

**INTERADENT ZAHNTECHNIK PHILIPPINES, INC., DULY
REPRESENTED BY LUIS MARCO L. AVANCEÑA, PETITIONER, VS. HON.
JOEL SOCRATES S. LOPENA, IN HIS CAPACITY AS PRESIDING JUDGE
OF THE MET...**

Ponente: PAREDES, J.

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PAREDES, J.:

On December 22, 2014, petitioner filed a motion[1] praying for an additional period of fifteen (15) days from January 3, 2015 or until January 18, 2015, within which to file a petition for certiorari.

On January 20, 2015[2], a petition for certiorari[3] under Rule 65 of the Rules of Court was filed, assailing the orders issued by the Metropolitan Trial Court (MeTC), Branch 33, Quezon City, in Crim. Case No. 13-06479-CR, to wit: (1) Order[4] dated June 20, 2014 granting the motion with leave of court to withdraw the information filed by Prosecutor Donald T. Lee; and (2) Order[5] dated October 17, 2014 denying petitioner's motion for reconsideration.

The petition warrants an outright dismissal.

Petitioner violated the time-honored principle of respect for the hierarchy of courts; the petition should have been filed with the Regional Trial Court instead of directly to this Court, assailing, as it does, the Orders issued by the Metropolitan Trial Court. While the Supreme Court, this Court of Appeals, and the Regional Trial Court have concurrent jurisdiction to issue writs of certiorari, the parties to a suit are not given unbridled freedom to choose between court forums[6]. Judicial hierarchy indicates that “petitions for the issuance of extraordinary writs against first level (“inferior”) courts should be filed with the Regional Trial Court, and those against the latter, with the Court of Appeals.[7]” Therefore, the petition for certiorari was dismissible outright on procedural grounds[8].

In *Bañez, Jr. vs. Concepcion*[9], the Supreme Court held:

The Court must enjoin the observance of the policy on the hierarchy of courts, and now affirms that the policy is not to be ignored without serious consequences. The strictness of the policy is designed to shield the Court from having to deal with causes that are also well within the competence of the lower courts, and thus leave time to the Court to deal with the more fundamental and more essential tasks that the Constitution has assigned to it. The Court may act on petitions for the extraordinary writs of certiorari, prohibition and mandamus only when absolutely necessary or when serious and important reasons exist to justify an exception to the policy. (Emphasis ours)

Here, we cannot discern any special, absolutely necessary or and compelling reason to justify the direct filing with this Court of the present petition. Clearly, it should be dismissed outright.

WHEREFORE, the petition is DISMISSED.

The motion for extension of time to file petition for certiorari is NOTED.

SO ORDERED.

Dicdican, I. P., Chairperson, and Ybañez, E. A., JJ. , concur.

[1] Rollo, pp. 3-8.

[2] January 18, 2015 is Sunday while January 19, 2015 was declared non-working holiday in the National Capital Region in view of the Papal Visit.

[3] Rollo, pp. 9-36.

[4] Rollo, pp. 39-45.

[5] Rollo, pp. 37-8

[6] Rayos vs. City of Manila, G.R. No. 196063, 14 December 2011, 662 SCRA 684, 689.

[7] People vs. Cuaresma, 254 Phil. 418, 427 (1989).

[8] See Holy Trinity Realty Development Corp., etc. vs Spouses Abacan, G.R. No. 183858, April 17, 2013.

[9] G.R. No. 159508, August 29, 2012.

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