

THIRD DIVISION

[CA-G.R. SP No. 133562, February 24, 2015]

**ASEANA BUSINESS PARK ESTATE ASSOCIATION, INC.,
PETITIONER, VS. THE REGIONAL TRIAL COURT OF MAKATI CITY,
BRANCH 142, ALPHALAND DEVELOPMENT, INC., AND
ALPHALAND MARINA CORPORATION, RESPONDENTS.**

CA-G.R. SP NO. 133636

**DELFIN J. WENCESLAO, JR., CARLOS C. WENCESLAO, EDWIN C.
WENCESLAO, DELFIN ANGELO C. WENCESLAO, AND PAOLO C.
WENCESLAO, PETITIONERS, VS. HON. JUDGE DINA PESTAÑO
TEVES, IN HER CAPACITY AS THE PRESIDING JUDGE OF
REGIONAL TRIAL COURT, MAKATI CITY, BRANCH 142,
ALPHALAND DEVELOPMENT, INC., AND ALPHALAND MARINA
CORPORATION, RESPONDENTS.**

CA-G.R. SP NO. 133637

**D.M. WENCESLAO & ASSOCIATES, INC., PETITIONER, VS.
REGIONAL TRIAL COURT, BRANCH 142, MAKATI CITY,
ALPHALAND DEVELOPMENT, INC., AND ALPHALAND MARINA
CORPORATION, RESPONDENTS.**

D E C I S I O N

REYES-CARPIO, A., J.:

>"In all then, the preliminary evidence presented by petitioners and the allegations in their complaint did not clearly make out any entitlement to the injunctive relief prayed for. Consequently, the RTC gravely abused its discretion in granting the writ of preliminary injunction. **Trial courts are reminded to see to it that applications for preliminary injunction clearly allege facts and circumstances showing the existence of the requisites. We need not stress that an application for injunctive relief is construed strictly against the pleader.**"^[1] (Emphasis and underscoring Ours)

Before the Court are three consolidated petitions for certiorari which seek to annul and set aside the Orders dated June 3, 2013^[2] and October 18, 2013^[3] of the Regional Trial Court, Branch 142, Makati City in Civil Case No. 13-540, "*Alphaland Development, Inc. and Alphaland Marina Corporation v. D.M. Wenceslao & Associates, Aseana Business Park Estate Association, Inc., Delfin J. Wenceslao, Jr., Carlos C. Wenceslao, Delfin Angelo C. Wenceslao and Paolo C. Wenceslao.*"

The dispositive portion of the first assailed Order^[4] reads:

"WHEREFORE, premises considered, plaintiff's application for preliminary injunction is GRANTED and defendants, by themselves or through their agents are hereby ENJOINED from performing any acts of obstruction or taking any other action or resorting to other means, that can and may impede and/or delay the construction and development of the Alphaland Marina Club Project.

Accordingly, let the corresponding Writ of Preliminary Injunction be issued subject to the posting of a bond by the plaintiff (sic) in the amount of One Million Pesos (P1,000,000.00), executed in favor of the defendants to the effect that said plaintiff (sic) will pay the defendants all damages that defendants may sustain by reason of this writ of injunction if the court should finally adjudged that the plaintiff (sic) is not entitled thereto.

The process server of this Court is hereby directed to serve copies of this Order upon the defendants and the plaintiffs forthwith.

The defendants are afforded until June 9, 2013 within which to file their respective responsive pleadings to the complaint as per Order dated May 27, 2013.

SO ORDERED.^[5]

On the other hand, the Order dated October 18, 2013^[6] disposed:

"WHEREFORE, in the light of the foregoing considerations, this Court hereby orders:

- 1. Defendants' Motions for Reconsideration and Motions to Dismiss are both Denied for want of merit.*

Plaintiffs' Motion to Declare the Defendants in Default is Denied for want of merit.

Accordingly, Defendants DMWAI, ABPEAI and the Individual Defendants are given fifteen (15) days from receipt hereof within which to file their respective Answers to the Complaint.

SO ORDERED.^[7]

The facts which led the trial court in issuing the writ of preliminary injunction are enumerated by public respondent as follows:

"1. On March 10, 2013, before midnight, security personnel of Aseana Business Park Estate Association (ABPEA for brevity) blocked three (3) flatbed trucks of plaintiff Alphaland Development Inc. (ADI) and Alphaland Marina Corporation's (AMC) contractor from making a delivery to the project site.

Plaintiff filed a complaint with the Philippine Reclamation Authority (PRA for brevity) on March 11, 2013. On March 12, 2013, PRA issued an authorization letter allowing ADI and AMC to use Aseana Ave. to go to

Alphaland Property.

2. On March 13, 2013, after midnight, the delivery of plaintiff's heavy equipment that arrived at the corner of Aseana Ave. and Macapagal Blvd., was blocked by ABPEA personnel using six (6) motorcycles. Plaintiff's' representative then presented the ABPEA security personnel with the PRA Authorization Letter dated March 12, 2012, but the former said they needed endorsement from ABPEA so that the delivery trucks can be granted a vehicle gate pass.

Plaintiff's representatives talked to the ranking individuals of ABPEA on site (Dennis Gabuat and Emman Pamesa) who both claimed that they have specific instructions not to allow Alphaland deliveries without a permit from ABPEA Management.

When later the trucks were finally allowed to reach the property at 3:00 o'clock in the morning, ABPEA security personnel stationed near plaintiff's property, told plaintiff's representatives that they could not unload their equipment. They agreed in order to dispel the tension.

Plaintiff wrote another letter-complaint to PRA dated April 5, 2012 and PRA in turn wrote to ABPEA on April 5, 2013, thru its president, Delfin J. Wenceslao, Jr. to which was attached the Authorization letter of the same date authorizing the plaintiff to pass through Aseana Ave.

3. On April 15, 2013, ABPEA's security personnel again tried to prevent plaintiff's contractor from making a delivery to the project site despite having had successful deliveries on April 12, 2013.

Plaintiff relayed this incident to PRA thru a letter dated April 17, 2013. PRA called for a meeting on April 22, 2013 and in that meeting which was attended by plaintiff's lawyer, Rafael Ongpin, Atty. Rodolfo Ponferrada and other locators using Aseana Ave. (like Solaire and Belle).

In that meeting, Atty. Cristine A. Mortel, Asst. General Manager of the Legal and Administrative Services Department of the PRA, informed plaintiff's representatives that PRA will take over Aseana Ave. to stop anyone from blocking the same and preventing its use by the public.

4. On April 29, 2013, DMWAI people put up concrete barriers to prevent Alphaland's ability to access the project site through the public promenade area.

Plaintiff alleges that the obstructions by ABPEA personnel and the concrete barriers which Delfin Wenceslao and Associates, Inc. (DMWAI) erected caused significant delay in the project. ADI and AMC may be held in breach of its agreements and contracts with its suppliers and the hundreds of people who have reserved and indicated their intention to buy Marina Club shares. Also, plaintiff was forced to file this case against the defendants.

Atty. Ponferrada has acknowledge[d] that there were only four (4)

incidents of blockage and after the last, which involved the putting up of concrete barriers, there have been no other attempts for the blockage (tsn, May 22, 2013, p. 55).“^[8]

As earlier stated, the trial court granted the writ of preliminary injunction. Petitioners moved for its reconsideration but their respective motions were denied by the trial court in its second assailed Order.

Aggrieved, petitioners are before this Court via these consolidated petitions for certiorari, all challenging the issuance of the writ of preliminary injunction on the ground that the requisites for the issuance of the writ were not present.^[9]

In Our Resolution dated November 25, 2014^[10], We deemed the cases submitted for decision, including the Motion for Reconsideration^[11] filed by petitioner DM Wenceslao & Associates (in CA-GR SP No. 133637) in connection with Our Resolution dated September 15, 2014.

It must be stressed that Our aforementioned Resolution dated September 15, 2014^[12] actually, among other things, denied the prayer for the issuance of a temporary restraining order or writ of preliminary injunction pending resolution of the three petitions. It is on this aspect that petitioner D.M. Wenceslao & Associates moves for the reconsideration thereof. Considering, however, that We are now resolving the petition on the merits, We find it no longer necessary to dwell on said Motion for Reconsideration.

We now resolve the petitions.

The main issue in these petitions is whether or not public respondent committed grave abuse of discretion in granting the writ of preliminary injunction in favor of private respondents.

The recent case of ***Lukang v. Pagbilao Development Corporation***^[13] is instructive:

“A writ of preliminary injunction is a provisional remedy which is adjunct to a main suit, as well as a preservative remedy issued to maintain the status quo of the things subject of the action or the relations between the parties during the pendency of the suit. The purpose of injunction is to prevent threatened or continuous irremediable injury to the parties before their claims can be thoroughly studied and educated. Its sole aim is to preserve the status quo until the merits of the case are fully heard. Under Section 3, Rule 58 of the Rules of Court, an application for a writ of preliminary injunction may be granted if the following grounds are 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.

Thus, a writ of preliminary injunction may be issued upon the concurrence of the following essential requisites, to wit: (a) the invasion of right sought to be protected is material and substantial; (b) the right of the complainant is clear and unmistakable; and (c) there is an urgent and paramount necessity for the writ to prevent serious damage. While a clear showing of the right is necessary, its existence need not be conclusively established. Hence, to be entitled to the writ, it is sufficient that the complainant shows that he has an ostensible right to the final relief prayed for in his complaint.

The well-entrenched rule is that the grant or denial of the writ of preliminary injunction rests upon the sound discretion of the court. The trial court is given a wide latitude in this regard. Thus, in the absence of a manifest abuse, such discretion must not be interfered with. "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."

In here, there is a need to evaluate the Complaint for Injunction^[14] and the preliminary evidence presented by private respondents that may justify the issuance of the writ of preliminary injunction *vis-a-vis* the basis used by the trial court in its assailed Order.^[15]

In the assailed Order dated June 3, 2013,^[16] the trial court came up with the following analysis:

"Plaintiff was granted a foreshore lease by the Department of Energy (sic) and Natural Resources (DENR) on the foreshore lease area of Manila Bay and on which it is developing and constructing the Alphaland Marina Club. This right is clear and unmistakable and even the defendants have not disputed the same. That right necessarily includes the right to access the site peacefully and without impediment.

Defendants have been shown to have, through their agents, committed acts which have prevented and/or obstructed plaintiff's access to the project site, and thus caused delay in the completion of the project on time. Defendants' offered justifications for their questioned obstructive acts obviously were not acceptable to the governing body, the PRA, as the latter took over control of the disputed passage (Aseana Ave.) to stop