

LILIBETH SALANG-SANTOS, PETITIONER, VS. MTC OF FLORIDABLANCA, PAMPANGA, HON. VINCI GOZUM, REBECCA ZUINGA, RESPONDENTS.

Ponente: BUESER, J.

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BUESER, J.:

For resolution of this Court is the Petition for Certiorari[1] filed by petitioner dated December 4, 2014 which seeks to annul the Decision[2] dated July 1, 2005 of the Municipal Trial Court (“MTC”) of Floridablanca, Pampanga for grave abuse of discretion amounting to lack or excess of jurisdiction on the part of Honorable Judge Vinci Gozum.

However, after going through the instant petition, this Court finds numerous defects and deficiencies, to wit:

(1) Petitioner violated the doctrine of hierarchy of courts by directly resorting to this Court to assail the Decision dated July 1, 2005 of the court a quo and disregarding the Regional Trial Court in the process. The concurrence of jurisdiction among the Supreme Court, Court of Appeals and the Regional Trial Courts to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction does not give the petitioners the unrestricted freedom of choice of forum. By directly filing Rule 65 petitions before us, the petitioners have unduly taxed the Court’s time and attention which are better devoted to matters within our exclusive jurisdiction. Worse, the petitioners only contributed to the overcrowding of the Court’s docket. We also wish to emphasize that the trial court is better equipped to resolve cases of this nature since this Court is not a trier of facts and does not normally undertake an examination of the contending parties’ evidence.[3] Thus, a disregard of the doctrine of hierarchy of courts warrants, as a rule, the outright dismissal of a petition.[4]

(2) The MTC Decision was rendered on July 1, 2005 and it is only now or after more than 14 years that the same is being questioned. Petitioner, however, claims that she did not receive a copy of the said Decision, that the same is void for being against the Constitution, hence, it produces no legal effect. Laches and/or estoppel apply against herein petitioner as it can be seen from the Decision that the latter was arraigned and pleaded not guilty of the crime charge against her; that being aware of the pending criminal case against her why did she have to wait for 14 years after the judgment of conviction was rendered then feigned ignorance of the same. It is a settled principle of law that it is the duty of a party to a case to inquire into its status from time to time. Petitioner’s failure to do so was even more aggravated when she went abroad during the pendency of the case as mentioned in the assailed Decision. From the facts of this case, it can then be inferred that petitioner took her chances of a decision being rendered in her absence. Thus, she cannot on appeal be heard on its claim of ignorance of the adverse decision rendered against her.

(3) The petitioner failed to implead an indispensable party which is the People of the Philippines (“People”), the plaintiff in the criminal case against petitioner for Qualified Trespass to Dwelling. This is a clear violation of Section 5, Rule 65 of the Rules of Court, which states that “when the petition filed relates to the acts or omissions of a judge, court, quasi-judicial agency, tribunal, corporation, board, officer or person, the petitioner shall join, as private respondent or respondents with such public respondent or respondents, the person or persons interested in sustaining the proceedings in the court xxx.”

(4) As a consequence of petitioner's failure to implead the People, the Office of the Solicitor General ("OSG") being the statutory counsel for the People in all criminal cases pending before this Court and the Supreme Court was not furnished with a copy of the petition.

(5) The necessary documents and other material portions of the record were not attached as annexes to the petition but only a certified true copy of the MTC Decision and the criminal complaint were appended. This is a clear disregard of the requirement laid down in Section 1, Rule 65 of the Rules of Court, which provides that "the petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46."

(6) The counsel for petitioner failed to indicate the issuance date of his MCLE 4[th] Compliance Number in violation of Bar Matter No. 1922.

WHEREFORE, in view of the presence of numerous defects and deficiencies in the instant Petition for Certiorari dated December 4, 2014, the same is DENIED DUE COURSE and ordered DISMISSED.

IT IS SO ORDERED.

Bueser, D. Q., and [*]Paredes, V. I. A., JJ., concur.

[*] Acting Junior Member for 15 working days only from February 24-March 16, 2015 per Office Order No. 55-15-ABR dated February 23, 2015.

[1] Rollo, p. 3.

[2] Id., p. 12.

[3] *Kalipunan ng Damayang Mahihirap, Inc. vs. Jessie Robredo*, G.R. No. 200903, July 22, 2014 citing *Bañez, Jr. v. Concepcion*, G.R. No. 159508, August 29, 2012, 679 SCRA 237; *Dacudao v. Secretary Raul Gonzales*, G.R. No. 188056, January 8, 2013, 688 SCRA 109, 115-118.

[4] *De Castro vs. Carlos*, G.R. No. 194994, April 16, 2013.

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