

the costs shall be taxed against him, or against the person who signed the application for the writ, or both, as the court shall direct.

D. Habeas Corpus in Relation to Custody of Minors – A.M. No. 03-04-04-SC

SECTION 2. Petition for custody of minors; who may file. — A verified petition for the rightful custody of a minor may be filed by any person claiming such right. The party against whom it may be filed shall be designated as the respondent.

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.

SECTION 4. Contents of petition. — The verified petition shall allege the following:

- a. The personal circumstances of the petitioner and of the respondent;
- b. The name, age and present whereabouts of the minor and his or her relationship to the petitioner and the respondent;
- c. The material operative facts constituting deprivation of custody; and
- d. Such other matters which are relevant to the custody of the minor.

The verified petition shall be accompanied by a certificate against forum shopping, which the petitioner must sign personally.

E. Amparo – A.M. No. 07-9-12-SC

SECTION 1. Petition. — The petition for a writ of amparo is a remedy available to any person whose right to life, liberty and security is violated or threatened with

violation by an unlawful act or omission of a public official or employee, or of a private individual or entity.

The writ shall cover extralegal killings and enforced disappearances or threats thereof. (2015, 2020/21 Bar)

SECTION 2. Who May File. — The petition may be filed by the aggrieved party or by any qualified person or entity in the following order:

- a. Any member of the immediate family, namely: the spouse, children and parents of the aggrieved party;
- b. Any ascendant, descendant or collateral relative of the aggrieved party within the fourth civil degree of consanguinity or affinity, in default of those mentioned in the preceding paragraph; or
- c. Any concerned citizen, organization, association or institution, if there is no known member of the immediate family or relative of the aggrieved party.

The filing of a petition by the aggrieved party suspends the right of all other authorized parties to file similar petitions. Likewise, the filing of the petition by an authorized party on behalf of the aggrieved party suspends the right of all others, observing the order established herein. (2015, 2019 Bar)

SECTION 3. Where to File. — The petition may be filed on any day and at any time with the Regional Trial Court of the place where the threat, act or omission was committed or any of its elements occurred, or with the Sandiganbayan, the Court of Appeals, the Supreme Court, or any justice of such courts. The writ shall be enforceable anywhere in the Philippines.