

**MABAYO FARMS, INC., HEREIN REPRESENTED BY ITS PRESIDENT
MRS. RORAIMA SILVA, PETITIONER, VS. HON. COURT OF APPEALS
AND ANTONIO SANTOS, RESPONDENTS.**

G.R. No. 140058. August 01, 2002

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140058/>

QUISUMBING, J.:

This petition for review seeks to reverse the decision^[1] promulgated on August 27, 1999, of the Court of Appeals in CA-G.R. SP No. 51375. The appellate court enjoined the enforcement of the writ of preliminary injunction dated April 14, 1998, issued by the Regional Trial Court of Balanga, Bataan, Branch 1, in Civil Case No. 6695 against private respondent, Antonio Santos.

The factual antecedents of this case are as follows:

On August 22, 1969, the Bureau of Lands declared Francisco Domingo, Reynaldo Florida, Cornelio Pilipino and Severino Vistan, lawful possessors of Lot 1379 of the Morong, Bataan Cadastre. Lot 1379 consists of 144 hectares. Domingo, Florida, Pilipino and Vistan through their forebears and by themselves had been in open, notorious, and exclusive possession of portions of Lot 1379 since 1933 in the concept of owners. The Bureau then directed them to confirm their titles over the property by filing the appropriate applications for the portions of the property respectively occupied by them.

In October 1970, petitioner bought the respective portions of Domingo, Florida, Pilipino and Vistan, totaling 69,932 square meters and entered into a compromise settlement with six other persons occupying the property, whose applications had been rejected by the Bureau. Petitioner then filed an application for land registration docketed as LRC Cad. Rec. No. N-209 with the then Court of First Instance of Bataan, Branch 1. The application was contested by several oppositors, among them the heirs of one Toribio Alejandro.

On December 20, 1991, the trial court decided the land registration case in petitioner's favor. The losing parties appealed to the Court of Appeals, where the case was docketed as CA-G.R. CV No. 40452. On March 14, 2000, the appellate court affirmed the lower court's decision.^[2]

In June 1997, a group of occupants entered the land, destroyed the fences and drove away livestock owned by petitioner.

On October 9, 1997, petitioner filed a complaint for injunction with damages, with a prayer for a temporary restraining order, docketed as Civil Case No. 6695, with the RTC of Balanga, Bataan. Named as defendants were Juanito Infante, Domingo Infante, Lito Mangalidan, Jaime Aquino, John Doe, Peter Doe, and Richard Doe.

The trial court issued the temporary restraining order (TRO) and on January 16, 1998, the sheriff served copies on the defendants. The sheriff accompanied petitioner's president to the property where they found five (5) persons cultivating the land. The latter refused to give their names or receive copies of the TRO. They claimed that they were only farm workers of a certain Antonio Santos who allegedly owned the land.^[3]

On April 14, 1998, the trial court issued a writ of preliminary injunction restraining the defendants or persons acting on their behalf from entering and cultivating the disputed property. The aforementioned writ was also served upon respondent who was occupying a portion of Lot No. 1379.[4]

On February 24, 1999, private respondent filed a special civil action for certiorari docketed as CA-G.R. SP No. 51375 with the Court of Appeals. Private respondent averred that he only learned about the writ of preliminary injunction on February 16, 1999, when he secured a copy of the order. He claimed that he was an innocent purchaser for value of the property from Francisco, Armando, and Conchita, all surnamed Alejandro and the injunction prevented him from using his property. He alleged that he was not a party to Civil Case No. 6695 and that it was grave abuse of discretion for the trial court to enforce the injunctive writ against him since it did not have jurisdiction over him.

On August 27, 1999, the appellate court decided CA-G.R. SP No. 51375 in private respondent's favor, thus:

WHEREFORE, premises considered the instant Petition is hereby GRANTED. Public respondent is enjoined from imposing the questioned writ of preliminary injunction dated April 14, 199[8] against petitioner [Santos].

SO ORDERED.[5]

Hence, the instant petition, submitting the following issues for our consideration:

A. WHETHER [PRIVATE] RESPONDENT WAS DEPRIVED OF HIS CONSTITUTIONAL RIGHT TO BE HEARD.

B. WHETHER RULE 3, SEC. 11 OF THE 1997 RULES OF CIVIL PROCEDURE[6] IS APPLICABLE IN THE ABOVE-ENTITLED CASE.

We find the lone issue to be: Is private respondent bound by the writ of preliminary injunction issued by the trial court?

First, petitioner contends that the injunctive writ of April 14, 1998 was issued not only against all named defendants in Civil Case No. 6695, but also against three unnamed "Does." It now argues that the "Does" in the complaint are all those who violated its rights, including private respondent. Petitioner asks us to note that the writ of injunction was served not only against the defendants in Civil Case No. 6695, but also against other persons who were seen entering and cultivating petitioner's property, including private respondent. Since the latter personally received the injunctive order on June 5, 1998, he was already forewarned to intervene in Civil Case No. 6695 if he had any right or interest to protect in the disputed property. This he failed to do. Since private respondent did not then take the opportunity to present his side, he cannot now claim that he was denied due process when the writ was enforced against him.

In his comment, private respondent counters that he was not legally bound nor required by law to file his pleadings in Civil Case No. 6695 as he was not a party in said case. Likewise, he was not required to act on or protest the injunctive writ in the aforementioned civil case. Private respondent avers that what petitioner wants is to have a continuing writ in its favor, to include not only the defendants in Civil Case No. 6695 but also all those who may subsequently intrude into the land dispute. Private respondent submits that the court a quo committed no error in describing petitioner's posture as a violation of the fundamental rights to notice and hearing.

We have minutely scrutinized the order granting the writ of preliminary injunction and are unable to say that the writ applied to private respondent. The order merely stated "[L]et a writ of preliminary injunction be issued enjoining and restraining the defendants or any person or persons acting in their place or stead from further entering and cultivating the said land of the plaintiff subject matter of this case until further order from the

Court.”[7] The persons specifically enjoined in the order were the defendants in Civil Case No. 6695 or persons acting in their stead. Petitioner itself admitted that private respondent was not a defendant in Civil Case No. 6695 since “at the institution of the case in 1997, he (private respondent) did not have a right over any portion of petitioner’s lot.”[8] Neither was he a trespasser then.[9] Also, nothing in the records indicate that private respondent was acting on behalf of any of the defendants. Taking all these into consideration, we must hold that the writ of preliminary injunction thus cannot be made to apply to private respondent.

A preliminary injunction is an order granted at any stage of an action prior to final judgment, requiring a person to refrain from a particular act.[10] As an ancillary or preventive remedy, a writ of preliminary injunction may therefore be resorted to by a party to protect or preserve his rights and for no other purpose during the pendency of the principal action.[11] Its object is to preserve the status quo until the merits of the case can be heard.[12] It is not a cause of action in itself but merely a provisional remedy, an adjunct to a main suit.[13] Thus, a person who is not a party in the main suit, like private respondent in the instant case, cannot be bound by an ancillary writ, such as the writ of preliminary injunction issued against the defendants in Civil Case No. 6695. He cannot be affected by any proceeding to which he is a stranger.[14]

Second, petitioner contends that the Court of Appeals erred when it observed that petitioner should have impleaded private respondent as defendant in Civil Case No. 6695 pursuant to Section 11, Rule 3 of the 1997 Rules of Civil Procedure.[15] Instead, private respondent should have intervened in Civil Case No. 6695 to protect his rights. Petitioner avers that at the time the injunctive writ was issued, it had already rested its case and to require it to amend its complaint to include private respondent was too late.

Private respondent counters that there was no reason why Section 11, Rule 3 of the 1997 Rules of Civil Procedure should not be made to apply to Civil Case No. 6695. He argues that contrary to petitioner’s posture, his inclusion as a defendant in Civil Case No. 6695 is procedurally correct since no final judgment had yet been rendered in said case. Moreover, he avers that petitioner cannot insist that private respondent be vigilant in protecting his rights by intervening in Civil Case No. 6695.

We agree with private respondent. First, private respondent had no duty to intervene in the proceedings in Civil Case No. 6695. Intervention in an action is neither compulsory nor mandatory but only optional and permissive.[16] Second, to warrant intervention, two requisites must concur: (a) the movant has a legal interest in the matter in litigation,[17] and (b) intervention must not unduly delay or prejudice the adjudication of the rights of the parties[18] nor should the claim of the intervenor be capable of being properly decided in a separate proceeding.[19] The interest, which entitles a person to intervene in a suit, must involve the matter in litigation and of such direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment.[20] Civil Case No. 6695 was an action for permanent injunction and damages. As a stranger to the case, private respondent had neither legal interest in a permanent injunction nor an interest on the damages to be imposed, if any, in Civil Case No. 6695. To allow him to intervene would have unnecessarily complicated and prolonged the case.

We agree with the Court of Appeals that to make the injunctive writ applicable against private respondent, petitioner should have impleaded the latter as an additional defendant in Civil Case No. 6695. Petitioner’s insistence that it had rested its case and hence was too late to include defendant finds no support in Section 11. The rule categorically provides that “Parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action (stress supplied) and on such terms as are just.”[21] We find it inexplicable why petitioner pointedly resisted the advice of the appellate court to implead private respondent as an additional defendant in Civil Case No. 6695.

WHEREFORE, the instant petition is DENIED and the assailed decision of the Court of Appeals in CA-G.R. SP No. 51375 AFFIRMED. No pronouncement as to costs.

SO ORDERED.

Bellosillo (Chairman), Mendoza, and Corona, JJ., concur.

[1] Rollo, pp. 92-97.

[2] Id. at 113-125.

[3] CA Rollo, p. 73.

[4] Supra, note 1 at 75.

[5] Id. at 97.

[6] SEC. 11. Misjoinder and non-joinder of parties. – Neither misjoinder nor non-joinder of parties is ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action and on such terms as are just. Any claim against a misjoined party may be severed and proceeded with separately.

[7] CA Rollo, p. 20.

[8] Rollo, p. 21.

[9] Ibid.

[10] 1997 Rules of Civil Procedure, Rule 58, Sec. 1.

[11] China Banking Corporation v. Court of Appeals, G.R. No. 121158, 333 Phil. 158, 173 (1996), citing Bengzon v. Court of Appeals, No. L-82568, 161 SCRA 745, 749 (1988) and Calo & San Jose v. Roldan, No. L-252, 76 Phil. 445, 451-452 (1946).

[12] Rava Development Corporation v. Court of Appeals, G.R. No. 96825, 211 SCRA 144, 154 (1992), citing Avila v. Tapucar, G.R. No. 45947, 201 SCRA 148 (1991).

[13] Lopez, v. Court of Appeals, G.R. No. 110929, 322 SCRA 686, 691 (2000).

[14] Matuguina Integrated Wood Products, Inc. v. Court of Appeals, G.R. No. 98310, 263 SCRA 490, 505-506 (1996).

[15] Supra, note 6.

[16] Cruzcosa, et al. v. Hon. H. Concepcion, et al., No. L-11146, 101 Phil. 146, 150 (1957).

[17] Batama Farmers' Cooperative Marketing Association, Inc., et al. v. Hon. Rosal, etc., et al., G.R. No. L-30526, 149 Phil. 514, 518 (1971).

[18] Balane, v. De Guzman, No. L-21281, 20 SCRA 177, 179 (1967).

[19] Pfeleider v. Cordova de Britanico, et al., No. L-19077, 120 Phil. 1008, 1010 (1964).

[20] Garcia v. David, No. 45454, 67 Phil. 279, 284 (1939).

[21] Supra, note 6.

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.