

JUAN LAMBIQUIT, JOSEFA VDA. DE LAMBIQUIT, RODOLFO, PABLITA, ADRIANO, SOLEDAD, CRESIGONO, BERNALDA, LEONILO AND SANTISIMO, ALL SURNAMED LAMBIQUIT, PETITIONERS, VS. HON. GERONIMO ...

G.R. No. L-41187. September 29, 1978

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/61488695fb62/>

CONCEPCION, JR., J.:

Petition for certiorari and prohibition, with a prayer for the issuance of a writ of preliminary injunction, to set aside the order of the respondent Judge in Civil Case No. OZ-477 of the Court of First Instance of Misamis Occidental dated March 4, 1975, prohibiting the plaintiffs and defendants therein from entering the parcel of land litigated by them, as well as the order dated June 17, 1975, appointing the respondent Oscar Gula as receiver of the property in question; and to restrain the respondent Judge from enforcing the aforementioned orders.

The record shows that during the lifetime of Santiago Lambiquit, predecessor-in-interest of the herein petitioners, he was the owner and possessor of a parcel of land, containing an area of 24 hectares, situated at Tangub City, in the province of Misamis Occidental, and covered by his Homestead Application No. 122531.[1] On September 6, 1933, Santiago Lambiquit sold the said parcel of land to Vicente Candia, predecessor-in-interest of herein private respondents CANDIA, for the sum of P400.00.[2] After the sale, Vicente Candia took actual and physical possession of the land and planted it with coconuts, cacao, coffee, and other fruit trees. He then filed a homestead application of the said parcel of land,[3] which application was returned to him "unrecorded" on July 5, 1940, "as you are already the holder of Sales Application No. 6563 which covers more than 24 hectares you are no longer entitled to apply for a homestead." [4] On July 25, 1945, Vicente Candia died, leaving the management of the land to his eldest daughter, Honorata Candia.[5] The homestead application was subsequently recorded in the name of his widow, Clara Vda. de Candia.[6]

In 1946, Juan Lambiquit, son of Santiago Lambiquit, and one of the petitioners herein, committed clandestine incursions on the land and Honorata Candia accused him twice for theft. Then, on the evening of June 13, 1946, while Honorata Candia was in their latrine, in the act of removing her drawers in order to defecate, she was shot by Juan Lambiquit with a revolver, hitting her on the left thigh. Juan Lambiquit was prosecuted for Frustrated Murder, but, after trial, he was convicted of serious physical injuries only.[7]

On October 4, 1950, Adriano Lambiquit and Timoteo Tuani, son and son-in-law of Santiago Lambiquit, respectively, forcibly entered the land and gathered coconuts therefrom. By reason of said entry, the CANDIAS filed a case of forcible entry with preliminary injunction against them with the Justice of the Peace Court of Tangub, Misamis Occidental. On December 23, 1950, the Justice of the Peace issued a writ of preliminary injunction, restraining the defendants from gathering the coconuts, harvesting the corn crops, and otherwise exercising acts of dispossession,[8] and on January 23, 1951, he rendered a decision, ordering the defendants to restore the possession of the disputed parcel of land to the plaintiffs and to pay damages to the latter in the amount

of P60.00 plus costs of suit.[9] Upon appeal, the Court of First Instance of Misamis Occidental sustained the decision and made the writ of preliminary injunction permanent.[10]

As a last resort, Santiago Lambiquit contested the homestead application of Clara R. Vda. de Candia for the land in question, which contest was dismissed by the Bureau of Lands on November 14, 1955. A motion for the reconsideration of said order was denied on August 30, 1956.[11]

The CANDIAS enjoyed relative peace in their possession of the property until July 29, 1974, when the LAMBIQUITS again disturbed them by harvesting corn and coconuts from the land in question. As a consequence, the CANDIAS filed a complaint with the Court of First Instance of Misamis Occidental against the LAMBIQUITS for the quieting of their title, with a prayer for the issuance of a writ of preliminary injunction.[12] The case was docketed therein as Civil Case No. OZ-477, and assigned to Branch II, presided by the respondent Judge Geronimo Marave.

On August 27, 1974, the defendants LAMBIQUITS filed their answer thereto, claiming ownership of the land in question;[13] and their opposition to the motion for the issuance of a writ of preliminary injunction, alleging that they have a better right to the possession of the land in question than the plaintiffs CANDIA.[14]

Trial commenced on September 3, 1974, and on October 1, 1974, the respondent court, upon agreement of the attorneys of the parties, but upon the vehement objections of the defendants LAMBIQUIT, appointed the clerk of court as receiver of the property.[15]

On December 10, 1974, the plaintiffs CANDIA reiterated their request for the issuance of a writ of preliminary injunction on the alleged ground that the defendants LAMBIQUIT continued to disturb them in their possession of the land in question.[16]

On December 27, 1974, the respondent Judge issued an order for the issuance of a writ of preliminary injunction,[17] and on December 31, 1974, a writ of preliminary injunction was issued pursuant thereto, restraining the defendants LAMBIQUIT from committing acts of dispossession and trespass and from harvesting or gathering the products of the land in question.[18]

On January 6, 1975, the defendants LAMBIQUIT submitted a counterbond in the amount of P40,000.00 for the dissolution of the writ of preliminary injunction, which bond was approved by the respondent Judge.[19]

However, on March 4, 1975, the respondent Judge, in order to preserve peace and order in the premises under litigation, issued an order prohibiting the parties from entering the land, under pain of drastic action to be taken against the erring party.[20]

On March 17, 1975, the defendants LAMBIQUIT filed a motion for the reconsideration of the mentioned order upon the grounds that the said order is too harsh because the petitioners are ousted from the approved homestead of their father, Santiago Lambiquit; that the counterbond they put up for the dissolution of the writ of preliminary injunction was already approved by the court; and that there is a Presidential Decree prohibiting the issuance by any court, of restraining orders for development and enjoyment of natural resources.[21] The motion was denied by the respondent Judge on March 24, 1975.[22]

On June 17, 1975, the respondent Judge appointed PC Staff Sergeant Oscar Gula as receiver of the property in question with the right to prevent intruders from harvesting the fruits of the land.[23]

On June 27, 1975, the defendants LAMBIQUIT filed a motion to lift the injunction issued and to set aside the orders of March 4, 1975 and June 17, 1975, upon the ground that said orders contravene Presidential Decree No. 605, dated December 12, 1974.[24]

The respondent Judge denied said motion for the reason that Presidential Decree No. 605 does not apply since under the provisions of Republic Act No. 1942, the land in question is no longer public land but private property.[25]

On August 4, 1975, Sgt. Gula was relieved as receiver and Acting Chief of Police Delfin Rodriguez of Tangub City was appointed in his stead.[26]

Claiming that the orders of March 4, 1975 and June 17, 1975 are in open defiance of Presidential Decree No. 605, and that they have a better right to the possession of the land in question since the sale of the homestead to Vicente Candia by Santiago Lambiquit is illegal and in gross violation of Section 118 of the Public Land Act, the defendant LAMBIQUIT filed the instant petition to annul said orders and to restrain the respondent Judge from enforcing the same.

The petition is without merit. The issue of who has a better right to the possession of the disputed parcel of land, or the ownership thereof, is a question of fact that has yet to be tried and resolved in the court below, and is not a good reason for the setting aside of the writ of preliminary injunction heretofore issued. The petitioners rely heavily upon the approved homestead application of Santiago Lambiquit to prove a better right than the respondents to the possession of the land in litigation, claiming that the sale of the said homestead to Vicente Candia is illegal 'and therefore, null and void. But, the petitioners lose sight of the fact that the respondent Clara R. Vda. de Candia had subsequently filed a homestead application for the same parcel of land and her application was given due course and that the protest filed by Santiago Lambiquit against said application was dismissed by the Director of Lands on November 14, 1955.[27]

We likewise find no flagrant violation of Presidential Decree No. 605.[28] True it is, that the writ of preliminary injunction was issued subsequent to the enactment of the decree, but it is also an undisputed fact that the respondent Judge had appointed a receiver for the disputed property prior to the promulgation of said decree. In issuing the questioned writ of preliminary injunction, the respondent Judge merely protected the receiver appointed from the reported clandestine incursions of the petitioners on the disputed parcel of land, and to preserve the peace and order in the locality.

WHEREFORE, the petition should be, as it is hereby, DISMISSED. Costs against the petitioners.

SO ORDERED.

Fernando, J., (Chairman), on official leave.

Antonio and Santos, JJ., concur.

Barredo, J., in the result.

Aquino, J., concur. The injunction issued by respondent Judge is not the one contemplated in Presidential Decree No. 605. It may be argued that P.D. No. 605 does not cover homesteads.

[1] Rollo, p. 15.

[2] Id., pp. 71, 152.

[3] Id., p. 17.

[4] Id., p. 18.

[5] Id., p. 63.

[6] Id., pp. 80, 160.

[7] Id., pp. 72, 153.

[8] Id., pp. 75, 156.

[9] Id., pp. 77, 157.

[10] Id., pp. 78, 158.

[11] Id., pp. 80, 160.

[12] Id., p. 20.

[13] Id., p. 24.

[14] Id., p. 28.

[15] Id., p. 66.

[16] Id., p. 83.

[17] Id., p. 88.

[18] Id., p. 37.

[19] Id., p. 38.

[20] Id., p. 40. The questioned order reads:

"In order to preserve peace and order in the premises of the land in question, neither the plaintiffs nor the defendants shall enter said land until further orders. The Deputy Sheriff of this Court is ordered to carry out this order in the premises. Should any party violate this order, the Court may be compelled to take drastic action against the erring party.

"The share of the landlord shall be deposited by the tenants with the 466th PC Company who will receive it to be delivered to the party who is finally declared the owner of the land."

[21] Id., p. 42.

[22] Id., p. 45.

[23] Id., p. 46.

[24] Id., p. 47.

[25] Id., p. 49.

[26] Id., pp. 68, 286.

[27] Id., pp. 80, 160.

[28] Sec. 1 of the Decree reads, as follows:

"Sec. 1. No court of the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction or preliminary mandatory injunction in any case involving or growing out of the issuance, approval or disapproval, revocation or suspension of, or any action whatsoever by the proper administrative official or body on concessions, licenses, permits, patents, or public grants or any kind in connection with the disposition,

exploitation, utilization, exploration and/or development of the natural resources of the Philippines."

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.