

**VERGEL P. TABASA, PETITIONER, VS. LEOPOLDO E. LUBID, JR.,
MARIA CONCEPCION BOCOBO, MANUEL BAYANI ET. AL.,
RESPONDENTS.**

Ponente: BUESER, J.

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On May 2, 2014, a Petition[1] for Certiorari and Prohibition with application for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction was filed seeking to annul and set aside the Resolution dated April 3, 2014 denying his right to a formal investigation and Resolution dated April 22, 2014 denying his motion for reconsideration dated April 12, 2014 for having been acted upon by respondents, as members of Ad-Hoc Committee, without or in excess of their jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction. The petition likewise seeks to prohibit the Ad-Hoc Committee from further proceeding with Administrative Case Nos. 2013-001 and 2013-005 on the ground that the proceedings of said committee are without or in excess of its jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction.

A perusal of the petition shows that petitioner resorted to this Court because his petition for certiorari involving another administrative case also for simple misconduct which he filed on December 4, 2013 with the Regional Trial Court (“RTC”) of Manila docketed as Special Civil Action No. 13-131131 is still pending at the sala of the Honorable Presiding Judge Merianthe Pacita M. Zuraek of Branch 51. In this Petition for Certiorari dated December 4, 2013, petitioner alleged that he sought to annul and set aside the decision dated September 9, 2013 of respondent Executive Director Nadal of the Presidential Broadcast Staff-Radio TV Malacañang (“PBS-RTVM”) imposing the penalty of suspension to petitioner for the alleged commission of simple misconduct. Petitioner further alleged that the petition was filed at that time because he was again formally charged with another count of simple misconduct which would cause his dismissal from the service should respondent Nadal find him guilty again of simple misconduct in the pending administrative cases against petitioner.

It is clear that petitioner violated the doctrine of hierarchy of courts when he filed this petition directly with this Court. This Court's jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, while concurrent with the Regional Trial Courts, does not give litigants unrestrained freedom of choice of forum from which to seek such relief.[2] The judicial policy is that this Court will not entertain direct resort to it unless the redress desired cannot be obtained in the appropriate courts or where exceptional and compelling circumstances justify availment of a remedy within and calling for the exercise of its primary jurisdiction.[3]

The Supreme Court stressed that “[w]here the issuance of an extraordinary writ is also within the competence of [another court], it [must be in that court] that the specific action for the writ’s procurement must be presented.” The rationale behind the policy arises from the necessity of preventing (i) inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and (ii) further overcrowding of the Court's docket.[4]

Thus, a disregard of the doctrine of hierarchy of courts warrants, as a rule, the outright dismissal of a petition.[5]

WHEREFORE, the Petition for Certiorari and Prohibition with application for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction dated May 2, 2014 is hereby DISMISSED.

IT IS SO ORDERED.

Bueser, D. Q., and [*]Reyes Carpio, A., JJ., concur.

[*] Acting Junior Member for 15 working days only from March 1, 2015-April 8, 2015 per Office Order No. 81-15-ABR dated March 16, 2015.

[1]Rollo, p. 3.

[2] Francisco Jr. vs. Hon. Bayani Fernando, G.R. No. 166501, November 16, 2006.

[3] Santiago vs. Vasquez, G.R. Nos. 99289-90, January 27, 1993.

[4] Supra.

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

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