

**SALVE R. OCAYA, PETITIONER, VILLON, S.E., CHAIRPERSON VS.  
HONORABLE MANUEL A. ROXAS II, AS THE SECRETARY OF THE  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT,  
HONORABLE CONCHI...**

Ponente: VILLON, J.

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**VILLON, J.:**

Before Us is an original Petition For Injunction (With Prayer For the Issuance Of A Preliminary Injunction And/Or Temporary Restraining Order) filed by herein petitioner praying that:

“WHEREFORE, it is most respectfully prayed of this Honorable Court to GIVE DUE COURSE to this Petition and forthwith;

“(1). To immediately ISSUE a Temporary Restraining Order and /or Writ of Preliminary Injunction to enjoin and restrain the respondents from ousting the petitioner from (sic) as the municipal vice-mayor of Donsol, Sorsogon and to likewise enjoin and restrain respondent Alim from usurping office of the Municipal vice-mayor of Donsol, Sorsogon and from performing its functions pending the final determination of the petitioner's motion for reconsideration in OMB-L-A-06-0777-J;

“(2) After hearing, to RENDER Judgment as follows:

(a) DECLARING the Preliminary Injunction and /or Writ of Preliminary Injunction as, permanent;

(b) ENJOINING and RESTRAINING perpetually the respondents from implementing or causing the implementation of the Decision in OMB-L-A- 06-0777-7, until the final determination of the petitioner's Motion for Reconsideration from it;

(c) ADJUDGING the Oath of Office of respondent Alim as, nul and void;”[1]

It is basic that We have original jurisdiction only over actions for annulment of judgments of the Regional Trial Courts (RTCs), as well as for the issuance of writs of mandamus, prohibition, certiorari, habeas corpus and quo warranto, including auxiliary writs or processes whether or not in aid of Our appellate jurisdiction. Also, this Court's jurisdiction to grant a writ of preliminary injunction is limited to actions or proceedings with Us.[2]

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 (Emphasis supplied)

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. (Emphasis supplied)”

Verily, an original action for injunction is outside the jurisdiction of the Court of Appeals. 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.[3]

WHEREFORE, in view of this Court's want of jurisdiction, the instant Petition is hereby DISMISSED outright..

**SO ORDERED.**

Macalino, F.S., and [\*]Inting, S.B., JJ., concur.

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[\*] Vice Justice P.B. Corales per Office Order No. 161-14-AGT dated April 24, 2014

[1] Rollo, pp. 14-15

[2] *Allgeme-Bau- Chemie Phils. Inc. vs. Metropolitan Bank & Trust Co.*, 482 SCRA 247; B.P. 129

[3] Batas Pambansa Blg. 129, AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREOF, AND FOR OTHER PURPOSES. Section 9 thereof provides:

Section 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.

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