



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 104-2014

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : Court of Appeals Decision dated 25 June 2014 in C.A.-G.R. SP No. 131969, entitled *Ricardo Mendez y Dualan vs. Hon. Liza Marie R. Picardal-Tecson, et al.*

In his letter dated 30 July 2014, Prosecutor General Claro A. Arellano reported that some of the courts in the National Capital Judicial Region “have dismissed a significant amount of criminal cases for lack of jurisdiction, using as basis the decision of the Fourteenth Division of the Court of Appeals in the case, “*Ricardo Mendez y Dualan vs. Hon. Liza Marie R. Picardal-Tecson, Presiding Judge, Regional Trial Court of Makati City, Branch 144 and People of the Philippines,*” docketed as C.A. G.R. SP No. 131969, promulgated on 25 June 2014.” With respect thereto, Prosecutor General Arellano disclosed that they “filed a Motion for Reconsideration to the aforementioned decision.”

By reason thereof, Prosecutor General Arellano sought the assistance of the Office of the Court Administrator “to provide our Honorable Courts the necessary guidance pertaining to the subject CA decision.” He added that “the Honorable Courts (should) restrain the dismissal of criminal informations filed by (their) prosecution offices on the basis of the said CA decision while (their) Motion for Reconsideration is still pending before the Court of Appeals.”

It is clear that the decision in the subject cases has yet to attain finality. Thus, the same should not be cited as basis in the meantime to quash criminal informations being filed by prosecution offices which are found to be suffering from the supposedly fatal defect of lack of the required approval by the concerned city prosecutors. Accordingly, and until further notice, the proper course of action

to take is to maintain the *status quo* and newly-filed criminal cases should not be dismissed citing as authority the decision in the *Mendez* case (C.A.-G.R. SP No. 131969) since the said ruling is not yet final.

For strict compliance.

6 August 2014

JOSE MIDAS P. MARQUEZ
Court Administrator