CONG. GLENN A. CHONG, MR. CHARLES CHONG, AND MR. ROMEO ARRIBE, PETITIONERS, VS. HON. PHILIP L. DELA CRUZ, HON. ROMEO D.C. GALVEZ, HON. RAMON CHITO R. MENDOZA, STATE PROSECUTORS,...

G.R. NO. 184948. July 21, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

This resolves the Motion for Reconsideration[1] filed by petitioners on January 29, 2009 from the Resolution[2] of this Court dated November 17, 2008 dismissing for lack of merit the petition for certiorari with prayer for preliminary injunction and restraining order. Petitioners filed a Rule 65 petition assailing the Joint Orders dated September 29, 2008 issued by the Department of Justice (DOJ) which denied the two motions for postponement and motion to remand interposed by petitioners in I.S. No. 2008-650, I.S. No. 2008-117, I.S. No. 2008-152, and I.S. No. 154.

Aside from its lack of merit, the petition for certiorari was also dismissed for failure to state the material dates on the receipt of the assailed joint orders, contrary to Section 4, Rule 65 in relation to the second paragraph of Section 3, Rule 46 of the Rules of Court. The petition also lacked legible duplicate original or certified true copies of the assailed orders, in violation of the second paragraph of Section 1, Rule 65 and Section 3, Rule 46 in relation to Section 2, Rule 56.[3]

We find no cogent reason to warrant a reconsideration of this Court's resolution.

A petition for certiorari is an extraordinary remedy.[4] As such, the party who seeks to avail of the same must strictly observe the procedural rules laid down by law,[5] and non-observance thereof may not be brushed aside as mere technicality.[6] The decision on whether or not to accept a petition for certiorari, as well as to grant due course thereto, is generally addressed to the sound discretion of the court.[7]

While there may have been exceptional cases where this Court has set aside procedural defects to correct patent injustice concomitant to the liberal interpretation of the rules, we find such reason lacking in the case at bar.

Likewise, petitioners failed to observe the rule on hierarchy of courts when they directly sought relief before this Court. In Talento v. Escalada,[8] we explained:

> Although the Supreme Court, Regional Trial Courts, and the Court of Appeals have concurrent jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction, such concurrence does not give the petitioner unrestricted freedom of choice of court forum. Recourse should have been made first with the Court of Appeals and not directly to this Court.[9]

True, we had, on certain occasions, entertained direct recourse to this Court as an exception to the rule on hierarchy of courts. In those exceptional cases, however, we recognized an exception because it was dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders

complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy.[10]

In the instant case, however, the questions raised are issues evidently within the normal precincts of an appeal which cannot be peremptorily addressed by an extraordinary writ. In fact, the Court of Appeals (CA) has jurisdiction to review the resolution issued by the Secretary of the DOJ through a petition for certiorari under Rule 65 of the Rules of Court albeit solely on the ground that the Secretary of Justice committed grave abuse of his discretion amounting to excess or lack of jurisdiction.[11] Petitioners could have easily availed themselves of such recourse instead of directly assailing the same before this Court.

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.[12] A direct invocation of this Court's original jurisdiction to issue said writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is established policy - a policy that is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket.[13]

WHEREFORE, premises considered, the Motion for Reconsideration[14] filed by herein petitioners is DENIED for lack of merit.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Velasco, Jr., and Peralta, JJ., concur.

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[1] Rollo, pp. 80-90.

[2] Id. at 78-79.

[3] Id. at 78.

[4] Garcia, Jr. v. Court of Appeals, G.R. No. 171098, February 26, 2008, 546 SCRA 595, 602; Solidum v. Court of Appeals, G.R. No. 161647, June 22, 2006, 492 SCRA 261, 269; and Manila Midtown Hotels & Land Corp. v. National Labor Relations Commission, 351 Phil. 500, 506 (1998).

[5] Garcia, Jr. v. Court of Appeals, supra note 3 citing Balayan v. Acorda, G.R. No. 153537, May 5, 2006, 489 SCRA 637, 643; Matagumpay Maritime Co., Inc., v. Dela Cruz, G.R. No. 144638, August 9, 2005, 466 SCRA 130, 134; Seastar Marine Services, Inc. v. Bul-an, Jr., G.R. No. 142609, November 25, 2004, 444 SCRA 140, 153.

[6] De Los Santos v. Court of Appeals, G.R. No. 147912, April 26, 2006, 488 SCRA 351, 358; Teoville Homeowners Association, Inc. v. Ferreira, G.R. No. 140086, June 8, 2005, 459 SCRA 459, 472; Sea Power Shipping Enterprises, Inc. v. Court of Appeals, 412 Phil. 603, 611 (2001).

[7] Tan v. Bausch and Lomb, Inc., G.R. No. 148420, December 15, 2005, 478 SCRA 115, 120.

[8] G.R. No. 180884, June 27, 2008, 556 SCRA 491.

[9] Id.

[10] See Gelidon v. De la Rama, G.R. No. 105072, December 9, 1993, 228 SCRA 322, 326-327.

[11] Alcaraz v. Gonzales, G.R. No. 164715, September 20, 2006 502 SCRA 518, 529.

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[12] Vergara v. Suelto, G.R. No. L-74766, December 21, 1987, 156 SCRA 753, 766.

[13] People v. Cuaresma, G.R. No. 67787, April 18, 1989, 172 SCRA 415, 424.

[14] Supra note 1.

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