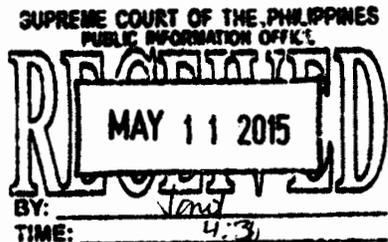




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 16, 2015** which reads as follows:*

**“G.R. No. 215286 (Harbour Centre Port Terminal, Inc. v. Home Guaranty Corporation).** – The petitioner’s first and second motions for extension totaling twenty five (25) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the November 11, 2013 Decision<sup>1</sup> and November 5, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 124382 for failure of Harbour Centre Port Terminal, Inc. (petitioner) to show that the CA committed any reversible error in finding that there exists no clear legal right on their part which ought to be protected by the issuance of an injunctive writ.

As correctly found by the CA, no specific act on the part of respondent Home Guaranty Corporation was adverted to as having violated or would prejudice petitioner’s right. Moreover, the established violation of the provisions of the Contract of Usufruct rendered petitioner’s right over Lot 1, Block 23 of the Manila Harbour Center doubtful and mistakable. It is axiomatic that to be entitled to the injunctive writ, one must show that there exists a clear legal right<sup>3</sup> to be protected which is directly threatened by the act sought to be enjoined.<sup>4</sup> In the absence of these requisites, as in the present case, the denial of an application for a writ of injunction is proper.

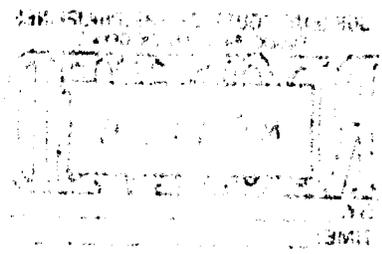
<sup>1</sup> *Rollo*, pp. 42-51. Penned by Associate Justice Stephen C. Cruz with Associate Justices Magdangal M. de Leon and Myra V. Garcia-Fernandez, concurring.

<sup>2</sup> *Id.* at 52-53.

<sup>3</sup> A clear legal right means one clearly founded in or granted by law or is enforceable as a matter of law (*Australian Professional Realty, Inc. v. Municipality of Padre Garcia, Batangas Province*, G.R. No. 183367, March 14, 2012, 668 SCRA 253, 262)

<sup>4</sup> *Corinthians Gardens Ass’n, Inc. v. Sps. Tanjangco, et al.*, 578 Phil. 712, 721 (2008).

**SO ORDERED.” SERENO, C.J.**, on official travel. **BRION, J.**, designated acting member per S.O. No. 1947 dated March 12, 2015.



Very truly yours,

~~\_\_\_\_\_~~  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
8<sup>30</sup> 13

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Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 124382)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 146  
1200 Makati City  
(Civil Case No. 11-623)

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