

G. HOLDINGS, INC., PLAINTIFF-APPELLANT, VS. RENATO BARON (NOW FILBERT MAGTIBAY), IN HIS CAPACITY AS SHERIFF IV, OF REGIONAL TRIAL COURT, NCJR, BRANCH 264, PASIG CITY, METRO MANI...

Ponente: FRANCISCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bcafc56fea49/>

FRANCISCO, J.:

The case arose from the Complaint for Injunction and Nullification of Sheriff's Levy on Execution and Auction Sale; Recovery of Possession of Properties; and Damages, with Prayer for Issuance of Temporary Restraining Order and Writ of Preliminary injunction filed by the appellant before the Regional Trial Court, 10[th] Judicial Region, Branch 38 of Cagayan de Oro City (RTC-CDO for brevity). The Complaint sought to restrain defendant Sheriff Renato Baron of the RTC – Branch 264 of Pasig City and defendant CEPALCO from enforcing the Writ of Execution issued in Civil Case No. 65789 entitled Cagayan Electric Power and Light Company, Inc. v. Ferrochrome Philippines, Inc. The appellant claims ownership of the properties subject of execution in Civil Case No. 65789. The appellant invoked the Deed of Assignment dated 11 March 2003 executed in its favor by Ferrochrome Philippines, Inc.

In its Decision[1] dated 22 July 2013, the RTC-CDO lifted the Writ of Preliminary Injunction it issued earlier in favor of the appellant. The assailed decision rescinded the deed of assignment on the ground that it was executed in fraud of Ferrochrome Philippines, Inc.'s creditors.

Hence, this Urgent Motion.

The appellant's prayer for the Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction is hereby DENIED.

The appellant failed to establish the existence of a clear and unmistakable right in its favor against the implementation of the assailed decision.

Essential to granting the injunctive relief is the existence of an urgent necessity for the writ in order to prevent serious damage. A TRO issues only if the matter is of such extreme urgency that grave injustice and irreparable injury would arise unless it is issued immediately.[2] A TRO may be issued only if it appears from the facts shown by affidavits or by the verified application that great or irreparable injury would be inflicted on the applicant before the writ of preliminary injunction could be heard.[3]

Thus, to be entitled to the injunctive writ, petitioners must show that (1) there exists a clear and unmistakable right to be protected; (2) this right is directly threatened by an act sought to be enjoined; (3) the invasion of the right is material and substantial; and (4) there is an urgent and paramount necessity for the writ to prevent serious and irreparable damage.[4] A clear legal right means one clearly founded in or granted by law or is enforceable as a matter of law.[5]

A perusal of the records, however, reveals that the appellant relies on the Deed of Assignment dated 11 March

2003, which was executed by Ferrochrome Philippines Inc. in favor of the appellant, covering the properties subject of execution. Appellant's right under the deed was disputed by the appellee CEPALCO on the ground that the same was entered in fraud of creditors. In its Decision[6] dated 22 July 2013 the RTC-CDO declared the deed void for being simulated. Consequently, there can be no "clear and unmistakable" right in favor of the appellant to warrant the issuance of a writ of injunction. Where the complainant's right or title is doubtful or disputed, injunction is not proper.[7]

Moreover, the resolution of the prayer for TRO and/or WPI would necessarily necessitate touching on the merits of the appeal itself. Hence, by acting on the prayer of the issuance of these ancillary remedies, We would, in effect, rule on the main appeal.

WHEREFORE, the Urgent Motion for Issuance of Temporary Restraining Order and Writ of Preliminary Injunction is DENIED.

SO ORDERED.

Borja, J., CH., and Badellees, JJ., concur.

[1] Rollo, pp. 88-98

[2] Australian Professional Realty, Inc. v. Municipality of Padre Garcia Batangaas Province, G.R. No. 183367, 14 March 2012

[3] Section 5 of Rule 58 of the Rules of Court

[4] Medina v. City Sheriff of Manila, 342 Phil. 90 (1997).

[5] Soriano v. People, G.R. No. 162336, 1 February 2010

[6] Supra at note 1

[7] Medina v. City Sheriff of Manila, 342 Phil. 90 (1997).

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.