

[BATAS PAMBANSA BLG. 224, April 16, 1982]

**AN ACT REGULATING THE ISSUANCE OF RESTRAINING ORDERS,
AMENDING FOR THE PURPOSE SECTION FIVE OF RULE FIFTY-
EIGHT OF THE RULES OF COURT.**

Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. Section five of Rule fifty-eight of the Rules of Court in the Philippines is hereby amended to read as follows:

"SEC. 5. *Preliminary injunction not granted without notice; issuance of restraining order.*—No preliminary injunction shall be granted without notice to the defendant. If it shall appear from the facts shown by affidavits or by the verified complaint that great or irreparable injury would result to the applicant before the matter can be heard on notice, the judge to whom the application for preliminary injunction was made, may issue a restraining order to be effective only for a period of twenty days from date of its issuance. Within the said twenty-day period, the judge must cause an order to be served on the defendant, requiring him to show cause, at a specified time and place, why the injunction should not be granted, and determine within the same period whether or not the preliminary injunction shall be granted, and shall accordingly issue the corresponding order. In the event that the application for preliminary injunction is denied, the restraining order is deemed automatically vacated.

"Nothing herein contained shall be construed to impair, affect or modify in any way any rights granted by, or rules pertaining to injunctions contained in, existing agrarian, labor or social legislation."

SEC. 2. Any provision of law, decree or resolution inconsistent with the provisions of this Act is hereby deemed repealed, superseded or modified accordingly.

SEC. 3. This Act shall take effect upon its approval.

Approved, April 16, 1982.



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