

**FRANCISCO ARAGON, ET AL., PLAINTIFFS, MIGUELA ARAGON,
PLAINTIFF AND APPELLANT, VS. CONRADO ARAGON, ET AL.,
DEFENDANTS AND APPELLEES.**

G.R. No. L-5129. January 30, 1953

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/392782ce0ec6/>

REYES, J.:

In civil case No. 578 of the Court of First Instance of Leyte entitled Francisco Aragon, Beatriz Aragon and Miguela Aragon, plaintiffs, vs. Obdulia Aragon, Conrado Aragon and Maximo Aragon, defendants, which was an action for partition of real property owned in common by all of the parties, the plaintiff Miguela Aragon was by the judgment rendered in said case adjudged as her share, among other parcels, a portion of land described as follows:

"A portion of the parcel under Tax No. 1426, situated at Kabang, Burauen, Leyte, bounded on the north by Beatriz Aragon; on the southeast, by Francisco Aragon; on the south, by Kaban River, and on the west, by Alfonso Maray. Area: 3.0257 Ha."

Acting on the writ of execution subsequently issued in the case, the provincial sheriff delivered possession of the land above described to the said Miguela Aragon after ousting therefrom the defendant Conrado Aragon on December 4, and the defendant Maximo Aragon on December 18, 1950. On February 5, 1951, however, Miguela Aragon complained to the court that on or about January 6 of that year Conrado Aragon and Maximo Aragon re-entered the land and executed acts of ownership and possession by gathering therefrom 800 coconuts valued at P106.40 in violation of section 3(h) of Rule 64, Rules of Court. Acting on this complaint, the court issued an order requiring the appearance of said Conrado Aragon and Maximo Aragon on a given date to show cause why they should not be held in contempt of court for disobeying a court order. But the same court, thru another judge, without taking evidence, subsequently dismissed the complaint, declaring that complainant's remedy was to file a complaint for theft or robbery as the case may be. Contending that the said order is erroneous, complainant has appealed to this Court.

Section 3(h) of Rule 64 provides:

"Sec. 3. Contempt punished after charge and hearing.—After charge in writing has been filed, and an opportunity given to the accused to be heard by himself or counsel, a person guilty of any of the following acts may be punished for contempt:

* * * * *

"(h) The act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturb the possession given to the person adjudged to be entitled thereto."

Commenting on this provision of the Rules, Chief Justice Moran, in his Comments on the Rules of Court, Vol. II, 1952 edition, page 134, says:

"Dispossession after execution.—Generally, any order or judgment of a court finally disposing of an action should be enforced by ordinary execution proceedings, except special judgments which should be executed by contempt proceedings in accordance with Rule 39, section 9. However, when, by virtue of a judgment or order rendered by a competent court, a litigant has been placed in possession of real property, the act of the adverse party, who has been evicted therefrom, of reentering or attempting to reenter into it, constitutes contempt. And there is no limit as to the time in which reentry or attempted reentry constitutes contempt. This rule applies when possession has been given by the officer in virtue of a writ issued in a land registration proceeding." (Italics supplied.)

The underlined portion of the above comment is based on the decision of this court in *Azotes vs. Blanco et al.*, 44 Off. Gaz., 4881), which is analogous to the present case.

Coming squarely under the above-copied section of the Rules, the act complained of constitutes contempt which may be redressed as therein provided. The fact that the same act may also constitute a violation of the Revised Penal Code does not necessarily take it out of the sanction of said section. As was said by the Supreme Court of the United States in the case of *Re Chapman*, 166 U. S., 661, 671, "indictable statutory offenses may be punished as such, while the offenders may likewise be subjected to punishment for the same acts as contempts, the two being *diverso intuitu* and capable of standing together."

The order appealed from is therefore revoked and the case remanded to the court below for further proceedings.

Paras, C.J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.

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.