

THIRD DIVISION

[G.R. No. 165924, January 19, 2009]

RESTY JUMAQUIO, PETITIONER, VS. HON. JOSELITO C. VILLAROSA, IN HIS CAPACITY AS PRESIDING JUDGE OF SAN JOSE CITY REGIONAL TRIAL COURT, BRANCH 39, RESPONDENT.

D E C I S I O N

NACHURA, J.:

Assailed through a *certiorari* petition before this Court are the September 7, 2004^[1] and the September 28, 2004^[2] Orders of the Regional Trial Court (RTC), Branch 39 of San Jose City in Criminal Case Nos. SJC-78-04 and SJC-79-04.

The case originates from an incident that happened on August 2, 2003, when petitioner Resty Jumaquio allegedly threatened and assaulted two young men, then ages 13 and 17. As narrated by the minors, in the morning of the said date, Resty, a neighbor, upon seeing the younger child, belted out his anger and yelled, "*Putang ina mong bata ka namumuro ka na sa akin, at susunugin ko `yung pamilya mo!*"^[3] (You, son of a bitch, I've had enough of you, I'll burn your family!). That evening too, while the minors and their mother were traversing the road fronting another neighbor's house, petitioner, who was then having a drinking session, cursed them. Aghast, the mother cursed him back. Resty thence threw a stone towards the older child, but missed him. When the children's father went out of their nearby house, Resty picked up another stone to fling towards the father, but the older child rushed to Resty to grab it. At that moment, Resty repeatedly punched the 17-year-old. The younger child came to the rescue, but he too received a blow on his left cheek. The family hurried home when Resty bellowed at his son for the latter to get a gun. Resty then pelted stones at the family's house, shouting, "*Putang ina ninyo, zone leader ako papatayin ko [kayong] lahat!*"^[4] (You, sons of bitches, I am a zone leader, I will kill you all!).

On account of that altercation, two separate Informations^[5] were filed with the RTC of San Jose City, which pertinently read as follows:

Criminal Case No. SJC-78-04

x x x x

The undersigned Prosecutor II accuses RESTY JUMAQUIO, with the crime of GRAVE THREATS in relation to R.A. No. 7610, committed as follows:

That on or about August 2, 2003, in the City of San Jose, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously threaten the minor [name

withheld], a 13-year-old boy, with the infliction of a wrong amounting to a crime, that is, by uttering the following words, to wit:

"PUTANG INA MONG BATA KA NAMUMURO KA NA SA AKIN AT SUSUNUGIN KO YONG PAMILYA MO"

to the damage and prejudice of [name withheld].

That the above acts of the accused debases, degrades, and demeans the dignity of the complainant and impairs his normal growth and development.

CONTRARY TO LAW. April 29, 2004.

x x x x

Criminal Case No. SJC-79-04

x x x x

The undersigned Prosecutor II accuses RESTY JUMAQUIO, with the crime of PHYSICAL INJURIES in relation to R.A. No. 7610, committed as follows:

That on or about August 2, 2003, in the City of San Jose, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously attack, box and hit the minors [names withheld], 13 years old and 17 years old, respectively, thereby causing physical injuries to the latter, which required medical treatment for a period of three to five (3 to 5) days, to their damage and prejudice.

That the above acts of the accused debases, degrades, and demeans the dignity of the complainant (sic) and impairs their normal growth and development.

CONTRARY TO LAW. April 29, 2004.

x x x x^[6]

The trial court consequently issued the warrant of arrest and fixed the bail at P80,000.00 for each case, which, on motion of petitioner, was reduced to P40,000.00 each in surety bond.^[7]

After posting bail and before the arraignment, petitioner moved for the quashal of the informations for being duplicitous. He argued that, under the informations, he stood charged with several crimes - grave threats and violation of Republic Act (R.A.) No. 7610, and physical injuries and another violation of the aforesaid law; that grave threats in relation to R.A. No. 7610 could not be considered a crime; and that the said separate crimes could not even be complexed, as neither may be considered to fall within the ambit of Section 10, R.A. No. 7610. ^[8] Following

Section 3(e), Rule 117^[9] of the Revised Rules on Criminal Procedure, the informations should therefore be quashed.^[10]

In his opposition to the motion, the City Prosecutor countered that the allegations in the questioned informations, and not the designation of the crimes therein, should prevail. The informations charged separate violations of R.A. No. 7610 - Criminal Case No. SJC-78-04 for the single offense of child abuse committed through the use of threatening words, and Criminal Case No. SJC-79-04 for the separate offense of child abuse through the infliction of physical injuries.^[11] The crimes committed by petitioner would be punishable under Section 10(a) of R.A. No. 7610.^[12]

In the assailed September 7, 2004 Order,^[13] the RTC denied the motion. The trial court further denied petitioner's motion for reconsideration in the likewise assailed September 28, 2004 Order.^[14]

Discontented, petitioner filed directly before this Court the instant petition for *certiorari* under Rule 65.

We dismiss the petition.

Immediately apparent is that the instant petition disregards the hierarchy of courts. While our original jurisdiction to issue extraordinary writs is not exclusive - it is shared with the Court of Appeals (CA) and the RTC - the choice of where to file the petition for *certiorari* is not left entirely to the party seeking the writ.^[15] The principle of hierarchy of courts serves as a general determinant of the appropriate forum for the said petition. A becoming regard for judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first-level courts should be filed with the RTC; and those against the latter, with the CA.^[16] A direct recourse to this Court is warranted only where there are special and compelling reasons specifically alleged in the petition to justify such action.^[17] As a court of last resort, this Court should not be burdened with the task of dealing with causes in the first instance.^[18] This is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to matters within its exclusive jurisdiction, and to prevent the further over-crowding of the Court's docket.^[19]

Here, petitioner directly lodged before us the *certiorari* petition, when he should have filed it in the CA. Clearly, the same ought to be dismissed.

Furthermore, as a rule, when a motion to quash in a criminal case is denied, petitioner's remedy is not *certiorari*, but to go to trial without prejudice to reiterating the special defenses invoked in his motion to quash. In the event that an adverse decision is rendered after trial on the merits, an appeal therefrom is the next appropriate legal step.^[20]

But even if we were to ignore petitioner's procedural transgressions, the petition must still be dismissed for lack of merit. As correctly argued by the City Prosecutor, the questioned informations separately charge two distinct offenses of child abuse-- Criminal Case No. SJC-78-04 for child abuse committed through the use of