

## THIRD DIVISION

[ G.R. No. 134230, July 17, 2002 ]

**JOVENAL OUANO, PETITIONER, VS. PGTT INTERNATIONAL  
INVESTMENT CORPORATION AND HON. JUDGE RAMON G.  
CODILLA, JR., RESPONDENTS.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

PGTT International Investment Corporation (PGTT), respondent, is a corporation duly organized under existing laws, with address at YASCO Bldg., M. J. Cuenco Ave., Cebu City.

On December 11, 1997, PGTT filed with the Regional Trial Court (RTC), Branch 20, Cebu City, a verified complaint against Jovenal Ouano, petitioner, docketed as Civil Case No. CEB- 21319, entitled "*PGTT INTERNATIONAL INVESTMENT CORPORATION, Plaintiff, vs. JUVENAL OUANO, Defendant,*" for "Recovery of Ownership and Possession of Real Property and Damages."<sup>[1]</sup> In its complaint, PGTT alleged that it is the owner of Lot Nos. 1-10, Block 2 of the Sunnymeade Crescent Subdivision located at Pit-os, Talamban, Cebu City. Sometime in October of 1996, PGTT found that Ouano uprooted the concrete monuments of the said lots, plowed them and planted corn thereon. Despite PGTT's demand that he vacate the lots and restore them to their original condition, Ouano refused, claiming he is the owner and lawful possessor of the 380 square meters he occupied. Due to Ouano's wrongful act, PGTT was deprived of the use of its property and suffered damages in the amount of P100,000.00 a year. Likewise, PGTT was constrained to file the subject action and hired the services of his counsel for P100,000.00. PGTT prayed:

**"WHEREFORE,** in view of all the foregoing, it is most respectfully prayed that after due notice and hearing, judgment be rendered ordering defendant (Jovenal Ouano) to vacate the premises and restore the lots to their original condition; pay plaintiff (PGTT) P100,000.00 as damages per year, beginning October, 1996 until he shall have vacated the premises and restored the lots to their original condition; pay P100,000.00 as attorney's fees; and pay P50,000.00 as expenses of litigation.

"Plaintiff prays for such other reliefs and remedies, just and equitable under the premises."<sup>[2]</sup>

On February 5, 1998, Ouano filed a motion to dismiss the complaint on the ground that it is the Municipal Trial Court (MTC), not the RTC, which has jurisdiction over it considering that the assessed value of the lots involved is only P2,910, as indicated in the latest tax declaration,<sup>[3]</sup> citing Section 19 (paragraph 2) and Section 33 (paragraph 3) of *Batas Pambansa* Bilang 129 (The Judiciary Reorganization Act of 1980), as amended by Republic Act No. 7691.<sup>[4]</sup>

In its opposition to Ouano's motion, PGTT contends that the RTC has jurisdiction since the market value of the lots is P49,760.00.<sup>[5]</sup> Besides, the complaint is not only an action for recovery of ownership and possession of real property, but also for damages exceeding P100,000.00, over which claim the RTC has exclusive original jurisdiction under Section 19 (paragraph 8) of the same law.

On March 6, 1998, the RTC, presided by Judge Ramon G. Codilla, Jr., issued an Order denying the motion to dismiss, holding that:

"This court believes that this court has jurisdiction to try this case considering that the real properties consist of ten parcels of land in a subdivision and the court takes note that there is a discrepancy somewhere by the Office of the City Assessor in the Assessment of the parcels of land for only less than P2,000.00 and that the government is very much at a loss by these unrealistic valuation."<sup>[6]</sup>

Ouano filed a motion for reconsideration but was likewise denied by the RTC in its Order dated May 27, 1998. The trial court ruled it has jurisdiction over the case because "(i)t is of judicial knowledge that the real properties situated in Cebu City command a higher valuation than those indicated in the tax declaration. The observation of plaintiff's (PGTT's) counsel as to the issue on damages is likewise sustained considering that, being a corporation, it may have incurred damages in the form of unrealized profits."<sup>[7]</sup>

Hence the present petition for certiorari filed by Ouano under Rule 65 of the 1997 Rules of Civil Procedure, as amended, assailing the Orders of respondent judge dated March 6, 1998 and May 27, 1998 as having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

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.<sup>[8]</sup> 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 (CA), as in the present case, and with the RTCs in proper cases within their respective regions.<sup>[9]</sup> However, this concurrence of jurisdiction does not grant a party seeking any of the extraordinary writs the absolute freedom to file his petition with the court of his choice. This Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the Constitution and immemorial tradition.<sup>[10]</sup> The hierarchy of courts determines the appropriate forum for such petitions. Thus, petitions for the issuance of such extraordinary writs against the first level ("inferior") courts should be filed with the RTC, and those against the latter, with the CA.<sup>[11]</sup> A direct invocation of this 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. This is the established policy. It is a policy that is necessary to prevent inordinate demands upon this Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further overcrowding of its docket.<sup>[12]</sup> Unfortunately, the instant petition does not allege any special and compelling reason to justify a direct recourse to this Court. However, we deem it more appropriate and practical to resolve the controversy in order to avoid further delay, but only in this instance.