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PART TWO - Provisional Remedies

Common Rules

1. Provisional remedies are:

(1) Those to which parties litigant may resort for the preservation or protection of their rights or interest, and for no other purpose during the pendency of the action.

(2) They are applied to a pending litigation, for the purpose of securing the judgment or preserving the status quo, and in some cases after judgment, for the purpose of preserving or disposing of the subject matter.²⁸⁴

2. The provisional remedies are

(1) Attachment (Rule 57);

(2) Preliminary Injunction (Rule 58);

(3) Receivers (Rule 59);

(4) Replevin (or delivery of private property) (Rule 60); and

(5) Alimony Pendente Lite (Rule 61).

Affidavits are required to support the issuance of any of these remedies and, with the exception of alimony pendente lite, a bond to answer for damages by reason of the improvident issuance of the writ. Recovery of damages from the bond is governed by Rule 57, Section 20.²⁸⁵

²⁸⁴ Calo v. Roldan, 76 Phil. 445 [1946].

²⁸⁵ Rules of Court, Rule 58, Sec. 8; Rule 59, Sec. 9; Rule 60, Sec. 10.

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