

BARKO INTERNATIONAL INC. (NOW REPRESENTED BY MOT-BARKO MANILA, INC. THROUGH AN AFFIDAVIT OF ASSUMPTION OF LIABILITY DATED 4 JULY 2011) AND MITSUBISHI ORE TRANSPORT CO. LTD., PET...

Ponente: PERALTA, JR., E. B., J.

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PERALTA, JR., E. B., J.:

In view of petitioners' full satisfaction[1] on May 10, 2013 of the judgment award sought to be enjoined by petitioners, through the Petition for Certiorari[2] filed on March 13, 2013, such supervening event precluded appreciation of petitioners' plea for injunctive reliefs, especially so when the alleged injury '... is purely monetary and is compensable by an appropriate judgment against the respondents...' [3]

Relative to irreparable injury, We reiterate case law indoctrination:

'By "irreparable injury" is not meant such injury as is beyond the possibility of repair, or beyond possible compensation in damages, nor necessarily great injury or great damage, but that species of injury, whether great or small, that ought not to be submitted to on the one hand or inflicted on the other; and, because it is so large on the one hand, or so small on the other, is of such constant and frequent recurrence that no fair or reasonable redress can be had therefor in a court of law.

Also, "irreparable injury" is that where there is no standard by which its amount can be measured with reasonable accuracy, that is, it is not susceptible of mathematical computation." [4]

Withal, an injunction can hardly be issued against consummated acts such as against a judgment that has already been executed for the purpose of stopping its execution.[5]

Accordingly, petitioners' application for injunctive reliefs is hereby DENIED. Necessarily, the current Petition for Certiorari was rendered moot and is hereby DISMISSED following complete settlement of private respondent's claims.[6]

SO ORDERED.

De Leon, (Chairperson) and Cruz, JJ., concur.

[1] Paragraph 34, Comment dated May 24, 2013, Annex 2, Rollo, pp. 387,432-434.

[2] Dated March 8, 2013, Rollo, pp. 3-39.

[3] 2 Feria and Noche, Civil Procedure Annotated, 2013 edition, page 555; 1 Regalado, Remedial Law Compendium, 10th edition, 2010, page 740.

[4] 2 Feria and Noche, Vide, page 555, citing Ollendorf vs. Abrahamson, 38 Phil. 585,595 [1918] citing Gilchrist vs. Cuddy, 29 Phil. 542, 552 [1915], Philippine Virginia Tobacco Administration vs. De los Angeles, 164 SCRA

543,555 [1988], G.G. Sportswear Manufacturing Corporation et al vs. Banco de Oro Unibank, Inc., et al., G.R. No. 184434, February 8, 2010.

[5] 2 Riano, Civil Procedure, 2012 edition, page 117, citing *Meneses vs. Dinglasan*, 81 Phil. 470,478; 3 Herrera, Remedial Law, 2006 edition, page 81, citing *PNB vs. Adil*, 118 SCRA 110,117, *Ramos Sr. vs. Court of Appeals*, 173 SCRA 550, May 24, 1989.

[6] *Republic vs. Hon. Caguioa et al.*, G.R. No. 174385, February 20, 2013.

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