

THIRD DIVISION

[G.R. No. 128297, January 21, 1999]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HONORABLE COURT OF APPEALS, HONORABLE ELSA I. DE GUZMAN, AS PRESIDING JUDGE OF THE METROPOLITAN TRIAL COURT, NATIONAL CAPITAL JUDICIAL REGION, BRANCH 33, QUEZON CITY, C/INSP. ROBERTO V. GANIAS, INSP. JOHN A. MAMAUAG, SPO1 ROBERTO C. CARIÑO, SPO2 EUGENE V. ALMARIO, SPO1 VIVIAN FELIPE, AND SPO4 ERLINDA GARCIA, RESPONDENTS.

D E C I S I O N

PURISIMA, J.:

At bar is a petition for certiorari and mandamus under Rule 65 of the 1997 Revised Rules of Court, assailing the:

1. Orders^[1] dated November 21, 1995 and January 8, 1996, respectively, of Branch 23^[2] of the Metropolitan Trial Court of Metro Manila ("MTC");
2. Decision^[3] dated April 19, 1996 of the Court of Appeals; and
3. Resolution^[4] dated September 17, 1996 of the Court of Appeals.

From the Petition and other pleadings before the Court, it can be culled, that:

On July 31, 1995, an information^[5] for violation of Article 208 of the Revised Penal Code was filed with Branch 33 of the Metropolitan Trial Court of Quezon City against the Private respondents, namely; C/Insp. Roberto V. Gantias, Insp. John A. Mamauag, SPO1 Roberto C. Cariño, SPO2 Eugene V. Almario, SPO1 Vivian Felipe, and SPO4 Erlinda Garcia, alleging:

"That on or about March 2, 1995, in Quezon City, Philippines, within the jurisdiction of this Honorable Court, the above named accused, all public officers, being then members of the Philippine National Police, and who had the duty to cause the prosecution of law violator, in conspiracy and with deliberate intent, did then and there wilfully, unlawfully and feloniously, knowing the commission of qualified theft by Proclyn P. Pacay who was caught red-handed in her possession several items (a pair of white-gold earrings; a pair of white gold diamond earrings; 1 gold necklace; 2 bracelets; 1 Oleg Cassini wrist watch; 1 Seiko wrist watch and some clothing materials) – belonging to Judge Adoracion G. Angeles at PNP Station II, Baler St., SFDM, Quezon City and despite the request for assistance of Judge Adoracion G. Angeles, Oliva G. Angeles and Segrada T. Aldaba, to blotter the commission of a felony and to pursue

further investigation thereof, refuse, fail or refrain from taking appropriate action or cause the prosecution of the said law violator, to the damage and prejudice of said Judge Adoracion G. Angeles

CONTRARY TO LAW."

On October 25, 1995, upon arraignment, thereunder, private respondents pleaded Not Guilty.

Private respondents then interposed a Motion to Quash the Information, invoking Section 3 (a) and (g) of Rule 117 of the Revised Rules of Court.^[6] On November 21, 1995, finding subject Motion meritorious, respondent court granted the same, ruling thus:

"Wherefore, on the ground that the averment in the information did not charge an offense, the Court resolves to quash the information without prejudice to whatever action the prosecution may take under the premises."^[7]

On December 1, 1995, the private prosecutor moved for reconsideration^[8] of the said Order but to no avail. The Motion for Reconsideration was denied in the Order^[9] of January 8, 1996.

Undaunted, petitioner found his way to this Court via a petition for certiorari and mandamus^[10], docketed as G.R. No. 123603, which was referred to the Court of Appeals per this Court's Resolution^[11] of March 4, 1996.

On April 19, 1996, the Court of Appeals dismissed the said petition outright, holding that the petition should have been brought before the Regional Trial Court, according to the hierarchy of courts.^[12] Petitioner moved to reconsider^[13] the dismissal of the petition but the motion for reconsideration was denied in the Resolution^[14] dated September 17, 1996 of the Court of Appeals, which ruled further that certiorari was not the proper remedy because petitioner had a plain, speedy, and adequate remedy at law which was to appeal the questioned Order dated November 21, 1995 of the Metropolitan Trial Court to the Regional Trial Court of Proper jurisdiction. The Court of Appeals also held that the petitioner had lost the right to appeal for failure to pursue the same within the reglementary period.

Dissatisfied, petitioner is before this Court, once again, to seek relief.

The respondent court opined correctly that under the hierarchy of courts, the petition should have been initially filed with the Regional Trial Court. There is a hierarchy of courts determining the venue of appeals, which should serve as a general determinant of the proper forum for the avilment of the extraordinary remedies of certiorari, prohibition, mamdamus, quo warranto, and habeas corpus.^[15] As held in *People v. Cuaresma*^[16]

"x x x There is after all a hierarchy of courts. That hierarchy is determinative of the venue of appeals, and should also serve as a general determinant of the appropriate forum for petitions for the extraordinary writs. A becoming regard for that judicial hierarchy most