

[With resolution of September 24, 1962]

G.R. Nos. L-17481, L-17537, and 17559. August 15, 1961

Ponente: NATIVIDAD, J.

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NATIVIDAD, J.:

These cases are now before this Court on the petition filed by the petitioners under date of June 10, 1961, asking that the manager of the Moncada Bonded Warehouse and respondent Faustino F. Galvan be declared in contempt of court and punished accordingly.

It appears that, upon motion, this Court, on January 6, 1961, issued a resolution of the following tenor:

"In cases L-17481 and L-17537 to 17559 (Liberata Antonio Estrada, et al. vs. Court of Agrarian Relations and Faustino Galvan), considering the motion, and opposition thereto, that the owner or manager of the Moncada Bonded Warehouse be ordered to release and give to petitioners-appellants the remaining deposits—10% of the net produce of the first crop minus P300 and 15% of the net produce of the second crop minus P200, the court resolved to grant the motion, without prejudice to subsequent accounting."

that on April 12, 1961, this Court, passing upon a motion filed by the petitioners in which they alleged that the manager of the Moncada Bonded Warehouse had refused to comply with the above resolution unless "the original of the receipts of palay deposits be presented and surrendered to him," issued another resolution which provides:

"In cases L-17537 to 17559 (Liberata Antonio Estrada, et al., vs. Court of Agrarian Relations, et al.), considering the petitioner's motion dated March 18, 1961, and the respondents' opposition thereto, the court resolved to order respondent Faustino Galvan to surrender the original of the receipts of the palay deposits to the manager or owner of the Moncada Bonded Warehouse, Moncada, Tarlac."

that the manager of the Moncada Bonded Warehouse and respondent Faustino F. Galvan were duly served with notice of the above resolutions, and that notwithstanding such service of notice and in spite of repeated demands, the manager of the Moncada Bonded Warehouse and respondent Faustino F. Galvan refused and still refuse to comply with the above orders of this Court, the former, for the reason that petitioners could not surrender to him the original of the warehouse receipts issued for the palay in question, and the latter, because, as he alleged in his answer to the motion for contempt, he could not locate any more said receipts "as they were scattered, misplaced, destroyed or lost when the contents of the Office of said respondent-appellee, Faustino F. Galvan, in the Galvan-Cabrera Building in Ylaya Street, Manila, were being desperately evacuated therefrom during the fire which burned the Divisoria market and said Galvan-Cabrera Building in Ylaya Street, Manila, in the latter part of May, 1961."

The excuses respectively offered by the manager of the Moncada Bonded Warehouse and respondent Faustino F. Galvan are not without some merits. The former unquestionably had the right to protect the interests of the bonded warehouse of which he was manager, as the warehouse receipts issued for the palay in question might have been negotiated for value in favor of innocent third parties; and the latter, or Faustino F. Galvan, might have in fact lost said warehouse receipts in the manner above stated, for his allegation to that effect in his answer to

petitioners' motion for contempt until now has not been contradicted. Such incidents, however, do not constitute a valid excuse to evade compliance with the order of this Court that the palay in question be delivered to the petitioners, and, considering that the petitioners, according to the manifestation filed by their counsel under date of August 3, 1961, are in dire need of said palay for their subsistence, our order must be carried out in the meantime that these cases have not been finally decided, in order to ameliorate the precarious situation in which said petitioners find themselves.

Wherefore, it is hereby ordered that the manager or the owner of the Moncada Bonded Warehouse in Moncada, Tarlac, and respondent Faustino F. Galvan release and deliver to the petitioners the portion still remaining to be delivered to them of their shares in the palay involved in these cases, i.e.,

"(a) 10% of the net produce of the first crop minus P300; and

"(b) 15% of the net produce of the second crop minus P200"

which was ordered deposited in said warehouse by the trial court, upon the issuance by said petitioners, or their duly authorized representatives, of the corresponding receipts, without the necessity of producing and surrendering the original of the warehouse receipts issued therefor. It is so ordered.

Padilla, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, and De Leon, JJ., concur.

RESOLUTION

September 24, 1962

LABRADOR, J.:

In an order of the court promulgated on August 15, 1961, we directed the manager or the owner of the Moncada Bonded Warehouse in Moncada, Tarlac and respondent Faustino F. Galvan to release and deliver to petitioners Liberata Antonio Estrada, et al., the portions still remaining to be delivered to them in their shares of the palay in these cases, i. e., (a) 10% of the net produce of the first crop minus P300 and (b) 15% of the net produce of the second crop minus P200. On January 21, 1962, counsel for petitioners Liberata Antonio Estrada, et al., filed a motion asking that Faustino F. Galvan and the owner or manager of the Moncada Bonded Warehouse at Moncada, Tarlac be punished for contempt for failure to deliver the shares of the petitioners in the harvest as specified in the preceding order of the court. Respondent Faustino Galvan opposed the motion alleging that the order of the court had already been complied with by delivery of certain specified quantities of palay to the petitioners. On August 14, 1962, counsel for the petitioners filed before us a manifestation claiming that respondents Galvan and the owner or manager of the Moncada Bonded Warehouse have not delivered the exact amount to which the petitioners are entitled under the previous resolution of this Court. Considering that the issues raised in the motion to declare the respondents in contempt and the opposition thereto involve questions of fact i.e., the determination of whether the respective shares of petitioners and the respondent have actually been delivered, copies of the papers already mentioned above are hereby referred to the Honorable Judge of the Court of Agrarian Relations presiding at Moncada, Tarlac, to receive the evidence that the petitioners and the respondents may offer in support of their respective claims and contentions. Said court is hereby ordered to conduct the necessary hearing and make its report and recommendation within ninety (90) days from receipt of this order.

Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala, and Makalintal, JJ., concur.

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