

**ATTY. ARIEL D. MAGLALANG, PETITIONER, V. SHERIFF EULOGIO T. MONDIDO, RTC BRANCH 57, MAKATI CITY, HON. HONORIO E. GUANLAO, JR., PRESIDING JUDGE, RTC BRANCH 57, MAKATI CITY
& BPI ...**

Ponente: DE GUIA-SALVADOR, R., J.

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DE GUIA-SALVADOR, R., J.:

The Court resolves to DISMISS outright the instant petition for the issuance of a temporary restraining order (TRO) and writ of preliminary injunction.[1]

A mere provisional remedy, a preliminary injunction is an order granted at any stage of an action, prior to the judgment or final order, requiring a party, court, agency or person to perform (mandatory) or to refrain (prohibitory) from performing a particular act or acts during the pendency of the main action.[2] It is not a cause of action in itself but merely a provisional remedy, an adjunct to a main suit,[3] and can only exist as an incident to a principal action.[4] As an ancillary or preventive remedy, a writ of preliminary injunction may therefore be resorted to by a party to protect or preserve his rights or interests and for no other purpose during the pendency of the principal action.[5] The writ is provisional because it constitutes a temporary measure availed of during the pendency of the action and it is ancillary because it is a mere incident in and is dependent upon the result of the main action.[6] Needless to state, unless interwoven with a principal action, the application for TRO and preliminary injunction at bench is subject to summary dismissal.

WHEREFORE, the petition at bench is hereby DISMISSED.

SO ORDERED.

Garcia and Bueser, JJ., concur.

[1] Rollo, pp. 5-6.

[2] *Dungog vs. Court of Appeals*, 408 SCRA 267.

[3] *Estares vs. Court of Appeals*, 459 SCRA 604; *Mabayo Farms, Inc. vs. Court of Appeals*, 386 SCRA 110.

[4] *Bacolod City Water District vs. Labayen*, 446 SCRA 110.

[5] *Republic vs. Evangelista*, 466 SCRA 544.

[6] *Buyco vs. Baraquia*, G.R. No. 177486, December 21, 2009.

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