



Republic of the Philippines
COURT OF APPEALS
Manila

TWELFTH DIVISION

NATRAPHARM, INC.,

Petitioner,

--versus--

**ZUNECA PHARMACEUTICAL,
AKRAM ARAIN, AND VENUS
ARAIN, M.D.,**

Respondents.

CA-G.R. SP NO. 132140

Members:

DIMAAMPAO, J.B.,
Chairperson

**YBAÑEZ, E.A., and
SALANDANAN-MANAHAN, C., JJ.**

Promulgated:

October 16, 2014

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R E S O L U T I O N

SALANDANAN-MANAHAN, C., J.

Submitted for our resolution is a *Motion for Reconsideration*,¹ filed by the petitioner, through its counsel seeking to reconsider our July 25, 2014 *Decision*,² the dispositive portion of which reads as follows:

“WHEREFORE, premises considered, the Petition for Indirect Contempt and the Counter-Petition filed by the respondents are both **DISMISSED for lack of merit.**”³

The *Motion for Reconsideration* is anchored on the following grounds:

- a) *It is error to rule that implementing the injunction in CA-GR. SP No. 103333 through the exercise of contempt powers, is interference with the jurisdiction of the Supreme Court which is presently reviewing CA-GR. SP No. 103333.*
- b) *It is error to rule that the injunction remains*

1 Rollo, pp. 309-324.

2 Rollo, pp. 290-301.

3 Rollo, p. 300.

operative as a result of the trial court's decision on the merits sustaining the injunction, which decision automatically converts the injunction into a permanent one that is immediately executory.

- c)** *It is error to rule that CA-GR SP No. 103333 is not yet executory.*
- d)** *It is error to rule that this Hon. Court cannot enforce the injunction in the absence of bond.*
- e)** *It is error to rule that lack of internal rules in the Court of Appeals governing this Hon. Court's contempt powers prevents the exercise of the power to cite parties for indirect contempt.*
- f)** *It is error not to rule that enforcement of the injunction is justified not only to punish for disobedience to the lawful order of this Hon. Court, but for exposing the public to the danger of mechanic switching.⁴*

In a *Resolution* dated August 28, 2014,⁵ this Court required the petitioner to file its *Comment* on the *Motion for Reconsideration*. In compliance with the said *Resolution*, the respondents filed their *Comment/Opposition*⁶ on September 8, 2013 wherein they argued that the arguments posed by the petitioner do not deserve the slightest consideration of this Court because they are a mere rehash of the arguments raised in its *Petition*.

We have reviewed the grounds relied upon by the petitioner in support of its *Motion for Reconsideration* but we find no cogent reason to grant the same. The issues raised and the arguments contended in the subject *Motion* are the same issues and arguments presented in the *Petition for Indirect Contempt* which have already been passed upon, discussed and judiciously resolved in the aforementioned *Decision*.

WHEREFORE, premises considered, the *Motion for Reconsideration* is **DENIED** for lack of merit.

4 Rollo, pp. 309-310.

5 Rollo, p. 368.

6 Rollo, pp. 369-380.

SO ORDERED.

CARMELITA SALANDANAN-MANAHAN
Associate Justice

WE CONCUR:

JAPAR B. DIMAAMPAO
Associate Justice

ELIHU A. YBAÑEZ
Associate Justice