

ANECITO DUMALAGAN, ET AL., PETITIONERS, VS. GAUDIOSO PALANGPANGAN, ET AL., RESPONDENTS.*G.R. No. L-34095. July 29, 1974*

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/212e6e3a1f6e/>**CASTRO, J.:**

The petitioner Anecito Dumalagan and his co-heirs applied for the registration of a parcel of agricultural land situated in barrio Catugasan, Lopez Jaena, Misamis Occidental (Land Registration Case N-53, LRC Record 28222, of the Court of First Instance of Misamis Occidental). The respondents Palangpangan, et al., forty-eight all told, adverse claimants to portions of the property subject of the proceeding, did not enter any formal opposition therein, but hinged their claims on the opposition of the Director of Lands who resisted the application for registration on the ground that the land applied for was part of the public domain. After due hearing, the land registration court rendered a decision awarding the property to Dumalagan and his co-heirs. No appeal appears to have been interposed by the Director of Lands.

A writ of possession was then issued on June 17, 1969 and was served by the sheriff upon Palangpangan, et al., who however paid no heed and continued in possession of their respective holdings. A charge for contempt was filed against the latter by Dumalagan, and Palangpangan, et al. were, after due hearing, found guilty. From this judgment of conviction, an appeal (C.A. GR 10618-CR) was lodged by Palangpangan, et al. with the Court of Appeals.

Notwithstanding their conviction as above-stated, Palangpangan, et al. continued to stay upon the land, prompting the trial court to issue a direct order addressed to them, giving them 30 days within which to leave the premises in question, "otherwise, the provincial sheriff would be ordered to demolish" their houses found upon the land. This latter period lapsed without compliance on the part of Palangpangan, et al.; so the trial court issued on April 7, 1970 a demolition order addressed to the provincial sheriff of Misamis Occidental for execution. In the meantime, Dumalagan found other trespassers on the land who had eluded service of the original writ of possession, and so, at his instance, the trial court issued on April 10, 1970 an alias writ of possession against these other occupants, together with an order for the demolition of their improvements on the property.

Armed with the two orders of April 7 and 10, the sheriff demolished the houses of Palangpangan, et al. The latter nevertheless stayed on the land and rebuilt their houses.

On June 6, 1970 the trial court issued another order directing "the provincial sheriff to eject the adverse occupants on the land and to remove their houses, huts and other personal belongings." Palangpangan, et al. again refused to budge from the land, declaring that "they were told by their lawyer not to vacate." In view of these developments, Dumalagan commenced (a) a second action for contempt against Palangpangan, et al. (the same group which previously had been held in contempt of court for disobeying the original order of eviction dated June 17, 1969) and (b) a separate action for contempt (designated as the third contempt charge) against those occupants of the land who were only later reached by the alias writ of possession. Palangpangan, et al. moved to dismiss these two

charges, but their motion was denied.

They then filed a petition for certiorari with the Court of Appeals which, after due hearing, (a) enjoined the continuation of the proceeding on the second contempt charge, without prejudice to the execution of the order of eviction and demolition, on the ground that the said proceeding is barred by the appeal of Palangpangan, et al. from their conviction in the first contempt case, and (b) declared that there is no legal obstacle to the continuation of the proceeding on the third contempt charge.

The petitioners have come to this Court on appeal by certiorari from the decision of the Court of Appeals. The central issue posed by them is whether the second contempt charge against Palangpangan, et al. may be tried, notwithstanding the pendency of their appeal from their conviction in the first contempt case against them.

In enjoining the continuation of the hearing of the second contempt charge against Palangpangan, et al., the Court of Appeals fully relied upon a syllabus of the case of *Heirs of B.A. Crumb vs. Court of Appeals*[1] which recites:

"Remedial law; Special civil actions; Contempt; Appeal from contempt order which carried with it the order to compel respondents to vacate. — Where the contempt was made out to consist in the respondent's refusal to vacate the land, the appeal from their being declared in contempt necessarily involved or carried with it the appeal from the order to compel them to vacate. Otherwise, their appeal from the contempt would be entirely nugatory, for even if they should be absolved therefrom by the higher court, they would have been ejected just the same, as if contempt had really been committed. Furthermore, the two portions of the questioned order (fine and eviction) are related to each other, the first being coercive upon the privies to obey the second portion and, therefore, the order should not be separated into portions. The order was issued upon a motion for contempt, not upon a motion for execution, and if the order not only held the privies in contempt but also ordered them to vacate and their houses removed, it was to make effective and give substance to the finding for contempt. To split the order into criminal and civil portions will open the door to multiplicity of appeals from a single order."

The Court of Appeals held that the timely appeal of Palangpangan, et al. from their conviction in the first contempt case precludes any further contempt charge arising from their continuing disobedience of the order evicting them from the property in dispute.

We have tested the doctrine laid down in *Crumb* against the factual setting in the case at bar, and we hold that *Crumb* is inapposite. *Crumb* contemplates a situation where the occupants of a real property in dispute "were not parties defendants in the original case" and thus had no opportunity at first instance to be heard by the court. As to these occupants, their appeal in the contempt case arising from their refusal to leave the property is also an appeal from the order ousting them. Any subsequent contempt proceeding against them would then depend on the result of the appeal, for if the order of eviction is void as to them then their resistance to it cannot be regarded as contumacious.

In the case at bar, however, Palangpangan, et al., in the in rem registration proceedings below, actively cast their lot with the Director of Lands who claimed the land in dispute as pertaining to the public domain. As *Crumb* itself held, this latter class of litigants "are concluded by the judgment" of the trial court and no further appeal by them from the order of eviction will lie. Their appeal from their conviction in the first contempt case has only the effect of challenging the finding of the court that they indeed had willfully and maliciously resisted the order of eviction, and is not directed against the validity of the latter order.

The second contempt charge subject of the present appeal was spawned by circumstances quite disparate from those obtaining in the first contempt case. We see no reason, either in logic or law, why the said second contempt charge should not be heard independently of and apart from the first. Whether the Court of Appeals upholds or

reverses the judgment of conviction in the first contempt case can have no bearing on the second contempt charge. We therefore hold that there is no impediment to the trial of the said second contempt charge.

ACCORDINGLY, the judgment of the Court of Appeals, only insofar as it enjoins the continuation of the hearing of the second contempt charge, is reversed, and the Court of First Instance of Misamis Occidental is hereby ordered to proceed with the trial thereof in accordance with law and with the views expressed in this opinion. In all other respects, the judgment of the Court of Appeals is affirmed. No costs.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and Munoz Palma, JJ., concur.

[1] L-26167, Jan. 30, 1970, 31 SCRA 271, 272.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.