

GREGORIO TAN, JR., PETITIONER, VS. HON. MALCOLM G. SARMIENTO, JUDGE OF THE COURT OF FIRST INSTANCE OF PAMPANGA, FRANCISCO M. GARCIA, FLORA L. GARCIA, FELINO VILLASAN, JR., GEN. ...

G.R. No. L-24971. June 20, 1975

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6b0f30256912/>

ANTONIO, J.:

The issue posed by this special civil action for certiorari is whether or not the Court of First Instance of Pampanga has the authority to issue a writ of preliminary injunction which will be enforced outside the territorial boundaries of the province.

On May 6, 1965, petitioner, a resident of Bacolor, Pampanga, filed with the Court of First Instance of Pampanga, presided over by respondent Judge, a complaint for Specific Performance of Contract and Damages with Preliminary Injunction, docketed as Civil Case No. 2773, against Gen. Godofredo Mendoza, in his capacity as Commanding General of the First Infantry Division, Fort Magsaysay, Laur, Nueva Ecija, spouses Dr. Francisco M. Garcia and Flora L. Garcia, residents of Cabanatuan City, the Director of Forestry and the District Forester of Nueva Ecija. Said complaint avers the following facts:

On October 29, 1962, spouses Dr. Francisco M. Garcia and Flora L. Garcia, private respondents in this petition, executed a Special Power of Attorney (Annex "A") in favor of petitioner Gregorio Tan, Jr. over a parcel of land allegedly owned by them, situated in Barrio San Esteban, Laur, Nueva Ecija, empowering the petitioner to obtain, in behalf of said spouses, a Private Woodland Registration (PWR) and/or an Ordinary Timber License (OT) from the Bureau of Forestry over the said parcel, and on the same date, said spouses entered into an agreement (Annex "B") with petitioner granting to him exclusive logging rights over the said property, with the assurance that the logging operations could not be terminated by them without the written consent of the operator.

Petitioner accordingly applied with and obtained, at his own expense, from the Bureau of Forestry, Certificate of Private Woodland Registration No. 1925 (provisional), in the name of Flora Garcia, c/o Gregorio Tan, Jr. and effective up to June 30, 1963. This provisional certificate was subsequently renewed on July 9, 1963, to be effective until June 30, 1968, notwithstanding vigorous objections made by representatives of the Armed Forces of the Philippines, who claimed that the land involved was part of the army reservation.

In the meantime, petitioner allegedly made investments for the construction of roads and other facilities to enable him to conduct logging operations and, as a matter of fact, commenced logging operations therein sometime in September 1963, but on November 6, 1963, petitioner's logging operations were stopped upon orders of the Commanding General, and the logs impounded.

On April 13, 1964, the Secretary of National Defense appealed to the Office of the President the denial by the Acting Director of Forestry of the protest made by the Armed Forces of the Philippines against the issuance and

subsequent renewal of PWR No. 1925, on the ground that said certificate covers portions of Fort Magsaysay, a military reservation in Laur, Nueva Ecija.

Although the Office of the President, on March 19, 1965, declared that the certificate of private woodland registration previously issued should be respected "until her title or right over the land involved is held invalid . . . by competent authority" (Annex "E"), the Commanding General refused to allow petitioner to continue with his logging operations, while the Garcia spouses also refused to comply with their obligation under the aforementioned agreements.

On May 11, 1965, respondent Judge Malcolm G. Sarmiento issued a writ of preliminary injunction in the aforesaid Civil Case No. 2773, directed to the Commanding General of the 1st Infantry Division of the Armed Forces at Fort Magsaysay, Laur, Nueva Ecija, the Director of Forestry at his offices in Manila, the District Forester of Nueva Ecija and the spouses Dr. and Mrs. Francisco Garcia, "to prohibit them from molesting, interfering and/or prohibiting the said plaintiff and intervenor in their respective logging operations in the area covered by PWR No. 1925 issued by the Bureau of Forestry" (Annex "J"). However, on June 22, 1965, respondent Judge, finding the urgent motion of spouses Dr. Francisco M. Garcia and Flora L. Garcia that said court had no jurisdiction to issue said writ to be meritorious, issued another Order lifting the aforesaid writ of preliminary injunction (Annex "L"). After suspending the effectivity of said Order in view of petitioner's motion for reconsideration, respondent Judge, after hearing, issued another Order on July 2, 1965 definitely quashing the aforesaid preliminary injunctive writ because in the view of said respondent Judge, his court had no authority to issue an injunction which is to be enforced in the province of Nueva Ecija, and, therefore, beyond the territorial jurisdiction of his court. It is this Order which is now the subject of the present petition for certiorari.

We find this petition for certiorari without merit. In a long line of cases decided by this Court,[1] it has been consistently held that a Court of First Instance has no jurisdiction to issue a writ of preliminary injunction to enjoin acts being performed or about to be performed outside its territorial jurisdiction.

As early as *Castaño vs. Lobingier*,[2] this Court held that a judge of the Court of First Instance had no power to issue a preliminary injunction which is sought to be enforced outside its jurisdiction. This Court declared that "the power to administer justice conferred upon the judges of the Court of First Instance can only be exercised by them within the limits of their respective districts, outside of which they have no jurisdiction whatsoever."

Recently, in *Cudiamat vs. Torres*,[3] We had another occasion to elucidate on this rule.

"The power of a court to issue an injunction, which is a matter of jurisdiction, is one of legislative enactment (*Manila Railroad Co. vs. Atty. Gen.*, 20 Phil. 523) but the manner of its exercise is prescribed by the Rules of Court. Thus, the Judiciary Act, as amended provides:

'SEC. 44. Original Jurisdiction. - Courts of First Instance shall have original jurisdiction:

xxx xxx xxx

'(h) Said courts and their judges, or any of them, shall have power to issue writs of injunction, mandamus, certiorari, prohibition, quo warranto and habeas corpus in their respective provinces and districts, in the manner provided in the Rules of Court.' (Italics supplied)

"The above provision should not be confused with Section 2, Rule 58 of the Revised Rules of Court (Sec. 2, Rule 60 of the old Rules) which reads as follows:

'SEC. 2. Who may grant preliminary injunction. — A preliminary injunction may be granted by the judge of any court in which the action is pending, or by a Justice of the Court of Appeals or of the Supreme Court. It may also be granted by the judge of a Court of First Instance in any action pending in an inferior court within his

district.'

The preliminary injunction that may be granted by a court of first instance under said Section 2 is, in its application, co-extensive with the territorial boundaries of the province or district in which the said court sits. (Acosta vs. Alvendia, et al., L-14598, 31 Oct. 1960; Alhambra Cigar & Cigarette Manufacturing Co., Inc. vs. National Administrator of Regional Office No. 2, etc., et al., L-20491, 31 Aug. 1965; People, et al. vs. Mencias, L-1963, 28 Nov. 1966).

Since the injunction issued by the Court of First Instance of Rizal purports to restrain acts outside the province of Rizal, it is null and void, for want of jurisdiction."

We reiterated the foregoing ruling in National Waterworks and Sewerage Authority vs. Reyes.[4] In the case at bar, there is no question that the writ of preliminary injunction issued by the Pampanga Court of First Instance purported to restrain acts which are performed or about to be performed in Nueva Ecija. Pursuant to the doctrine enunciated in the aforecited cases, the Court of First Instance of Pampanga is without authority to issue an injunction purportedly to restrain acts outside its territorial jurisdiction. The extraordinary writs issued by a court of first instance are limited to and are operative only within their respective provinces and districts, and cannot be enforced against public officers who have their official residences outside the territorial jurisdiction of said courts.[5]

IN VIEW OF THE FOREGOING, the instant petition for certiorari is hereby dismissed, with costs against the petitioner.

Fernando, (Chairman), Barredo, Aquino, and Concepcion Jr., JJ., concur.

[1] Acosta, et al. vs. Alvendia, et al, 109 Phil. 1017; Samar Mining Co. Inc. vs. Arnaldo, et al., 112 Phil. 679; Central Bank, et al. vs. Cajigal, et al., 6 SCRA 1972; Hacbang vs. Leyte Autobus, 8 SCRA 103; Alhambra Cigar & Cigarette Manufacturing Co., Inc. vs. National Administrator, 14 SCRA 1019; Gonzales vs. Secretary of Public Works & Communications, 18 SCRA 296; People vs. Mencias, 18 SCRA 807; Lo Chi vs. De Leon, 19 SCRA 152; Cudiamat vs. Torres, 22 SCRA 695; National Waterworks and Sewerage Authority vs. Reyes, 22 SCRA 905; Palanan Lumber and Plywood Co., Inc. vs. Arranz, 22 SCRA 1186; De la Cruz vs. Gabor, et al., 30 SCRA 325; Director of Telecommunications vs. Aligaen, 33 SCRA 368.

[2] 7 Phil. 91.

[3] 22 SCRA 695, 698.

[4] 22 SCRA 905, 909-910.

[5] Palanan Lumber and Plywood Co., Inc. vs. Arranz, 22 SCRA 1186, 1190. Police Commission vs. Bello, 37 SCRA 230.

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.