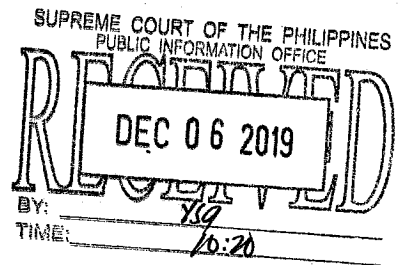




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **20 November 2019** which reads as follows:

***G.R. No. 249254 (Dr. Daniel E. Vasquez v. Honorable Ricardo A. Moldez II, Presiding Judge of the Regional Trial Court of Makati City, Branch 66, Edna Guiyab Vda. de Camcam, and all persons claiming rights under her)**

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ filed by petitioner Dr. Daniel E. Vasquez for violation of the doctrine of hierarchy of courts.

It is a hornbook principle that, although the Court, the Court of Appeals (CA), and the Regional Trial Court (RTC) have concurrence of jurisdiction to issue writs of *certiorari*, petitioner has no unrestrained freedom to choose which among the courts should his *certiorari* petition be filed.² Instead, a becoming regard for judicial hierarchy dictates that petitions for the issuance of writs of *certiorari* against first level courts should be filed with the RTC, and those against the latter, with the CA, before resort may be filed before this Court.³ This procedure is also in consonance with Section 4,⁴ Rule 65 of the Rules of Court. A direct invocation of the Court's original jurisdiction to issue writs of *certiorari* should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition,⁵ which are absent in this case.

In any event, the RTC properly denied⁶ petitioner's motion to transmit record⁷ for being premature. Records reveal that private respondent Edna Guiyab Vda. de Camcam (respondent) timely filed a Motion for Partial Reconsideration⁸ (MR) and is still pending before the CA. Settled is the rule that if a motion for reconsideration (including a partial motion for reconsideration) is timely filed by the proper party, the execution of the

¹ Rollo, pp. 3-17.

² *Lanao Del Norte Electric Cooperative, Inc. v. Provincial Government of Lanao Del Norte*, 817 Phil. 263, 277 (2017).

³ *A.L. Ang Network, Inc. v. Mondejar*, 725 Phil. 288, 297 (2014).

⁴ Section 4. *Where petition filed.* — The petition may be filed not later than sixty (60) days from notice of the judgment, order or resolution sought to be assailed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, and unless otherwise provided by law or these Rules, the petition shall be filed in and cognizable only by the Court of Appeals.

⁵ *Rayos, et al. v. The City of Manila*, 678 Phil. 952, 958 (2011).

⁶ See RTC Order dated June 28, 2019, signed by Acting Presiding Judge Ricardo A. Moldez II; *rollo*, pp. 21-24.

⁷ Titled "Urgent *Ex Parte* Motion to Transmit Records to the Court of Origin;" *id.* at 219-222.

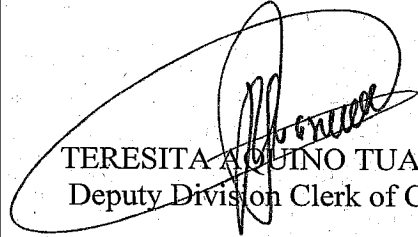
⁸ *Id.* at 198-205.

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CA's judgment or final resolution shall be stayed.⁹ As such, the pendency of respondent's MR stayed the February 24, 2017 CA Decision¹⁰ from attaining finality, thereby, rendering petitioner's motion to be premature. Verily, jurisdiction of a court once attached cannot be ousted by subsequent happening or events, although of a character which would have prevented jurisdiction from attaching in the first instance, and it retains jurisdiction until it finally disposes of the case,¹¹ as in this case.

SO ORDERED. (HERNANDO, J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)¹²

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *utb, 12/5*

05 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 66
Makati City Hall, Makati City
(Civil Case No. 13-080)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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GR249254. 11/20/2019(43)URES

⁹ *Tung Ho Steel Enterprises Corporation v. Ting Guan Trading Corporation*, 731 Phil. 446, 461 (2014).

¹⁰ *Rollo*, pp. 140-152. Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Noel G. Tijam and Ma. Luisa Quijano Padilla, concurring.

¹¹ *Aruego v. CA*, 325 Phil. 191, 201 (1996).