

APOLINARIO BATACLAN, ELEAZAR BATACLAN, NAPOLEON BATACLAN, HERMINIA BATACLAN, MARTIN BIN, LORENZO LAGWAN, ROGELIO LAGWAN, JOSILYN A. CORPOZ, ELIZABETH AGARIN, ESTRELLA AGARIN, ED...

G.R. No. 78148. July 31, 1989

Ponente: REGALADO, J.

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REGALADO, J.:

Impugned in this appeal by certiorari is the decision in CA-G.R. SP No. 08617 of respondent Court of Appeals,[1] promulgated on February 5, 1987, which reversed the order[2] of the Regional Trial Court of Tagaytay, Branch XVIII, dated January 13, 1986, denying the prayer of herein private respondents for a writ of preliminary injunction in their complaint for damages filed against herein petitioners.

Petitioners Apolinario, Eleazar, Napoleon and Herminia, all surnamed Bataclan, together with several others, are the registered co-owners of a parcel of land known as Lot 3877-A-1 covered by Certificate of Title No. T-2675 of the Registry of Deeds of Cavite. Private respondents are the occupants and cultivators of said land.

On December 12, 1978, one Pedro Caragao and his wife filed Civil Case No. TG-493 against the Bataclans in the Regional Trial Court of Tagaytay, Branch XVIII for the reconveyance or cancellation of title over the aforesaid parcel of land. A judgment by default was rendered by the trial court and a writ of execution pending appeal was issued on October 14, 1980. By virtue of said writ, the Caragao spouses were placed in possession of the land. At that time, the land was planted to sugarcane crops which were already nine months old.

Thereafter, on October 20, 1980, herein petitioners filed with the respondent court a petition for certiorari with injunction to annul the aforesaid judgment by default and the writ of execution issued pending appeal, which petition was docketed as CA-G.R. No. 11437-SP. On October 22, 1980, respondent court issued a restraining order. Prior thereto, it is alleged that three of the private respondents herein, namely, Teodoro Kapangyarihan, Bonifacio Saragoza and Abdon Capili, entered upon the land as tenants of Caragao. On January 9, 1981, respondent court rendered a decision declaring null and void the judgment by default rendered and the writ of execution issued pending appeal in Civil Case No. TG-493. Said decision was challenged in this Court by the Caragaos in a petition for review on certiorari in G.R. No. L-57099, but said petition was subsequently denied in a resolution dated September 21, 1981.

It appears, however, that Pedro Caragao, in utter disregard of the restraining order issued by the Court of Appeals on October 22, 1980, sold to a certain Raymundo Lucido the sugarcane planted by herein petitioners and, by virtue of said sale, from January 9 to 13, 1981, Caragao, Lucido and the aforesaid three private respondents cut and took away the sugarcane without the knowledge and consent of petitioners. This compelled petitioner Apolinario Bataclan to file several criminal complaints against Castor Caragao and seven other persons for theft of sugarcane. The Dasmariñas Integrated Police thereafter also charged Castor Caragao and several other persons, including some of the private respondents herein, with robbery, grave coercion and grave threats. One Jose

Anciro, although not a respondent in any of said criminal cases, and the respondents therein came to this Court on a petition for certiorari, prohibition and mandamus, docketed as G.R. No. 59379-82, to enjoin the Provincial Fiscal of Cavite from taking cognizance of said cases, and prayed for the referral thereof to the Ministry of Agrarian Reforms. The petition was dismissed in a resolution dated November 4, 1985, this Court holding in part, thus:

"After deliberating on the petition, answers and memoranda, the Court Resolved to DISMISS the case for LACK OF MERIT.

"The land involved is indisputably SUGARCANE LAND as shown in the complaints and in the 'Contract of Sale of Standing Sugarcane Crops' dated December 8, 1980 executed between Pedro Caragao and Raymundo A. Lucido, one of the accused (Annex 1 of Fiscal Añonuevo's memo, p. 458, Rollo).

"The statement of lawyer Puartellano that, except for three hectares, the disputed land is riceland and cornland is not true (p. 293, Rollo).

"As pointed out by Fiscal Añonuevo and by the Solicitor General, section 2 of PD No. 316, section 12 of PD No. 946 and Section 2 of PD No. 1938 refer to RICELAND and CORNLANDS, not to SUGARCANE LANDS Fiscal Añonuevo observed that the petitioners 'LIED before this Court when they misrepresented that the sugarcane land of 20 hectares is primarily devoted to rice and corn' (p. 450, Rollo)."[3]

With the finality of the decision in CA-G.R. No. 11437-SP, the trial court, upon motion of petitioners, issued a writ of execution to restore possession of the land to them. On March 14, 1984, Caragao filed a certiorari case, CA?G.R. No. 02915-R, with respondent Court, assailing the said writ of execution. Upon the denial of said petition, another writ of execution was issued to enforce the aforestated decision of respondent court, by reason of which possession of the land eventually reverted to herein petitioners.

However, on September 25, 1985, private respondents filed a complaint for damages with injunction against herein petitioners before the Regional Trial Court of Tagaytay, Branch XVIII, docketed therein as Civil Case No. TG-872.

As summarized by respondent court in its present questioned decision, said complaint alleged that:

"x x x petitioners are the tenants, tillers, cultivators and occupants of a parcel of land known as Lot 3877-A-1 covered by Transfer Certificate of Title No. T-2175 (sic) by the Registry of Deeds of Cavite (which is the subject of Civil Case No. TG-493 of the Regional Trial Court of Cavite by and between Pedro Caragao and Trinidad Benitez as plaintiffs against the heirs of Gregorio Bataclan, et al. as defendants); that private respondents from September 1 up to September 21, 1985, conspiring, confederating, helping one another, without authority and unlawfully with use of armed men believed to be members of the INP, Dasmariñas, Cavite, destroyed, uprooted, cut into pieces, plowed and harrowed the petitioners' plantations, as a result thereby the plants planted thereon were destroyed, uprooted, removed to the damage and prejudice of the petitioners; that private respondents have no right and authority to destroy petitioners' plantations as the Court of Appeals, in sustaining the execution order issued by the Regional Trial Court, stated that "Although, private respondent did ask for them eviction of the tenants as well as first, (sic) they modified their stand in their motion for reconsideration when they manifested that they were willing to leave the tenants undisturbed until their rights as such shall have been determined in the proper forum. (Decision, AC-G.R. SP No. 02915-R, Caragao vs. Hon. Bonifacio, June 6, 1984, p. 6)."[4]

In their answer to said complaint, herein petitioners claimed that they went to the premises to clean the place after the sheriff of the trial court restored to them the possession thereof on August 21, 1985 in Civil Case No. TG-493 and denied that private respondents are the tenants of the respective portions of said lot, they being mere workers of Pedro Caragao.[5]

On September 25, 1985, the trial court issued a restraining order after which the case was heard on the prayer for preliminary injunction. On January 13, 1986, the court a quo issued an order denying the prayer for preliminary injunction, the dispositive portion of which reads:

"WHEREFORE, the prayer for preliminary injunction is hereby DENIED. Meantime, defendants are ordered not to cut plaintiffs' plants in the lot, and to allow plaintiffs to harvest their seasoned crops, namely, banana, palay, camoteng cahoy, ube, gabe and other vegetables (p. 13, tsn, 8 October 1985); but plaintiffs are to leave the lot after the harvest, they may not replant; for this purpose, plaintiffs should notify defendants and the police of Dasmariñas, Cavite three (3) days before the harvest; compliance strictly enjoined. However, upon defendants (sic) consent in writing, plaintiffs may further stay and farm in the lot; otherwise, without said defendants' consent, plaintiffs are to vacate the lot; lastly, parties may amicably settle their differences, the same to be submitted to this Court for approval."[6]

On a petition for certiorari, prohibition and mandamus against said order, respondent court rendered its challenged decision on the propriety of a writ of preliminary injunction to maintain the status quo until the status of private respondents as alleged tenants shall have been determined in a hearing on the merits of the case, the dispositive portion of which provides:

"WHEREFORE, the present petition is GRANTED. The questioned Orders dated January 13, 1986 and March 11, 1986 are hereby SET ASIDE. The respondent court is ordered (1) to issue the writ of preliminary injunction prayed for upon petitioners (sic) filing and approval by respondent court of a bond in an amount to be fixed by the said court; and (2) to set the case for pre-trial conference and hear the case on the merits with dispatch.[7]

Hence, the present third recourse to Us over the disputed parcel of land.

The sole issue for resolution this time is whether or not the issuance of a writ of preliminary injunction is proper under the factual situation obtaining in this case.

A writ of preliminary injunction, as an ancillary or preventive remedy, may only be resorted to by a litigant to protect or preserve his rights or interests and for no other purpose during the pendency of the principal action.[8] In the issuance thereof, the courts are given sufficient discretion to determine the necessity for the grant of the relief prayed for as it affects the respective rights of the parties, with the caveat that extreme caution be observed in the exercise of such discretion. Quintessentially, it is with an equal degree of care and caution that courts ought to proceed in the denial of the writ. It should not just summarily issue an order of denial without an adequate hearing and judicious evaluation of the merits of the application. A perfunctory and improvident action in this regard would be a denial of procedural due process and could result in irreparable prejudice to a party.

In the case at bar, it is patent that herein petitioners did not intend to forthwith oust private respondents from the contested lot. In their answer, petitioners merely sought to dismiss the complaint and, by way of counterclaim, to recover damages.[9] The trial court, therefore, gravely abused its discretion in ordering the ejectment of herein private respondents. In effect, it disposed of the main case without the requisite hearing on the evidence to be presented. The denial order of January 13, 1986 is, for all intents and purposes, an adjudication on the merits of the case, in gross violation of the constitutional mandate that a party shall have the right to be heard and to present evidence. This fact alone would suffice to warrant a denial of the instant petition.

A writ of preliminary injunction is primarily intended to maintain the status quo between the parties existing prior to the filing of the case. The status quo for private respondents as tenants, either as tillers, cultivators, or occupants, should consequently be maintained until the issue on their status as such shall have been determined after trial.

The court below, in denying the prayer for injunction, held that herein private respondents have no right to the possession of the subject lot primarily on the basis of the resolution[10] of this Court issued in G.R. No. 59379-82 hereinbefore discussed, which it opined was the proper forum to define the tenancy rights of private respondents.

A mere perusal of the aforesaid resolution, however, shows that what was determined therein was mainly the propriety of the acts and the jurisdiction of the provincial fiscal the prosecution of herein private respondents for robbery, theft, grave coercion and grave threats, sans a determinative holding on private respondents' rights as tenants. As correctly found by respondent court:

"A reading of the November 4, 1985 Supreme Court resolution discloses that the petition for certiorari, prohibition and mandamus sought to enjoin respondent fiscal from prosecuting the petitioners therein, (some of the petitioners in this case) and to compel the referral of the cases to the Ministry of Agrarian Reform. The issue therein was whether the fiscal should be restrained from prosecuting the petitioners, as supposed tenants in an agricultural land for robbery, theft, grave coercion and grave threats relating to sugarcane in the said plantation as aforestated. The petition was dismissed because the land involved is undisputably sugarcane land and the referral pursuant to Section 2 of P.D. No. 316, Sec. 12 of P.D. 946 and Section 2 of P.D. 1938 applies only to riceland and cornland not to sugarcane land. It did not decide whether or not the herein petitioners are tenants of the said lot." [11]

Consequently, in the reservation expressly made by petitioners in their motion for reconsideration[12] of the order denying the motion for a writ of execution, filed in Civil Case No. TG-493 wherein they manifested that they were willing to leave the tenants undisturbed until their rights as such shall have been determined in the proper forum, the legal recourse referred to therein is not G.R. No. 59379-82.

The contention of petitioners that the writ of possessions issued against Pedro Caragao covers herein private respondents is untenable. Petitioners openly recognized whatever rights were vested in private respondents when, as already stated, the former acknowledged in their aforesaid motion for reconsideration that the writ of execution sought by them would not in any way affect the latter's right to stay in the premises. As a matter of fact, respondent court found in AC-G.R. SP No. 02915-R that it was this clarification which prompted the trial court to reconsider its previous order denying petitioners' motion for execution.[13]

In fine, the source of private respondents' present possessory rights is no longer Caragao's claim to the property but petitioners' express consent to such continued occupation of the land until the former's rights shall have been threshed out and adjudicated in the proper forum.

WHEREFORE, the decision of respondent court is AFFIRMED and the petition at bar is DENIED.

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, and Sarmiento, JJ., concur.
Paras, J., no part.

[1] Penned by Associate Justice Gloria C. Paras and concurred in by Associate Justices Lorna Lombos-De la Fuente and Jorge S. Imperial, Eleventh Div.; Annex A, Petition; Rollo, 19.

[2] Annex B, Petition; Rollo, 25.

[3] Annex F, Petition; Rollo, 49, 50.

[4] Rollo, 20.

[5] Ibid., id.

[6] Ibid., 20-21.

[7] Ibid., 24.

[8] Calo, et al. vs. Roldan, et al., 76 Phil 445 (1946); Commissioner of Customs vs. Cloribel, et al., 19 SCRA 234 (1967); Bengzon vs. Court of Appeals, 161 SCRA 745 (1988).

[9] Comment, 7; Rollo, 67.

[10] Annex F, Petition; Rollo, 49.

[11] Annex A, Petition; Rollo, 23.

[12] Rollo, AC-G.R. SP No. 02915-R, 57, 61-62

[13] Rollo, AC-G.R. No. 02915-R, 57.

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