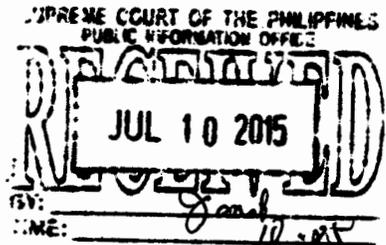




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** which reads as follows:*

“G.R. No. 218043 (Niceta Quianzon Iwano and Presentacion D. Quianzon v. Honorable Augustus C. Diaz, Judge of Metropolitan Trial Court, Branch 37, Quezon City, public respondent; and Arsenia V. Avila, private respondent). - The petitioners’ very urgent motion for issuance of temporary restraining order or writ of preliminary injunction praying that respondents be refrained, stopped, and prevented from enforcing or implementing the notice to vacate and writ of possession upon filing of a bond in such amount as the Court may fix to answer for any damages to respondents is **NOTED.**

After a judicious review of the records, the Court resolves to **DISMISS** the petition for *certiorari* filed by petitioners Niceta Quianzon Iwano and Presentacion D. Quianzon (petitioners) for having availed of the wrong remedy and for violation of the doctrine of hierarchy of courts.

A review of the factual circumstances of the instant petition shows that the same is dismissible for petitioners’ failure to show that there is no appeal, nor any plain, speedy, and adequate remedy that they can seek in assailing the Decision¹ dated January 22, 2008 of the Metropolitan Trial Court of Quezon City, Branch 37 in Civil Case No. 37-07-37185, as well as its subsequent issuances concerning the execution of the same. It is settled that the party filing a petition for *certiorari* must be able to show that his or

- over - two (2) pages

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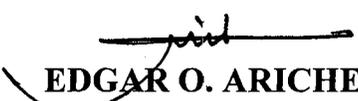
¹ Rollo, pp. 39-44. Penned by Judge Augustus C. Diaz.

her resort to such extraordinary remedy is justified by the absence of an appeal or any plain, speedy, and adequate remedy in the ordinary course of law and failure to do so renders such petition dismissible,² as in this case. Such dismissal, however, is without prejudice to petitioners' availment of the proper remedy, subject to laches and/or *estoppel*.

In any event, the petition is likewise dismissible for failure to observe the doctrine of hierarchy of courts. It is hornbook principle that although the Court, the Court of Appeals, and the Regional Trial Court (RTC) have concurrence of jurisdiction to issue writs of *certiorari*, petitioners have no unrestrained freedom to choose which among the several courts should their *certiorari* petition be filed. A direct invocation of the 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,³ which are absent in this case.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *ff-15*
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Ms. Presentacion D. Quianzon, et al.
Petitioners
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The Hon. Presiding Judge
Metropolitan Trial Court, Br. 37
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(Civil Case No. 37-07-37185)

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² See *Candelaria v. RTC, Branch 42, City of San Fernando*, G.R. No. 173861, July 14, 2014, citing *Visca v. Secretary of Agriculture and Natural Resources*, 255 Phil 213, 216-217 (1989).

³ *Rayos v. City of Manila*, G.R. No. 196063, December 14, 2011, 662 SCRA 684, 689, citing *People v. Cuaresma*, 254 Phil. 418, 426-427 (1989).