

**ROGELIO I. RAYALA, AND ROGELIO EARL ALBERT M. RAYALA,
PETITIONERS, V. HON. RESTITUTO V. MANGALINDAN, JR. IN HIS
CAPACITY AS ACTING PRESIDING JUDGE, METROPOLITAN TRIAL
COURT, BRA...**

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Certiorari[1] under Rule 65 of the Rules of Court with application for issuance of temporary restraining order and/or writ of preliminary injunction seeking to annul the November 19, 2013[2] and March 7, 2014[3] Orders of the Metropolitan Trial Court (MeTC), Branch 45, Pasay City in Civil Case No. 12-14273. The first assailed Order granted private respondent's motion for summary judgment, while the second questioned Order denied petitioners' motion for reconsideration.

A perusal of the records shows that the present petition was filed in violation of the principle of hierarchy of courts. A petition for certiorari assailing the judgment, order or resolution of the MeTC should be filed with the Regional Trial Court (RTC) as provided under Section 4, Rule 65 of the Rules of Court, viz.:

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 petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals. (Emphasis supplied)

xxx

In *Rayos v. City of Manila*,[4] the Supreme Court discussed the principle of hierarchy of courts in the issuance of a writ of certiorari, to wit:

Indeed, this Court, the Court of Appeals and the Regional Trial Courts exercise concurrent jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction. However, such concurrence in jurisdiction does not give petitioners unbridled freedom of choice of court forum. In *Heirs of Bertuldo Hinog v. Melicor*, citing *People v. Cuaresma*, the Court held:

This Court's original jurisdiction to issue writs of certiorari is not exclusive. It is shared by this Court with Regional Trial Courts and with the Court of Appeals. This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed. There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and also serves as a general determinant of the appropriate forum for

petitions for the extraordinary writs. A becoming regard for that judicial hierarchy most certainly 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. x x x (Emphasis supplied)

From the foregoing, it is clear that direct resort to this Court cannot be sanctioned when the remedy sought by petitioners may be equally availed in the RTC. Thus, for having disregarded the principle of hierarchy of courts, the present petition warrants an outright dismissal.[5]

WHEREFORE, the instant petition is hereby DISMISSED.

SO ORDERED.

Villon (Chairperson) and Macalino, JJ., concur.

[1] Rollo, pages 3-12.

[2] Penned by Acting Presiding Judge Restituto V. Mangalindan, Jr., *ibid.*, pages 16-17.

[3] *Ibid.*, page 18.

[4] G.R. No. 196063. December 14, 2011.

[5] See *Dacudao v. Gonzales*, G.R. No. 188056. January 8, 2013.

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