

THIRD DIVISION

[G.R. No. 203806, February 10, 2020]

MUNICIPALITY OF FAMY, LAGUNA, PETITIONER, VS. MUNICIPALITY OF SINILOAN, LAGUNA, RESPONDENT.

DECISION

LEONEN, J.:

In the absence of grave abuse of discretion, this Court shall not intervene in the trial court's exercise of discretion in injunctive matters.^[1]

For this Court's resolution is the Petition for Review on Certiorari^[2] challenging the Decision^[3] and Resolution^[4] of the Court of Appeals. The Court of Appeals affirmed the Regional Trial Court's Orders^[5] granting the Municipality of Siniloan, Laguna's application for a writ of preliminary injunction and subsequently denying the Motion for Reconsideration of the Municipality of Famy, Laguna.^[6]

Both municipalities of Famy and Siniloan are public corporations existing under Philippine law.^[7]

Over a century ago, Famy was incorporated into Siniloan through Act No. 939, series of 1903. However, through Executive Order No. 72, series of 1909, Famy was separated and became another entity. This eventually led to a boundary dispute between the now different municipalities over two (2) barangays, Kapatalan and Liyang. To resolve the dispute, the Provincial Board of Laguna (Provincial Board) rendered its March 26, 1962 Decision ruling that Siniloan had jurisdiction over the barangays.^[8]

Much later, in 2001, when an elementary school in Famy was transferred to Barangay Kapatalan, it was considered under Famy's jurisdiction. Its barangay officials were also elected and declared under Famy's authority.^[9]

These prompted then Siniloan Vice Mayor Robelio J. Acoba to write to Provincial Legal Officer Antonio Relova (Relova), seeking the implementation of the Provincial Board's March 26, 1962 Decision. Eventually, and upon Relova's advice, Siniloan filed a Petition to Revive Judgment before the Sangguniang Panlalawigan of Laguna (Sangguniang Panlalawigan).^[10]

Opposing Siniloan's Petition, Famy submitted a copy of an earlier July 4, 1942 Decision rendered by the Provincial Board, where it had granted Famy jurisdiction over the disputed barangays.^[11]

The Sangguniang Panlalawigan sustained Famy's position. In its Resolution No. 498,

series of 2005, it found that the March 26, 1962 Decision could not be executed because it did not specify the metes and bounds of the municipalities' territories. It noted that placing the barangays under Siniloan's jurisdiction significantly reduced Famy's population and land area to a point that went below the law's requirements. Additionally, Siniloan was found to have abandoned its claim over Barangay Kapatalan when it ceased its internal revenue allotment to the barangay.^[12]

Siniloan moved for reconsideration, but its Motion was denied in the Sangguniang Panlalawigan's Resolution No. 88, series of 2006.^[13]

Thus, Siniloan filed before the Regional Trial Court a Petition for Certiorari and Prohibition, with a prayer that a temporary restraining order and a writ of preliminary injunction be issued. Accordingly, the trial Court issued a temporary restraining order prohibiting both parties from exercising authority over the barangays.^[14]

On February 20, 2008, the Regional Trial Court issued a writ of preliminary injunction to restrain the Sangguniang Panlalawigan from implementing its Resolutions No. 498 and 88.^[15]

The dispositive portion of the Order read:

WHEREFORE, premises considered, the application for the issuance of a Writ of Preliminary Injunction of petitioner is GRANTED.

Let a Writ of Preliminary Injunction issue to restrain the Sangguniang Panlalawigan of Laguna and Governor Teresita S. Lazaro and all persons acting for and in their behalf, from implementing Resolution No. 498, S-2005 and Resolution No. 88, S-2006 pending resolution of this petition, or until further orders from this Court. Likewise, respondent Municipality of Famy, Laguna and all persons acting for and its (*sic*) behalf are enjoined from further intruding into the territorial jurisdiction of petitioner Municipality of Siniloan, Laguna, particularly in Barangays Kapatalan and Liyang, and from further introducing whatever improvements thereon, while this petition is pending and until further orders from this Court.

Petitioner is hereby directed to post a bond amounting to One Hundred Thousand (Php100,000.00) Pesos, to answer for whatever damages which the Respondent Municipality of Famy, Laguna, may suffer or sustain by reason of the injunction. The Writ of Preliminary Injunction shall not be issued without payment of the bond herein fixed.

SO ORDERED.^[16]

In its August 1, 2008 Order,^[17] the Regional Trial Court denied Famy's subsequent Motion for Reconsideration.

Famy then filed a Petition for Certiorari^[18] before the Court of Appeals, seeking to annul the Regional Trial Court's Orders. Among others, it claimed that the trial court gravely erred in issuing the injunctive relief, as the writ cannot be issued incidental

to a petition for prohibition.^[19] Moreover, even if the writ could be issued, Famy contended that the conditions for issuing it were not fulfilled. It also insists that by issuing the writ, the trial court effectively resolved the case on the merits.^[20]

Siniloan countered that the writ was properly issued and was solely within the trial court's discretion.^[21] It also manifested that criminal cases involving the two (2) barangays were being heard before its courts, the barangay's residents were registered voters in Siniloan, and their realty taxes were being paid to its municipal treasurer.^[22]

In its August 22, 2011 Decision,^[23] the Court of Appeals upheld the Regional Trial Court's Orders, ruling that the writ of preliminary injunction was correctly issued. It found that the Sangguniang Panlalawigan Resolutions would cause disorder to Siniloan's governance over the two (2) barangays and reduce its internal revenue allotment-effectively invading its clear and unmistakable right.^[24] The Court of Appeals also dismissed Famy's assertion that the case had already been disposed of; on the contrary, the writ was a temporary remedy pending the Petition's resolution.^[25]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, the instant petition is **DENIED**. The assailed Orders, dated February 20, 2008 and August 1, 2008, of the Public Respondent Regional Trial Court of Siniloan, Laguna, Branch 33, in Civil Case No. S-1013, are hereby **AFFIRMED**.

SO ORDERED.^[26] (Emphasis in the original)

Famy's Motion for Reconsideration was also denied in the Court of Appeals' October 11, 2012 Resolution.^[27]

Thus, on November 29, 2012, Famy filed this Petition for Review for Certiorari^[28] against Siniloan.

In its December 10, 2012 Resolution,^[29] this Court required respondent to comment on the Petition.

On April 15, 2013, respondent filed its Comment,^[30] as noted in this Court's July 10, 2013 Resolution,^[31] where it also directed petitioner to reply.

Petitioner later filed its Reply^[32] on September 10, 2013.

On October 9, 2013, this Court issued a Resolution^[33] giving due course to the Petition and ordering the parties to submit their memoranda. Petitioner^[34] and respondent^[35] filed their respective Memoranda, as noted in this Court's February 17, 2014^[36] and June 23, 2014 Resolutions.^[37]

For its part, petitioner contends that the Court of Appeals erred in upholding the trial court's issuance of the writ of preliminary injunction incidental to the Petition for

Certiorari and Prohibition. It avers that since the writ of prohibition itself "is unavailing to prevent an erroneous decision or an enforcement of an erroneous judgment,"^[38] the injunctive relief should have been denied, it being a mere incident to the Petition for Prohibition.^[39] As with prohibition, petitioner asserts that certiorari is not the proper remedy either, since it cannot substitute respondent's lost right to appeal.^[40]

Petitioner also maintains that the implementation of the Sangguniang Panlalawigan Resolutions would not cause serious or irreparable damage since respondent failed to show its clear, unmistakable right that was violated.^[41] It claims that respondent failed to substantiate its main contention that the March 26, 1962 Decision was final and executory,^[42] as it was never shown that petitioner had received a copy of this 1962 Decision, which would have been the day from which finality of judgment is reckoned.^[43]

Moreover, petitioner claims that even if the 1962 Decision had been final, it had prescribed in 1972, thereby extinguishing respondent's right long before the resolutions were issued.^[44]

In any case, petitioner maintains that government recognition of the 1962 Decision does not suffice to show its finality, since other government agencies have also acknowledged petitioner's right to govern over the two (2) contested barangays.^[45]

Respondent, on the other hand, counters that petitioner could have appealed an unfavorable decision in due course, instead of filing a petition for certiorari or prohibition.^[46]

Respondent also reiterates that taxes for real estate properties in Barangays Kapatalan and Liyang were being paid to the Municipal Treasurer of Siniloan. Were the injunctive relief not granted, it posits that its internal revenue allotment would have been considerably reduced.^[47]

Moreover, respondent asserts that petitioner's resort to this Court is based on a falsified document. It claims that the Sangguniang Panlalawigan gave undue credence to a purported photocopy of a 1942 unsigned decision, despite overwhelming evidence in respondent's favor. Moreover, it posits that the Sangguniang Panlalawigan had no jurisdiction to overturn the March 26, 1962 Decision, which had long attained finality.^[48]

For this Court's resolution is the lone issue of whether or not the Court of Appeals erred in affirming the Regional Trial Court's issuance of a writ of preliminary injunction in favor of respondent Municipality of Siniloan.

This Court denies the Petition for lack of merit.

Rule 58, Section 1 of the Rules of Court defines preliminary injunction:

SECTION 1. *Preliminary Injunction Defined; Classes.* - 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, agency

or a person to refrain from a particular act or acts. It may also require the performance of a particular act or acts, in which case it shall be known as a preliminary mandatory injunction. (Emphasis supplied)

Otherwise stated, a writ of preliminary injunction is:

... an *ancillary* and *interlocutory* order issued as a result of an impartial determination of the context of both parties. It entails a procedure for the judge to assess whether the reliefs prayed for by the complainant will be rendered moot simply as a result of the parties' having to go through the full requirements of a case being fully heard on its merits.^[49] (Emphasis supplied)

Preliminary injunction may either be prohibitory, when it bars an act, or mandatory, when it requires the performance of a particular act. As an interlocutory order, it is a provisional remedy,^[50] temporary in nature.^[51] It is ancillary, an incident adjunct to a main action.^[52]

Contrary to petitioner's claim, preliminary injunction is "subject to the final disposition of the principal action."^[53] The trial court's order issuing the injunction is neither a judgment on the merits nor a final disposition of the case.

Rule 58, Section 3 of the Rules of Court enumerates the grounds when a writ of preliminary injunction is proper:

SECTION 3. *Grounds for issuance of preliminary injunction.* - A preliminary injunction may be granted when it is established:

- (a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring performance of an act or acts, either for a limited period or perpetually;
- (b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or
- (c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

Jurisprudence provides that the following must be proven for a writ of preliminary injunction to be issued:

- (1) The applicant must have a clear and unmistakable right to be protected, that is a right *in esse*;
- (2) There is a material and substantial invasion of such right;
- (3) There is an urgent need for the writ to prevent irreparable injury to the applicant; and