

SPOUSES PAQUITO Z. ABALLE (REPRESENTED BY HIS HEIRS – AMADA G. ABALLE, MICHELLE ABALLE-REYSON, MEL CHITO G. ABALLE, MELCHI CLOYD G. ABALLE, MEL PAQUITO G. ABALLE) AND AMADA G. A...

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is a Petition for Certiorari[1] under Rule 65 assailing the Orders, dated 5 April 2013[2] and 14 June 2013[3], issued by the Regional Trial Court, 11th Judicial Region, Branch 12, Davao City in Civil Case No. 27,327-99 for Replevin.

In a Minute Resolution[4] dated 23 September 2013, this Court directed the private respondent, PCI Leasing and Finance, Inc., to file a Comment on the petition and to show cause why a Temporary Restraining Order and/or Writ of Preliminary Injunction should not be granted.

On 18 November 2013, the private respondent filed a Motion for Extension of Time to file Comment[5] praying for an extension of ten (10) days or until 27 November 2013 within which to file its Comment. The same is hereby GRANTED. The private respondent's Comment[6] filed on 27 November 2013 is hereby NOTED.

On 10 December 2013, the petitioners filed a Motion for More Time to File Reply[7] praying that they be given an extension of thirty (30) days or until 9 January 2013 within which to file their Reply. However, per JRD verification report[8] dated 4 March 2014, no Reply to Comment has been filed by the petitioners as of the said date.

With the filing of the private respondent's Comment and without a Reply having been filed by the petitioners, the parties are hereby DIRECTED to submit their respective memoranda in amplification of their positions within fifteen (15) days from receipt of notice. Thereafter, the petition shall be deemed submitted for decision, with or without such memoranda.

This Court shall now resolve the petitioners' application for a temporary restraining order and/or writ of preliminary injunction.

An injunctive writ may only be issued if it appears from the facts shown by affidavits or by the verified application 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.[9]

In the case at bar, the application fails to show any serious and irreparable injury damage that would be caused to the petitioners if the injunctive writ is not issued. In other words, the petitioners have failed to allege specific facts and circumstances to show the existence of the requisites for the grant of an injunctive writ.

Accordingly, the application for TRO and/or WPI is hereby DENIED.

SO ORDERED.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, p. 2.

[2] Rollo, p. 22.

[3] Rollo, p. 23.

[4] Rollo, p. 58.

[5] Rollo, p. 59.

[6] Rollo, p. 65.

[7] Rollo, p. 75.

[8] Rollo, p. 74, dorsal portion.

[9] Australian Professional Realty, Inc., et al. v. Municipality of Padre Garcia Batangas Province, G.R. No. 183367, 14 March 2012.

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