

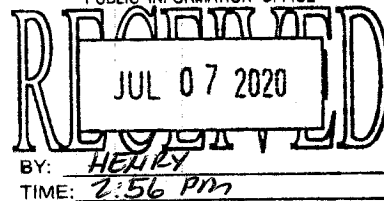


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
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Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 2, 2020**, which reads as follows:

“**G.R. No. 249926 (Jose Danilo Sola v. First Jia Philippines West View Estate and Development and Philstar Development)**. – This is an appeal by *certiorari* seeking the reversal or nullification of the July 17, 2019 Decision¹ and October 16, 2019 Resolution² rendered by the Court of Appeals (CA) in CA-G.R. SP No. 160030. The CA dismissed the appeal of Jose Danilo Sola (*petitioner*) assailing the May 4, 2018 Decision³ of the Regional Trial Court of the City of Malolos, Bulacan, Branch 21 (RTC), which dismissed the complaint for injunction filed by petitioner.

The case stemmed from a complaint for injunction filed by petitioner against respondents. Petitioner claims title over the property which was being developed by First Jia Philippines West View Estate and Development (*First Jia*) and Philstar Development (*Philstar*). He claimed that the subject property was sold to him by Jorge V. Capinpin (*Jorge*) purporting to be the son and sole heir of Candida Capinpin (*Candida*), whose name appears on Transfer Certificate of Title (TCT) No. T-35202.⁴ Petitioner possessed a Deed of Sale and a photocopy of TCT No. T-35202. On the other hand, respondent First Jia was a holder of TCT No. 039-2013002707⁵ issued in its name, covering the same property as that of petitioner’s TCT.⁶

After trial, the RTC dismissed the complaint and ruled that the Torrens title under the name of respondent First Jia is indefeasible and carries more weight than the unregistered Deed of Sale of petitioner. The court *a quo* found that the indefeasibility of respondent First Jia’s title over the property

¹Rollo, pp. 36-43; penned by Associate Justice Priscilla J. Baltazar-Padilla with Associate Justices Pedro B. Corales and Geraldine C. Fiel-Macaraig, concurring.

²Id. at 46-47.

³Id. at 115-143; penned by Judge Crisostomo J. Danguilan.

⁴Id. at 199-200.

⁵Id. at 189-190.

⁶Id. at 37-38.

was strengthened by the prior entry of the TCT of the latter's predecessors-in-interest, Ramon C. Santos, et al., which was made on July 14, 1992, while that of Candida was recorded only on July 9, 1993.⁷ It was also declared that the cause of action of petitioner was weakened by the cancellation of TCT No. 35202 for being spurious. Thus, the Deed of Sale covering the same did not vest petitioner any right over the property.⁸

On appeal to the CA, the petition was dismissed for failure of petitioner to prove that he had any right over the property in question. To start with, respondent First Jia's ownership was evidenced by a Torrens title in its name, while petitioner only had a Deed of Sale which was not even registered. As to the assertion that petitioner was an innocent purchaser for value, the CA found the same unmeritorious. There were red flags that could have prevented this, had petitioner only exercised due diligence in the purchase of the subject property. First, Jorge gave him only a photocopy of the TCT, yet he did not even bother demanding the original copy. While petitioner claimed that upon verifying from Jorge, he was told it was undergoing judicial reconstitution, he, however, failed to present any evidence to support the same. Second, the photocopied TCT was still under the name of late Candida and petitioner failed to ask Jorge for proof that he was indeed the sole heir who had authority to dispose of the same, such as an Affidavit of Self-Adjudication. Petitioner, likewise, did not verify from the Land Registration Authority the validity of TCT No. T-35202, which had apparently been declared dubious even before the Deed of Sale was executed between him and Jorge.⁹

Petitioner anchors his entitlement to an injunctive relief on his claim of ownership by virtue of the Deed of Sale between him and Jorge.

The Court's Ruling

The petition has no merit.

At the outset, the determination of entitlement to a writ of injunction is factual as it entails the assessment of the evidence presented showing the rights of the parties. In *Bank of the Philippine Islands v. Judge Hontanosas, Jr.*,¹⁰ the Court ruled that "the trial courts are given generous latitude to act on applications for the injunctive writ for the reason that conflicting claims in an application for the writ more often than not involve a factual determination that is not the function of the appellate courts[.]"¹¹ Thus, the

⁷ Id. at 39.

⁸ Id.

⁹ Id. at 40-41.

¹⁰ 737 Phil. 38 (2014).

¹¹ Id. at 55.

exercise of sound discretion by the issuing courts in injunctive matters ought not to be interfered with except when there is manifest abuse.¹²

Injunction is a judicial writ, process or proceeding whereby a party is ordered to do or refrain from doing a certain act. It may be the main action or merely a provisional remedy for and as an incident in the main action.¹³

The main action for injunction is distinct from the provisional or ancillary remedy of preliminary injunction which cannot exist except only as part or an incident of an independent action or proceeding. As a matter of course, in an action for injunction, the auxiliary remedy of preliminary injunction, whether prohibitory or mandatory, may issue. Under the law, the main action for injunction seeks a judgment embodying a final injunction which is distinct from, and should not be confused with, the provisional remedy of preliminary injunction, the sole object of which is to preserve the *status quo* until the merits can be heard.¹⁴

An injunction as a main action has a permanent effect on the parties; thus, entitlement to such a relief must be clearly established by the complainant.

In this case, petitioner failed to show that he has a better right to be protected over respondents given the fact that respondent First Jia is a holder of a Torrens title while petitioner only possesses a Deed of Sale. Petitioner failed to sufficiently show that the CA committed reversible error that would warrant the exercise of this Court's appellate jurisdiction.

As aptly ruled by the CA, “[i]t is a fundamental principle in land registration that the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. It is conclusive evidence with respect to the ownership of the land described therein. It is also settled that the titleholder is entitled to all the attributes of ownership of the property, including possession. Thus, the Court held that the age-old rule is that the person who has a Torrens title over a land is entitled to possession thereof.”¹⁵

Furthermore, the Transfer Certificate of Title that respondent is holding cannot be collaterally attacked in this action for injunction.

To stress, an injunction will not issue to protect a right not *in esse*, or a right which is merely contingent and may never arise; or to restrain an act

¹² Id.

¹³ *Bacolod City Water District v. Hon. Labayen*, 487 Phil. 335, 346 (2004).

¹⁴ Id. at 346-347.

¹⁵ *Rollo*, p. 40.

which does not give rise to a cause of action.¹⁶ Indeed, a right, to be protected by injunction, means a right clearly founded on or granted by law or is enforceable as a matter of law.¹⁷

WHEREFORE, premises considered, the petition is **DENIED**. The July 17, 2019 Decision and October 16, 2019 Resolution of the Court of Appeals in CA-G.R. SP No. 160030 dismissing the complaint for injunction are **AFFIRMED**.

SO ORDERED.”

Very truly yours,

Misael D C Batt
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Division Clerk of Court
7/1/2020

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 21, Malolos City, Bulacan
(Civil Case No. 671-MM-2015)

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/s/oy

¹⁶ *City Government of Butuan v. Consolidated Broadcasting System (CBS), Inc.*, 651 Phil. 37, 55 (2010).
¹⁷ *Id.*