

**MICHAEL CARIDAD, EDUARDO UBANDO, RAMON CARIDAD, LOURDES UBANDO, RONQUILLO CARIDAD, AND FRANCISCO DELA CRUZ, PLAINTIFFS-APPELLANTS, VS. PHILIPPINE NATIONAL BANK AND SPOUSES MANUE...**

Ponente: CORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b32effd7fb62/>

---

**CORALES, J.:**

Both defendants-appellees have moved for the reconsideration of Our November 29, 2013 Decision.[1] However, their motions which simply rehashed prior arguments deserve scant attention.

Meanwhile, in a verified Extremely Urgent Application for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction (Urgent Application) filed on December 26, 2013, plaintiffs-appellants manifested their receipt on December 5, 2013 of a Writ of Demolition and Notice to Vacate,2[2] both issued by the Municipal Trial Court in Cities (MTCC), Branch 1, Dagupan City, in Civil Case No. 16376 for ejectment (the ejectment case). Claiming irreparable damage and prejudice, plaintiffs-appellants prayed for this Court to enjoin the implementation of the Writ of Demolition until the final determination by the Regional Trial Court, Branch 42, Dagupan City of Civil Case No. 04-0402-D for declaration of nullity of sale and judgment; to order the suspension in the meantime of proceedings in Civil Case No. 16376; and to direct the return of the records herein for the continuation of proceedings in the court a quo.[3] Plaintiffs-appellants further stressed the urgency of their plight in a Reiteration of the Extremely Urgent Application for the Issuance of a TRO and/or Writ of Preliminary Injunction.[4]

In their Comment/Opposition, defendants-appellees Manuel and Eleanor L. Pablico (Spouses Pablico) countered the application for injunctive relief and argued their right to enjoy the fruits of their victory in the ejectment case.[5] For its part, defendant-appellee Philippine National Bank (PNB) stated that an amicable settlement between plaintiffs-appellants and Spouses Pablico had already rendered the Urgent Application moot and academic.[6]

Assuming arguendo that the Urgent Application remains viable for resolution, We deny the same. It is elementary that injunction requires, first and foremost, the showing of a clear and unmistakable right warranting such protection.[7] The mere assertion of grave or irreparable damage and prejudice, without proof of an actual existing right, shall not suffice. Furthermore, no court should interfere, by injunction or otherwise, with the ministerial duty to execute a final judgment. No exception has been shown to apply herein.[8] More importantly, this Court has no jurisdiction in the instant appeal to enjoin the orders or process of a lower court other than the court a quo. The judgment in the ejectment case has long been final and its execution is a matter of right in favor of the prevailing parties. The MTCC retains the ministerial duty to enforce its final judgment in accordance with the law and the rules.[9]

WHEREFORE, defendants-appellees' Motions for Reconsideration, as well as plaintiffs-appellants' Urgent Application and Reiteration, are hereby DENIED for lack of merit.

**SO ORDERED.**

Villon, J., Chairperson and Macalino, JJ., concur.

---

[1] See Motions for Reconsideration, rollo, pages 163-170 and 175-179.

[2] Ibid., pages 159-161 and 162, respectively.

[3] See Extremely Urgent Application for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, *ibid.*, pages 146-154.

[4] Ibid., pages 183-192.

[5] Ibid., pages 193-198.

[6] See Comment, *ibid.*, pages 200-202.

[7] See *Thunder Security v. National Food Authority*, G.R. No. 182042. July 27, 2011.

[8] See *Australian Professional v. Municipality of Padre Garcia*, G.R. No. 183367. March 14, 2012.

[9] See *Anama v. Court of Appeals*, G.R. No. 187021. January 25, 2012.

**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.