

****Title:****

Heirs of Melencio Yu and Talinanap Matualaga vs. Heirs of Concepcion Non Andres, et al.,
G.R. No. 176206, September 18, 2013

****Facts:****

1. On May 24, 1972, Melencio Yu and Talinanap Matualaga filed Civil Case No. 1291 seeking the nullity of documents and recovery of possession for Lot No. 2, Psu-135740-Amd. The trial court dismissed the case for prescription, but the CA reversed and remanded it. The Court of First Instance (CFI) of South Cotabato ruled in favor of the plaintiffs on April 22, 1981.
2. The Supreme Court upheld the CA's decision, making the ruling final and executory. Squatters then occupied the lot during the pendency of the case.
3. To enforce the ownership, the court issued a writ of execution and order of demolition. This led to the filing of Civil Case No. 4647 by Yard Urban Homeowners Association, Inc. (YUHAI), which was dismissed, and the dismissal was upheld by the CA.
4. Upon the issuance of a special order for demolition on August 22, 2001, attempts at demolition were hindered by several injunctions and motions filed by YUHAI.
5. On December 27, 2006, the heirs of Melencio Yu moved to resume demolition. The RTC granted the motion on October 9, 2007, leading YUHAI to file a petition with the CA.
6. The CA initially issued a TRO but later vacated it after deeming it moot. Private respondents (heirs of Concepcion Non Andres) filed for quieting of title, specific performance, reconveyance, and damages (Civil Case Nos. 7066 and 7364).
7. The CA granted a preliminary mandatory injunction on April 3, 2008, which petitioners sought to dissolve without awaiting the CA's resolution, prompting them to elevate the matter to the Supreme Court through this petition for certiorari.

****Issues:****

1. Whether the issuance of the Writ of Preliminary Mandatory Injunction by the CA was proper.
2. Whether there was undue haste and legal error in the issuance of the said writ by the CA clerk of court without the posting of the required bond.
3. Whether the principles for the issuance of a writ of preliminary mandatory injunction were properly observed.

****Court's Decision:****

1. ****Writ of Preliminary Mandatory Injunction****: The Supreme Court found the CA erred in issuing the injunction as the bond was not posted prior to the release of the writ, violating

Section 4 Rule 58 and Section 7 Rule 58 of the Rules of Court, which mandates bond posting before issuance of an injunction.

2. **Undue Haste**: The Court held that the haste in issuing the writ was procedurally flawed. Although the order was issued on April 3, 2008, the bond was only posted on April 14, 2008.

3. **Principles of Injunction**: The Court further noted lack of clear legal right and urgent necessity on the part of private respondents to warrant such writ. The evidence supporting their claim to the property (Quitclaim Deed and Transfer of Free Patent Rights) had been previously nullified and did not support granting possessory rights.

4. **Irreparable Injury**: Any damage faced by private respondents could be quantified, negating the need for a writ, which aims to prevent irreplaceable harm not adequately compensable by damages.

Doctrine:

1. **Writ of Preliminary Injunction Requirements**: A writ can only be issued upon posting of the required bond as a condition sine qua non.

2. **Grave Abuse of Discretion**: Issuance of a writ must be based on a clear legal right and urgent necessity. Claims must not be factually or legally disputed to justify mandatory injunctions.

3. **Scope of Remedy**: Interim remedies like preliminary injunctions should not be granted to alter the status quo based on disputed or inadequately substantiated rights.

Class Notes:

- **Preliminary Injunction Principles**: Understand Rule 58 of the 1997 Rules of Civil Procedure.

- **Motion for Reconsideration**: Highlight essentiality before resorting to certiorari, catalog exceptional scenarios where it may be bypassed.

- **Res judicata**: Emphasize how binding decisions affect subsequent claims and parties in privity.

- **Indefeasibility of Original Title**: Examine the statutory and jurisprudential safeguards that protect original titleholders.

Historical Background:

- The case traces extended litigation over land ownership and possession, involving successive legal battles over decades. Issues of indigenous land rights, procedural integrity in court actions, and the impact of previously settled cases bear significant historical and legal importance, reflecting persistent legal complexities in land ownership disputes in the

Philippines.