486 Phil. 160

SECOND DIVISION

[G.R. No. 138490, November 24, 2004]

DESIREE L. PAGE-TENORIO, PETITIONER, VS. WILFREDO C. TENORIO AND PRESIDING JUDGE JOSE R. HERNANDEZ OF REGIONAL TRIAL COURT, BRANCH 158, PASIG CITY, RESPONDENTS.

D E C I S I O N

CHICO-NAZARIO, J.:

This is a petition for *certiorari* under Rule 65 of the Rules of Court seeking to nullify and set aside the Order of the Regional Trial Court (RTC), Branch 158, Pasig City, dated 10 March 199[9][1] denying petitioner's formal offer of exhibits for her failure to furnish copies thereof to the Office of the Solicitor General (OSG) and the City Prosecutor, and the Order[2] of the RTC dated 13 April 1999 denying petitioner's Motion for Reconsideration.

Stripped of circumlocution, the factual antecedents are -

On 07 August 1998, petitioner Desiree L. Page-Tenorio filed a petition for the declaration of nullity of her marriage to respondent Wilfredo C. Tenorio.[3] On 20 August 1998, a copy of the summons, together with the petition and its annexes, was served upon private respondent and was received by him personally. On 02 December 1998, petitioner completed her testimony on direct and cross-examination. On 05 February 1999, Mrs. Regina Togores, Clinical Psychologist of the Judicial and Bar Council, Supreme Court, finished her testimony. On the same day, Julieta C. Tobias, the court-appointed Social Worker, was also presented and she, likewise, concluded her testimony.[4] On 15 February 1999,[5] petitioner, through counsel, filed a formal offer of evidence furnishing private respondent with a copy thereof by registered mail. As earlier stated, the trial court, acting on the offer, denied the same on the ground that petitioner failed to furnish copies of said formal offer of evidence to the OSG and the office of the City Prosecutor. Petitioner's motion for reconsideration was further denied in the Order dated 13 April 1999.

Hence, this Petition.

Petitioner assigns a single error[6] (of the trial court) for our resolution:

> THE HONORABLE COURT GRAVELY ABUSED HIS (sic) DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DENYING PETITIONER'S MOTION FOR RECONSIDERATION OF THE ORDER DATED 5 FEBRUARY 1999 GIVEN THE FACT THAT THERE WAS ALREADY SUBSTANTIAL COMPLIANCE WITH THE SAME.

In a resolution of this Court dated 16 June 1999, we resolved, without giving due course to the petition, to require respondents to Comment within ten (10) days from notice.[7]

In its Compliance, the OSG prayed for the dismissal of the petition on the ground that the order was not tainted with grave abuse of discretion and the fact that the petition should have been filed with the Court of Appeals.[8]

Replying[9] to this Comment, petitioner, through counsel, countered that in her motion for reconsideration dated 18 March 1999 seeking to set aside the Order of the trial court dated 10 March 199[9][10] denying her formal offer of evidence, counsel sincerely apologized and attached proof of compliance to the trial court's order and explained that the failure to furnish copies of said formal offer was due to mere oversight brought about by daily court appearances and counsel's treatment for hypertension at that time.

In his Comment,[11] private respondent Wilfredo Tenorio manifested that he just wants to be left alone in peace. He has no comment or opposition to the petition and will abide by the decision of this Court.

The petition is not meritorious.

It is noteworthy that on 30 April 1999, the trial court issued an Order[12] dismissing this case on grounds that petitioner's Formal Offer of Exhibits was denied admission and that her other evidence was not preponderant enough to entitle her to a declaration of nullity of marriage under Article 36 of the Family Code.

Petitioner in the main cites that since the OSG and the Public Prosecutor were subsequently furnished copies of her formal offer of evidence, the same constitutes substantial compliance with the 05 February 1999 Order of the trial court. Besides, no damage or prejudice was caused by her belated compliance and, more importantly, technical rules should be relaxed in order to obtain a speedy and efficient administration of justice.

The Order of the trial court dated 05 February 1999 reads:

> The testimonies of witnesses Regina Beltran Togores and Julieta Tobias were terminated and as prayed for, counsel for petitioner is given a period of ten (10) days from today within which to file her formal offer of evidence, copy furnished the offices of the Solicitor General and Public Prosecutor, which are given a similar period of time from their receipt of the offer to file their comments/objections, after which, the incident is submitted for resolution.
>
> After the petitioner shall have rested her case, set the initial presentation of oppositor's evidence, if any, on March 16, 1999 at 8:30 o'clock in the morning.[13]

In denying Petitioner's motion for reconsideration, the trial court rationalized:[14]

> This resolves petitioner's Motion for Reconsideration.
>
> The motion is denied. This Court could not fathom why petitioner failed to furnish the Office of the Solicitor General and the Public Prosecutor's Office of Pasig City a copy of its offer of exhibits. It is not only contained in the Order of February 5, 1999 but very obvious in Article 48 of the Family Code and in the Molina case decided by the Supreme Court.
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> Consequently, the Order of March 10, 199[9][15] stays.

In the earlier case of *Vergara, Sr. v. Suelto*,[16] this Court made a ruling on the propriety of filing directly to this Court an application for a writ of mandamus or other extraordinary writ against a municipal trial court considering that jurisdiction to issue these writs is also possessed by the Court of Appeals as well as the RTC, thus-

> We turn now to the second question posed in the opening paragraph of this opinion, as to the propriety of a direct resort to this Court for the remedy of *mandamus* or other extraordinary writ against a municipal court, instead of an attempt to initially obtain that relief from the Regional Trial Court of the district or the Court of Appeals, both of which tribunals share this Court's jurisdiction to issue the writ. As a matter of policy such a direct recourse to this Court should not be allowed. The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition. It cannot and should not be burdened with the task of dealing with causes in the first instance. Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor. Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another, are not controllable by the Court of Appeals. Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writ's procurement must be presented. This is and should continue to be the policy in this regard, a policy that courts and lawyers must strictly observe.

Resolutely, this Court has consistently decreed that a deviation from the strict observance of the principle of judicial hierarchy may be justified only in case of special and important reasons clearly and specifically set forth in the petition. The petitioner, in the instant petition, has not shown to the satisfaction of this Court, by any degree, such special and important reason warranting a disregard of this well-established principle or to rationalize the obvious procedural gaffe committed therein.

> At the outset, it is necessary to stress that a direct recourse to this court is highly improper, for it violates the established policy of strict observance of the judicial hierarchy of courts. We need to reiterate, for the guidance of petitioner, that this Court's original jurisdiction to issue a writ of *certiorari* (as well as prohibition, *mandamus, quo warranto, habeas corpus* and injunction) is concurrent with the Court of Appeals