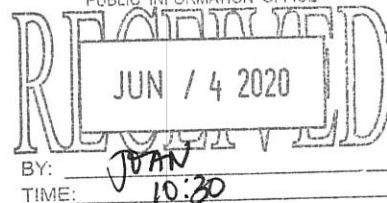




Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **January 22, 2020** which reads as follows:

“G.R. No. 248542 – ATTY. DUPIL F. GARCIA, petitioner, versus THE HONORABLE CLERK OF COURT & EX-OFFICIO SHERIFF OF THE PASIG CITY REGIONAL TRIAL COURT, INCLUDING ALL HIS DEPUTIES, SHERIFF JOMAR A. TOMAS, in his capacity as Sheriff of Pasig City Regional Trial Court – Branch 71, THE HONORABLE PASIG CITY REGIONAL TRIAL COURT – BRANCH 71, ATTY. ERICSON O. ANG, EDGARD O. ANG, MYEONGKYU EMKEI YOU and THE REGISTRY OF DEEDS OF PASIG CITY, respondents.

After a careful review of the instant Petition and its annexes, as well as the February 26, 2019¹ and July 5, 2019² Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 158861, the Court resolves to **DENY** the same for lack of merit.

The CA correctly held that it has no jurisdiction to entertain original actions for injunction. In *Allgemeine-Bau-Chemie Phils., Inc. v. Metropolitan Bank & Trust Co.*,³ the Court held:

An original action for injunction is outside the jurisdiction of the Court of Appeals, however. Under B.P. 129, the appellate court has original jurisdiction only over actions for annulment of judgments of the RTCs and has original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus and quo warranto, and auxiliary writs or processes whether or not they are in aid of its appellate jurisdiction.

- over – three (3) pages ...

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¹ *Rollo*, pp. 35-39. Penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Danton Q. Bueser and Rafael Antonio M. Santos.

² *Id.* at 41-43.

³ 517 Phil. 451 (2006).

The appellate court's jurisdiction to grant a writ of preliminary injunction is limited to actions or proceedings pending before it, as Section 2 of Rule 58 of the Rules clearly provides:

SECTION 2. Who may grant preliminary injunction. — A preliminary injunction may be granted by the court where the action or proceeding is pending. x x x

or in a petition for *certiorari*, prohibition or *mandamus* under Section 7 of Rule 65, thus:

SECTION 7. Expediting proceedings; injunctive relief. — The court in which the petition is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. The petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case. x x x⁴

If the Regional Trial Court had abused its discretion in issuing a writ of execution, petitioner should have challenged the same through a Rule 65 petition for *certiorari* in accordance with the Rules of Court.⁵ As petitioner availed of the wrong remedy, the CA correctly dismissed the petition for lack of jurisdiction.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court
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DJCP LAW OFFICE
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Court of Appeals (x)
Manila
(CA-G.R. SP No. 158861)

- over -

⁴ Id. at 458. Underscoring supplied; emphasis omitted.

⁵ See RULES OF COURT, Rule 41, Section 1.



The Clerk of Court &
Ex-Officio Sheriff
Regional Trial Court
1600 Pasig City

Sheriff Jomar A. Tomas
Regional Trial Court, Branch 71
1600 Pasig City

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1502 San Juan City

Myeongkyu Emkei You
Respondent
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Lapu-Lapu Avenue, Magallanes
1232 Makati City

Registry of Deeds of Pasig City
Respondent
3rd Floor, Pasig City Hall, City Hall
Compound, 1600 Pasig City

The Hon. Presiding Judge
Regional Trial Court, Branch 71
1600 Pasig City
(Civil Case No. 70212)

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