



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **September 8, 2020** which reads as follows:*

“G.R. No. 250870 (*Invictus Food Products Corporation, Romulo Espiritu, Evelyn Espiritu, Ma. Rowena E. Manaloto, Jayson Romell M. Espiritu, and Shara Lee R. Espiritu v. Sandpiper Spices & Condiments Corp.*)

Respondent Sandpiper Spices & Condiments Corporation (Sandpiper) filed a complaint for damages and applied for the issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction against petitioners Invictus Food Products Corporation (Invictus), Romulo Espiritu, Evelyn Espiritu, Ma. Rowena E. Manaloto, Jayson Romell M. Espiritu, and Shara Lee R. Espiritu (Espiritus). Sandpiper essentially alleged that: (1) Invictus is a mere alter-ego of New RBW Marketing, Inc. (RBW); (2) petitioners violated Section 37 of the Distribution Agreement entered into by Sandpiper and RBW on March 18, 2009 when it distributed competing products during the lifetime of such agreement and within the three (3)-year non-compete period thereafter; and (3) petitioners violated Section 51 of the Distribution Agreement when Invictus hired Laurence Marvin Quines, a former employee of Sandpiper, within the three (3)-year non-hire period.¹

Hon. Gregorio L. Vega, Jr., Presiding Judge of Branch 157, Regional Trial Court (RTC) for Pasig City, granted the assailed Writ of Preliminary Injunction² on April 24, 2017. By Decision³ dated February 7, 2019, the Court of Appeals affirmed. Petitioners’ Motion for Reconsideration was denied by Resolution⁴ dated November 25, 2019.

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¹ *Rollo*, pp. 41-43.

² *Id.* at 43.

³ *Id.* at 40-48.

⁴ *Id.* at 49-50.

Petitioners now seek affirmative relief from the Court via a petition for review on certiorari. Petitioners insist that Sandpiper is not entitled to an injunctive relief. Invictus is not a mere conduit of individual petitioners and RBW and, thus, is not bound by the contract between Sandpiper and RBW.⁵

The petition lacks merit.

We note that the present petition merely involves the trial court's issuance of a writ of preliminary injunction effective during the pendency of the case. The sole issue raised herein has, thus, been rendered **moot and academic** by virtue of the trial court's Order⁶ dated November 16, 2017, the dispositive portion of which reads:

WHEREFORE, for the foregoing reasons and considerations, Plaintiff Sandpiper's Urgent Motion for Partial Summary Judgment is hereby **GRANTED** and a summary judgment is hereby rendered finding Defendants New RBW Marketing Inc., Invictus Food Products Corporation, Romulo H. Espiritu, Evelyn Espiritu, Ma. Rowena E. Manalota, Jayson Romell M. Espiritu, Shara Lee R. Espiritu and Lawrence Marvin E. Quines in breach of their respective obligations under Sec. 37 and Sec. 51 of the aforementioned Distribution Agreement and, thus, liable for damages to Plaintiff Sandpiper Spices & Condiments Corporation, the actual amount of such damages in the process of being presented and heard in the on-going hearings of this case by this Court. In this connection, the writ of preliminary injunction earlier issued by this Court is hereby deemed considered and ordered to be a PERMANENT INJUNCTION by virtue of this summary judgment, with the aforesaid Defendants and/or any persons acting in their behalf PERMANENTLY ENJOINED from any of the acts specified in this Order and considered as in violation of Sec. 37, Sec. 51 and any related provisions of the Distribution Agreement of the parties based and subject to the terms and conditions thereof as provided therein.

SO ORDERED.⁷

As the issue to be resolved herein is merely in relation to the incidents of the main case filed before Branch 157, RTC for Pasig City, the petition has, thus, become moot and academic. Considering a

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⁵ *Id.* at 11-24.

⁶ *Id.* at 204-230.

⁷ *Id.* at 230.

decision on the merits has already been rendered, which includes in its disposition a permanent injunction, the proper remedy is an appeal from the decision in the main case.⁸

More, petitioners merely reiterate the argument that Sandpiper is not entitled to an injunctive relief. This is a factual issue which requires a review of the evidence, thus, is beyond the ambit of Rule 45 of the Rules of Court. It is settled that the Court, is not a trier of facts. Hence, it will not take cognizance of factual issues which require the presentation and appreciation of the parties' evidence.⁹ While this rule admits of exceptions,¹⁰ petitioners have not sufficiently proven that their case falls under any of such exceptions.

In any event, the trial court's factual findings, when affirmed by the Court of Appeals, are binding and conclusive on this Court.¹¹ Here, both the trial court and the Court of Appeals found that Sandpiper was able to sufficiently prove that it was entitled to injunctive relief. There is nothing in the records that indicate that such findings were tainted with arbitrariness, capriciousness, or palpable error, thus, the factual findings of the lower courts must stand.

WHEREFORE, the petition is **DENIED**. The Decision dated February 7, 2019 and Resolution dated November 25, 2019 of the Court of Appeals in CA-G.R. SP No. 152927 are **AFFIRMED**.

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⁸ *Zuneca Pharmaceutical, et al., v. Natrapharm, Inc.* 773 Phil. 60, 71 (2015).


⁹ *Republic of the Philippines v. Sps. Darlucio*, G.R. No. 227960, July 24, 2019.

¹⁰ *Okonomos Intl. Resources Corp. v. Navaja, Jr.*, 774 Phil. 457, 467 (2015). The exceptions to the general rule that the Court is not a trier of facts are: (1) the conclusion is grounded on speculations, surmises, or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the CA are contrary to those of the trial court; (9) the CA manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the CA are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.

¹¹ *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 537 (2015).

SO ORDERED.” *Lopez, J., took no part; Gaerlan, J., designated Additional Member per Raffle dated August 19, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *9/11/20*

by:

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