

SAMSON T. SABALONES, PETITIONER, VS. THE COURT OF APPEALS AND REMEDIOS GAVIOLA--SABALONES, RESPONDENTS.

G.R. No. 106169. February 14, 1994

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-106169/>

CRUZ, J.:

The subject of this petition is the preliminary injunction issued by the respondent court pending resolution of a case on appeal. We deal only with this matter and not the merits of the case.

As a member of our diplomatic service assigned to different countries during his successive tours of duties, petitioner Samson T. Sabalones left to his wife, herein respondent Remedios Gaviola-Sabalones, the administration of some of their conjugal properties for fifteen years.

Sabalones retired as ambassador in 1985 and came back to the Philippines but not to his wife and their children. Four years later, he filed an action for judicial authorization to sell a building and lot located at #17 Eisenhower St., Greenhills, San Juan, Metro Manila, belonging to the conjugal partnership. He claimed that he was sixty-eight years old, very sick and living alone without any income, and that he would use his share of the proceeds of the sale to defray the prohibitive cost of his hospitalization and medical treatment.

In her answer, the private respondent opposed the authorization and filed a counterclaim for legal separation. She alleged that the house in Greenhills was being occupied by her and their six children and that they were depending for their support on the rentals from another conjugal property, a building and lot in Forbes Park which was on lease to Nobumichi Izumi. She also informed the court that despite her husband's retirement, he had not returned to his legitimate family and was instead maintaining a separate residence in Don Antonio Heights, Fairview, Quezon City, with Thelma Cumareng and their three children.

In her prayer, she asked the court to grant the decree of legal separation and order the liquidation of the conjugal properties, with forfeiture of her husband's share therein because of his adultery. She also prayed that it enjoin the petitioner and his agents from a) disturbing the occupants of the Forbes Park property and b) disposing of or encumbering any of the conjugal properties.

After trial, Judge Mariano M. Umali, found that the petitioner had indeed contracted a bigamous marriage on October 5, 1981, with Thelma Cumareng, to whom he had returned upon his retirement in 1985 at a separate residence. The court thus decreed the legal separation of the spouses and the forfeiture of the petitioner's share in the conjugal properties, declaring as well that he was not entitled to support from his respondent wife.[1]

This decision was appealed to the respondent court. Pendente lite, the respondent wife filed a motion for the issuance of a writ of preliminary injunction to enjoin the petitioner from interfering with the administration of their properties in Greenhills and Forbes Park. She alleged inter alia that he had harassed the tenant of the Forbes Park property by informing him that his lease would not be renewed. She also complained that the petitioner had disposed of one of their valuable conjugal properties in the United States in favor of his paramour, to the prejudice

of his legitimate wife and children.

The petitioner opposed this motion and filed his own motion to prevent his wife from entering into a new contract of lease over the Forbes Park property with its present tenant, or with future tenants, without his consent.

After hearing, the Court of Appeals, in an order dated April 7, 1992, granted the preliminary injunction prayed for by the wife.[2]

The petitioner now assails this order, arguing that since the law provides for a joint administration of the conjugal properties by the husband and wife, no injunctive relief can be issued against one or the other because no right will be violated. In support of this contention, he cites Art. 124 of the Family Code, reading as follows:

Art. 124. The administration and enjoyment of the conjugal partnership property shall belong to both spouses jointly. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for proper remedy, which must be availed of within five years from the date of the contract implementing such decision.

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of the conjugal properties, the other spouse may assume sole powers of the administration. These powers do not include disposition or encumbrance without authority of the court or the written consent of the other spouse. In the absence of such authority or consent, the disposition or encumbrance shall be void. However, the transaction shall be construed as a continuing offer on the part of the consenting spouse and the third person, and may be perfected as a binding contract upon the acceptance by the other spouse or the authorization by the court before the offer is withdrawn by either or both offerors.

He further notes that the respondent court failed to appoint an administrator of the conjugal assets as mandated by Art. 61 of the Code, thus:

Art. 61. After the filing of the petition for legal separation, the spouses shall be entitled to live separately from each other.

The court, in the absence of a written agreement between the spouses, shall designate either of them or a third person to administer the absolute community or conjugal partnership property. The administrator appointed by the court shall have the same powers and duties as those of a guardian under the Rules of Court.

The Court has carefully considered the issues and the arguments of the parties and finds that the petition has no merit.

We agree with the respondent court that pending the appointment of an administrator over the whole mass of conjugal assets, the respondent court was justified in allowing the wife to continue with her administration. It was also correct, taking into account the evidence adduced at the hearing, in enjoining the petitioner from interfering with his wife's administration pending resolution of the appeal.

The law does indeed grant to the spouses joint administration over the conjugal properties as clearly provided in the above-cited Article 124 of the Family Code. However, Article 61, also above quoted, states that after a petition for legal separation has been filed, the trial court shall, in the absence of a written agreement between the couple, appoint either one of the spouses or a third person to act as the administrator.

While it is true that no formal designation of the administrator has been made, such designation was implicit in the decision of the trial court denying the petitioner any share in the conjugal properties (and thus also disqualifying him as administrator thereof). That designation was in effect approved by the Court of Appeals when it issued in favor of the respondent wife the preliminary injunction now under challenge.

The primary purpose of the provisional remedy of injunction is to preserve the status quo of the things subject of the action or the relations between the parties and thus protect the rights of the plaintiff respecting these matters during the pendency of the suit. Otherwise, the defendant may, before final judgment, do or continue doing the act which the plaintiff asks the court to restrain and thus make ineffectual the final judgment that may be rendered afterwards in favor of the plaintiff.[3]

As observed by Francisco, "Injunction is primarily a preventive remedy. Its province is to afford relief against future acts which are against equity and good conscience and to keep and preserve the thing in the status quo, rather than to remedy what is past or to punish for wrongful acts already committed. It may issue to prevent future wrongs although no right has yet been violated."[4]

The Court notes that the wife has been administering the subject properties for almost nineteen years now, apparently without complaint on the part of the petitioner. He has not alleged, much less shown, that her administration has caused prejudice to the conjugal partnership. What he merely suggests is that the lease of the Forbes Park property could be renewed on better terms, or he should at least be given his share of the rentals.

In her motion for the issuance of a preliminary injunction, the respondent wife alleged that the petitioner's harassment of their tenant at Forbes Park would jeopardize the lease and deprive her and her children of the income therefrom on which they depend for their subsistence. She also testified the numerous other conjugal properties, real and personal, in the sole custody of the husband,[*] including various dollar accounts, two houses in Quezon City and Cebu City, and a Mercedes Benz. The private respondent also complained that on June 10, 1991, the petitioner executed a quitclaim over their conjugal property in Apple Valley, San Bernardino, California, U.S.A., in favor of Thelma Curameng, to improve his paramour's luxurious lifestyle to the prejudice of his legitimate family.

These allegations, none of which was refuted by the husband, show that the injunction is necessary to protect the interests of the private respondent and her children and prevent the dissipation of the conjugal assets.

The twin requirements of a valid injunction are the existence of a right and its actual or threatened violation.[5] Regardless of the outcome of the appeal, it cannot be denied that as the petitioner's legitimate wife (and the complainant and injured spouse in the action for legal separation), the private respondent has a right to a share (if not the whole) of the conjugal estate. There is also, in our view, enough evidence to raise the apprehension that entrusting said estate to the petitioner may result in its improvident disposition to the detriment of his wife and children. We agree that inasmuch as the trial court had earlier declared the forfeiture of the petitioner's share in the conjugal properties, it would be prudent not to allow him in the meantime to participate in its management.

Let it be stressed that the injunction has not permanently installed the respondent wife as the administrator of the whole mass of conjugal assets. It has merely allowed her to continue administering the properties in the meantime without interference from the petitioner, pending the express designation of the administrator in accordance with Article 61 of the Family Code.

WHEREFORE, the petition is DENIED for lack of merit. It is so ordered.

Davide, Jr., Bellosillo, Quason, and Kapunan, JJ., concur.

[1] Decision, Annex "C," Rollo, pp. 40-56.

[2] Annex "F," Rollo, pp. 66-68.

[3] Calo, et al. v. Roldan, 76 Phil. 445; Ramnani v. Court of Appeals, 196 SCRA 731.

[4] Revised Rules of Court in the Philippines, Vol. IV-A, 1971 ed., pp. 204-205.

[*] The following said properties are:

- a) House and lot on 12 Candelaria, Quezon City;
- b) Several fighting cocks worth millions of pesos;
- c) House and lot on 7 Don Juan, Quezon City;
- d) Retirement benefits which petitioner received from the GSIS;
- e) \$60,000.00 in the USA Bank Account of plaintiff;
- f) \$42,000.00 to \$46,000.00 which plaintiff appellant withdrew from the savings account of herein appellee in the USA;
- g) \$7,000.00 to \$8,000.00 also taken by the appellant from the savings account of herein appellee in the USA;
- h) Proceeds from the paraphernal property of herein appellee which appellant sold forging the signature of appellee now worth P490,000.00;
- i) Appellee's three (3) lots in Cebu City which appellant sold to his three (3) brothers after forging the appellee's signature;
- j) Three (3) cars including a Mercedes Benz.

[5] Araneta v. Gatmaitan, 101 Phil. 328; Viray v. Court of Appeals, 191 SCRA 308; Director of Forest Administration v. Fernandez, 192 SCRA 121; Dionisio v. Ortiz, 204 SCRA 746.

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.