

**PHILIPPINE VIRGINIA TOBACCO ADMINISTRATION, PETITIONER,
VS. HON. ANDRES REYES, AS JUDGE COURT OF FIRST INSTANCE OF
RIZAL, AND ALTO SALES CORPORATION, RESPONDENTS.**

G.R. No. L-27665. May 31, 1977

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/668a5e79ec4f/>

BARREDO, J.:

Petition for certiorari, with preliminary injunction, praying for the nullification and setting aside of the order and writ of preliminary mandatory injunction issued by respondent Court of First Instance of Rizal, Branch VI, on May 24 and 25, 1967, respectively, in its Civil Case No. 10001, Alto Sales Corporation vs. Philippine Virginia Tobacco Administration, an action for specific performance and damages, with preliminary mandatory injunction, as well as its order of June 17, 1967 requiring Mr. Federico Moreno, Officer-in-Charge of petitioner to appear before respondent court and show cause why he should not be dealt with for contempt of court for refusing to comply with the aforementioned order and writ.

This petition was filed on June 20, 1967. On June 22, 1967, We issued a restraining order, as prayed for, and set the prayer for preliminary injunction for hearing on June 28, 1967, requiring at the same time that respondents file their answer. On June 28, 1967, We issued the following resolution:

"At the hearing on the preliminary injunction set for June 28, 1967 at 9:30 a.m., in case G. R. No. L-27665 (Philippine Virginia Tobacco Administration vs. Hon. Andres Reyes, etc., et al.), only Atty. Rosauro Alvarez, counsel for the respondent Alto Sales Corporation appeared. The Court had before it the urgent ex-parte motion of counsel for the petitioner to submit a written memorandum in lieu of oral argument, which was orally opposed by counsel for the respondent Alto Sales Corporation. Counsel for said respondent argued his case. Upon consideration of the grounds alleged by counsel for the petitioner in his motion to file a memorandum in lieu of oral argument, the oral arguments of counsel for the respondent Alto Sales Corporation, and the allegations of the parties appearing in the record that are relevant to the question of whether or not a writ of preliminary injunction be issued as prayed for in the petition, the Court RESOLVED: (1) to deny the motion of counsel for the petitioner to file memorandum in lieu of oral argument; (2) to deny the prayer of the petition for the issuance of a writ of preliminary injunction; and (3) to lift the restraining order issued by this Court in this case on June 22, 1967." (p. 124, Record.)

The motion for reconsideration filed by petitioner was denied by Us on July 24, 1967.

When We set the case for hearing on the merits for August 21, 1967, both parties waived oral argument and submitted the same for decision.

On March 24, 1969, the Court issued the following resolution:

"In L-27665 (Philippine Virginia Tobacco Administration vs. Hon. Andres Reyes, etc. et al.), it appearing that a decision has been rendered by the Court of First Instance of Rizal in its Civil Case No. 10001, although a motion to set aside and/or for reconsideration and/or for new trial is still pending regarding the decision, as

alleged in the 'Manifestation and Motion' filed by counsel for respondent Alto Sales Corporation under date of November 18, 1968, the Court RESOLVED: to require counsel for respondent Alto Sales Corporation to file with the record of this case a copy of said decision, and to require the parties to show cause, within ten days from notice hereof, why this case may not now be considered moot." (p. 166, Id.)

On April 17, 1969, private respondent furnished the Court with a copy of the decision of the trial court, and after alleging in a "Manifestation and Comment" dated May 2, 1969, that "it is very necessary, highly desirable and most advisable for this Honorable Court to decide and render an opinion on the merits of the petition for certiorari", on May 12, 1969, petitioner filed another "Manifestation and Motion" with this prayer: "Wherefore, the Alto Sales Corporation prays that this Honorable Court refrain from deciding this case on the merits and that the prayer of the respondent in its prior Manifestation that the case be decided on the merits be considered superseded accordingly", giving as reason that anyway "the mandatory injunction issued by the lower court has not been implemented; the tobacco in the pier has deteriorated so much that it is useless and that the PVTA has no more 1964 crop of local Virginia tobacco to sell to respondent Alto Sales Corporation" and, therefore, it "has opted for damages which (in fact) had been (already) awarded to it by the lower court", only to reverse again its position on January 5, 1970 by praying in its "comment" on the manifestation of the Government Corporate Counsel dated June 13, 1969, that the Court "dispose of and terminate this case definitely and finally either by deciding the same on the merits or by dismissing it once and for all according to its best judgment", because the lower court was inclined not to act on pending incidents in the main case until this case is decided. On its part, respondent PVTA insisted in its reply of February 6, 1970 "that it is the view of the herein petitioner that there are no reasons or causes that would render the issues raised in this petition for certiorari academic and, joining the respondent, the petitioner hereby submits the matter for a decision on the merits in the earliest possible time".

Going over the records, what readily strikes our curiosity in this case is that there is no showing at all that respondent has taken steps to secure enforcement of the writ of preliminary mandatory injunction issued by the lower court. Assuming that petitioner has in fact impeded or obstructed the implementation of said writ in one way or another, it is still a source of wonder why there is no showing that respondent has made any effort to seek corresponding sanctions for such seeming defiance of the lower court's authority. All that appears here is that respondent "has opted for damages which had been awarded to it by the lower court". Such being the case, it would serve no useful purpose for Us to rule on the propriety or impropriety of the writ in question.

Indeed, both parties seem to be confused as to what a "decision on the merits" of this case means. Apparently, they entertain the view that We are called upon in this proceeding to determine whether or not respondent Alto Sales Corporation does have a cause of action against respondent PVTA for breach of contract. Such notion is not correct. The only issue before Us is whether or not the trial court gravely abused its discretion in granting respondent's petition for preliminary mandatory injunction. And from all appearances, that question has become inconsequential, since notwithstanding non-enforcement or non-implementation of the writ in dispute, private respondent has not shown to Us that it has sought or is seeking any redress or sanction whether against petitioner or against the lower court in the premises.

Furthermore, in the exercise of its own jurisdiction respondent court has already decided the case on the merits -- the very matter that the parties seemingly expect this Court to rule upon -- and its decision is now in the process of appeal. Under the circumstances of this case, We do not believe there is any justification for Us to preempt the jurisdiction of the appellate court in regard to such appeal.

WHEREFORE, the petition herein is dismissed, for being moot and academic. No costs.

Fernando, (Chairman), Antonio, Aquino, and Martin, JJ., concur.
Concepcion, Jr., J., on leave.

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.