

BUREAU OF CORRECTIONS (BuCor), PETITIONER, V. DOTGAIN SOLUTIONS, INC., CONSTRUCTION INDUSTRY ARBITRATION COMMISSION (CIAC), SHERIFF ROLANDO ACAL, DEPUTIZED SHERIFF QUEZON CITY R...

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

Before the Court is a "Manifestation and Motion for Issuance of a Writ of Preliminary Injunction"[1] filed on 4 June 2014 by the petitioner Bureau of Corrections (BuCor) for the purpose of restraining respondents Construction Industry Arbitration Commission (CIAC) and Sheriff Rolando Acal from enforcing the writ of execution[2] and notices of garnishment[3] issued against BuCor's funds deposited in the Land Bank of the Philippines and the Development Bank of the Philippines for the satisfaction of respondent Dotgain Solutions, Inc.'s (Dotgain) money claims against BuCor.

Prior to the filing of the aforementioned manifestation and motion, Dotgain filed on 29 April 2014, a motion for extension[4] praying for an additional period of thirty days (30) from 17 April 2014 or until 17 May 2014, within which to file its comment to the petition for certiorari[5] filed by BuCor. On 26 May 2014, it filed another motion for extension,[6] requesting to be given until 8 June 2014 to file its comment.

The Court, by way of a Resolution[7] promulgated on 4 April 2014, has earlier granted BuCor's request for a temporary restraining order (TRO) to enjoin CIAC and Sheriff Rolando Acal from enforcing the above-mentioned writ and notices. The said TRO already expired on 6 June 2014. Nevertheless, to our mind, the need to preserve the rights of the parties pending the resolution of the case on the merits still subsists. Be it noted that the respondents have yet to file their comment to BuCor's petition.

A writ of preliminary injunction is available to prevent threatened or continuous irreparable injury to parties before their claims can be thoroughly studied and adjudicated. Its sole objective is to preserve the status quo until the merits of the case can be heard fully.[8]

In the present case, we could not ignore that it is the very operations of BuCor and the public services rendered by it that would be affected if we are to allow the diversion of its public funds from their legitimate and specific objects. We are impelled to echo our previous conviction that to allow the enforcement and implementation of the CIAC Order[9] while BuCor's petition is pending before the Court would cause irreparable injury to BuCor and could tend to render ineffectual the judgment that may be rendered in this case.

Prescinding from the foregoing, prudence dictates that CIAC and Sheriff Rolando Acal should be ordered to refrain, at least until the case has been resolved on the merits, from enforcing the writ and notices being impugned.

With respect to the motion for extension filed by Dotgain, we resolve to grant same.

WHEREFORE, premises considered, the application for the issuance of a writ of preliminary injunction is hereby

GRANTED. Accordingly, let a writ of preliminary injunction be issued enjoining respondents Construction Industry Arbitration Commission and Sheriff Rolando Acal from enforcing both the Writ of Execution and Notices of Garnishment against petitioner Bureau of Corrections.

Respondent Dotgain Solutions, Inc. is allowed to file its Comment within ten (10) days from notice hereof.

IT IS SO ORDERED.

Salazar-Fernando (Chairperson) and Barrios,[*] JJ., concur.

[*] Actg. Third Member vice Justice Gaerlan on leave, per Office Order No. 270-14-RSF dated 06/June 2014.

[1] Rollo, pp. 120-124.

[2] Rollo, pp.63-64.

[3] Rollo, p.65 and p.66.

[4] Rollo, pp.106-109.

[5] Rollo, pp.3-24.

[6] Rollo, pp.113-114.

[7] Rollo, pp.97-98.

[8] City of Naga vs. Hon. Elvi John Asuncion, et al, G.R. No. 174042, 9 July 2008.

[9] Rollo, pp.30-33.

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