

L. J. MADARANG ET AL., PETITIONERS, VS. FRANCISCO SANTAMARIA, JUDGE OF FIRST INSTANCE OF ILOCOS SUR, AND DIONISIO ABAYA ET AL., RESPONDENTS.

G.R. No. 13316. December 11, 1917

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an original action commenced in the Supreme Court. It was entitled "United States, petitioner, vs. The Court of First Instance et al., respondents." It was a civil action and should not have been entitled as thus indicated. From a reading of the petition, however, it appears that it was an action by the said Madarang et al. vs. The Judge of the Court of First Instance et al. It was an original action for the writ of injunction. The prayer was, first, for a preliminary injunction, and second, for a perpetual injunction. The prayer of the petition is as follows:

"For the aforementioned considerations, the petitioner prays that this Supreme Court issue a writ of preliminary injunction against the respondents and that after the necessary legal proceedings it render decision against them, issuing a perpetual injunction for the same purpose, and staying the respondents from disturbing the rights and properties involved in these proceedings, sentencing them besides to pay the amount of P40,000 as damages, and the costs of these proceedings."

We have frequently held, in accordance with the provisions of section 17 of Act No. 136, that the Supreme Court does not have original jurisdiction, in an action brought for that purpose, to grant a remedy by injunction. Said section provides that the Supreme Court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, habeas corpus, and quo warranto. No provision is made for the granting of the writ of injunction as an original action in the Supreme Court.

An application for a preliminary injunction will be denied by the Supreme Court unless the same is petitioned for in connection with some other remedy or in an action actually pending in that court. (*Diokno vs. Reyes*, 7 Phil. Rep., 385; *Garcia Gavieres vs. Robinson*, 8 Phil. Rep., 332; *International Banking Corporation vs. De Leon*, R. G. No. 2843, Nov. 15, 1905, not published.)

For the foregoing reasons, therefore, the petition is hereby denied, with costs. So ordered.

Arellano, C J., Torres, Carson, Araullo, Street, Malcolm, and Avancena JJ., concur.

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