



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **24 August 2020** which reads as follows:*

“G.R. No. 252238 (Ruel C. Sistoso v. Hon. Judge Sharon Rose T. Saracin, Presiding Judge, Regional Trial Court, Branch 30, Tagum City, Davao Del Norte). – After a perusal of the records of the case, the Court resolves to **DISMISS** the present petition for failure of petitioner to show that the Regional Trial Court (RTC) committed grave abuse of discretion amounting to lack or excess of jurisdiction when it denied petitioner’s application for probation in Criminal Case Nos. 22597, 22598, and 22599.

Firstly, petitioner disregarded the doctrine of hierarchy of courts by filing the instant petition directly with this Court.

The concurrent jurisdiction of this Court, the Court of Appeals, and the RTC to issue writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus*, and injunction does not give the petitioner unrestricted freedom of choice of court forum.¹ In *Heirs of Hinog v. Melicor*,² citing *People v. Cuaresma*,³ this Court underscored the strict observance of the principle of hierarchy of courts, *viz*:

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.** A direct invocation of the Supreme Court’s original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is [an] established policy. It is a policy 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

¹ *Heirs of Hinog v. Melicor*, 495 Phil. 422, 431-432 (2005).

² *Id.*

³ 254 Phil. 418 (1989).

Court's docket.⁴ (Emphasis supplied)

The judicial policy is that a direct resort to this Court will not be entertained unless (a) the redress desired cannot be obtained in the appropriate courts, and (b) exceptional and compelling circumstances, *i.e.*, cases of national interest and of serious implications, justify the availment of the extraordinary remedy of writ of *certiorari*, calling for the exercise of the Court's primary jurisdiction.⁵

In this case, petitioner failed to satisfy the foregoing conditions. A perusal of the instant petition reveals the paucity of a specific and sufficient invocation of any special, extraordinary or compelling reason to justify direct recourse to this Court and why this Court should give due course to this petition in the first instance. Petitioner violated the observance of the hierarchy of courts, thereby warranting the dismissal of his petition for *certiorari*.

Secondly, no grave abuse of discretion can successfully be ascribed to the RTC in denying petitioner's application for probation.

Section 4 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976," as amended, reads:

SEC. 4. *Grant of Probation.* – Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant for a probationable penalty and upon application by said defendant within the period for perfecting an appeal, suspend the execution of the sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best. No application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction. x x x

x x x x

Probation may be granted whether the sentence imposes a term of imprisonment or a fine only. The filing of the application shall be deemed a waiver of the right to appeal.

An order granting or denying probation shall not be appealable. (Underscoring supplied)

Verily, the application for probation must be filed with the trial court within the 15-day period for perfecting an appeal. The need to file the application within such period is intended to encourage offenders, who are willing to be reformed, to avail of the privilege at the first opportunity.⁶ If the application for probation is filed beyond the 15-day period, the judgment becomes final and executory and the trial court can no longer act on the application for probation.⁷

⁴ *Heirs of Hinog v. Melicor*, supra note 1, at 432.

⁵ *Tano v. Hon. Gov. Socrates*, 343 Phil. 670, 700 (1997).

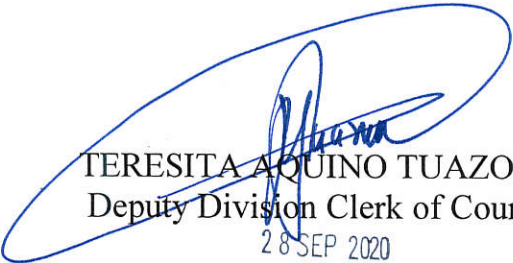
⁶ *Dimakuta v. People*, 771 Phil. 641, 660 (2015).

⁷ *Id.* at 660-661.

In this case, petitioner had the earliest opportunity to apply for probation on 08 August 2018, when he was notified of the Consolidated Judgment dated 23 July 2018 convicting him in Criminal Case Nos. 22597, 22598, and 22599. However, it was only on 03 February 2020 when he filed his application for probation, thereby allowing the Consolidated Judgment to attain finality. The RTC, thus, far from acting with grave abuse of discretion, rightfully denied petitioner's application for probation.

SO ORDERED." (*Baltazar-Padilla, J., on official leave.*)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 28 SEP 2020 *Whh*
 9/25

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