

ELISEO F. SORIANO AND MEMBERS CHURCH OF GOD INTERNATIONAL, PETITIONERS, VS. IGLESIA NI CRISTO, MARIANITO CAYAO, JR., ALFIE ANGELES, CRISANTHI LINTAG, MICHAEL SANDOVAL, RAMIL PAR...

Ponente: DIMARANAN-VIDAL, J.

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DIMARANAN-VIDAL, J.:

Before us is a “Petition for Injunction with Prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction”[1] directly filed with this Court by Petitioners ELISEO F. SORIANO and MEMBERS CHURCH OF GOD INTERNATIONAL (hereinafter Petitioners) against Respondents IGLESIA NI CRISTO (hereinafter INC), MARIANITO CAYAO, JR., ALFIE ANGELES, CRISANTHI LINTAG, MICHAEL SANDOVAL, RAMIL PARBA, CHRISTIAN ERA BROADCASTING SERVICE INC., TV STATION NET 25, RADIO STATION DZEC, RADIO STATION DZEM and RADIO STATION DWIZ (hereinafter Respondents), seeking to enjoin the Respondents from further inciting the Muslim Community and/or other religious groups to take arms and commit acts of terrorism against the Petitioners.

THE FACTS

Petitioners' version:

On 23 February 2005, herein Petitioners filed the instant Petition supra alleging, among others, that Petitioner SORIANO is the Presiding Minister of the Church of God. That as such minister, SORIANO hosts the television show “Ang Dating Daan” where he exposed and criticized false doctrines and religious beliefs particularly those of the Respondent INC. However, said criticisms raised the ire of Respondent INC which in turn put up its own television shows and radio program to rival that of the Petitioners. That the hosts of the programs of Respondent INC would often defame and insult SORIANO referring to him as “dayukdok”, “gutom”, “linta”, “manloloko”, “mandarambong”, “mangongotong”, “manhohostage” and the like. In the course of its programs, the Respondent INC would frequently show edited, spliced, and mangled audio and video clips imputing false and bogus acts on Petitioner SORIANO.[2]

On 7 November 2003, Respondents, using their mangled audio tapes made it appear that SORIANO was defaming the Muslim faith and tried to agitate the Muslim community to attack the Ang Dating Daan Convention Center and other Church of God Coordinating Centers.[3]

On 12 November 2003, Respondent SANDOVAL and a certain Mr. BULARAN, in the show, “Ang Tamang Daan” imputed false statements against Petitioner SORIANO and tried to make it appear that the latter wanted to hit a certain member of the Born Again Christian Community with a meter stick.[4]

As a consequence, the Respondents were able to succeed in making members of the Muslim community angry with Petitioner SORIANO. On 18 November 2003, the “Ang Tamang Daan” program of Respondent INC presented angry sentiments from two (2) members of the Muslim faith. By reason of the abhorrent acts of Respondents, a grenade was thrown on 21 November 2003, at the Church of God Coordinating Center which,

luckily, did not detonate.[5]

On 14 February 2005, in the Respondents' program "Dating Nasa Sumpa Ngayon Nasa Tama", Respondents CAYAO, ANGELES and LINTAG again imputed false statements to Petitioner SORIANO and used the program to incite the Muslims to harm the Petitioners. And on 19 February 2005, in the radio program "Mga Tinig sa Ilang" several anonymous hosts and callers again incited the Muslim community to attack and assault Petitioners. This was repeated on 20 February 2005.[6]

Respondents' version:

In their Comment[7], filed on 5 April 2005, Respondents alleged that at a certain time, Petitioner SORIANO fearlessly attacked the Prophet Muhammad and called the Muslims, "anti-Cristo", "mamamatay tao", and "mamumugot ng ulo". Among the victims of Petitioner SORIANO's irresponsible, indecent, vulgar and defamatory statements is Respondent INC which the latter ignored for two decades. SORIANO continuously called the INC as "Iglesia ni Manalo" and the ministers thereof "mga anak ng demonyo", "sinungaling", "mamamatay tao", "mga bobo", "masahol pa sa putang babae" and "tarantado".[8]

To uphold its doctrines, Respondent INC decided to answer back the false accusations of SORIANO, expose his unbiblical doctrines, making public his doctrinal contradictions, baring his unexplained wealth, informing ADD members and the public of his modus operandi, and report to the public his deplorable statements against known religions and religious organizations.[9]

On 28 April 2005, Petitioners filed an Extremely Urgent Ex-Parte Motion to Resolve Petitioners' Application for Temporary Restraining Order and/or Writ of Preliminary Injunction[10] which, this Court resolved[11] to deny 9 March 2006.

ISSUES

The Petitioners now relies on the following grounds for the allowance of their petition, to wit:

RESPONDENTS IGLESIA NI CRISTO, MARIANITO CAYAO, JR., ALFIE ANGELES AND CRISANTHI LINTAG, MICHAEL SANDOVAL, AND RAMIL PARBA, MUST BE RESTRAINED FROM FURTHER INCITING THE MUSLIM COMMUNITY AND ORGANIZATIONS FROM TAKING ARMS AND COMMITTING ACTS OF TERRORISM AGAINST PETITIONERS BECAUSE THEY ARE ENDANGERING THE LIVES OF PETITIONERS AND THE INDIVIDUAL MEMBERS OF THE MEMBERS (sic) CHURCH OF GOD.

RESPONDENTS CHRISTIAN ERA BROADCASTING SERVICE INC., AND TV STATION NET 25, RADIO STATION DZEC, RADIO STATION DZEM, RADIO STATION DWIZ MUST BE ENJOINED AND RESTRAINED FROM FURTHER BROADCASTING AND TAMANG DAAN, DATING NASA SUMPA NGAYON NASA TAMA AND MGA TINIG NG ILANG BECAUSE THE SAID PROGRAM POSED SERIOUS AND IMMINENT DANGER TO THE LIVES OF PETITIONERS AND THE INDIVIDUAL MEMBERS OF THE MEMBERS (sic) CHURCH OF GOD.[12]

OUR RULING

In a nutshell, what Petitioners pray is for this Court to issue an injunction against the Respondents for their questioned acts.

We deny for lack of jurisdiction.

In Bacolod City Water District vs. Labayen[13], the Supreme Court elucidated on the nature of an action for injunction in this wise:

Injunction is a judicial writ, process or proceeding whereby a party is ordered to do or refrain from doing a

certain act. It may be the main action or merely a provisional remedy for and as an incident in the main action. The main action of injunction is distinct from the provisional or ancillary remedy of preliminary injunction which cannot exist except only as part or an incident of an independent action or proceeding. As a matter of course, in an action for injunction, the auxiliary remedy of preliminary injunction, whether prohibitory or mandatory, may issue. Under the law, the main action for injunction seeks a judgment embodying a final injunction which is distinct from, and should not be confused with, the provisional remedy of preliminary injunction, the sole object of which is to preserve the status quo until the merits can be heard. (Underscoring supplied)

In the instant case, Petitioners pray for:

- Upon filing of the instant Petition, an ex-parte Temporary Restraining Order (TRO) be issued enjoining (a) respondents MARIANITO CAYAO, JR., ALFIE ANGELES AND CRISANTHI LINTAG, MICHAEL SANDOVAL and RAMIL PARBA and the entire IGLESIA NI CRISTO from further agitating the Muslim community and other religious organizations and inciting them to inflict harm on the persons and properties of petitioner Brother ELISEO F. SORIANO and the MEMBERS OF CHURCH OF GOD and (b) respondents CHRISTIAN ERA BROADCASTING SERVICE INC., TV STATION NET 25, RADIO STATION DZEC, RADIO STATION DZEM and RADIO STATION DWIZ from further showing and airing the television and radio programs Ang Tamang Daan, Dating Nasa Sumpa Ngayon Nasa Tama and Mga Tinig sa Ilang;

- Upon due notice and submission and/or hearing on petitioner's application for injunctive relief, issue a Writ of Preliminary Injunction enjoining (a) respondents MARIANITO CAYAO, JR., ALFIE ANGELES AND CRISANTHI LINTAG, MICHAEL SANDOVAL and RAMIL PARBA and the entire IGLESIA NI CRISTO from further agitating the Muslim community and other religious organizations and inciting them to inflict harm on the persons and properties of petitioner Brother ELISEO F. SORIANO and the MEMBERS OF CHURCH OF GOD and (b) respondents CHRISTIAN ERA BROADCASTING SERVICE INC., TV STATION NET 25, RADIO STATION DZEC, RADIO STATION DZEM and RADIO STATION DWIZ from further showing and airing the television and radio programs Ang Tamang Daan, Dating Nasa Sumpa Ngayon Nasa Tama and Mga Tinig sa Ilang;

- Upon due notice and submission of pleadings and/or hearing on the merits of the instant Petition, issue an Order making the above injunctive writ permanent.[14] (Underscoring supplied)

Clearly, from the aforecited reliefs prayed for by the Petitioners particularly the third, reveals to us that the instant case is an action for injunction over which this Court has no jurisdiction.

The jurisdiction of this Court is explicitly provided in Section 9 of B.P. Blg. 129, which states:

Section 9. Jurisdiction. – The Court of Appeals shall exercise:

- (1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;
- (2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts;

xxx.

Parenthetically, Section 2, Rule 46 of the Revised Rules of Court on the cases originally filed before this Court, provides:

Section 2. To what actions applicable. – This Rule shall apply to original actions for certiorari, prohibition, mandamus and quo warranto.

xxx.

Thus, neither substantially nor procedurally is it allowed for this Court to take cognizance of the instant action for injunction which should have been brought to the appropriate Regional Trial Court. In *Notre Dame de Lourdes Hospital vs. Mallare*[15], the Supreme Court explicitly held:

The injunction filed by the private respondents is a civil action in which the subject of litigation is incapable of pecuniary estimation, hence, the regional trial court has exclusive original jurisdiction over it. (Underscoring supplied)

Petitioners' reliance in the case of *Manila Banking Corporation vs. Court of Appeals*[16] is misplaced. While it is true that the said case mentioned that an action for injunction is always a recognized remedy in this country, it does not follow, as discussed above, that the same can be brought directly before this Court. Moreover, in the aforecited case, the complaint for injunction was filed initially in the then Court of First Instance of Surigao del Norte.

WHEREFORE, premises considered, the instant Petition is DISMISSED for lack of jurisdiction.

SO ORDERED.

Reyes, (Chairman) and Lampas Peralta, JJ., concur.

[1] Rollo, pp. 2-29

[2] Id. p. 6-7

[3] Id. p. 10

[4] Id. p. 13

[5] Id. pp. 14-16

[6] Id. p. 17

[7] Id. p. 155-193

[8] Id. p. 157-158

[9] Id. p. 159

[10] Id. p. 205

[11] Id. pp. 301-303

[12] Id. pp. 19-20

[13] G.R. No. 157494. December 10, 2004

[14] Rollo, pp. 27-28

[15] 197 SCRA 187

[16] 187 SCRA 138

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