



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 September 2020** which reads as follows:*

“**G.R. No. 234827 (*Jang In Hyun v. Makati MeTC, Branch 63, Presiding Judge Alberto N. Azarcon III, and Lee Yoon Suk*)**. – This case is a direct resort to the Court by a Petition for *Certiorari* filed under Rule 65 of the Rules of Court assailing the Order¹ dated September 5, 2017 of the Metropolitan Trial Court (MeTC) of Makati City, Branch 63, in Crim. Case No. 383772, which denied Jang In Hyun’s (petitioner) Motion for Reconsideration of the Order² denying his Motion to Quash/Dismiss for Lack of Jurisdiction.³

After a judicious review of the case, the Court resolves to **DISMISS** the present petition for *certiorari* for violating the doctrine of hierarchy of courts.

Truly, in the issuance of extraordinary writs, such as *certiorari*, *mandamus*, prohibition and *habeas corpus*, the Court has concurrent jurisdiction with the Regional Trial Court and the Court of Appeals.⁴ However, the concurrence of jurisdiction does not mean that litigants have the unrestrained freedom to choose the venue of his action and invoke the Court’s original jurisdiction.⁵ In the case of *Gios-Samar, Inc. v. DOTC and CAAP*,⁶ the Court explained that the doctrine of hierarchy of courts is both a constitutional imperative and a filtering mechanism to enable the court to focus on more important matters and to declog the dockets of the court. Unless, the question raised in the petition is purely legal and the reasons duly raised therein pertain to important, extraordinary and special matters,

¹ Rendered by Presiding Judge Alberto N. Azarcon III; *rollo*, pp. 15-16.

² *Id.* at 29-30.

³ *Id.* at 25-26.

⁴ See *Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. v. Riel*, 750 Phil. 57, 68 (2015).

⁵ See *A.L. Ang Network, Inc. v. Mondejar*, 725 Phil. 288, 297 (2014).

⁶ G.R. No. 217158, March 12, 2019.

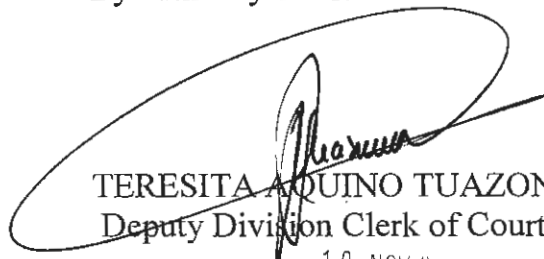
the direct invocation of the original jurisdiction of the court in the issuance of extraordinary writs shall be dismissed.

In the present petition, no compelling, extraordinary or special reasons were interposed by petitioner in seeking direct recourse to the Court. Nonetheless, even assuming that direct recourse is proper, petitioner failed to show that the MeTC gravely abused its discretion in denying his Motion to Quash/Dismiss for lack of jurisdiction.

Section 408 (c) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," provides that offenses punishable by imprisonment exceeding one (1) year *or* a fine exceeding ₱5,000.00 are exempt from the mandatory amicable settlement before a barangay *lupon*. In the instant case, petitioner was charged with Other Deceits under Article 318 of the Revised Penal Code, which provides that the penalty is *arresto mayor*, and a fine of not less than the amount of the damage caused and not more than twice such amount. Considering that the damages alleged in the Information⁷ amounted to 150,000,000KRW or ₱6,400,000.00, the MeTC properly ruled that the instant case is beyond the jurisdiction of the barangay *lupon* and there is no need to undergo barangay conciliation as a condition precedent to the filing of the complaint before the court.

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

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Wht*
10 NOV 2020 *11/10*

⁷ *Rollo*, pp. 23-24.

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HON. PRESIDING JUDGE (reg)
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Makati Hall of Justice, Makati City
(Crim. Case No. 383772)

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Supreme Court, Manila

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