

**BERNARDO DE LEON, PETITIONER, VS. PUBLIC ESTATES
AUTHORITY SUBSTITUTED BY THE CITY OF PARAÑAQUE, RAMON
ARELLANO, JR., RICARDO PENA AND REYMUNDO ORPILLA,
RESPONDENTS.**

G.R. No. 181970. August 03, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

Before the Court are two consolidated petitions.

G.R. No. 181970 is a petition for review on certiorari under Rule 45 of the Rules of Court filed by Bernardo de Leon seeking the reversal and setting aside of the Decision[1] of the Court of Appeals (CA), dated November 21, 2007, in CA-G.R. SP No. 90328 which dismissed his petition for certiorari. De Leon also assails the CA Resolution[2] dated March 4, 2008 denying his Motion for Reconsideration.

On the other hand, G.R. No. 182678 is a petition for certiorari under Rule 65 of the Rules of Court filed by the Public Estates Authority (PEA)[3] seeking the nullification of the Orders dated December 28, 2007 and March 4, 2008 of the Regional Trial Court (RTC) of Makati City, Branch 135 in Civil Case No. 93-143.

The pertinent factual and procedural antecedents of the case, as summarized by the CA, are as follows:

On [January 15, 1993], petitioner Bernardo De Leon ("De Leon") filed a Complaint for Damages with Prayer for Preliminary Injunction before the Regional Trial Court [RTC] of Makati City, raffled to Branch 135, against respondent Public Estates Authority ("PEA"), a government-owned corporation, as well as its officers, herein private respondents Ramon Arellano, Jr., Ricardo Pena and Reymundo Orpilla. The suit for damages hinged on the alleged unlawful destruction of De Leon's fence and houses constructed on Lot 5155 containing an area of 11,997 square meters, situated in San Dionisio, Parañaque, which De Leon claimed has been in the possession of his family for more than 50 years. Essentially, De Leon prayed that - one, lawful possession of the land in question be awarded to him; two, PEA be ordered to pay damages for demolishing the improvements constructed on Lot 5155; and, three, an injunctive relief be issued to enjoin PEA from committing acts which would violate his lawful and peaceful possession of the subject premises.

The court a quo found merit in De Leon's application for writ of preliminary injunction and thus issued the Order dated 8 February 1993, pertinent portions of which read:

After a careful consideration of the evidence presented and without going into the actual merits of the case, this Court finds that plaintiff (De Leon) has duly established by preponderance of evidence that he has a legal right over the subject matter of the instant case and is entitled to the injunctive relief demanded for and may suffer irreparable damage or injury if such right is not protected by Law [Rules (sic) 58, Section 3 of the Revised (Rules of Court)].

Premises considered upon plaintiff's (De Leon's) filing of a bond in the amount of P500,000.00, let a writ of preliminary injunction be issued against the defendants, their agents, representatives and other persons (PEA

and its officers) acting for and in their behalf are hereby enjoined from disturbing the peaceful possession of plaintiff (De Leon) and his co-owners over Lot 5155 and further, from destroying and/or removing whatever other improvements thereon constructed, until further orders of this Court.

SO ORDERED. (Emphasis supplied)

PEA sought recourse before the Supreme Court through a Petition for Certiorari with Prayer for a Restraining Order, ascribing grave abuse of discretion against the court a quo for issuing injunctive relief. The Petition was later referred to this Court for proper determination and disposition, and was docketed as CA-G.R. SP No. 30630.

On 30 September 1993, the Ninth Division of this Court rendered a Decision discerning that the court a quo did not act in a capricious, arbitrary and whimsical exercise of power in issuing the writ of preliminary injunction against PEA. The Ninth Division ruled that the court a quo was precisely careful to state in its Order that it was "without going into the actual merits of the case" and that the words "plaintiff (De Leon) and his co-owners" were used by the court a quo rather "loosely and did not intend it to be an adjudication of ownership."

Unfazed, PEA appealed to the Supreme Court via a Petition for Certiorari insisting that Lot 5155 was a salvage zone until it was reclaimed through government efforts in 1982. The land was previously under water on the coastline which reached nine to twenty meters deep. In 1989, PEA started constructing R-1 Toll Expressway Road for the Manila-Cavite Coastal Road, which project directly traversed Lot 5155. PEA argued that the documentary evidence presented by De Leon to bolster his fallacious claim of possession and ownership were procured only in 1992, thus negating his very own allegation that he and his predecessors-in-interest have been in occupation since time immemorial.

Ruling squarely on the issue adduced before it, the Supreme Court declared that Lot 5155 was a public land so that De Leon's occupation thereof, no matter how long ago, could not confer ownership or possessory rights. Prescinding therefrom, no writ of injunction may lie to protect De Leon's nebulous right of possession. Accordingly, in its Decision dated 20 November 2000, the Supreme Court disposed of the controversy in this wise:

WHEREFORE, the Court REVERSES the decision of the Court of Appeals in CA-G.R. SP No. 30630, and DISMISSES the complaint in Civil Case No. 93-143 of the Regional Trial Court, Makati.

No costs.

SO ORDERED.

The aforesaid Decision became final and executory as no motion for reconsideration was filed. In due course, PEA moved for the issuance of a writ of execution praying that De Leon and persons claiming rights under him be ordered to vacate and peaceably surrender possession of Lot 5155.

Acting on PEA's motion, the court a quo issued the first assailed Order dated 15 September 2004, viz:

Acting on the "Motion For Issuance Of Writ of Execution" filed by defendant Public Estate[s] Authority, and finding the same to be impressed with merit, the same is GRANTED.

Let a Writ of Execution issue directing plaintiff, his agents, principals, successors-in-interest and all persons claiming rights under him to vacate and peaceably turn over possession of Lot 5155 to defendant Public Estate[s] Authority.

SO ORDERED.

As could well be expected, De Leon moved for reconsideration thereof and quashed the writ of execution. He

adamantly insisted that the court a quo's Order for the issuance of the writ of execution completely deviated from the dispositive portion of the Supreme Court's Decision dated 20 November 2000 as it did not categorically direct him to surrender possession of Lot 5155 in favor of PEA.

However, both motions met the same fate as these were denied by the court a quo in the second disputed Order dated 29 April 2005.[4]

Dissatisfied, De Leon filed another Motion for Reconsideration dated July 1, 2005, but the same was denied by the RTC in an Order dated July 27, 2005.

De Leon then filed a special civil action for certiorari with the CA assailing the September 15, 2004 and April 29, 2005 Orders of the RTC of Makati City. This was docketed as CA-G.R. SP No. 90328. In the same proceeding, De Leon filed an Urgent-Emergency Motion for Temporary Restraining Order (TRO) and Issuance of Writ of Preliminary Injunction but the same was denied by the CA in a Resolution dated April 24, 2006.

Subsequently, De Leon filed a second special civil action for certiorari with the CA seeking to annul and set aside the same RTC Orders dated September 15, 2004 and April 29, 2005, as well as the RTC Order of July 27, 2005. The case was docketed as CA-G.R. SP No. 90984.

On July 26, 2006, PEA filed a Very Urgent Motion for Issuance of Writ of Demolition[5] praying that the RTC issue a Special Order directing De Leon and persons claiming under him to remove all improvements erected inside the premises of the subject property and, in case of failure to remove the said structures, that a Special Order and Writ of Demolition be issued directing the sheriff to remove and demolish the said improvements.

On October 11, 2006, the RTC issued an Order[6] holding in abeyance the Resolution of PEA's Motion. PEA filed a Motion for Reconsideration,[7] but it was denied by the RTC in an Order[8] dated January 12, 2007.

On February 27, 2007, PEA filed an Omnibus Motion[9] to dismiss or, in the alternative, resolve the petitions in CA-G.R. SP No. 90328 and CA-G.R. SP No. 90984.

In its Decision[10] dated March 21, 2007, the CA dismissed De Leon's petition in CA-G.R. SP No. 90984 on the ground of forum shopping.

Subsequently, on November 21, 2007, the CA also dismissed De Leon's petition in CA-G.R. SP No. 90328 holding that an earlier decision promulgated by the Supreme Court, finding the subject property to be public and that De Leon has no title and no clear legal right over the disputed lot, has already attained finality.[11] De Leon filed a Motion for Reconsideration, but the CA denied it via its Resolution[12] dated March 4, 2008.

Thereafter, PEA filed an Urgent Motion to Resolve (Re: Very Urgent Motion for Issuance of Writ of Demolition).[13]

On December 28, 2007, the RTC issued an Order[14] holding in abeyance the resolution of PEA's Motion pending receipt by the trial court of the entry of judgment pertaining to CA-G.R. SP No. 90328. PEA filed a Motion for Reconsideration.[15]

In its Order dated March 4, 2008, the RTC issued an Order denying PEA's Motion for Reconsideration.

On April 23, 2008, De Leon filed the present petition for review on certiorari, docketed as G.R. No. 181970, assailing the November 21, 2007 Decision of the CA.

Subsequently, on May 15, 2008, PEA, on the other hand, filed the instant special civil action for certiorari, docketed as G.R. No. 182678, questioning the Orders of the RTC of Makati City, dated December 28, 2007 and March 4, 2008.

In G.R. No. 181970, De Leon questions the Decision of the CA on the following grounds: (a) he can only be removed from the subject land through ejectment proceedings; (b) the Decision of this Court in G.R. No. 112172 merely ordered the dismissal of De Leon's complaint for damages in Civil Case No. 93-143; and (c) even though petitioner is not the owner and has no title to the subject land, mere prior possession is only required for the establishment of his right.

In G.R. No. 182678, the sole issue raised is whether respondent judge committed grave abuse of discretion in issuing the assailed Orders which held in abeyance the resolution of PEA's Motion for the Issuance of a Writ of Demolition.

On February 25, 2009, PEA and the City of Parañaque filed a Joint Motion for Substitution stating that PEA had transferred its ownership and ceded its interests over the subject property to the City of Parañaque as full payment for all of the former's real property tax liabilities. As a consequence, the movants prayed that PEA be substituted by the City of Parañaque as petitioner in G.R. No. 182678 and respondent in G.R. No. 181970.[16]

In a Resolution[17] dated on October 14, 2009, this Court granted the Motion for Substitution filed by PEA and the City of Parañaque.

The issues raised in the present petitions boil down to the question of whether PEA is really entitled to possess the subject property and, if answered in the affirmative, whether the RTC should proceed to hear PEA's Motion for the Issuance of a Writ of Demolition.

The Court rules for PEA.

The question of ownership and rightful possession of the subject property had already been settled and laid to rest in this Court's Decision dated November 20, 2000 in G.R. No. 112172 entitled, *Public Estates Authority v. Court of Appeals (PEA v. CA)*. [18] In the said case, the Court ruled thus:

The issue raised is whether respondent and his brothers and sisters were lawful owners and possessors of Lot 5155 by mere claim of ownership by possession for a period of at least fifty (50) years.

The Court of Appeals ruled that respondent Bernardo de Leon and his brothers and sisters were lawful owners and possessors of Lot 5155 entitled to protection by injunction against anyone disturbing their peaceful possession of said Lot.

The ruling is erroneous. An applicant seeking to establish ownership of land must conclusively show that he is the owner in fee simple, for the standing presumption is that all lands belong to the public domain of the State, unless acquired from the Government either by purchase or by grant, except lands possessed by an occupant and his predecessors since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain, or that it had been private property even before the Spanish conquest.

In this case, the land in question is admittedly public. The respondent Bernardo de Leon has no title thereto at all. His claim of ownership is based on mere possession by himself and his predecessors-in-interests, who claim to have been in open, continuous, exclusive and notorious possession of the land in question, under a bona fide claim of ownership for a period of at least fifty (50) years. However, the survey plan for the land was approved only in 1992, and respondent paid the realty taxes thereon on October 30, 1992, shortly before the filing of the suit below for damages with injunction. Hence, respondent must be deemed to begin asserting his adverse claim to Lot 5155 only in 1992. More, Lot 5155 was certified as alienable and disposable on March 27, 1972, per certificate of the Department of Environment and Natural Resources. It is obvious that respondent's possession has not ripened into ownership.

x x x x

Consequently, respondent De Leon has no clear legal right to the lot in question, and a writ of injunction will not lie to protect such nebulous right of possession. x x x[19]

The Court does not subscribe to De Leon's argument that the issues of ownership and possession of the subject lot should not have been taken up by the court on the ground that his complaint is only for damages. De Leon must be aware that his action for damages is anchored on his claim that he owns and possesses the subject property.[20] On this basis, it would be inevitable for the court to discuss the issues of whether he, in fact, owns the disputed property and, as such, has the right to possess the same. Moreover, it is clear from this Court's Decision in PEA v. CA that the main issue resolved therein was "whether respondent [De Leon] and his brothers and sisters were the lawful owners and possessors of Lot 5155 by mere claim of ownership by possession for a period of at least fifty (50) years."

De Leon insists that what this Court did in PEA v. CA was to simply dismiss his complaint for damages and nothing more, and that the RTC erred and committed grave abuse of discretion in issuing a writ of execution placing PEA in possession of the disputed property. He insists that he can only be removed from the disputed property through an ejectment proceeding.

The Court is not persuaded.

As a general rule, a writ of execution should conform to the dispositive portion of the decision to be executed; an execution is void if it is in excess of and beyond the original judgment or award.[21] The settled general principle is that a writ of execution must conform strictly to every essential particular of the judgment promulgated, and may not vary the terms of the judgment it seeks to enforce, nor may it go beyond the terms of the judgment sought to be executed.[22]

However, it is equally settled that possession is an essential attribute of ownership.[23] Where the ownership of a parcel of land was decreed in the judgment, the delivery of the possession of the land should be considered included in the decision, it appearing that the defeated party's claim to the possession thereof is based on his claim of ownership.[24] Furthermore, adjudication of ownership would include the delivery of possession if the defeated party has not shown any right to possess the land independently of his claim of ownership which was rejected.[25] This is precisely what happened in the present case. This Court had already declared the disputed property as owned by the State and that De Leon does not have any right to possess the land independent of his claim of ownership.

In addition, a judgment for the delivery or restitution of property is essentially an order to place the prevailing party in possession of the property.[26] If the defendant refuses to surrender possession of the property to the prevailing party, the sheriff or other proper officer should oust him.[27] No express order to this effect needs to be stated in the decision; nor is a categorical statement needed in the decision that in such event the sheriff or other proper officer shall have the authority to remove the improvements on the property if the defendant fails to do so within a reasonable period of time.[28] The removal of the improvements on the land under these circumstances is deemed read into the decision, subject only to the issuance of a special order by the court for the removal of the improvements.[29]

It bears stressing that a judgment is not confined to what appears upon the face of the decision, but also those necessarily included therein or necessary thereto.[30] In the present case, it would be redundant for PEA to go back to court and file an ejectment case simply to establish its right to possess the subject property. Contrary to De Leon's claims, the issuance of the writ of execution by the trial court did not constitute an unwarranted modification of this Court's decision in PEA v. CA, but rather, was a necessary complement thereto. Such writ was but an essential consequence of this Court's ruling affirming the nature of the subject parcel of land as public

and at the same time dismissing De Leon's claims of ownership and possession. To further require PEA to file an ejectment suit to oust de Leon and his siblings from the disputed property would, in effect, amount to encouraging multiplicity of suits.

De Leon also contends that there "was never any government infrastructure project in the subject land, much less a Manila-Cavite Coastal Road traversing it, at any time ever since, until now" and that "allegations of a government project in the subject land and of such Road traversing the subject land have been downright falsities and lies and mere concoctions of respondent PEA." [31] However, this Court has already ruled in *PEA v. CA* that "it is not disputed that there is a government infrastructure project in progress traversing Lot 5155, which has been enjoined by the writ of injunction issued by the trial court."

In any case, De Leon's argument that there was no government infrastructure project in the subject property begs the issue of ownership and rightful possession. The subject lot was properly identified. There is no dispute as to its exact location. Hence, whether or not there is a government project existing within the premises or that which traverses it is not relevant to the issue of whether petitioner is the owner of the disputed lot and, therefore, has legal possession thereof.

As to whether or not the RTC committed grave abuse of discretion in holding in abeyance the resolution of PEA's Motion for the Issuance of a Writ of Demolition, Section 7, [32] Rule 65 of the Rules of Court provides the general rule that the mere pendency of a special civil action for certiorari commenced in relation to a case pending before a lower court or court of origin does not stay the proceedings therein in the absence of a writ of preliminary injunction or temporary restraining order. It is true that there are instances where, even if there is no writ of preliminary injunction or temporary restraining order issued by a higher court, it would be proper for a lower court or court of origin to suspend its proceedings on the precept of judicial courtesy. [33] The principle of judicial courtesy, however, remains to be the exception rather than the rule. As held by this Court in *Go v. Abrogar*, [34] the precept of judicial courtesy should not be applied indiscriminately and haphazardly if we are to maintain the relevance of Section 7, Rule 65 of the Rules of Court.

Indeed, in the amendments introduced by A.M. No. 07-7-12-SC, a new paragraph is now added to Section 7, Rule 65, which provides as follows:

The public respondent shall proceed with the principal case within ten (10) days from the filing of a petition for certiorari with a higher court or tribunal, absent a temporary restraining order or a preliminary injunction, or upon its expiration. Failure of the public respondent to proceed with the principal case may be a ground for an administrative charge.

While the above quoted amendment may not be applied in the instant case, as A.M. No. 07-7-12-SC was made effective only on December 27, 2007, the provisions of the amendatory rule clearly underscores the urgency of proceeding with the principal case in the absence of a temporary restraining order or a preliminary injunction.

This urgency is even more pronounced in the present case, considering that this Court's judgment in *PEA v. CA*, finding that De Leon does not own the subject property and is not entitled to its possession, had long become final and executory. As a consequence, the writ of execution, as well as the writ of demolition, should be issued as a matter of course, in the absence of any order restraining their issuance. In fact, the writ of demolition is merely an ancillary process to carry out the Order previously made by the RTC for the execution of this Court's decision in *PEA v. CA*. It is a logical consequence of the writ of execution earlier issued.

Neither can De Leon argue that he stands to sustain irreparable damage. The Court had already determined with finality that he is not the owner of the disputed property and that he has no right to possess the same independent of his claim of ownership.

Furthermore, the Order of the RTC holding in abeyance the resolution of PEA's Motion for the Issuance of a Writ of Demolition also appears to be a circumvention of the provisions of Section 5, Rule 58 of the Rules of Court, which limit the period of effectivity of restraining orders issued by the courts. In fact, the assailed Orders of the RTC have even become more potent than a TRO issued by the CA because, under the Rules of Court, a TRO issued by the CA is effective only for sixty days. In the present case, even in the absence of a TRO issued by a higher court, the RTC, in effect, directed the maintenance of the status quo by issuing its assailed Orders. Worse, the effectivity of the said Orders was made to last for an indefinite period because the resolution of PEA's Motion for the Issuance of a Writ of Demolition was made to depend upon the finality of the judgment in G.R. No. 181970. Based on the foregoing, the Court finds that the RTC committed grave abuse of discretion in issuing the assailed Orders dated December 28, 2007 and March 4, 2008.

Finally, the Court reminds the De Leon that it does not allow the piecemeal interpretation of its Decisions as a means to advance his case. To get the true intent and meaning of a decision, no specific portion thereof should be isolated and read in this context, but the same must be considered in its entirety.[35] Read in this manner, PEA's right to possession of the subject property, as well as the removal of the improvements or structures existing thereon, fully follows after considering the entirety of the Court's decision in PEA v. CA. This is consistent with the provisions of Section 10, paragraphs (c) and (d), Rule 39 of the Rules of Court, which provide for the procedure for execution of judgments for specific acts, to wit:

SECTION 10. Execution of judgments for specific act. -

x x x x

(c) Delivery or restitution of real property. - The officer shall demand of the person against whom the judgment for the delivery or restitution of real property is rendered and all persons claiming rights under him to peaceably vacate the property within the three (3) working days, and restore possession thereof to the judgment obligee; otherwise, the officer shall oust all such persons therefrom with the assistance, if necessary, of appropriate peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a judgment for money.

(d) Removal of improvements on property subject of execution. - When the property subject of execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements, except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.

As a final note, it bears to point out that this case has been dragging for more than 15 years and the execution of this Court's judgment in PEA v. CA has been delayed for almost ten years now simply because De Leon filed a frivolous appeal against the RTC's order of execution based on arguments that cannot hold water. As a consequence, PEA is prevented from enjoying the fruits of the final judgment in its favor. The Court agrees with the Office of the Solicitor General in its contention that every litigation must come to an end once a judgment becomes final, executory and unappealable. Just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his case by the execution and satisfaction of the judgment, which is the "life of the law." [36] To frustrate it by dilatory schemes on the part of the losing party is to frustrate all the efforts, time and expenditure of the courts. [37] It is in the interest of justice that this Court should write *finis* to this litigation.

WHEREFORE, the Court disposes and orders the following:

The petition for review on certiorari in G.R. No. 181970 is DENIED. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 90328 dated November 21, 2007 and March 4, 2008, respectively, are AFFIRMED.

The petition for certiorari in G.R. No. 182678 is GRANTED. The assailed Orders of the Regional Trial Court of Makati City, Branch 135, dated December 28, 2007 and March 4, 2008, are ANNULLED and SET ASIDE.

The Regional Trial Court of Makati is hereby DIRECTED to hear and resolve PEA's Motion for the Issuance of a Writ of Demolition with utmost dispatch. This Decision is IMMEDIATELY EXECUTORY. The Clerk of Court is DIRECTED to remand the records of the case to the court of origin.

SO ORDERED.

Carpio, (Chairperson), Carpio Morales,[*] Abad, and Mendoza, JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura per raffle dated July 26, 2010.

[1] Penned by Associate Justice Japar B. Dimaampao, with Associate Justices Mario L. Guariña III and Sixto C. Marella, Jr. concurring; rollo (G.R. No. 181970), pp. 35-42.

[2] Id. at 44-45.

[3] Now Philippine Reclamation Authority by virtue of Executive Order No. 380 effective on October 26, 2004.

[4] Rollo (G.R. No. 181970), pp. 36-39.

[5] Rollo (G.R. No. 182678), pp. 59-63.

[6] Id. at 71-73.

[7] Id. at 74-81.

[8] Id. at 82.

[9] Id. at 83-92; 93-102.

[10] Id. at 103-121.

[11] Id. at 113-121.

[12] Rollo (G.R. No. 181970), pp. 44-45.

[13] Rollo (G.R. No. 182678), pp. 122-128.

[14] Id. at 32.

[15] Id. at 137-147.

[16] Rollo (G.R. No. 181970), pp. 107-115; rollo (G.R. No. 182678), pp. 172-180.

[17] Id. at 181-182; id. at 214-215.

[18] 398 Phil. 901 (2000).

[19] Id. at 908-910. (Emphases supplied.)

[20] See Complaint, pp. 3-5; CA rollo, pp. 20-22.

[21] Narciso Tumibay, et al. v. Spouses Yolanda and Honorio Soro, et al., G.R. No. 152016, April 13, 2010.

[22] Id.

[23] Isaguirre v. De Lara, 388 Phil. 607, 622 (2000).

[24] Baluyut v. Guiao, 373 Phil. 1013, 1022 (1999).

[25] Id.

[26] Narciso Tumibay, et al. v. Spouses Yolanda and Honorio Soro, et al., supra note 20, citing Buñag v. Court of Appeals, 363 Phil. 216 (1999).

[27] Id.

[28] Id.

[29] Id.

[30] DHL Philippines Corporation United Rank and File Association-Federation of Free Workers v. Buklod ng Manggagawa ng DHL Philippines Corporation, 478 Phil. 842, 853 (2004); Jaban v. Court of Appeals, 421 Phil. 896, 904 (2001); Isaguirre v. de Lara, supra note 22.

[31] See rollo (G.R. No. 181970), p. 29.

[32] Sec. 7. Expediting proceedings; injunctive relief. - The court in which the petition is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. The petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case.

[33] Republic v. Sandiganbayan, G.R. No. 166859, June 26, 2006, 492 SCRA 747, 752.

[34] 446 Phil. 227, 238 (2003).

[35] La Campana Development Corporation v. Development Bank of the Philippines, G.R. No. 146157, February 13, 2009, 579 SCRA 137, 156; Heirs of Moreno v. Mactan-Cebu International Airport Authority, 459 Phil. 948, 964. (2003).

[36] Bongcac v. Sandiganbayan, G.R. Nos. 156687-88, May 21, 2009, 588 SCRA 64, 71.

[37] Id.

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