Appeals, she was under seven years of age. The Court of Appeals correctly applied the doctrine in the resolution of the habeas corpus petition.

WHEREFORE, the motion is **DENIED** with finality. No further pleadings will be entertained, and let entry of judgment be made in due course.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *pk ulin*
42

Atty. Tomas Carmelo T. Araneta
Counsel for Petitioner
114 Soliven Alvendia Ave.
South Greenheights Village
Brgy. Putatan 1772 Muntinlupa City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 126653)

ESTUR AND ASSOCIATES
Counsel for Respondent
23 Mabilis St., Brgy. Pinyahan
1100 Quezon City

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