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ISAEL DOMINGO C. BATTUNG III,
Division Clerk of Court
Third Division
FEB 19 2022

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

LAND BANK OF THE PHILIPPINES,

G.R. No. 221133

Petitioner,

Present:

- versus -

LEONEN, J.,
Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J. Y., JJ.

SPOUSES MILU AND ROSALINA DE JESUS,

Promulgated:

Respondents.

June 28, 2021

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X-----X

DECISION

HERNANDO, J.:

Before this Court is a Petition for Review on *Certiorari*¹ assailing the April 29, 2015 Decision² and the October 20, 2015 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 128480.

Antecedents:

On September 17, 2009, respondents Spouses Milu and Rosalina De Jesus (spouses De Jesus) filed a Complaint⁴ for Annulment of Real Estate

¹ *Rollo*, pp. 9-29.

² *Id.* at 33-45; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Remedios A. Salazar-Fernando and Marlene Gonzales-Sison.

³ *Id.* at 46-49.

⁴ *Id.* at 90-121.

Mortgage, Promissory Note and Foreclosure Sale and Damages with an Urgent Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction before the Regional Trial Court (RTC) of Malolos, Bulacan, against petitioner Land Bank of the Philippines (Land Bank).⁵

In their Complaint, the spouses De Jesus prayed for the declaration of nullity of the subject real estate mortgages and promissory notes they executed in favor of Land Bank, as well as the foreclosure proceedings initiated by the latter.⁶ They likewise sought the issuance of a temporary restraining order (TRO) and/or a writ of preliminary injunction against the bank to prevent it from consolidating its ownership over the properties.⁷ According to them, consolidation was impending since a Certificate of Sale was already issued in Land Bank's favor and the same was already registered with the Registry of Deeds of Malolos, Bulacan.⁸

On September 18, 2009, the RTC issued a Notice⁹ setting the hearing on the application for TRO on September 23, 2009.¹⁰

On September 23, 2009, the spouses De Jesus presented their first witness in support of their application for TRO.¹¹ After their presentation, they withdrew their motion for TRO in view of the commitment by Land Bank's counsel, Atty. Napoleon Latosa (Atty. Latosa), that the bank will not consolidate for the duration of the hearing on the preliminary injunction.¹² Accordingly, the RTC ordered the continuation of the hearing on the application for preliminary injunction, as well as the main case, to be held on October 28, 2009.¹³

On October 28, 2009, the De Jesus couple moved to reset the hearing for their application for preliminary injunction. This was granted by the trial court and the hearing was reset to December 9, 2009.¹⁴

On November 25, 2009, days before the scheduled hearing on the spouses De Jesus' application for preliminary injunction, they moved to set the main case for pre-trial.¹⁵ Thus, the RTC ordered the setting of the pre-trial conference to be held on December 9, 2009, in lieu of the originally scheduled hearing for the preliminary injunction.¹⁶

⁵ *Id.*

⁶ *Id.* at 121.

⁷ *Id.* at 120.

⁸ *Id.* at 118.

⁹ *CA Aetlic*, p. 161.

¹⁰ *Id.*

¹¹ *Id.* at 319-321.

¹² *Id.* at 324.

¹³ *Id.* at 355.

¹⁴ *Id.*, p. 356.

¹⁵ *Id.* at 66-67.

¹⁶ *Id.* at 357.

The RTC further ordered the resetting of the hearing due to Atty. Latosa's demise.¹⁷ It conducted the preliminary conference on July 19, 2011¹⁸ and set the presentation of the couple's evidence on June 26, 2012 and August 7, 2012.¹⁹

On May 22, 2012, the bank, through its new counsel, filed an Entry of Appearance and Manifestation²⁰ stating that it will proceed to consolidate its ownership considering that the one-year redemption period already lapsed without the spouses redeeming the properties, and because the period for issuing the writ of preliminary injunction, which was the duration of Atty. Latosa's commitment not to consolidate, lapsed without the RTC issuing the same.²¹

On June 5, 2012, the spouses De Jesus filed a Counter-Manifestation and Motion,²² arguing that Land Bank may not consolidate its ownership in view of Atty. Latosa's commitment not to consolidate for the duration of the *main case*, and not for the period for the issuance of a writ of preliminary injunction, as claimed by the bank.²³ They explained that it was precisely because of such commitment that they no longer pursued the application for TRO.²⁴ Since Land Bank was supposedly threatening to violate such commitment, they prayed for an order setting the case for hearing on the issuance of a writ of preliminary injunction and requiring Land Bank to maintain *status quo* by not proceeding with consolidation.²⁵

Ruling of the Regional Trial Court:

In its August 22, 2012 Order,²⁶ the RTC denied the spouses De Jesus' motion for a *status quo* order after finding that consolidation became a matter of right on the part of the bank when the one-year redemption period lapsed without them redeeming the properties.²⁷ Further, the trial court held that a *status quo* order cannot be granted as the same would be tantamount to an injunction order which it cannot grant without a hearing.²⁸

¹⁷ CArollo, p. 227.

¹⁸ Id. at 469.

¹⁹ Rollo, p. 15.

²⁰ Id. at 165-168.

²¹ Id.

²² Id. at 169-171.

²³ Id. at 169-170.

²⁴ Id. at 170.

²⁵ Id.

²⁶ Id. at 180-182; penned by Judge Virgilita B. Castillo.

²⁷ Id. at 181-182.

²⁸ Id.

The dispositive portion of the August 22, 2012 Order reads:

WHEREFORE, the motion for the issuance of a status quo order is hereby DENIED based on the aforesaid reasons.

Let, therefore, the hearing set on October 2, 2012 at 8:30 in the morning proceed as previously scheduled.

Notify parties of this Order.

SO ORDERED.²⁹

The De Jesus couple filed a motion for reconsideration³⁰ which was, however, denied for lack of merit by the RTC in its November 29, 2012 Order.³¹ Hence, their Petition for *Certiorari*³² before the CA.

Ruling of the Court of Appeals:

In its assailed Decision, the CA held that the RTC committed a grave abuse of discretion when it denied the motion for the issuance of a *status quo* order, considering that no hearing was ever conducted on the spouses De Jesus' application for preliminary injunction.³³ The appellate court opined that the spouses De Jesus must first be heard before Land Bank can consolidate.³⁴ Accordingly, the appellate court remanded the case to the trial court for the hearing on the application for preliminary injunction.³⁵

The dispositive portion of the assailed Decision reads:

WHEREFORE, premises considered, the petition is **GRANTED**. The August 22, 2012 and November 29, 2012 Orders of the Public Respondent the Hon. Virgilita B. Castillo, Presiding Judge of Branch 6 of the Regional Trial Court of Malolos, Bulacan in Civil Case No. 669-M-2009 entitled Spouses Milu and Rosalina De Jesus vs. Land Bank of the Philippines, Office of the Clerk of Court – Ex-Officio Sheriff and the Register of Deeds of Bulacan are **REVERSED** and **SET ASIDE** and the case is **REMANDED** to the RTC for further and immediate proceedings on the application for the issuance of a Writ of Preliminary Injunction pleaded for by the Petitioners.

SO ORDERED.³⁶

²⁹ Id. at 182.

³⁰ Id. at 183-192.

³¹ Id. at 206-208.

³² Id. at 50-87.

³³ Id. at 42.

³⁴ Id.

³⁵ Id. at 43.

³⁶ Id.

Land Bank moved for reconsideration,³⁷ arguing that the spouses De Jesus should already be deemed to have abandoned their application for preliminary injunction for two reasons: *first*, they moved for the pre-trial of the case to be held on December 9, 2009, instead of proceeding with the presentation of the evidence for their application for preliminary injunction as originally scheduled; and *second*, because it took them two years to move for the hearing on their application for preliminary injunction.³⁸

In its assailed Resolution, the CA denied Land Bank's motion for reconsideration after finding that there was nothing on record to show that the RTC construed the spouses De Jesus' motion to set the case for pre-trial as an abandonment of their application for preliminary injunction.³⁹ The appellate court further held that Land Bank infringed on the spouses De Jesus' right to procedural due process when it consolidated its ownership over the properties even before the RTC could have rendered a ruling on their motion for reconsideration of its August 22, 2012 Order.⁴⁰

Hence, this Petition, where Land Bank maintains that the De Jesus couple should already be deemed to have abandoned their application for preliminary injunction, as clearly manifested in their actions.⁴¹ Land Bank points out that the spouses' act of filing a motion to set the main case for pre-trial is inconsistent with their application for preliminary injunction, as such course of action shows that there is no "urgent necessity" for its issuance which is essential to the grant of injunctive relief.⁴² Thus, Land Bank posits that the RTC did not commit any grave abuse of discretion when it refused to conduct a hearing on the spouses' application for preliminary injunction.⁴³

Land Bank further argues that the CA's assailed Decision was in the nature of an injunction order granted without the benefit of a hearing, preventing as it does Land Bank's consolidation, and consequently violates its right to due process.⁴⁴

Finally, Land Bank argues that the application for preliminary injunction had already become moot and academic in light of the ongoing trial on the merits and its subsequent consolidation of ownership over the properties.⁴⁵

³⁷ Id. at 332-337.

³⁸ Id. at 334-335.

³⁹ Id. at 48.

⁴⁰ Id.

⁴¹ Id. at 20-25.

⁴² Id.

⁴³ Id.

⁴⁴ Id. at 25-26.

⁴⁵ Id. at 26-28.

In their Comment,⁴⁶ the De Jesus couple argue that their failure to move for the hearing of the injunction for two years may not be interpreted as a waiver of the right to proceed with the injunction, as it resulted from an agreement voluntarily entered into by the parties.⁴⁷ They point out that the withdrawal of their motion for the issuance of TRO was conditioned on Land Bank's supposed commitment not to consolidate pending resolution of the main case.⁴⁸

They further argue that the fact that the CA's August 22, 2012 Order was in the nature of a *status quo* order does not justify its reversal.⁴⁹ They posit that unlike an injunction order which needs a hearing, a *status quo* order can be issued without a hearing.⁵⁰ Thus, there was allegedly no violation of Land Bank's right to due process.⁵¹

In its Reply,⁵² Land Bank maintains that the spouses De Jesus' filing of a motion setting the case for pre-trial, coupled by their inaction or failure to actively move for the hearing of the said application for more than two years, are clear manifestations of abandonment of their application for preliminary injunction.⁵³

Issue

Did the CA err in reversing the RTC's August 22, 2012 and November 29, 2012 Orders for supposedly being issued with grave abuse of discretion amounting to lack or excess of jurisdiction?

Our Ruling

We rule in the affirmative.

The CA erred in reversing the RTC's August 22, 2012 and November 29, 2012 Orders.

After a judicious review of the records, We find that the CA erred in reversing the RTC's August 22, 2012 and November 29, 2012 Orders. The trial court did *not* commit any grave abuse of discretion when it denied the spouses De Jesus' motion for issuance of a *status quo* order and when it no longer conducted the hearing on their application for preliminary injunction.

⁴⁶ Id. at 373-380.

⁴⁷ Id. at 375.

⁴⁸ Id. at 376.

⁴⁹ Id. at 377-378.

⁵⁰ Id.

⁵¹ Id.

⁵² Id. at 405-414.

⁵³ Id. at 406.

Grave abuse of discretion exists when “an act is (1) done contrary to the Constitution, the law or jurisprudence or (2) executed whimsically, capriciously or arbitrarily, out of malice, ill will or personal bias.”⁵⁴ It has been described as follows:

“Grave abuse of discretion” implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; in other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law. Mere abuse of discretion is not enough.⁵⁵ (Emphasis supplied)

Here, the RTC did not act with such capricious and whimsical exercise of judgment when it issued its August 22, 2012 Order denying the spouses De Jesus’ motion for a *status quo* order, and its November 29, 2012 Order denying their motion for reconsideration. On the contrary, it acted within its jurisdiction and in accordance with the law.

A status quo order would prevent Land Bank from consolidation.

A *status quo* order is “in the nature of a cease and desist order,”⁵⁶ and is “intended to maintain the last, actual, peaceable and uncontested state of things which preceded the controversy.”⁵⁷ If the RTC granted the spouses De Jesus’ prayer for such order, Land Bank will be prevented from consolidating its ownership over the properties for the duration of such order.

However, We find no legal impediment to prevent Land Bank from consolidating its ownership. The RTC is correct that upon the expiration of the period for redemption, without the mortgagor or his or her successor-in-interest redeeming the property, consolidation becomes a matter of right:

if the redemption period expires without the mortgagor or his successor-in-interest redeeming the foreclosed property within one year from the registration of the sale with the Register of Deeds, the title over the property consolidates in the purchaser. The consolidation confirms the purchaser as the owner entitled to the possession of the property without any need for him to file the bond required under Section 7 of Act No. 3135.²² The issuance of a writ of possession to the purchaser becomes a matter of right upon the consolidation of title in his name, while the mortgagor, by failing to redeem,

⁵⁴ *Ocampo v. Enriquez*, 798 Phil. 227-715 (2016), citing *Almaria v. Executive Secretary*, 714 Phil. 127, 169 (2013).

⁵⁵ *Heirs of Sobremonte v. Court of Appeals*, G.R. No. 206234, October 22, 2014, citing *San Fernando Rural Bank, Inc. v. Pampanga Omnibus Development Corporation*, 549 Phil. 349-377 (2007).

⁵⁶ *Oca v. Custodio*, 749 Phil. 186-202 (2014), citing *Carcia v. Mojica*, 372 Phil. 892, 900 (1999).

⁵⁷ *Id.*

loses all interest in the property.⁵⁸ (Emphasis supplied, citations omitted)

Thus, when the one-year redemption period lapsed without the spouses De Jesus redeeming the properties, and without any TRO or writ of preliminary injunction to prevent consolidation, nothing barred Land Bank from exercising its right.

The only possible hindrance to consolidation in this case is Land Bank's commitment not to consolidate during the hearing on the spouses De Jesus' application for preliminary injunction. However, We are convinced that the De Jesus couple already abandoned their application when they moved for the conduct of the pre-trial of the main case, instead of proceeding with the originally scheduled hearing on their application for preliminary injunction, and when it took them two years to finally move for the conduct of such hearing. Consequently, to Us, Land Bank's commitment not to consolidate ceased to be effective from the moment the spouses De Jesus abandoned their application for preliminary injunction.

First, it should be clarified that contrary to the spouses De Jesus' claim that the commitment not to consolidate was for the entire duration of the main case, the records are very clear that the same was only for the duration of the hearing on the preliminary injunction:

COURT: Insofar as the eviction is concerned you are admitting all the exhibits. There being no objection to the exhibits formally offered by Counsel, the same are hereby admitted. Are you presenting any witness?

ATTY. LATOSA: Yes, your Honor.

COURT: When?

ATTY. LATOSA: Probably on the first week of October, your Honor.

COURT: **This is TRO. It should be this afternoon, or the latest would be tomorrow because the Court will decide immediately on this case. The Court will resolve the Temporary Restraining Order, as to whether the Court will grant or not. Unless the Bank will commit itself not to go on with the alleged eminent consolidation.**

ATTY. LATOSA: Yes, your Honor, that is my word in Court. We will not make any consolidation up to the next hearing, your Honor. Today is September 23...interrupted.

COURT: It is their own lookout. Anyway, they are the ones who are going to make the necessary move on the consolidation.

ATTY. MANUEL: Well, with that, your Honor, we submit to the Court.

COURT: **This will be already an ordinary hearing on that case. There will be no more TRO but on the preliminary**

⁵⁸ *United Coconut Planters Bank v. Lumbo*, 723 Phil. 314-332 (2013).

injunction.

ATTY. MANUEL: Yes, your Honor.

ATTY. LATOSA: In deference to the Honorable Court, your Honor, I will make it on record.

COURT: You are still suppose (sic) to submit your answer within fifteen (15) days from receipt.

ATTY. LATOSA: Yes, your Honor.

ATTY. MANUEL: **So we have to withdraw the offer that we made, your Honor, because we have to present other witnesses for the injunction.**

COURT: **Yes.**

ATTY. MANUEL: **Yes, your Honor.**

COURT: **So we will no longer hear the TRO but on the preliminary injunction.**

ATTY. MANUEL: Well, with that assurance on the part of the defense counsel that they will not do anything while the case is on going.

COURT: **Status quo.**

ATTY. MANUEL: **Yes, on the issue of injunction.**

COURT: That is the commitment of counsel.

ATTY. LATOSA: Yes, your Honor. That is a commitment to the Honorable Court.

COURT: Let it be on record.

ATTY. LATOSA: Yes, your Honor, please.

COURT: So kailan? After the filing of the answer.

ATTY. LATOSA: Yes, your Honor.

ATTY. MANUEL: Your Honor, for the record. Just for the information of the defense counsel. We intend to make some corrections on the Complaint that we have. So, considering that the amendment of the Complaint is a matter of right before the filing of an Answer, we would manifest that to the defense counsel so they would not be filing yet their answer.

COURT: They will be amending their Complaint.

ATTY. MANUEL: Yes, your Honor. I will wait for that.

COURT: Thank you, your Honor.

-Order-

After the completion of the testimony of witness Rosalina de Jesus, plaintiffs' (sic) counsel orally offered their exhibits. There being no objection on the offer, the Court ruled to admit the said Exhibits. **Since the Counsel for the defendant-Bank made a commitment to the Court that the Bank will not make any consolidation of the titles in its name, and to maintain the status quo during the hearing,** the Plaintiff's Counsel manifested that he is

foregoing with his motion for issuance of Temporary Restraining Order, in view of such commitment.

WHEREFORE, the Motion for Issuance of Temporary Restraining Order is, therefore, withdrawn. **Let the continuation of the presentation of the plaintiff's evidence for the preliminary injunction as well as the main case be held on October 28, 2009 at 10:00 in the morning.**

The plaintiff-spouses Milu and Rosalina De Jesus and their Counsel Atty., (sic) Andres Manuel, Jr. and counsel for defendant-Bank, Atty. Napoleon F. Latosa, are notified of this setting in open court.

SO ORDERED.⁵⁹

As can be gleaned above, after the presentation of the spouses De Jesus' witness, Judge Virgilita Bautista Castillo asked Atty. Latosa if Land Bank would be presenting any witness.⁶⁰ Atty. Latosa replied that it would present its witness on the first week of October.⁶¹ However, the judge said that because the hearing was for the issuance of a TRO, Atty. Latosa should present Land Bank's witness "this afternoon, or the latest would be tomorrow because the Court will decide immediately on this case."⁶²

The presiding judge added that the RTC will resolve the application for TRO unless Land Bank would commit not to proceed with the consolidation.⁶³ Thus, Atty. Latosa agreed not to proceed with consolidation "up to the next hearing."⁶⁴ Because of such commitment, the spouses De Jesus withdrew their prayer for the issuance of TRO,⁶⁵ and the RTC accordingly set the hearing on their application for preliminary injunction.⁶⁶

Based on the foregoing, it cannot be denied that Atty. Latosa's commitment not to consolidate was only for the period of the hearing on the application for preliminary injunction, and not for the entire duration of the main case as claimed by the spouses De Jesus. It is for such reason that the latter withdrew their motion for the issuance of TRO and not for preliminary injunction. If Land Bank's commitment not to consolidate was for the duration of the main case, there would no longer be any reason to conduct the hearing on the application for preliminary injunction. Obviously, the same would be superfluous in view of the bank's commitment not to consolidate.

⁵⁹ *CA rollo*, pp. 352-355.

⁶⁰ *Id.* at 352.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 353.

⁶⁶ *Id.* at 355.

Second, given that the trial court already ordered the spouses De Jesus to present their evidence in support of their application for preliminary injunction, considerably in view of the limited duration of Land Bank's commitment not to consolidate, then they should have complied with the same. Instead, they moved to set the main case for pre-trial. Such an act constitutes a clear case of abandonment of their application for preliminary injunction. It goes against the very nature of preliminary injunction – a remedy resorted to “when there is a **pressing necessity** to avoid injurious consequences that cannot be redressed under any standard of compensation.”⁶⁷

Time and again, We have repeatedly emphasized the importance of an urgent or pressing necessity in the grant of injunctive relief, consistent with its preservative nature:

A preliminary injunction is an order granted at any stage of an action or proceeding 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. Its essential role is preservative of the rights of the parties in order to protect the ability of the court to render a meaningful decision, or in order to guard against a change of circumstances that will hamper or prevent the granting of the proper relief after the trial on the merits. Another essential role is preventive of the threats to cause irreparable harm or injury to a party before the litigation could be resolved. In *Pahila-Garrido v. Tortogo*, we have explained the preservative or preventive character of injunction as a remedy in the course of the litigation. *viz.*:

Generally, injunction, being a preservative remedy for the protection of substantive rights or interests, is not a cause of action in itself but merely a provisional remedy, an adjunct to a main suit. It is resorted to only when there is a pressing necessity to avoid injurious consequences that cannot be redressed under any standard of compensation. The controlling reason for the existence of the judicial power to issue the writ of injunction is that the court may thereby prevent a threatened or continuous irreparable injury to some of the parties before their claims can be thoroughly investigated and advisedly adjudicated. **The application for the writ rests upon an alleged existence of an emergency or of a special reason for such an order to issue before the case can be regularly heard**, and the essential conditions for granting such temporary injunctive relief are that the complaint alleges facts that appear to be sufficient to constitute a cause of action for injunction and that on the entire showing from both sides, it appears, in view of all the circumstances, that the injunction is reasonably necessary to protect the legal rights of plaintiff pending the litigation.⁶⁸ (Emphasis supplied. citations omitted)

⁶⁷ *City of Iloilo v. Homada*, G.R. No. 160399, December 9, 2015, citing *Pahila-Garrido v. Tortogo*, 671 Phil. 320-345 (2011).

⁶⁸ *Id.*

By moving for the pre-trial of the main case, instead of proceeding with the hearing on preliminary injunction as originally scheduled, the spouses De Jesus revealed the lack of urgency in obtaining injunctive relief, which is precisely the basis of their prayer therefor. Without any pressing necessity or emergency, the trial court is duty-bound to proceed with trial on the merits, consistent with the policy of courts to “avoid issuing a writ of preliminary injunction which would in effect dispose of the main case without trial.”⁶⁹

Jurisprudence dictates that courts should avoid granting injunctive reliefs that consequently dispose of the main case without trial. Otherwise, it will result in the prejudgment of the main case and a reversal of the rule on the burden of proof as it would adopt the allegations which petitioners ought to prove.⁷⁰

Thus, Land Bank cannot be faulted for construing the spouses De Jesus’ motion to set the main case for pre-trial as an abandonment of their application for preliminary injunction. After all, the bank’s commitment not to consolidate was only for the duration of the hearing on the application for preliminary injunction, a limited period which cannot be extended by indefinitely delaying the hearing on the application for preliminary injunction.

There was no violation of the spouses De Jesus’ right to due process.

In reversing the RTC’s August 22, 2012 and November 29, 2012 Orders, the CA held that the spouses De Jesus’ right to due process was violated when the trial court no longer conducted a hearing on their application for preliminary injunction.⁷¹ However, the trial court was not duty-bound to conduct a hearing on their application since it construed the spouses’ motion to set the main case for pre-trial as an abandonment of their application for preliminary injunction. This is due to the RTC’s subsequent denial of their motion to conduct the hearing two years after it was originally scheduled.

In any event, a hearing is not even required should the trial court deny an application for preliminary injunction:

While Rule 58, Section 4 (d) requires that the trial court conduct a summary hearing in every application for temporary restraining order regardless of a grant or denial, Rule 58, Section 5 requires a hearing only if an application for preliminary injunction is *granted*. Thus, Section 5 states that “[n]o preliminary injunction shall be granted without hearing and prior notice to

⁶⁹ *Id.*, citing *Searth Commodities Corp. v. Court of Appeals*, G.R. No. 64220, March 31, 1992.

⁷⁰ *Chipoco v. Office of the Ombudsman*, G.R. No. 239416, July 24, 2019, citing *Republic v. Spouses Lazo*, 744 Phil. 367, 401 (2014).

⁷¹ *Rollo*, pp. 10-11.

the party or person sought to be enjoined.” Inversely stated, **an application for preliminary injunction may be denied even without the conduct of a hearing separate from that of the summary hearing of an application for the issuance of a temporary restraining order.**⁷² (Emphasis supplied, citation omitted)

Hence, even if the RTC’s August 22, 2012 Order may be construed as a denial of the spouses De Jesus’ application for preliminary injunction, the CA would still be incorrect in holding that their right to due process was violated for lack of any hearing on their application.

On the other hand, a *status quo* order, if issued by the RTC, would be tantamount to an injunction order issued without the benefit of a hearing, contrary to the express requirement of Section 5, Rule 58 of the Rules of Court that “[n]o preliminary injunction shall be granted without hearing and prior notice to the party or person sought to be enjoined.” Clearly, the RTC may not grant the spouses De Jesus’ motion for *status quo* order without running afoul of such express prescription.

The CA’s remand of the case to the RTC for the hearing on the application for preliminary injunction has become moot and academic.

In any case, We find that the CA’s remand of the case to the RTC for hearing on the preliminary injunction has become moot and academic. Land Bank had already consolidated its ownership over the properties even before the spouses De Jesus filed their Petition for *Certiorari* before the appellate court,⁷³ consistent with its right to do so absent any TRO or writ of preliminary injunction issued by the trial court. Consequently, the remedy of injunction, specifically to prevent Land Bank from consolidation, could no longer be entertained by the appellate court. The act sought to be enjoined had long become *fait accompli*.

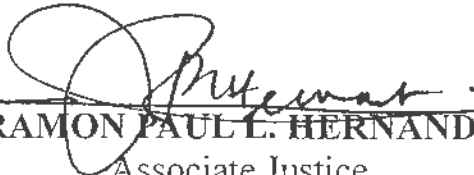
In fine, We find that the CA erred in reversing the RTC’s August 22, 2012 and November 29, 2012 Orders, as the same were issued within the trial court’s jurisdiction and in accordance with the law.

WHEREFORE, the Petition is hereby **GRANTED**. The Court of Appeals’ April 29, 2015 Decision and October 20, 2015 Resolution in CA-G.R. SP No. 128480 are **REVERSED** and **SET ASIDE**, and the Regional Trial Court’s August 22, 2012 and November 29, 2012 Orders in Civil Case No. 669-M-2009 are **REINSTATED**.

⁷² *Exy Construction and Development Corp. v. Valiant Roll Forming Sales Corp.*, G.R. No. 207938, October 11, 2017.

⁷³ *Bello*, p. 27.

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
Associate Justice
Chairperson



HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


JHOSEP N. LOPEZ
Associate Justice

ATTESTATION

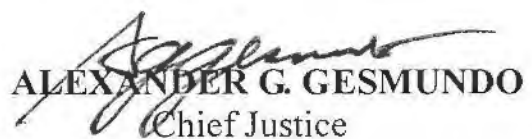
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice

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Miel DCB-H
ISAEL DOMINGO C. BAYTUNG
Division Clerk of Court
Third Division
FEB 18 2022

