

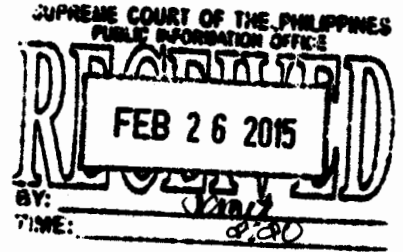
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 4, 2015 which reads as follows:

“G.R. No. 214282 (Land Bank of the Philippines v. Court of Appeals, Honorable Angelito I. Balderama, in his capacity as the Presiding Judge of the Regional Trial Court, Branch 1, Balanga City, and Spouses Edmond and Helen Lee). – The petitioner’s compliance with the Resolution dated October 22, 2014 submitting the thereto attached certified true copy of the assailed Court of Appeals Resolution dated June 17, 2014 is **NOTED.**

After a judicious review of the records, the Court resolves to **DISMISS** the instant petition and **AFFIRM** the June 17, 2014 and September 11, 2014 Resolutions¹ of the Court of Appeals (CA) in CA-G.R. SP No. 133533 for failure of Land Bank of the Philippines (petitioner) to show that the CA committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying its prayer for the issuance of a temporary restraining order and/or a writ of preliminary injunction.

As correctly ruled by the CA, petitioner has failed to demonstrate extreme urgency as well as great or irreparable injury that it will stand to suffer with the implementation of the January 17, 2002 Decision of the Regional Trial Court of Balanga City, Bataan, Branch 1, in Civil Case No. 7171. It is settled that an injunctive relief may only be granted upon the existence of the following: (a) the applicant must have a clear and

- over – two (2) pages


¹ Rollo, pp. 165-167 and 25-26, respectively. Penned by Associate Justice Socorro B. Inting with Associate Justices Jose C. Reyes, Jr. and Mario V. Lopez, concurring.

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unmistakable right, that is a right *in esse*; (b) there is material and substantial invasion of such right; (c) there is an urgent need for the writ to prevent irreparable injury to the applicant; and (d) no other ordinary, speedy, and adequate remedy exists to prevent the infliction of irreparable

SO ORDERED.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. SP No. 133533)

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The Hon. Presiding Judge
Regional Trial Court, Br. 1
Balanga City 2100 Bataan
(Civil Case No. 7171)

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SR

² See *Marquez v. Judge Sanchez*, 544 Phil. 507, 517-518 (2007).

