



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2022** which reads as follows:*

**“G.R. No. 236828 (Mark Eduard R. Bucao, petitioner vs. People of the Philippines, respondent).** – After a review of the records, the Court resolves to **DENY** the petition for being a wrong remedy and for failure to sufficiently show that the Regional Trial Court, Cabugao, Ilocos Sur, Branch 24 (RTC), committed any reversible error in its June 14, 2017 and October 11, 2017 Orders<sup>1</sup> in Criminal Case No. 3546-K as to warrant the exercise of the Court’s appellate jurisdiction.

The assailed orders issued by the RTC being questioned before the Court are mere interlocutory orders because they did not result in the final disposition of the case. It is a hornbook principle that Rule 45 of the Rules of Court governs appeals from judgments or final orders, not interlocutory orders.<sup>2</sup> An interlocutory order cannot be the subject of appeal until final judgment is rendered for one party or the other.<sup>3</sup> Further, the Court has previously distinguished *certiorari*, as a mode of appeal under Rule 45, which is a remedy that involves the review of the judgment, award, or final order on the merits, as compared to the original action for *certiorari* under Rule 65, which refers to a remedy that may be directed against an interlocutory order.<sup>4</sup> No appeal may be taken from an interlocutory order. Instead, the proper remedy to assail such an order is to file a petition for *certiorari* under Rule 65.<sup>5</sup>

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<sup>1</sup> *Rollo*, pp. 20-21 and 27-28, respectively; penned by Acting Presiding Judge Raphiel F. Alzate.

<sup>2</sup> *Prime Savings Bank v. Spouses Santos*, G.R. No. 208283, June 19, 2019, 905 SCRA 37, 42-43, citing *Calleja v. Panday*, 518 Phil. 801, 808 (2006).

<sup>3</sup> *Id.* at 43, citing *Villasin v. Seven-Up Bottling Co. of the Philippines*, 107 Phil. 801, 802-803 (1960).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, citing *Spouses Perez v. Tan*, G.R. No. 186617, April 23, 2014. (Unsigned Resolution).

Moreover, the filing of the case directly with this Court runs afoul of the doctrine of hierarchy of courts. Pursuant to this doctrine, 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.<sup>6</sup>

In *Gios-Samar, Inc. v. Department of Transportation and Communications and Civil Aviation Authority of the Philippines*,<sup>7</sup> this 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 over-crowding 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.

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x x x 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?*<sup>8</sup> (citations omitted)

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.<sup>9</sup>

But even on the merits, the petition must still fail. While an accused may waive his right to be present at all stages of the proceedings, such waiver does not mean a release of the accused from

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<sup>6</sup> *Far Eastern Surety and Insurance Co. Inc. v. People*, 721 Phil. 760, 771 (2013), citing *Suarez v. Judge Villarama, Jr.*, 526 Phil. 68, 75-76 (2006).

<sup>7</sup> G.R. No. 217158, March 12, 2019, 896 SCRA 213.

<sup>8</sup> Id. at 290-291.

<sup>9</sup> Id. at 284.

his obligation under the bond to appear in court whenever so required. The accused may waive his right but not his duty or obligation to the court.<sup>10</sup> Neither did the challenged orders violate petitioner's right to travel. It is well-settled that persons facing criminal charges may be restrained by the court from leaving the country or, if abroad, be compelled to return.<sup>11</sup>

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

**WHEREFORE**, the petition is **DENIED**. The June 14, 2017 and October 11, 2017 Orders of the Regional Trial Court, Cabugao, Ilocos Sur, Branch 24, in Criminal Case No. 3546-K, are **AFFIRMED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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<sup>10</sup> *Carredo v. People*, 262 Phil. 290, 297 (1990).

<sup>11</sup> *Silverio v. Court of Appeals*, 273 Phil. 128, 134 (1991).

*N/A*