

PINAG-ISANG LAKAS NG MAHIHIRAP SA VICTORY HILLS, INC. (PILAMAVIH), AND ALEJANDRO S. APDUHAN (PRESIDENT), PETITIONERS, V. PHILIPPINE BUSINESS FOR SOCIAL PROGRESS, INC. (PBSP), RT...

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is the Petition for Prohibition[1] filed by Pinag-Isang Lakas ng Mahihirap sa Victory Hills, Inc. (PILAMAVIH) and Alejandro S. Apduhan ("petitioners" for brevity) under Section 2 of Rule 65 of the Rules of Court ("Petition" for brevity).

However, the Petition[2] is dismissible for having violated the doctrine of Hierarchy of Courts, as was declared by the Supreme Court in Emmanuel A. De Castro vs. Emerson S. Carlos, G.R. No. 194994, April 16, 2013, to wit:

"xxx The hierarchy of courts must be strictly observed.

Settled is the rule that 'the Supreme Court is a court of last resort and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition.' A disregard of the doctrine of hierarchy of courts warrants, as a rule, the outright dismissal of a petition." (Emphasis supplied)

Perusal of the Petition[3] revealed that the Petition[4] relates to the acts of private respondent Philippine Business for Social Progress, Inc. ("PBSPI" for brevity), a domestic corporation, in lending money to petitioners. Petitioner raised in its Petition[5] the following grounds:

"(E) GROUNDS FOR THE PETITION :

- a. The Private Respondents violated Section 88 of the Corporate Code of the Philippines xxx.
- b. The private respondents violated REPUBLIC ACT NO. 9474 xxx.
- c. Private Respondents violated the Truth [In] Lending Acts or R.A. 3735 xxx.
- d. Private Respondents as non-stock corporation practices business like the stocked (sic) corporation to that (sic) results in tax evasion."[6] (Emphasis was made in the original)

Given that the Petition[7] at bench relates to the acts of a corporation, then both the Regional Trial Court ("RTC" for brevity) and the Court of Appeals ("CA" for brevity) have "original or concurrent jurisdiction"[8] over the case, as provided for under Section 4 of Rule 65 of the Rules of Court, to wit:

"Section 4. When and where petition filed. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said motion.

The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a

corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, unless otherwise provided by law or these Rules, the petition shall be filed in and cognizable only by the Court of Appeals." (Emphasis supplied)

Although the CA and the RTC have original concurrent jurisdiction to issue Writs of Prohibition under Rule 65 of the Rules of Court, however, the concurrence of jurisdiction did not grant petitioner the absolute freedom to file its Petition for Prohibition[9] in any court of its choice. Petitioner should have filed the Petition[10] with the RTC in accordance with the doctrine of hierarchy of courts.

Thus, for petitioners' failure to observe the doctrine of hierarchy of courts, the Petition[11] at bench is dismissible. That this is the consequence is in accordance with the following pronouncement of the Supreme Court in *Alfeo D. Vivas, etc. vs. The Monetary Board of the Bangko Sentral ng Pilipinas and the Philippine Deposit Insurance Corporation*, G.R. No. 191424, August 7, 2013:

"xxx the petition is also dismissible because it simply ignored the doctrine of hierarchy of courts. True, the Court, the CA and the RTC have original concurrent jurisdiction to issue writs of certiorari, prohibition and mandamus. The concurrence of jurisdiction, however, does not grant the party seeking any of the extraordinary writs the absolute freedom to file a petition in any court of his choice. xxx" (Emphasis supplied)

IN VIEW OF ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-26.

[2] Rollo, pp. 3-26.

[3] Rollo, pp. 3-26.

[4] Rollo, pp. 3-26.

[5] Rollo, pp. 3-26.

[6] Rollo, pp. 13-20.

[7] Rollo, pp. 3-26.

[8] *Wilson P. Gamboa vs. Finance Secretary Margarito B. Teves, Finance Undersecretary John P. Sevilla, et. al.*, G.R. No. 176579, June 28, 2011

[9] Rollo, pp. 3-26.

[10] Rollo, pp. 3-26.

[11] Rollo, pp. 3-26.

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