

**PILIPINAS SHELL PETROLEUM CORPORATION, PETITIONER, VS.
HON. SELMA PALACIO ALARAS, IN HER CAPACITY AS PRESIDING
JUDGE OF BRANCH 62 OF THE REGIONAL TRIAL COURT OF MAKATI
CITY AND ...**

Ponente: DIAMANTE, F. N., J.

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DIAMANTE, F. N., J.:

Before Us for resolution are the: a) Motion for Reconsideration[1] filed by herein petitioner seeking a reversal of this Court's Decision promulgated on October 8, 2014 which denied the instant petition,[2] and b) private respondent's Comment[3] to the said Motion for Reconsideration. At this juncture, We take note of petitioner's Motion for Leave to File and Admit Reply attaching therewith its Reply. As such, said Motion for Leave is granted and the concomitant Reply is likewise admitted and considered.

Jurisprudence consistently holds that the filing of a motion for reconsideration is a prerequisite to the institution of a petition for certiorari. Although this rule is subject to certain exceptions, none of which is present in this case.[4] Petitioner admitted that it failed to file a motion for reconsideration on the Order dated January 16, 2014 prior to the filing of this instant petition. As an excuse, petitioner argued that the filing of such motion for reconsideration can be dispensed with in the present controversy ratiocinating that the aforesaid order was a patent nullity on the premise that the lower court neglected to appreciate the supposed existence of forum-shopping. Mere invocation of the purported lapses of the court a quo would not automatically prompt this Court to presume the accuracy of said allegation when the existence of the same could not be determined without delving into the records of the case. Besides, the lower court should first be informed of its supposed error and be allowed to correct or rectify the same through a re-examination of the legal and factual aspects of the case, which could only be done by filing a motion for reconsideration of the assailed order.[5]

Furthermore, a careful review of Our Decision and the reasons therefor, We are more convinced of its correctness. The basic issues raised by herein movant were already properly addressed and considered by this Court in the assailed decision. Thus, considering that there are no substantial arguments to warrant the reconsideration sought, We resolve to deny the instant motion for reconsideration.

WHEREFORE, premises considered, the Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED.

Librea-Leagogo, C. C., Chairperson and Sadang, M.Q.C., JJ., concur.

[1] Rollo, pp. 650-672.

[2] Id. at 611-619.

[3] Id. at 674-684.

[4] Philippine Long Distance Telephone Company vs. Ocampo, et al., G.R. No. 163999, July 9, 2014.

[5] Ibid.

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