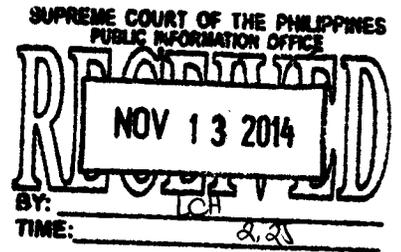




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **NOVEMBER 11, 2014**, which reads as follows:

“G.R. No. 210825 (Luis M. Granado, Jr. v. People of the Philippines, Hon. Edwin C. Ma-alat, in his capacity as Presiding Judge of Regional Trial Court of Ligao City, Branch 14, and Commission on Audit, represented by Mr. Leo Arcilla). – After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision¹ dated April 8, 2013 and the Resolution² dated January 3, 2014 of the Court of Appeals (CA) in CA-G.R. SP. No. 124922 for failure of petitioner Luis M. Granado, Jr. (Granado) to show that the CA committed reversible error in dismissing his petition for *certiorari* outright.

As correctly held by the CA, Granado’s failure to move for the reconsideration of the Order dated March 14, 2012 of the Regional Trial Court of Ligao City, Branch 14 must necessarily result in the outright dismissal of his petition for *certiorari* before the CA.³ It is settled that the extraordinary remedy of *certiorari* is available only when there is no other plain, speedy, and adequate remedy in the ordinary course of law, such as a motion for reconsideration.⁴ Absent any of the recognized exceptions,⁵ the

¹ Rollo, pp. 24-32.

² Id. at 19-22.

³ Id. at 29-32.

⁴ See *Delos Reyes v. Hon. Flores*, G.R. No. 168726, March 5, 2010, 614 SCRA 270, 277.

⁵ “[T]here are several exceptions where a petition for *certiorari* will lie without the prior filing of a motion for reconsideration, to wit:

- a. where the order is a patent nullity, as where the court *a quo* has no jurisdiction;
 - b. where the questions raised in the *certiorari* proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court;
 - c. where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the government or the petitioner or the subject matter of the action is perishable;
 - d. where, under the circumstances, a motion for reconsideration would be useless;
 - e. where petitioner was deprived of due process and there is extreme urgency for relief;
 - f. where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable;
 - g. where the proceedings in the lower court are a nullity for lack of due process;
 - h. where the proceedings was *ex parte* or in which the petitioner had no opportunity to object;
- and

filing of a motion for reconsideration is a jurisdictional and mandatory requirement that must be strictly complied with,⁶ as in this case.

In any event, even assuming *arguendo* that the filing of a motion for reconsideration may be dispensed with in this case, Granado's petition before the CA would still be denied on the merits. Records reveal that the information charging Granado of Malversation of Public Funds thru Falsification was filed by the City Prosecutor of Ligao City, an authorized officer under prevailing laws, rules, and jurisprudence. Hence, Granado's motion to quash on the ground that the officer who filed the information against him had no authority to do so must be denied." Sereno, C.J., Peralta and Bersamin, JJ., on official business. (adv104)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

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HON. ANDRES B. REYES, JR. (x)
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ATTY. TERESITA R. MARIGOMEN (x)
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Court of Appeals, Manila

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i. where the issue raised is one purely of law or where public interest is involved." (Id. at 277-278.)

⁶ See *Lopez dela Rosa Dev't. Corp. v. CA*, 497 Phil. 145, 159 (2005), citing *Silva v. National Labor Relations Commission*, G.R. No. 110226, June 19, 1997, 274 SCRA 159, 168.