

Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**SPOUSES ROMULO H.  
 ESPIRITU and EVELYN  
 ESPIRITU,**  
 Petitioners,

**G.R. No. 204965**

Present:

SERENO, C.J., Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PERLAS-BERNABE, and  
 CAGUIOA, JJ.

- versus -

**SPOUSES NICANOR SAZON  
 and ANNALIZA G. SAZON,**  
 Respondents.

Promulgated:

**MAR 02 2016**

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**DECISION**

**PERLAS-BERNABE, J.:**

Before the Court is a petition for review on *certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated March 5, 2012 and the Resolution<sup>3</sup> dated November 29, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 116303, which dismissed the petition for *certiorari* filed by petitioners-spouses Romulo and Evelyn Espiritu (Sps. Espiritu) against the Orders dated November 11, 2009<sup>4</sup> and August 23, 2010<sup>5</sup> of the Regional Trial Court of Angeles City, Branch 57 (RTC) in Civil Case No. 13071, enjoining them from committing acts of possession and constructing a factory and warehouse over the property covered by Transfer Certificate of Title (TCT) No. 535706-R.

<sup>1</sup> *Rollo*, pp. 9-32.

<sup>2</sup> *Id.* at 34-46. Penned by Associate Justice Ricardo R. Rosario with Associate Justices Rosmari D. Carandang and Danton Q. Bueser concurring.

<sup>3</sup> *Id.* at 57.

<sup>4</sup> *Records*, Vol. II, pp. 444-454. Penned by Judge Omar T. Viola.

<sup>5</sup> *Id.* at 524-526.

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### The Facts

Sps. Espiritu are the registered owners of an 8,268-square meter parcel of land situated in the Barangays of Bundagul and Paralayunan, Mabalacat, Pampanga (subject land) covered by TCT No. 535706-R.<sup>6</sup>

On October 5, 2006, respondents-spouses Nicanor and Annaliza Sazon (Sps. Sazon) filed before the RTC a Complaint<sup>7</sup> for Annulment of Sales, Cancellation of Titles, Recovery of Possession and Damages with Prayer for the Issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order (TRO) against Sps. Espiritu, Spouses Modesto and Leticia Diaz (Sps. Diaz), Marilyn M. Peco (Peco), Province of Pampanga Deputy Registers of Deeds Theresita Dela Cruz-Sonza<sup>8</sup> and Enrique M. Basa (Basa; collectively, RD of Pampanga). Sps. Sazon claimed to be the lawful owners of the subject land, having purchased the same from Sps. Diaz, which was then covered by TCT No. 19948/Emancipation Patent (EP) No. 413511<sup>9</sup> in Modesto Diaz's name. After the execution of the Deed of Absolute Sale<sup>10</sup> dated December 27, 1996 (December 27, 1996 Deed of Sale), Sps. Diaz surrendered the physical possession of the land and the corresponding owner's duplicate copy of the title to Sps. Sazon. However, sometime in August 2003, Sps. Espiritu occupied and fenced the subject land and claimed ownership thereof. Upon investigation, Sps. Sazon discovered that TCT No. 19948 was cancelled on October 4, 2002 by virtue of a purported sale by Sps. Diaz in favor of Peco, who was issued a new title. Thereafter, Peco sold the subject land to Sps. Espiritu, who were issued TCT No. 535706-R.<sup>11</sup>

Sps. Sazon alleged<sup>12</sup> that the titles of Peco and Sps. Espiritu are invalid, ineffective, null, void, and unenforceable, considering that: (a) the owner's duplicate copy of Modesto Diaz' TCT No. 19948 was never surrendered nor turned over to the RD of Pampanga for cancellation and/or transfer, and is still in Sps. Sazon's possession as the legitimate purchasers for value and in good faith; (b) the owner's duplicate copy of TCT No. 19948 was not reconstituted, re-issued, reported nor declared lost before any court or tribunal as certified by the Clerk of Court of the RTC of Pampanga<sup>13</sup> and the Provincial Agrarian Reform Officer II of the City of San Fernando, Pampanga;<sup>14</sup> (c) Sps. Diaz could not have possibly disposed or sold the subject land in favor of Peco on October 4, 2002 since Leticia Diaz had already passed away on March 17, 2001;<sup>15</sup> and (d) the transfers to Peco and

<sup>6</sup> Rollo, pp. 35-36. See also Records, Vol. I, p. 267.

<sup>7</sup> Records, Vol. I, pp. 2-8.

<sup>8</sup> Dela Cruz-Sonza was dismissed from service for Grave Misconduct by the Office of the Deputy Ombudsman for Luzon. See Decision dated July 13, 2004; id. at 378-386.

<sup>9</sup> Id. at 121-122.

<sup>10</sup> Id. at 123-125.

<sup>11</sup> Id. at 3-4.

<sup>12</sup> Id. at 4.

<sup>13</sup> Id. at 106.

<sup>14</sup> Id. at 107.

<sup>15</sup> Id. at 105.

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Sps. Espiritu were not supported by the required Department of Agrarian Reform (DAR) clearance.<sup>16</sup> Thus, they prayed that judgment be rendered cancelling the titles of Peco and Sps. Espiritu for having been fraudulently obtained, and directing Sps. Espiritu to surrender possession of the subject land to them. They likewise prayed that pending final judgment, a TRO and/or a Writ of Preliminary and Mandatory Injunction be issued by the RTC restraining Sps. Espiritu or any persons acting in their behalf “from doing acts of possession and construction of building/s”<sup>17</sup> on the subject land.

Sps. Espiritu filed their answer,<sup>18</sup> praying for the dismissal of the complaint on the grounds that: (a) the complaint states no cause of action against them since the claim was merely based on an unregistered deed of sale, which is binding only between the parties thereto and cannot bind the land or third persons; (b) the complaint does not contain specific averments how they violated the rights of Sps. Sazon; and (c) Sps. Diaz are the real parties-in-interest who may institute the action.<sup>19</sup> They further claimed to be innocent purchasers for value.<sup>20</sup>

In his answer,<sup>21</sup> Basa claimed that: (a) the requirements for the registration of the Deed of Absolute Sale between Peco and Sps. Espiritu have been met; hence, it was ministerial for them to register the same and issue a new certificate of title in the latter’s names; (b) the said registration enjoys the presumption of regularity; and (c) there was no necessity for a DAR clearance or certification, considering that DAR Administrative Order No. 1, Series of 1989<sup>22</sup> imposes only such requirement for transactions involving agricultural lands in excess of five (5) hectares.<sup>23</sup>

### The RTC Ruling

After hearing the application for writ of preliminary injunction, the RTC issued an Order<sup>24</sup> dated November 11, 2009 (November 11, 2009 Order) granting the application, thereby enjoining Sps. Espiritu from committing acts of possession and constructing a factory, warehouse or other building over the subject land, conditioned upon the posting of a ₱1,000,000 indemnity bond by Sps. Sazon.

The RTC held that Sps. Sazon had sufficiently established that: (a) they have a right over the subject land by virtue of the December 27,

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<sup>16</sup> Id. at 108.

<sup>17</sup> Id. at 7.

<sup>18</sup> See Answer with Counterclaim and Opposition to the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction dated October 31, 2006; id. at 32-42.

<sup>19</sup> Id. at 33-35.

<sup>20</sup> Id. at 36.

<sup>21</sup> Dated November 8, 2006. Id. at 68-87.

<sup>22</sup> Entitled “RULES AND PROCEDURE GOVERNING LAND TRANSACTION” (January 26, 1989).

<sup>23</sup> See Records, Vol. I, pp. 71-73.

<sup>24</sup> Records, Vol. II, pp. 444-454.

1996 Deed of Sale; (b) the physical possession of the subject land and as well as the owner's duplicate copy of the certificate of title were surrendered to them; (c) the certificate is still in their possession; and (d) Leticia Diaz was already dead when the sale to Peco was executed, rendering such transfer and the subsequent sale to Sps. Espiritu questionable. It reasoned that the non-issuance of the injunctive writ will pre-empt it from properly adjudicating on the merits and the various issues between the parties that would otherwise be rendered moot and academic if the complained acts are not enjoined.<sup>25</sup>

After Sps. Sazon had posted the required bond,<sup>26</sup> a writ of preliminary injunction<sup>27</sup> was issued and served<sup>28</sup> upon Sps. Espiritu. Aggrieved, the latter moved for reconsideration and for the dissolution and/or quashal of the writ<sup>29</sup> which was, however, denied for lack of merit in an Order<sup>30</sup> dated August 23, 2010, prompting them to file a petition for *certiorari*<sup>31</sup> before the CA, docketed as CA-G.R. SP No. 116303.

### The CA Ruling

In a Decision<sup>32</sup> dated March 5, 2012, the CA denied the petition for *certiorari*, finding that the RTC did not abuse its discretion when it granted the writ of preliminary injunction. It explained that the issuance of an injunctive writ is the prerogative of the trial court whose appreciation of the evidence in support of and in opposition thereto should not be interfered with by the appellate courts, save in instances where the court *a quo* gravely abused its discretion. It held that the RTC correctly appreciated the evidence which tended to put the validity of the sale between Peco and Sps. Espiritu doubtful,<sup>33</sup> justifying the issuance of the writ.

Dissatisfied, Sps. Espiritu filed a motion for reconsideration<sup>34</sup> which was, however, denied in a Resolution<sup>35</sup> dated November 29, 2012; hence, this petition.

### The Issue Before the Court

The essential issue for the Court's resolution is whether or not the CA committed reversible error in finding that the RTC did not gravely abuse its

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<sup>25</sup> Id. at 452-453.

<sup>26</sup> Id. at 459.

<sup>27</sup> Dated November 17, 2009. Id. at 489-490.

<sup>28</sup> Id. at 488.

<sup>29</sup> Dated November 25, 2009. Id. at 491-503.

<sup>30</sup> Id. at 524-526.

<sup>31</sup> See Petitioners' Memorandum dated July 29, 2011; id. at 605-626.

<sup>32</sup> *Rollo*, pp. 34-46.

<sup>33</sup> Id. at 43-44.

<sup>34</sup> Dated April 4, 2012. Id. at 47-56.

<sup>35</sup> Id. at 57.

discretion when it granted the writ of preliminary injunction in Sps. Sazon's favor.

### The Court's Ruling

The petition lacks merit.

A preliminary injunction is an order granted at any stage of an action or proceeding prior to the judgment or final order requiring a party or a court, an agency, or a person to refrain from a particular act or acts. Its essential role is preservative of the rights of the parties in order to **protect the ability of the court to render a meaningful decision, or in order to guard against a change of circumstances that will hamper or prevent the granting of the proper relief after the trial on the merits.**<sup>36</sup> In a sense, it is a regulatory process meant to prevent a case from being mooted by the interim acts of the parties.<sup>37</sup>

The controlling reason for the existence of the judicial power to issue the writ of injunction is that the court may thereby **prevent a threatened or continuous irreparable injury to some of the parties before their claims can be thoroughly investigated and advisedly adjudicated.** The application for the writ rests upon an alleged existence of an emergency or of a special reason for such an order to issue before the case can be regularly heard, and the essential conditions for granting such temporary injunctive relief are that the complaint alleges facts that appear to be sufficient to constitute a cause of action for injunction and that on the entire showing from both sides, it appears, in view of all the circumstances, that the injunction is reasonably necessary to protect the legal rights of plaintiff pending the litigation.<sup>38</sup>

In the present case, the CA found that the RTC correctly appreciated the evidence presented during the hearing on the application for writ of preliminary injunction.<sup>39</sup> At this point, it bears to stress that a writ of preliminary injunction is generally based solely on **initial or incomplete evidence** as the plaintiff is only required to show that he has an **ostensible** right to the final relief prayed for in his complaint. As such, the evidence need only be a sampling intended merely to give the trial court an evidence of justification for a preliminary injunction pending the decision on the merits of the case.<sup>40</sup> Significantly, the rule is well-entrenched that the grant or denial of a writ of preliminary injunction is discretionary upon the trial court because the assessment and evaluation of evidence towards that end

<sup>36</sup> See *The City of Iloilo v. Honrado*, G.R. No. 160399, December 9, 2015.

<sup>37</sup> See *Carpio Morales v. CA*, G.R. Nos. 217126-27, November 10, 2015.

<sup>38</sup> *The City of Iloilo v. Honrado*, supra note 36, citing *Pahila-Garrido v. Tortogo*, 671 Phil. 320, 342 (2011).

<sup>39</sup> *Rollo*, p. 44.

<sup>40</sup> *Novecio v. Lim, Jr.*, G.R. No. 193809, March 23, 2015.

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involve findings of fact left to the said court for its conclusive determination. For this reason, the grant or denial of a writ of preliminary injunction shall not be disturbed unless it was issued with grave abuse of discretion amounting to lack or in excess of jurisdiction,<sup>41</sup> which does not obtain in this case. Accordingly, the writ of preliminary injunction<sup>42</sup> issued in the instant case must be upheld, and the *status quo* – or the **last actual, peaceful, and uncontested status that precedes the actual controversy, which is existing at the time of the filing of the case** – must be preserved until the merits of the case can be heard fully.

The dispositive portion of the November 11, 2009 Order granting Sps. Sazon's application for an injunctive writ reads:

WHEREFORE, PREMISES CONSIDERED, and it appearing to the satisfaction of this Court, but without necessarily going into the merits of the case, that the right of the plaintiff to the relief prayed for seems to have been duly established; that the considerations of relative inconvenience bear strongly in favor of the plaintiffs; that there seems to be a willful and unlawful invasion of plaintiff's right against his protests and remonstrance; that the injury being substantial, irreparable, and continuing one, let a writ of preliminary injunction be issued against the defendants and such other persons acting in their behalf, **restraining/ordering said defendants Espiritu from committing acts of possession over the subject parcel of land and restraining them from constructing a factory and warehouse thereat or other buildings**, provided, said plaintiff post a bond in the amount of P1,000,000.00 in favor of the defendants, to the effect that the same will pay to such party or person enjoined all damages which the latter may suffer/sustain by reason of the injunction if the court should finally decide that the plaintiff was not entitled thereto.<sup>43</sup> (Emphasis supplied)

To clarify, the scope of the directive in the afore-quoted order should be limited to **further** acts of dominion that may be conducted by Sps. Espiritu, *i.e.*, the construction of factory, warehouse or other building on the subject land, or other similar acts that may be validly undertaken by an owner over his land, and **not** their eviction therefrom. Records show that prior to and during the institution of the complaint on October 5, 2006, Sps. Espiritu are in actual physical possession of the subject land, such possession appearing to have commenced as early as August 2003 when they fenced the same.<sup>44</sup> This is, therefore, the *status quo ante litem* or the state of affairs existing at the time of the filing of the complaint that must be preserved. As the present registered owners having a subsisting certificate of title in their names, Sps. Espiritu have the right to be maintained in the

<sup>41</sup> *Liberty Broadcasting Network, Inc. v. Atlocom Wireless System, Inc.*, G.R. Nos. 205875 & 208916, June 30, 2015.

<sup>42</sup> Dated November 17, 2009. Records, Vol. II, pp. 489-490.

<sup>43</sup> *Id.* at 453-454.

<sup>44</sup> See records, Vol. I, pp. 3 and 5.

possession of the subject land<sup>45</sup> until their title is nullified,<sup>46</sup> which is the very issue in the proceedings *a quo*.

In issuing the writ of preliminary injunction, the RTC is presumed to have been guided by the dictum that it cannot make use of its injunctive power to alter the *status quo ante litem*.<sup>47</sup> Hence, it could not have contemplated the eviction of Sps. Espiritu from the subject land and the transfer of its possession to Sps. Sazon because it will defeat its *rationale* for issuing the injunctive writ in the first place, *i.e.*, in order not to preempt it from properly adjudicating on the merits and the various issues between the parties that would otherwise be rendered moot and academic.<sup>48</sup> Indeed, the records are bereft of showing that such a scenario had been effected in the case.

It is apropos to reiterate the settled rule that **injunctive reliefs are not granted for the purpose of taking the property, the legal title to which is in dispute, out of the possession of one person and putting it into the hands of another before the right of ownership is determined**. The reason for this doctrine is that before the issue of ownership is determined in light of the evidence presented, justice and equity demand that the parties be maintained in their *status quo* so that no advantage may be given to one to the prejudice of the other.<sup>49</sup>

**WHEREFORE**, the petition is **DENIED**. The Decision dated March 5, 2012 and the Resolution dated November 29, 2012 of the Court of Appeals in CA-GR. SP No. 116303, dismissing the petition for *certiorari* filed by petitioners-spouses Romulo and Evelyn Espiritu (petitioners) against the Orders dated November 11, 2009 and August 23, 2010 issued by the Regional Trial Court of Angeles City, Branch 57 in Civil Case No. 13071, are hereby **AFFIRMED** with the clarification that the writ of preliminary injunction shall be limited to further acts of dominion that may be conducted by petitioners, *i.e.*, the construction of factory, warehouse or other building on the subject land, or other similar acts that may be validly undertaken by an owner over his land, and not their eviction therefrom.

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<sup>45</sup> See *Gabriel, Jr. v. Crisologo*, G.R. No. 204626, June 9, 2014, 725 SCRA 528, 540-541. See also Article 538 of the Civil Code which states:

Art. 538. Possession as a fact cannot be recognized at the same time in two different personalities except in the cases of co-possession. Should a question arise regarding the fact of possession, the present possessor shall be preferred; if there are two possessors, the one longer in possession; if the dates of the possession are the same, the one who presents a title; and if all these conditions are equal, the thing shall be placed in judicial deposit pending determination of its possession or ownership through proper proceedings.

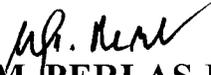
<sup>46</sup> See *Spouses Pascual v. Spouses Coronel*, 554 Phil. 351, 361 (2007).

<sup>47</sup> *Cortez-Estrada v. Heirs of Samut*, 491 Phil. 458, 472 (2005).

<sup>48</sup> See Order dated November 11, 2009; records, Vol. II, p. 453.

<sup>49</sup> *Cortez-Estrada v. Heirs of Samut*, supra note 47, at 475-476.

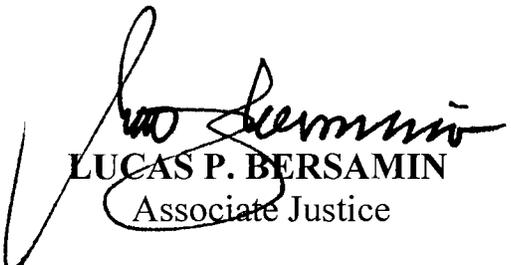
**SO ORDERED.**

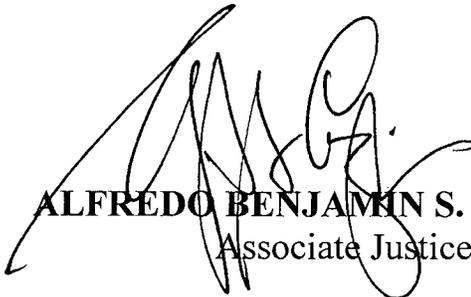
  
**ESTELA M. PERLAS-BERNABE**  
 Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice  
 Chairperson

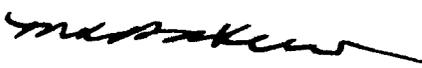
  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice

  
**LUCAS P. BERSAMIN**  
 Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
 Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice