

**SPS. GONZALO T. DELA ROSA & CRISTETA DELA ROSA,
PETITIONERS, VS. HEIRS OF JUAN VALDEZ AND SPOUSES
POTENCIANO MALVAR AND LOURDES MALVAR, RESPONDENTS.**

G.R. No. 159101. July 27, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court with Prayer for Temporary Restraining Order and/or a Writ of Preliminary Injunction assailing the Decision[1] dated June 10, 2003 and Resolution[2] dated July 24, 2003 of the Court of Appeals in CA-G.R. SP No. 76081. The Court of Appeals found that Judge Felix S. Caballes of the Regional Trial Court (RTC), Branch 71 of Antipolo City, did not commit grave abuse of discretion in issuing the Orders dated December 16, 2002[3] and February 28, 2003[4] in Civil Case No. 00-6015, which granted the issuance of a writ of preliminary mandatory injunction, placing spouses Juan[5] and Apolinaria Valdez (spouses Valdez) and spouses Potenciano and Lourdes Malvar (spouses Malvar) in possession of Lot 4, Psd-76374, located in Barrio Sta. Cruz, Antipolo City, Rizal, with an area of 103 hectares (subject property).

The instant Petition traces its roots to a Complaint for Quieting of Title and Declaration of Nullity of Transfer Certificates of Title[6] involving the subject property, filed before the RTC by Manila Construction Development Corporation of the Philippines (MCDC), against Gonzalo and Cristeta dela Rosa (spouses Dela Rosa) and Juan, Jose, Pedro and Maria, all surnamed De la Cruz, docketed as Civil Case No. 00-6015. Complaints-in-intervention were filed in the said case by (1) North East Property Ventures, Inc. (NEPVI),[7] and (2) spouses Valdez and spouses Malvar.[8] The spouses Malvar were the grantees/assignees under a Deed of Absolute Transfer/Conveyance[9] over the subject property executed by the spouses Dela Rosa on September 6, 2001.

The RTC took note of the following facts in its Order dated December 16, 2002:

In its complaint, plaintiff MCDC in substance states that: thru its President, Honor P. Moslares, the subject property consisting an area of 103 hectares was acquired by virtue of the Deed of Absolute Sale executed on January 16, 1996. It is further stated that Juan Valdez and Apolinaria Valdez were awarded with Sales Patent after compliance with corresponding requirements. Plaintiff MCDC and its predecessor-in-interest Juan Valdez have been in continuous, adverse and open possession of the property in the concept of owners.

However, plaintiff MCDC has been unlawfully deprived of the possession and enjoyment of the property because of the continuing acts of dispossession committed and perpetuated by the defendants spouses Gonzales and Cristeta dela Rosa as well as the other defendants and other occupants who have no property right at all. As a result plaintiff [MCDC] has suffered and continues to suffer grave and irreparable damages and injuries; thus, the writ of preliminary injunction is urgently necessary to prevent further acts of dispossession of plaintiff MCDC.

While in the Complaint-in-intervention of Intervenor North East Property Ventures, Inc. it is substantially alleged that: It claims to be the co-owner to the extent of one half or fifty percent (50%) of the subject parcel of

land according to a Deed of Absolute Conveyance/Transfer for valuable services to be rendered; and for the amounts to be advanced by intervenor corporation needed to update the real estate taxes; and to clear the title of Juan Valdez from overlapping titles from the adverse claim of the interlopers; and the removal of the defendants and other occupants from the disputed property. Intervenor North East Property Ventures, Inc. sought for the relief to be placed in possession of the property by the process of the writ of mandatory injunction.

Whereas, in the subsequent complaint-in-intervention, intervenors Valdez spouses state that they are the absolute owners of the subject parcel of land being the vendees/grantees of Sales Patent No. 38713 dated September 5, 1983 which was preceded by Sales Application dated July 21, 1968 and Order of Sales Patent No. (IV-1) 13442 issued on August 31, 1983, and paid under official receipt No. 6010195. On the other hand, intervenors Malvar spouses allege that they are the grantees/assignees under the Deed of Absolute Transfer/Conveyance executed on September 6, 2001 by the intervenors spouses Valdez.

Indubitably, the pleadings reveal admitted and uncontroverted facts, to wit:

- The subject matter of this case is a parcel of land located at Barrio Sta. Cruz, Antipolo City consisting of one hundred three (103) hectares, more or less;
- Defendants dela Rosa spouses and Intervenor Valdez spouses have been in possession of the said parcel of land in question;
- Several portions of the disputed property have been occupied by the other unknown defendants and numerous occupants;
- Certification dated April 11, 2002 certified that Transfer Certificate of Title No. 541423-A was not recorded in the Registry of Deeds, Marikina City;
- Certification dated April 12, 2002 certified that Transfer Certificate of Title No. 541423-A was not recorded in the Registry of Deeds, Antipolo City.

To dovetail the uncontroverted or admitted facts and the evidence presented, this Court has found that:

On the side of plaintiff MCDC:

- MCDC's right or claim on the disputed parcel of land is based on Sales Patent No. 38713 issued in the name of plaintiff-intervenor Juan Valdez;
- The price or consideration stipulated in the Deed of Absolute Sale dated January 16, 1996 covering the realty was not paid; thus, the sale is simulated according to the handwritten letter dated April 5, 2002 of plaintiff MCDC and according to the Joint Venture Agreement;
- The terms and conditions of the Joint Venture Agreement were not complied with as shown by the very allegations in paragraphs 12, 14 and 15 by the plaintiff [MCDC] in its complaint against defendant Dela Rosa spouses.

On the part of defendants Dela Rosa spouses:

- Defendants Dela Rosa have been in the physical possession of the substantial portions of the questioned property;
- They base their claim of possession and ownership: Firstly, on the Titulo de Propriedad No. 4136 that was previously nullified in the Intestate Estate of Don Mariano San Pedro y Esteban vs. Court of Appeals reported in Volume 265 Supreme Court Reports Annotated page 733; Secondly, Transfer Certificate of Title No. 451423-A in the name of defendant Cristeta dela Rosa shows on its face the following:

- June 16, 1934 was certified the date of original registration; while, the dates of survey of the subject land were on July 14-25, 1969 and the approval was on June 30, 1971;
- The technical description of the disputed property Lot 4 of the plaintiff [MCDC] in the Sales Patent No. 38713 was copied and manipulated in TCT No. 451423-A to be as Lots 4-A and 4-B;
- TCT No. 451423-A was not recorded in the Registry of Deeds of Marikina according to the certification dated April 11, 2002 and was not recorded in the Registry of Deeds of Antipolo City per certification dated April 12, 2002.

On the side of plaintiff-intervenor North East Property Ventures, Inc.:

- Deed of Absolute Transfer/Conveyance executed on 3[rd] September 1999 by the plaintiffs-intervenors Juan Valdez and Apolinaria Valdez;
- Special Power of Attorney dated also 3[rd] September 1999;
- Complaint-in-Intervention failed to attach any document showing accomplishment of any of the terms and conditions of the transfer/conveyance.

On the part of plaintiff-intervenor spouses Juan Valdez and Apolinaria Valdez and plaintiff-intervenor spouses Potenciano Malvar and Lourdes Malvar:

- Sales Application No. (IV-1) 1344-2 dated July 21, 1968 filed by plaintiff-intervenor Juan Valdez;
- Official Receipt No. 6030195 dated April 26, 1983, payor Juan Valdez covering Lot 4;
- Order: Issuance of Patent dated August 31, 1983 signed and issued on 05 September 1983;
- Sales Patent No. 38713 issued on September 05, 1983;
- Transmittal Letter dated December 3, 1993 of Sales Patent No. 38713 to the Registry of Deeds, Marikina, Rizal, for registration and issuance of certificate of title;
- 1[st] Indorsement dated August 1, 1994 issued by the Land Registration Authority;
- December 5, 1990 Official communication by Land Management Bureau signed by Director Abelardo Palad, Jr. relating to 1[st] Indorsement of Land Registration Authority (LRA) clarifying the existence of Sales Patent No. 38713 issued in the name of Juan Valdez for Lot 4, Psd-76374;
- August 15, 1994 Reply of Artemio B. Cana, Acting Register of Deeds, Marikina City to the 1[st] Indorsement dated August 1, 1994 of the Land Registration Authority;
- Letter of Official Inquiry dated November 21, 1994 by the Hon. Estanislao U. Valdez on the request for assistance of Intervenor Juan Valdez on Sales Patent No. 37813;
- Letter dated August 1, 1994 of Juan Valdez to the Register of Deeds, Marikina City, requesting for registration of Sales Patent No. 37813;
- Plan Psd-76374 of Lot 4 covered by Sales Patent No. 37813;
- Deed of Absolute Transfer/Conveyance dated 06 September 2001 executed by Intervenor Juan Valdez and Apolinaria Valdez in favor of Intervenor Potenciano Malvar family corporation, Noel Rubber Development Corporation;
- Deeds of Absolute Sale dated 06 September 2001 selling 150,000 or 15 hectares of Lot 4 covered by Sales

Patent.

Noticeably, plaintiff MCDC; Intervenor North East Property Ventures, Inc. and Intervenor Valdez spouses and Malvar spouses under separate applications have commonly prayed for the relief of mandatory injunction; although plaintiff MCDC initially sought for the relief of preventive injunction; however, all the prayers for reliefs of mandatory injunction have conjoined against defendants dela Rosa spouses and the other occupants of Lot 4, the land in controversy.[10] (Citations omitted.)

The RTC had to determine: (1) whether or not it should issue a writ of preliminary mandatory injunction in Civil Case No. 00-6015, directing that a party or parties be placed in possession of the subject property; and (2) in whose favor should such writ be issued.

In its Order dated December 16, 2002, the RTC granted the joint prayer for the issuance of a writ of preliminary mandatory injunction of the spouses Valdez and spouses Malvar, decreeing thus:

WHEREFORE, premises considered, this Court orders the issuance of the Writ of Preliminary Mandatory Injunction to place Intervenor Spouses Juan Valdez and Apolinaria Valdez and the Intervenor Spouses Potenciano Malvar and Lourdes Malvar in the possession of the subject parcel of land Lot 4 covered by Sales Patent No. 38713 dated September 5, 1983 in the name of Juan Valdez upon posting the bond in the amount of P1,000,000.00 subject to the approval of the Court which shall answer for damages that defendant may suffer if it is found that said intervenors are not entitled thereto.[11]

The spouses Dela Rosa filed a Motion for Reconsideration of the aforementioned Order, but it was denied by the RTC in another Order[12] dated February 28, 2003. According to the RTC, the issues and evidence presented by the spouses Dela Rosa in their Motion for Reconsideration merely re-hashed those already thoroughly discussed in the Order dated December 16, 2002, thus, there was no valid reason to alter, modify, or reverse said order.

Aggrieved, the spouses Dela Rosa filed a Petition for Certiorari before the Court of Appeals, which was docketed as CA-G.R. SP No. 76081. The spouses Dela Rosa prayed that the Orders dated December 16, 2002 and February 28, 2003 be annulled for having been issued by RTC Judge Caballes with grave abuse of discretion and that the enforcement of the same orders be enjoined.

On June 10, 2003, the Court of Appeals rendered its Decision dismissing the spouses Dela Rosa's Petition for Certiorari and, thus, upholding the RTC Orders dated December 16, 2002 and February 28, 2003. The appellate court agreed with the RTC that there are ample justifications for the issuance of the writ of preliminary mandatory injunction in favor of the spouses Valdez and spouses Malvar. The dispositive portion of the Court of Appeals judgment states that "WHEREFORE, the petition is DISMISSED. Respondent judge is DIRECTED to try the case on the merits with reasonable dispatch."[13]

On July 1, 2003, the spouses Dela Rosa filed a Motion for Reconsideration of the foregoing Decision, however, it was denied for lack of merit by the Court of Appeals in its Resolution dated July 24, 2003.

The spouses Dela Rosa now comes before this Court via the instant Petition for Review with prayer for the issuance of a temporary restraining order (TRO) and/or writ of preliminary injunction.

In a Resolution[14] dated October 8, 2003, the Court issued a TRO enjoining the Court of Appeals, the RTC, and the spouses Valdez and spouses Malvar, and their agents, representatives, and anyone acting on their behalf, from implementing and enforcing the Decision dated June 10, 2003 and Resolution dated July 24, 2003 of the Court of Appeals in CA-G.R. SP No. 76081. The Court also required the spouses Dela Rosa to post a bond in the amount of P500,000.00 in cash or surety to answer for all damages which the spouses Valdez and spouses Malvar might sustain by reason of the TRO if the Court should finally decide that the spouses Dela Rosa were not entitled

thereto.

The spouses Valdez and spouses Malvar filed several motions to lift the TRO, but these were all denied by the Court,[15] hence, the TRO remained effective and binding.

The spouses Dela Rosa made the following assignment of errors in the Petition at bar:

I

THE HONORABLE COURT OF APPEALS COMMITTED A GRAVE AND REVERSIBLE ERROR IN AFFIRMING THE ORDER OF THE REGIONAL TRIAL COURT, BRANCH 71, ANTIPOLLO CITY ORDERING THE ISSUANCE OF A WRIT OF A PRELIMINARY MANDATORY INJUNCTION IN FAVOR OF THE PRIVATE RESPONDENTS SPOUSES VALDEZ AND SPOUSES MALVAR IN ORDER TO TAKE AWAY FROM THE PETITIONERS THE POSSESSION OF THE LAND IN QUESTION AND TO PLACE THE PRIVATE RESPONDENTS IN POSSESSION THEREOF.

II

THE HONORABLE COURT OF APPEALS ERRED IN APPRECIATING THE EXHIBITS RELIED UPON BY THE RESPONDENT JUDGE IN ISSUING THE WRIT OF PRELIMINARY MANDATORY INJUNCTION WHICH ARE FAKE, FALSIFIED, SPURIOUS, AND NON-EXISTENT.

III

THE HONORABLE COURT OF APPEALS COMMITTED A GRAVE AND REVERSIBLE ERROR IN SUSTAINING THE ISSUANCE OF A WRIT OF PRELIMINARY MANDATORY INJUNCTION WHICH APPARENTLY AND GLARINGLY AMOUNTED TO A PREJUDGMENT OF THE CASE NOTWITHSTANDING THE FACT THAT NO TRIAL ON THE MERITS HAS AS YET BEEN STARTED.

IV

THE HONORABLE COURT OF APPEALS ALSO SERIOUSLY ERRED WHEN IT DELIBERATELY IGNORED THE ARGUMENTS RAISED IN THE MOTION FOR RECONSIDERATION DESPITE ITS OWN ADMISSION THAT IT CANNOT PASS UPON THE FACTUAL FINDINGS OF THE RESPONDENT JUDGE.[16]

Essentially, the Court must resolve herein the issue of whether or not the Court of Appeals erred in dismissing the spouses Dela Rosa's Petition for Certiorari which, in turn, is dependent on the question of whether or not the RTC committed grave abuse of discretion, amounting to lack or excess of jurisdiction, in issuing a writ of preliminary mandatory injunction, which placed the spouses Valdez and spouses Malvar in possession of the subject property during the pendency of Civil Case No. 00-6015. For this reason, the Court shall address and concern itself only with the assailed writ, but not with the merits of the case pending before the RTC. A preliminary injunction is merely a provisional remedy, adjunct to the main case and subject to the latter's outcome. It is not a cause of action in itself.[17]

A preliminary injunction is an order granted at any stage of an action or proceeding prior to the judgment or final order. It may be: (1) a prohibitory injunction, which commands a party to refrain from doing a particular act; or (2) a mandatory injunction, which commands the performance of some positive act to correct a wrong in the past.[18]

Section 3, Rule 58 of the Revised Rules of Court, enumerates the grounds for the issuance of a writ of preliminary injunction, whether prohibitive or mandatory:

SEC. 3. Grounds for issuance of preliminary injunction. -- A preliminary injunction may be granted when it is established:

- (a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts, either for a limited period or perpetually;
- (b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or
- (c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done, some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

A preliminary mandatory injunction is more cautiously regarded than a mere prohibitive injunction since, more than its function of preserving the status quo between the parties, it also commands the performance of an act. Accordingly, the issuance of a writ of preliminary mandatory injunction is justified only in a clear case, free from doubt or dispute. When the complainant's right is doubtful or disputed, he does not have a clear legal right and, therefore, the issuance of a writ of preliminary mandatory injunction is improper. While it is not required that the right claimed by applicant, as basis for seeking injunctive relief, be conclusively established, it is still necessary to show, at least tentatively, that the right exists and is not vitiated by any substantial challenge or contradiction.[19]

Sine dubio, the grant or denial of a writ of preliminary injunction in a pending case, rests on the sound discretion of the court taking cognizance of the case since the assessment and evaluation of evidence towards that end involve findings of facts left to the said court for its conclusive determination. Hence, the exercise of judicial discretion by a court in injunctive matters must not be interfered with except when there is grave abuse of discretion. Grave abuse of discretion in the issuance of writs of preliminary injunction implies a capricious and whimsical exercise of judgment that is equivalent to lack of jurisdiction, or where the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice or personal aversion amounting to an evasion of positive duty or to a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law.[20]

In the instant Petition, the Court finds that the RTC did not commit grave abuse of discretion in issuing the writ of preliminary mandatory injunction in favor of the spouses Valdez and spouses Malvar. Consequently, the Court of Appeals did not commit any reversible error in dismissing the spouses Dela Rosa's Petition for Certiorari.

A scrutiny of the RTC Orders dated December 16, 2002 and February 28, 2003 easily reveals that these were based on substantial evidence and pertinent jurisprudence.

In its Order dated December 16, 2002, the RTC thoroughly discussed its factual and legal bases for granting the challenged writ in favor of the spouses Valdez and spouses Malvar:

This Court honestly believes, after in-depth evaluation of the material and relevant averments in the pleadings, annexes thereto, and documents formally offered and admitted, and the established and unconverted facts, that the joint application for mandatory injunction of the Intervenors Valdez spouses and Malvar spouses is meritorious.

Firstly, because neither the plaintiff MCDC nor the intervenor North East Property Ventures, Inc. has shown by credible facts to underwrite the clear legal right to be entitled to the relief of injunction since their proprietary right or rights of dominion under their respective muniments of title were subject to conditions which were not complied with correspondingly.

Notably, the Joint Venture Agreement (Annex I, Complaint-in-Intervention of Intervenor Valdez) has qualified the Deed of Absolute Sale (Exhibit "B") since both deeds involved the same parties covering the same disputed parcel of land; hence, both deeds are to be interpreted jointly and to be harmonized (Philippine National Construction Corporation vs. Mars Construction Enterprises, Inc., 323 SCRA 624).

Secondly, consequentially because the parties primarily and ultimately affected by the continuing and manifold acts of dispossession are the intervenors, the spouses Juan Valdez and Apolinaria Valdez and the Malvar spouses, who evidently by the facts and circumstances borne out by the pleadings and by the evidence, have already shown to have established clear legal rights to be entitled to the relief of writ of mandatory injunction under the salutary ruling that enunciates:

"x x x In *Visayan Realty, Inc. vs. Meer*[,] we ruled that the approval of a sales application merely authorized the applicant to take possession of the land so that he could comply with the requirements prescribed by law before a final patent could be issued in his favor. Meanwhile, the government still remained the owner thereof, as in fact the application could still be cancelled and the land awarded to another applicant should it be shown that the legal requirements had not been complied with. What divests the government of title to the land is the issuance of the sales patent and its subsequent registration with the Register of Deeds. x x x" (*Development Bank of the Philippines vs. Court of Appeals*, 253 SCRA 414, 419-420) Underlining supplied.

Other considerations why the relief of preliminary mandatory injunction precludes the preventive injunction are: the acts of dispossession have become manifold and have perpetuated with impunity by the defendants and those whose occupancies were derived from them and the degree of violations of the rights of the plaintiffs-intervenors Valdez and Malvar has reached the extremes on one hand; and the other the undisputed fact that the supposed title of ownership of defendant dela Rosas, has been certified to be non-existent (Annexes B and C, Reply to Opposition to Motion to Conduct Hearing etc.) by the concerned Registry of Deeds while the *Titulo de Propiedad* No. 4136 where defendants dela Rosa's right to occupy was fatuously derived was nullified in the case of the *Intestate Estate of Don Mariano San Pedro y Esteban vs. Court of Appeals*, 265 SCRA 733.

The situations as established relative to the preliminary mandatory injunction in this case is clearly within the ambit of the exceptional or extreme urgency cases of: "x x x WHERE the right to the possession, during the pendency of the main case, of the property involved is very clear; WHERE considerations of relative inconvenience bear strongly in favor of the complainant seeking the possession pendente lite; WHERE there was willful and unlawful invasion of plaintiff's rights, over his protest and remonstrance, the injury being a continuing one; WHERE the effect of the preliminary mandatory injunction is to re-establish and maintain a pre-existing and continuing relationship between the parties, recently and arbitrarily interrupted by the defendant, rather than to establish a new relationship during the pendency of the principal case x x x" authoritatively mentioned in G.R. No. 104782 prom. March 30, 1993, entitled *Nelly Raspado vs. Court of Appeals*, 220 SCRA 650, 653.

Measured by the parameters of judicial discretion specified in the immediate proceeding paragraph, the grant of preliminary writ of mandatory injunction to place in possession of the property in question intervenors Valdez Spouses including Intervenors Malvar Spouses would be justified and consistent with the ruling that:

"In effect, petitioner's occupation of the land in question, after the denial of its application for Miscellaneous Sales Patent, became subsequently illegal. Petitioner's members have, as a consequence, become squatters whose continuous possession of the land may now be considered to be in bad faith. This is unfortunate because squatters acquire no legal right over the land they are occupying.

Although as a general rule, a court should not by means of a preliminary injunction, transfer property in litigation from the possession of one party to another, this rule admits of some exceptions. For example, when there is a clear finding of ownership and possession of the land or unless the subject property is covered by a torrens title pointing to one of the parties as the undisputed owner. In the case at bench, the land subject of the suit is covered by a torrens title under the name of NHA." (*Cagayan de Oro City Landless Residents Asso. Inc. vs. Court of Appeals*, 254 SCRA 220, 232-233).

This aforecited ruling is squarely applicable in this case because, as previously shown, the intervenors Valdez and Malvar have established a clear and legal right of ownership and possession and the alleged TCT No. 451423-A

of the defendants spouses dela Rosa is non-existent.

Nevertheless, the existence in the land records of the Bureau of Lands now the Land Management Bureau of the Sales Patent (Exhibit "F") the recording in the Map of the Cadastral module of the Lungsod Silangan of the subject property in the name of Juan Valdez are sufficient actual "caveat emptor" to defendants dela Rosa and their privies, [assignees] or [transferees]. Thus, actual notice of the Sales Patent No. 38713 (Exhibit "F") has a binding [effect] on defendants dela Rosa and those whose rights were derived from them.[21]

Instead of summarily dismissing the spouses Dela Rosa's Motion for Reconsideration of the Order dated December 16, 2002, the RTC still extensively addressed in its Order dated February 28, 2003 each of the issues raised by the spouses Dela Rosa in their motion, to wit:

With respect to the issue of absence of clear legal right on the part of the intervenors Valdez spouses and Malvar spouses, the Court believes that the pieces of documentary evidence detailed in the order sought to be reconsidered are overwhelming. While the thrust of defendant spouses' motion on the falsity or non-existence of the Sales Patent No. 37813 (Exhibit "F") is predicated on the letter dated October 2, 1994 of Abelardo Palad, Jr., Director of Lands Management Bureau, however, the Court believes that the same bears no evidentiary value or credence, simply because it is unsigned and without any certification or authentication. Besides, the letter merely certifies that "the alleged Sales Patent No. 38713 x x x does not appear to have been recorded or entered in the Sales Patent Registry Book."

This Court perforce gave credence and probative value to the December 5, 1990 Official Communication (Exhibit "H") of Land Management Bureau, signed by Director Abelardo Palad, Jr. stating in no uncertain terms that:

"x x x In connection therewith, please be informed that a perusal to our official records show that Sales Patent No. 37813 was issued by this Office in the name of Juan Valdez for Lot 4, Psd-76374, situated in Sta. Cruz, Antipolo, Rizal, covering an area of 1,033,760 square meters on September 5, 1983."

relative to the 1[st] Indorsement (Exhibit "G") of the Land Registration Authority (LRA) clarifying the existence of Sales Patent No. 38713 (Exhibit "F") issued in the name of Intervenor Juan Valdez for Lot 4, Psd-763774.

What is predominantly telling is the fact of payment under Official Receipt No. 6030195 (Exhibit "E") dated April 26, 1983 received by the then Bureau of Lands as due consideration by Intervenor Valdez for the purchase of the subject parcel of land.

As regards the issue of non-violation of Intervenor's rights by defendants dela Rosas on the ground that a clear legal right has not been established, it would be too repetitious for the Court to re-state what had been thoroughly and previously discussed in the assailed order like the other re-hashed issues raised in the instant motion. The falsity of defendants' claim as to the non-existence of Sales Patent No. 38713 under the name of Intervenor Juan Valdez has also been shown and explained by documents on record and therefore should need no further elucidation.

Nevertheless, to clear the minds of any air of doubt, the transmittal of the Letter (Annex Q, Complaint-in-Intervention) dated December 3, 1993 of the Sales Patent No. 38713 (Exhibit "F") issued to Intervenor Valdez to the Registry of Deeds precisely states that:

"We are forwarding to you the above-noted patent for registration and issuance of the corresponding certificate of title.

Please notify the patentee as soon as the owner's duplicate certificate of title is ready for release."

as well as the August 15, 1994 Letter Reply (Exhibit "I") of Artemio Cana, Acting Registry of Deeds stating that:

"In compliance and to comment your first Indorsement of August 1, 1994 relative to the Sales Patent No. 38713 issued by the Bureau of Lands on September 5, 1983 in the name of Juan O. Valdez, which patent is sought to be registered, I have the honor, very respectfully, to inform your good office that Original Certification of title issued pursuant to Sales, Free and Homestead Patents, by procedural standards followed in this office, are personally delivered by DENR, PENRO Officials to this office, afterwhich, registration is effected upon representation of its owners." (Underlining for emphasis.)

And the letter dated August 1, 1994 (Exhibit "K") are indicia of efforts to have the Sales Patent No. 38713 (Exhibit "F") registered and those efforts, having been entered in the day book of Registry of Deeds of Marikina, as well as in the Land Registration Authority, is a constructive notice of the registration of sales patent to bind the defendants, their representatives, attorneys and privies as they have been bound by actual notice when defendants dela Rosa spouses claimed as theirs and caused to have Lot 4, PSD-76374 technically described under Sales Patent No. 38713 (Exhibit "F") to be subdivided into Lot 4-A, Lot 4-B and Lot 4-C to be supplanted as the property described in defendants' Transfer Certificate of Title No. 451423-A. Defendants' certificate of title therefore is the proverbial "skeleton hidden in the closet".

On the other hand, defendants-spouses dela Rosas' assertions against the certifications on the non-existence of their TCT No. 451423-A by the Registry of Deeds of Marikina City and the Registry of Deeds of Antipolo City, by citing LRC Case No. '94-1492 pending also before this Court only logically highlights or underscores the falsity of their Transfer Certificate of Title No. 451423-A. Defendants' dilemma is aggravated or compounded by the revelation in the technical description of their Transfer Certificate of Title No. 451423-A that Lot 4, Psd-76374 of Intervenor's Sales Patent No. 38713 (Exhibit "F") as pointed out in the preceding paragraph, was supplanted therein. Likewise, the date of survey July 14-25, 1969 of the subject property Lot 4-Psd-76374 and the date of approval June 30, 1971 was also copied from Intervenor's Sales Patent No. 38713.

With reference to the issue as to the non-existence of extreme urgencies or necessity of the writ of preliminary mandatory injunction; this Court has culled from the records that long before or in 1993 the filing of an ejectment case (Civil Case No. 2107, Branch II, MTC, Antipolo City) defendants dela Rosa had already intruded into the portions of the land in controversy (Decision dated April 22, 1993, Annex "D" of the complaint of MCDC).

The indiscriminate disposition by defendants either by lease or sale of right has caused and continued to cause grave and irreparable material damages and moral injuries to the Intervenor. And because of the questionable and conflicting documents, the Deed of Absolute Sale executed on July 28, 1976 in their favor covering the notorious Titulo de Propriedad No. 4136 that was nullified in the Intestate Estate of Don Mariano San Pedro y Esteban vs. Court of Appeals, 265 SCRA 733 and because of the doubtful TCT No. 451423-A allegedly issued on 10 July 1974, the defendants were able to sell rights to occupy other portions of the subject property, while other syndicated groups were emboldened to sell also rights of occupancy, thus conflicts of rights have become inevitable resulting to the breakdown of peace and order in the communities.

Again it must be stressed that as a general rule a parcel of land in dispute cannot be taken from one party and given to another by an injunctive writ. But that is not absolute or without exception. The exception to the general rule is when there is a clear finding of ownership of the land in litigation, as in this case. And the Court honestly believes that the grant of the questioned writ to the herein intervenors falls within the exceptional cases (Nely Raspado vs. Court of Appeals, 220 SCRA 650, 653; Cagayan de Oro Landless Residents Asso., Inc. vs. Court of Appeals, 254 SCRA 232) for reasons previously discussed. Further the grant of the writ of preliminary mandatory injunction is merely pendente lite, and the intervenors have already filed a bond as required by the Court, in the amount of ONE MILLION PESOS (P1,000,000.00) for defendants' protection, if it is found that intervenors are not entitled thereto.[22]

Evidently, there are ample justifications for the grant by the RTC of a writ that places the subject property in the possession of the spouses Valdez and spouses Malvar for the duration of the trial of Civil Case No. 00-6015. Sales Patent No. 38713, covering the subject property, had already been issued to Juan Valdez which makes him, at the very least, the equitable owner of the said property. There is already a request for the registration of Sales Patent No. 38713 pending before the Registry of Deeds of Marikina City. The spouses Valdez acknowledge the transfer of the subject property to the spouses Malvar. In contrast, the title of the spouses Dela Rosa to the subject property is nebulous. The spouses Dela Rosa's title is based on TCT No. 451423-A in Cristeta dela Rosa's name, which is not registered with the Registry of Deeds of Marikina City or Antipolo City. TCT No. 451423-A is also traced back to Titulo de Propiedad No. 4136, which, in the Intestate Estate of the late Don Mariano San Pedro y Esteban v. Court of Appeals,[23] was already declared null and void, and from which no rights could be derived.

There is no reason for the Court to deviate from the foregoing findings of the RTC, as affirmed by the Court of Appeals. It is worth stressing that the assessment and evaluation of evidence in the issuance of the writ of preliminary injunction involves findings of facts ordinarily left to the trial court for its conclusive determination. The Court has time and again ruled that conclusions and findings of fact of the trial court are entitled to great weight and should not be disturbed on appeal, unless strong and cogent reasons dictate otherwise. This is because the trial court is in a better position to examine the real evidence, as well as to observe the demeanor of the witnesses while testifying in the case.[24]

There is likewise no merit in the spouses Dela Rosa's contention that the RTC Orders dated December 16, 2002 and February 28, 2003 amounted to a prejudgment of the case, there being no trial on the merits of Civil Case No. 00-6015 as yet. In *Levi Strauss (Phils.) Inc. v. Vogue Traders Clothing Company*,[25] the Court already explicated that:

Indeed, a writ of preliminary injunction is generally based solely on initial and incomplete evidence adduced by the applicant (herein petitioner). The evidence submitted during the hearing of the incident is not conclusive, for only a "sampling" is needed to give the trial court an idea of the justification for its issuance pending the decision of the case on the merits. As such, the findings of fact and opinion of a court when issuing the writ of preliminary injunction are interlocutory in nature. Moreover, the sole object of a preliminary injunction is to preserve the status quo until the merits of the case can be heard. Since Section 4 of Rule 58 of the Rules of Civil Procedure gives the trial courts sufficient discretion to evaluate the conflicting claims in an application for a provisional writ which often involves a factual determination, the appellate courts generally will not interfere in the absence of manifest abuse of such discretion. A writ of preliminary injunction would become a prejudgment of a case only when it grants the main prayer in the complaint or responsive pleading, so much so that there is nothing left for the trial court to try except merely incidental matters. x x x.[26]

The RTC Orders dated December 16, 2002 and February 28, 2003 have settled nothing more than the question of which party/parties is/are entitled to possession of the subject property while Civil Case No. 00-6015 is still being heard. The findings of fact and opinion of the RTC, based on the evidence that had so far been submitted by the parties, are merely interlocutory in nature. Even with its issuance of said Orders, the RTC is not precluded from proceeding with Civil Case No. 00-6015 to receive additional evidence and hear further arguments that will help said trial court to determine with finality the rightful owner/s and possessor/s of the subject property.

WHEREFORE, the Petition is DENIED. The Decision dated June 10, 2003 and Resolution dated July 24, 2003 of the Court of Appeals in CA-G.R. SP No. 76081 are AFFIRMED. Furthermore, the TRO issued by the Court in its Resolution dated October 8, 2003 is lifted and the surety bond posted by the spouses Dela Rosa is CANCELLED. The RTC, Branch 71 of Antipolo City is ordered to proceed with the hearing of Civil Case No. 00-6015 with dispatch.

Costs against the spouses Dela Rosa.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 38-44; penned by Associate Justice Oswaldo D. Agcaoili with Associate Justices Perlita J. Tria Tirona and Edgardo F. Sundiam, concurring.

[2] Id. at 46-47.

[3] Records, pp. 422-434.

[4] Id. at 463-468.

[5] Upon the death of Juan Valdez on December 25, 2002, he was substituted by his legitimate heirs, namely, Herminigildo C. Valdez, Miguela C. Valdez, Marcelino C. Valdez, Rosita C. Valdez, and Jesus C. Valdez. (Records, pp. 735-738.)

[6] Records, pp. 1-11.

[7] Id. at 131-141.

[8] Id. at 223-234.

[9] Id. at 220-222.

[10] Id. at 424-430.

[11] Id. at 434.

[12] Id. at 463-468.

[13] Rollo, p. 44.

[14] Id. at 82-84.

[15] Id. at 464-465.

[16] Id. at 17-18.

[17] Philippine National Bank v. RJ Ventures Realty & Development Corporation, G.R. No. 164548, September 27, 2006, 503 SCRA 639, 658.

[18] Rules of Court, Rule 58, Section 1; Levi Strauss & Co., & Levi Strauss (Phils.) Inc. v. Clinton Apparelle, Inc., G.R. No. 138900, September 20, 2005, 470 SCRA 236, 252.

[19] Spouses Anthony L. Ngo and So Hon K. Ngo v. Allied Banking Corporation, G.R. No. 177420, October 6, 2010.

[20] Philippine National Bank v. RJ Ventures Realty & Development Corporation, *supra* note 17 at 660.

[21] Rollo, pp. 56-58.

[22] Records, pp. 464-468.

[23] 333 Phil. 597 (1996).

[24] *Lopez v. Court of Appeals*, 379 Phil. 743, 752 (2000).

[25] 500 Phil. 438 (2005).

[26] *Id.* at 461-462.

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