

SPECIAL FOURTEENTH DIVISION

[CA-G.R. SP NO. 103086, June 16, 2010]

**PILAR DEVELOPMENT CORPORATION, PETITIONER, VS.
HONORABLE ELIZABETH YU GURAY, PRESIDING JUDGE,
REGIONAL TRIAL COURT, BRANCH 202, LAS PIÑAS CITY, LAS
PIÑAS CABLE TV, INC. AND CABLE LINK & HOLDINGS, INC.,
RESPONDENTS.**

DECISION

Court of Appeals

Before Us is a *Petition for Certiorari* under Rule 65 of the 1997 Rules of Civil Procedure filed by Petitioner Pilar Development Corporation (hereinafter Petitioner) assailing the Order (Rollo, pp. 14-20) dated December 11, 2007 of the Regional Trial Court (RTC), Branch 202 of Las Piñas City, and its subsequent Order (Rollo, pp. 21-25) dated February 15, 2008 denying the Petitioner's motion for reconsideration.

The antecedents:

In a petition (Rollo, pp. 26-37) dated October 30, 2007 for "*Injunction and Damages with Prayer for Preliminary Injunction or Restraining Order*," filed against Petitioner and Pilar Village Homeowners Association, Inc. (PVHAI for brevity), private Respondents Las Piñas Cable TV, Inc. and Cable Link & Holdings, Inc. (hereinafter Respondents) alleged that sometime in July 2007 PVHAI required them to first secure a business permit fee of P10,000.00 per year plus P40.00 entry fee per entry of its service vehicles to Pilar Village or in lieu thereof, an annual pass of P1,000.00 per vehicle, for them to be allowed to continue their business operations within the village. They further alleged that due to their refusal to PVHAI's demand, the latter, its officers, employees, agents and security guards prevented them from continuing with their business operations by not allowing their service vehicles to enter the premises of Pilar Village. They likewise averred in their petition that earlier sometime in June 2004, Petitioner tried to control their business operations within the subdivision by allegedly forcing them to dismantle their cable lines within Pilar Village and to vacate all areas where such cable lines were installed.

Finding the application for temporary restraining order (TRO) as meritorious, the Executive Judge of the RTC of Las Piñas City per Order (Rollo, pp. 38-40) dated November 6, 2007 issued a 72-hour TRO against Petitioner, PVHAI and the latter's officers, employees, agents, representative, security guards and all other persons acting under them or under their direction.

Thereafter, the case was set for special raffle and was raffled off to Branch 202. The case was set for hearing on November 12, 2007.

In its Order (Rollo, pp. 48-49) dated November 12, 2007, the RTC extended the 72-hour TRO for twenty (20) days, inclusive of the 72-hour period previously granted.

In the same Order, the hearing on the prayer for the issuance of a writ of prohibitory injunction was set on November 22, 2007 and November 28, 2007. Petitioner and PVHAI were directed to show cause why the said application should not be granted.

On December 11, 2007, the RTC issued the Order, *supra*, granting the prayer for the issuance of a writ of preliminary prohibitory injunction, the dispositive portion of which reads:

"WHEREFORE, finding petitioners' prayer for issuance of writ of preliminary prohibitory injunction, proper and supported by evidence, the same is hereby GRANTED.

Accordingly, respondents are hereby directed to maintain the status *quo* and to allow and permit the entry of petitioners' service vehicles, employees and linemen to Pilar Village, or otherwise disabling the normal operation and activities of the cable television network system of petitioners and to cease and desist from demanding or assessing, charging or levying and collecting from petitioners a "business permit fee" or any fee in connection with its operations inside the Pilar Village Subdivision, or any other subdivision developed or under the management, administration or control of respondent Pilar Development Corporation in Las Piñas City, wherein petitioners are operating or may operate; and/or from committing any act adverse to petitioners' interest or directed against its cable TV network, personnel, vehicles, equipment or properties, pending the resolution of the above-captioned case.

Further, pursuant to Rule 58, Section 4 of the Revised Rules of Court, petitioners are hereby required to post a bond in the amount of ONE HUNDRED THOUSAND PESOS (P100,000.00) either in cash or undertaken by a qualified and duly accredited bonding surety company, with sufficient qualification and amount, as maybe approved by this Court, to answer to any such damages, respondents will suffer, by reason of the issuance of the writ of preliminary prohibitory injunction prayed for, if petitioners are found not entitled to its issuance.

SO ORDERED." (Rollo, p. 20)

Petitioner and PVHAI separately sought reconsideration from the aforequoted Order which were both denied per the RTC's Order dated February 15, 2008, *supra*.

Hence, the instant petition anchored on the sole ground-

"THE PUBLIC RESPONDENT COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION IN ISSUING THE WRIT OF PROHIBITORY INJUNCTION WHEN THE PRIVATE RESPONDENTS FAILED TO SHOW THEIR ENTITLEMENT THERETO." (Rollo, p. 6)

Section 1, Rule 58 of the 1997 Rules of Civil Procedure defines a preliminary injunction as an order granted at any stage of an action prior to the judgment or final order requiring a party or a court, an agency or a person to refrain from a particular act or acts. The grounds for the issuance of a writ of preliminary injunction as enumerated under Section 3, Rule 58 of the 1997 Rules of Civil Procedure are as follows: