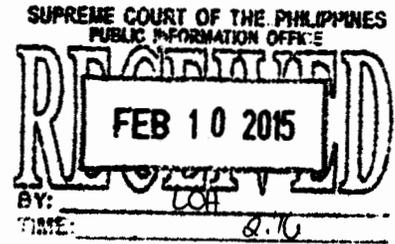




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 12, 2015** which reads as follows:*

“G.R. No. 215605 [formerly UDK-15188] (Don Mariano Transit Corporation v. Land Transportation Franchising and Regulatory Board and Secretary of the Department of Transportation and Communications).— The petitioner’s motion for an extension of seven (7) days within which to file a petition for review on certiorari with prayer for preliminary mandatory injunction is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the July 17, 2014 and October 29, 2014 Resolutions¹ of the Court of Appeals (CA) in CA-G.R. SP No. 136060 for failure of Don Mariano Transit Corporation (petitioner) to show that the CA committed any reversible error in denying outright its petition for *certiorari* on the ground of non-exhaustion of administrative remedies.

As correctly ruled by the CA, petitioner prematurely elevated its case before it by way of a petition for *certiorari*, considering its own admission that its appeal is still pending before the Department of Transportation and

- over – three (3) pages

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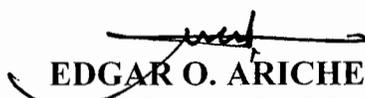
¹ Rollo (Vol. I), pp. 53-56 and 57-67, respectively. Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Francisco P. Acosta and Myra V. Garcia-Fernandez, concurring.

Communications. Absent the existence of any exception to the aforesaid doctrine,² the petition must necessarily be dismissed on the ground of non-exhaustion of administrative remedies, as in this case.

The Court of Appeals is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. SP No. 136060)

The Solicitor General (x)
Makati City

The Hon. Chairman
Land Transportation Franchising and
Regulatory Board
East Ave. 1100 Quezon City

The Hon. Secretary
Department of Transportation and
Communications
Columbia Tower, Ortigas Ave.
1550 Mandaluyong City

- over -

² The exceptions to the doctrine of exhaustion of administrative remedies are as follows: (a) where there is *estoppel* on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy and adequate remedy; (k) where strong public interest is involved; and (l) in *quo warranto* proceedings. (See *Samar II Electric Cooperative, Inc. [SAMELCO II] v. Seludo, Jr.*, G.R. No. 173840, April 25, 2012, 671 SCRA 78, 89; citations omitted.)



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