JESUS D. BAYLON, JR., CORAZON D. BAYLON (MOTHER) AND CORAZON D. BAYLON (DAUGHTER), PETITIONERS, VS. HON. EMILY R. ALIÑO-GELUZ, IN HER CAPACITY AS PRESIDING JUDGE OF BRANCH 255, ...

Ponente: VELOSO, J.

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VELOSO, J.:

The Case

Before Us is a Petition for Injunction[1] filed by Corazon D. Baylon ("Mother") and her children, namely: Corazon D. Baylon ("Daughter") and Jesus Baylon, Jr. ("Jesus"). They seek to restrain herein respondents Judge Emily R. Aliño-Geluz, in her capacity as Presiding Judge of Branch 255, Regional Trial Court, Las Piñas City, ("respondent Judge") and Deputy Sheriff Roberto T. Galing ("Deputy Sheriff") from implementing the Writ of Execution dated February 12, 2013 which was issued pursuant to the RTC's Decision dated August 30, 2012 in Civil Case No. 12-0085, entitled "Ernesto V. Estrella represented by Virginia R. Lobo, Plaintiff-Appellee, versus Jesus Baylon, Jr. and Corazon Baylon, Defendants-Appellees."

The Facts

This case involves a parcel of land situated at #60 Apacible Street, Philamlife Village, Las Piñas City, originally covered by Transfer Certificate of Title No. 111700,[2] as registered in the names of Rosemarie D. Baylon, Ma. Fatima D. Baylon, Jesus D. Baylon, Jr. and Corazon D. Baylon.[3] Allegedly, the subject property was, through fraud and machination, mortgaged by Ma. Fatima Baylon ("Fatima") to Labrador Credit Corporation in the amount of P2,000,000.00.[4] When the loan was not paid, the mortgage was foreclosed and the title thereof was transferred to Labrador Credit Corporation under TCT No. 005-2011002511.[5] Thereafter, the property was sold to herein private respondent Ernesto Estrella.[6]

On October 17, 2011, petitioners Corazon Baylon, both mother and daughter, filed a Complaint for Annulment of Extrajudicial Settlement of Estate, Sales, Deed of Mortgage and Cancellation of Titles[7] before the Regional Trial Court of Las Piñas City[8] ("RTC") against Ma. Fatima D. Baylon, Labrador Credit Corporation, Ernesto V. Estrella, Rosemarie D. Baylon and Jesus Baylon, Jr., assailing the alleged fraudulent transfer of the subject property and seeking reconveyance of its ownwership. The case was docketed as Civil Case No. CV-LP-11-0077.

Ernesto Estrella, on the other hand, filed a separate Complaint for Ejectment plus Damages[9] before the Metropolitan Trial Court of Las Piñas City[10] ("MeTC") against Jesus Baylon, Jr. and Corazon Baylon, on the basis of a Deed of Absolute Sale[11] executed by and between Labrador Credit Corporation and himself. The case was docketed as Civil Case No. 8005.

On August 30, 2012, the MeTC rendered its Decision,[12] viz.:

> "WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff and against the defendants as follows:

1. Granting physical possession of the subject property to plaintiff;

2. Ordering the defendants and all persons claiming rights under them to vacate the property located at No. 60 Apacible St., Philam Village, Las Piñas City, covered [by] Transfer Certificate of Title No. 005-2012001417, and turn over possession thereof to plaintiff;

3. Ordering the defendants to pay plaintiff the following amounts, to wit:

(a) Twenty thousand pesos (P20,000.00) per month as reasonable compensation for the use and occupation of the subject property commencing on November 11, 2011 until the defendants actually vacate the same and turn over possession thereof to plaintiff.

(b) Twenty thousand pesos (P20,000.00) as attorney's fees plus Three thousand pesos (P3,000.00) per hearing as appearance fee;

a. The costs of suit.

Defendants' counterclaim is dismissed for lack of merit.

SO ORDERED."[13] (emphasis supplied)

Aggrieved, Jesus and Corazon Baylon appealed to the RTC.[14] They paid the required supersedeas bond but the ordered P20,000.00 monthly compensation was not complied with.[15] Hence, on January 22, 2013, Estrella fled a Motion for Execution for Failure to Make Periodic Deposits Pending Appeal.[16]

On February 8, 2013, the RTC issued an Order[17] which, among other things, directed the issuance of a writ of execution against Jesus and Corazon Baylon, and all persons who are claiming rights under them, to vacate the subject property.[18]

Jesus and Corazon Baylon moved for the reconsideration of the February 8, 2013 Order.[19] However, on February 12, 2013, the Branch Clerk of Court of the RTC issued the herein assailed Writ of Execution,[20] directing the Deputy Sheriff to cause the execution of the aforesaid Order. Consequently, a Notice to Vacate[21] was issued by the Deputy Sheriff on February 13, 2013.

Hence, this petition by Corazon Baylon, et. al. praying, viz.:

> "WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court that Temporary Restraining Order and thereafter, writ of Preliminary Injunction be issued restraining the public and private respondents from implementing the writ of execution dated February 12, 2013 until and after the motion for reconsideration of the order granting the motion for execution with motion to deposit accrued rentals is resolved with finality."[22]

OUR RULING

Preliminarily, We have to distinguish the main action for injunction from the provisional or ancillary remedy of preliminary injunction which cannot exist except only as part of or as an incident of an independent action or proceeding.[23] As a matter of course, in an action for injunction, the auxiliary remedy of preliminary injunction, whether prohibitory or mandatory, may issue.[24] 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.[25]

Clearly, what We have here is an original action for preliminary injunction which is a provisional and extra-ordinary remedy calculated to preserve or maintain the status quo of things and is availed of to prevent actual or threatened acts, until the merits of the main case can be heard.[26] But absent a main case, We cannot

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issue such preliminary injunction.

On the other hand, it bears stressing that an original action for injunction is outside the jurisdiction of this Court. 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.[27]

Verily, the appellate court's jurisdiction to grant a writ of preliminary injunction is limited to actions or proceedings pending before it, [28] Section 2 of Rule 58 of the Rules being clear:

> "SECTION 2. Who may grant preliminary injunction. — A preliminary injunction may be granted by the court where the action or proceeding is pending..." (emphasis supplied),

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

> "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." (emphasis supplied)

Here, Civil Case No. 12-0085 – from which the assailed February 12, 2013 Writ of Execution was issued – is pending before Branch 255 of Las Piñas City RTC, not with this Court. Neither does the petition before Us show or allege that the RTC, in issuing the subject Writ of Execution, acted without or in excess of its jurisdiction or with grave abuse of discretion in order that it could be treated as either a petition for certiorari or prohibition. Hence, for want of jurisdiction, the instant petition must outrightly be dismissed.

WHEREFORE, the petition is DENIED for lack of jurisdiction.

SO ORDERED.

Lantion, and Antonio-Valenzuela, JJ., concur.

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[1] Rollo, pages 3-17.

[2] Rollo, pages 65-69.

[3] Ibid., page 65.

[4] Ibid., page 4.

[5] Ibid., page 78.

[6] Ibid., pages 81-82.

[7] Ibid., pages 18-25.

[8] Branch 201.

[9] Rollo, pages 26-28.

[10] Branch 79.

[11] Rollo, pages 30-31.

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[12] Ibid., pages 92-102.

[13] Ibid., page 101.

[14] Ibid., page 7.

[15] Ibid.

[16] Rollo, pages 103-105.

[17] Ibid., page 106.

[18] Ibid.

[19] Ibid., pages 107-110.

[20] Ibid., pages 111-112.

[21] Ibid., page 113.

[22] Ibid., page 10.

[23] Bacolod City Water District vs. Labayen, 446 SCRA 110, 122 (2004).

[24] Note 23, supra.

[25] Ibid., citing Urbanes, Jr. v. CA, G.R. No. 117964, March 28, 2001, 355 SCRA 537.

[26] Allgemeine-Bau-Chemie Phils., Inc. vs. MetroBank & Trust Co., G.R. No. 159296, February 10, 2006.

[27] Ibid., citing Batas Pambansa Blg. 129, AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES, Section 9 thereof provides: SEC. 9. Jurisdiction. — The Intermediate Appellate Court shall exercise: (1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction; (2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts;

[28] Ibid.

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