

**SPS. ANASTACIO CAWIT, JR. AND ANGELES CAWIT, PETITIONERS,
VS. INTESTATE ESTATE OF THE LATE JUAN CAMINOS,
REPRESENTED BY JOINT ADMINISTRATOR/ADMINISTRATRIX
SEFRED SALIMBOT AND CR...**

Ponente: LOPEZ, J.

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LOPEZ, J.:

On record is petitioners' Motion for Extension of Time to File Petition for Certiorari[1] with prayer for Immediate Issuance of Restraining Order and Preliminary Injunction.

A perusal of petitioners' Motion showed there is no clear statement as to when petitioners received the Orders sought to be assailed in their impending Petition for Certiorari. Neither are copies of the said Orders attached to their Motion. Moreover, it is not clear when petitioners' Motion was filed before this Court. It likewise appears that the impending Petition for Certiorari is directed against the Orders of the MTCC of Escalante City, Negros Occidental.

In view of the foregoing observations, the Motion filed by petitioners ought to be dismissed.

Under Section 4, Rule 65 of the Rules of Court, a petition for Certiorari must be filed not later than sixty (60) days from the notice of the judgment, order or resolution. If a motion for reconsideration was filed, not later than sixty (60) days from the notice of the denial of the said motion.

Although the sixty(60)-day period may be extended, under exceptional cases, subject to the court's sound discretion,[2] the lack of pertinent details in petitioners' Motion for extension of time prevent the determination of whether or not their Motion is filed within the period allowed by the Rules. Consequently, it cannot be determined if the subsequently-filed Petition for Certiorari[3] dated December 15, 2014 is filed within the reglementary period.

Furthermore, a perusal of the Petition revealed that the Orders[4] assailed by petitioner were issued by the MTCC. Under the Rules of Court, any petition for Certiorari questioning such orders must be filed before the Regional Trial Court. For while this Court has concurrent jurisdiction with the Supreme Court and the Regional Trial Courts to issue the writ of Certiorari, such concurrence of jurisdiction does not give a party unbridled freedom to choose the venue of his action lest he ran afoul of the doctrine of hierarchy of courts. Instead, a becoming regard for judicial hierarchy dictates that petitions for the issuance of writs of certiorari against first level courts should be filed with the Regional Trial Court, and those against the latter, with this Court, before resort may be had before the Supreme Court.[5] This procedure is also in consonance with the aforementioned Section 4, Rule 65 of the Rules of Court.

WHEREFORE, in view of the foregoing, petitioners' Motion for Extension of Time to File Petition for Certiorari with prayer for Issuance of Restraining Order and Preliminary Injunction dated November 12, 2014 is hereby DENIED and the Petition for Certiorari dated December 15, 2014 is hereby DISMISSED.

SO ORDERED.

Delos Santos, J., Chairman, and Lagura-Yap, JJ., concur.

[1] Rollo, pp. 3-8.

[2] Cf. Thenamaris Philippines, Inc., et al. vs. Court of Appeals, et al., G.R. No. 191215, February 3, 2014, citing Domdom vs. Third and Fifth Divisions of the Sandiganbayan, G.R. Nos. 182382-83, February 24, 2014.

[3] Rollo, page 11.

[4] Rollo, pp. 28-34.

[5] A.L. Ang Network, Inc. vs. Emma Mondejar, G.R. No. 200804, January 22, 2014.

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