

## SECOND DIVISION

**[ G.R. No. 140058, August 01, 2002 ]**

**MABAYO FARMS, INC., HEREIN REPRESENTED BY ITS  
PRESIDENT MRS. RORAIMA SILVA, PETITIONER, VS. HON.  
COURT OF APPEALS AND ANTONIO SANTOS, RESPONDENTS.**

### RESOLUTION

**QUISUMBING, J.:**

This petition for review seeks to reverse the decision<sup>[1]</sup> promulgated on August 27, 1999, of the Court of Appeals in CA-G.R. SP No. 51375. The appellate court enjoined the enforcement of the writ of preliminary injunction dated April 14, 1998, issued by the Regional Trial Court of Balanga, Bataan, Branch 1, in Civil Case No. 6695 against private respondent, Antonio Santos.

The factual antecedents of this case are as follows:

On August 22, 1969, the Bureau of Lands declared Francisco Domingo, Reynaldo Florida, Cornelio Pilipino and Severino Vistan, lawful possessors of Lot 1379 of the Morong, Bataan Cadastre. Lot 1379 consists of 144 hectares. Domingo, Florida, Pilipino and Vistan through their forebears and by themselves had been in open, notorious, and exclusive possession of portions of Lot 1379 since 1933 in the concept of owners. The Bureau then directed them to confirm their titles over the property by filing the appropriate applications for the portions of the property respectively occupied by them.

In October 1970, petitioner bought the respective portions of Domingo, Florida, Pilipino and Vistan, totaling 69,932 square meters and entered into a compromise settlement with six other persons occupying the property, whose applications had been rejected by the Bureau. Petitioner then filed an application for land registration docketed as LRC Cad. Rec. No. N-209 with the then Court of First Instance of Bataan, Branch 1. The application was contested by several oppositors, among them the heirs of one Toribio Alejandro.

On December 20, 1991, the trial court decided the land registration case in petitioner's favor. The losing parties appealed to the Court of Appeals, where the case was docketed as CA-G.R. CV No. 40452. On March 14, 2000, the appellate court affirmed the lower court's decision.<sup>[2]</sup>

In June 1997, a group of occupants entered the land, destroyed the fences and drove away livestock owned by petitioner.

On October 9, 1997, petitioner filed a complaint for injunction with damages, with a prayer for a temporary restraining order, docketed as Civil Case No. 6695, with the RTC of Balanga, Bataan. Named as defendants were Juanito Infante, Domingo Infante, Lito Mangalidan, Jaime Aquino, John Doe, Peter Doe, and Richard Doe.

The trial court issued the temporary restraining order (TRO) and on January 16, 1998, the sheriff served copies on the defendants. The sheriff accompanied petitioner's president to the property where they found five (5) persons cultivating the land. The latter refused to give their names or receive copies of the TRO. They claimed that they were only farm workers of a certain Antonio Santos who allegedly owned the land.<sup>[3]</sup>

On April 14, 1998, the trial court issued a writ of preliminary injunction restraining the defendants or persons acting on their behalf from entering and cultivating the disputed property. The aforementioned writ was also served upon respondent who was occupying a portion of Lot No. 1379.<sup>[4]</sup>

On February 24, 1999, private respondent filed a special civil action for certiorari docketed as CA-G.R. SP No. 51375 with the Court of Appeals. Private respondent averred that he only learned about the writ of preliminary injunction on February 16, 1999, when he secured a copy of the order. He claimed that he was an innocent purchaser for value of the property from Francisco, Armando, and Conchita, all surnamed Alejandro and the injunction prevented him from using his property. He alleged that he was not a party to Civil Case No. 6695 and that it was grave abuse of discretion for the trial court to enforce the injunctive writ against him since it did not have jurisdiction over him.

On August 27, 1999, the appellate court decided CA-G.R. SP No. 51375 in private respondent's favor, thus:

WHEREFORE, premises considered the instant Petition is hereby GRANTED. Public respondent is enjoined from imposing the questioned writ of preliminary injunction dated April 14, 199<sup>[8]</sup> against petitioner [Santos].

SO ORDERED.<sup>[5]</sup>

Hence, the instant petition, submitting the following issues for our consideration:

A. WHETHER [PRIVATE] RESPONDENT WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHT TO BE HEARD.

B. WHETHER RULE 3, SEC. 11 OF THE 1997 RULES OF CIVIL PROCEDURE<sup>[6]</sup> IS APPLICABLE IN THE ABOVE-ENTITLED CASE.

We find the lone issue to be: Is private respondent bound by the writ of preliminary injunction issued by the trial court?

*First*, petitioner contends that the injunctive writ of April 14, 1998 was issued not only against all named defendants in Civil Case No. 6695, but also against three unnamed "Does." It now argues that the "Does" in the complaint are all those who violated its rights, including private respondent. Petitioner asks us to note that the writ of injunction was served not only against the defendants in Civil Case No. 6695, but also against other persons who were seen entering and cultivating petitioner's property, including private respondent. Since the latter personally received the injunctive order on June 5, 1998, he was already forewarned to intervene in Civil Case No. 6695 if he had any right or interest to protect in the disputed property. This he failed to do. Since private respondent did not then take the opportunity to