



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated May 14, 2021 which reads as follows:

“G.R. No. 209683 (*Prohomes Development, Inc. v. Standard Chartered Bank and/or Standard Chartered Bank Philippines and Joanna A. Castro*).

After a judicious review of the records, the Court resolves to **DENY** the petition for being the wrong mode of appeal and for violating the principle of hierarchy of courts.

At the outset, it must be pointed out that Prohomes Development, Inc. (*petitioner*) brought the instant petition for review on *certiorari* raising questions of fact. It is basic rule that there is a "question of law" when the doubt or difference arises as to what the law is on a certain state of facts, and which does not call for an examination of the probative value of the evidence presented by the parties-litigants. On the other hand, there is a "question of fact" when the doubt or controversy arises as to the truth or falsity of the alleged facts. Simply put, when there is no dispute as to fact, the question of whether or not the conclusion drawn therefrom is correct, is a question of law.¹

Petitioner submits that the following issues involve questions of fact that justify its direct recourse to this Court, *viz.*:

- (a) Whether or not the trial court may summarily rule that the person signing the verification and certification of non-forum shopping was not authorized despite the appendage of the Secretary's Certificate and the latest General Information Sheet in the

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¹ *Republic v. Medida*, 692 Phil. 454, 461 (2012); *Westmont Investment Corporation v. Francia, Jr.*, 678 Phil. 180, 191 (2011).

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complaint of the plaintiff specifically authorizing him to sign the documents; and

(b) Whether or not the trial court may give credence to the General Information Sheet submitted by the defendant over and above the General Information Sheet appended by the plaintiff in its complaint, and dismiss the case via a mere motion to dismiss of the defendant at the initial stage of the proceedings where no trial has even commenced yet.²

However, resolving the above issues would require the Court to review the records and factual circumstances that led the trial court to dismiss the complaint. As a rule, a petition for review under Rule 45 of the Rules of Court should only present questions of law. Questions of fact are not reviewable and cannot be passed upon by the Court in the exercise of its power to review.³ Although there are exceptions to this rule,⁴ petitioner failed to prove that the instant petition falls under any of the exceptions.

Petitioner also availed of the wrong remedy. Section 1, Rule 41 of the 1997 Rules of Civil Procedure expressly states that no appeal may be taken from an order dismissing an action without prejudice. In such cases, the remedy available to the aggrieved party is to file an appropriate special civil action under Rule 65 of the Rules of Court.⁵

Moreover, petitioner disregarded the hierarchy of courts. Direct resort from the lower courts to the Supreme Court will not be entertained unless the appropriate remedy cannot be obtained in the lower tribunals. 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. Thus, a petition for review on *certiorari* assailing the decision involving both questions of fact and law must first be brought before the Court of Appeals.⁶

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² *Rollo*, p. 10.

³ *Republic of the Philippines v. Asia Pacific Integrated Steel Corporation*, 729 Phil. 402, 412 (2014); *Westmont Investment Corporation v. Francia, Jr.*, supra note 1, at 190-191.

⁴ Namely: (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties. (*Calaoagan v. People of the Philippines*, G.R. No. 222974, March 20, 2019).

⁵ *Heirs of Sadhwani v. Sadhwani*, G.R. No. 217365, August 14, 2019.

⁶ *Far Eastern Surety and Insurance Co., Inc. v. People of the Philippines*, 721 Phil. 760, 771 (2013); *Republic v. Marcos*, 612 Phil. 355, 367 (2009), citing *Suarez v. Judge Villarama*, 526 Phil. 68, 75-76 (2006).

In *Gios-Samar, Inc. v. Department of Transportation and Communications*,⁷ the Court explained the importance of the doctrine of the hierarchy of courts as a filtering mechanism, to wit:

The doctrine of hierarchy of courts operates to: (1) prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction; (2) prevent further overcrowding of the Court's docket; and (3) prevent the inevitable and resultant delay, intended or otherwise, in the adjudication of cases which often have to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as the court better equipped to resolve factual questions.

Strict adherence to the doctrine of hierarchy of courts is an effective mechanism to filter the cases which reach the Court. As of December 31, 2016, 6,526 new cases were filed to the Court. Together with the reinstated/revived/reopened cases, the Court has a total of 14,491 cases in its docket. Of the new cases, 300 are raffled to the Court *En Banc* and 6,226 to the three Divisions of the Court. The Court *En Banc* disposed of 105 cases by decision or signed resolution, while the Divisions of the Court disposed of a total of 923 by decision or signed resolution.

These, clearly, are staggering numbers. The Constitution provides that the Court has original jurisdiction over five extraordinary writs and by our rule-making power, [We] created four more writs which can be filed directly before [Us]. There is also the matter of appeals brought to [Us] from the decisions of lower courts. Considering the immense backlog facing the [Court], this begs the question: *What is really the Court's work? What sort of cases deserves the Court's attention and time?*⁸

The strict observance of the doctrine of hierarchy of courts should not be a matter of mere policy. It is a constitutional imperative given (1) the structure of our judicial system and (2) the requirements of due process.⁹

In *Diocese of Bacolod v. Commission on Elections*,¹⁰ the Court recognized various exceptions to the strict application of the principle of hierarchy of courts, to wit:

- (1) when there are genuine issues of constitutionality that must be addressed at the most immediate time;

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⁷ G.R. No. 217158, March 12, 2019.

⁸ Id.

⁹ Id.

¹⁰ 751 Phil. 301 (2015), as cited in *Gios-Samar, Inc. v. Department of Transportation and Communications*, supra note 7.

- (2) when the issues involved are of transcendental importance;
- (3) cases of first impression;
- (4) the constitutional issues raised are better decided by the Court;
- (5) exigency in certain situations;
- (6) the filed petition reviews the act of a constitutional organ;
- (7) when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; [and]
- (8) the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."¹¹

Thus, to warrant a direct recourse to the Court, the petitioner must show exceptional and compelling reasons therefor, clearly and specifically set out in the petition.¹² In view of petitioner's failure to prove that compelling reasons exist as to come under any of the exceptions, petitioner's direct recourse to this Court cannot be countenanced under the principle of hierarchy of courts.

The Court reiterates that when a question before Us involves a determination of a factual issue indispensable to the resolution of the legal issue, such as this case, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons. Such question must first be brought before the proper trial courts or the CA, both of which are specially equipped to try and resolve factual questions.¹³

In view of the foregoing, the instant petition must be denied as petitioner availed of the wrong remedy and violated the hierarchy of courts.

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¹¹ Id. at 331-335.

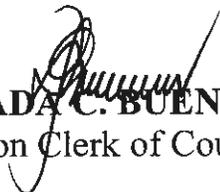
¹² *Heirs of Vda. de Abella v. Heirs of Abella*, G.R. No. 157780, January 14, 2015 (Notice).

¹³ *Gios-Samar, Inc. v. Department of Transportation and Communications*, supra note 7.

WHEREFORE, the petition is **DENIED**. The April 18, 2013¹⁴ and September 3, 2013¹⁵ Orders of the Regional Trial Court of Cebu City, Branch 7 in Civil Case No. CEB-39359 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *5/14/21*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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¹⁴ *Rollo*, pp. 73-76; penned by Judge Simeon P. Dum Dum, Jr.
¹⁵ *Id.* at 91-93.