

**RAYMUNDO A. CRYSTAL, PETITIONER, VS. COURT OF APPEALS AND
PELAGIA OCANG, PACITA, TEODULO, FELICISIMO, PABLO, LYDIA,
DIOSCORA AND RODRIGO, ALL SURNAMED DE GRACIA,
RESPONDENTS.**

G.R. No. L-35767. April 15, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is an urgent motion for contempt and lifting of the temporary restraining order issued by the Court on April 16, 1975 enjoining the private respondents from taking possession of the four parcels of land under litigation in the petition for certiorari with preliminary injunction filed with the Court by petitioner Crystal on November 3, 1972.

The antecedents of the case are quoted from the decision of the Court promulgated on February 25, 1975, as follows:

"In Civil Case No. R-1666, of the Court of First Instance of Cebu, entitled Pelagia Ocang, et al. vs. Vidal Montayre, as administrator of the estate of Nicolas Rafols, judgment was rendered ordering the defendant to pay the plaintiffs P30,609.00 as damages. On appeal, this Court affirmed the decision of the trial court. After the judgment had become final, a writ of execution was issued and five (5) parcels of land belonging to the estate, situated at Toledo, Cebu, were on May 24, 1957 sold at public auction to Pelagia Ocang as the highest bidder for P10,000.00 (Annex 'A'). On May 17, 1958, the heirs of Nicolas Rafols assigned their right of redemption over four (4) of the five (5) parcels of land to Raymundo Crystal (Annex 'B'), which assignment was approved by the probate court on May 23, 1958. By virtue of the order, Crystal deposited a check for P1,200.00 with the Provincial Sheriff of Cebu on said date and on May 28, 1958, the Provincial Sheriff issued a deed of redemption (Annex 'C'). Crystal took possession of the lands and cultivated the same.

"In February 1960, Ocang took possession of the four (4) parcels of land, claiming that since the check for the redemption was dishonored for lack of sufficient funds, the redemption was null and void. Crystal then filed a motion in Civil Case No. R-1666 seeking to cite Ocang in contempt of court.

"On June 4, 1960, the trial court denied the motion to hold Ocang in contempt of court, observing that another action, and not contempt proceedings, is the proper proceeding where the validity of the redemption may be raised (Annex "D").

"Following the observation of the trial court, Crystal filed Civil Case No. 62-T against Ocang seeking declaration of ownership in his favor, plus damages.

"During the pendency of Civil Case No. 62-T, however, Crystal was able to regain possession of the four (4) parcels of land.

"On June 23, 1969, the trial court in Civil Case No. R-1666 granted a writ of possession of the four (4) parcels of land to Ocang (Annex T1).

"Upon Crystal's motion, the trial court set aside the order of June 23, 1969 and annulled the writ of possession issued in Ocang's favor.

"Ocang then moved to reconsider the order annulling the writ of possession, which motion was opposed by Crystal. The trial court held in abeyance the various incidents of the case.

"Subsequently, Ocang filed an ex-parte motion for the issuance of an alias writ of possession and this was reiterated on August 15, 1970.

"On May 31, 1971, the court issued an order reviving the order for the issuance of a writ of possession dated June 23, 1969 and declaring the definite deed of sale executed by the Provincial Sheriff of Cebu and the writ of possession issued by the clerk of court on June 24, 1969 in full force and effect (Annex 'I').

"Crystal moved to reconsider the order of May 31, 1971, which was, however, denied by the trial court (Annex 'K')."

In view of the denial of his motion for reconsideration, petitioner filed with respondent Court of Appeals a petition for certiorari with preliminary injunction, CA-G.R. No. S.P.-00506, seeking the annulment and setting aside of the order of the Court of First Instance of Cebu in Civil Case No. R-1666 dated May 31, 1971. Responding Court of Appeals, however, dismissed the petition and lifted the preliminary injunction issued when the petition was filed (Rollo 1, 24). Hence, the petition for certiorari, with preliminary injunctions filed with this Court on November 3, 1972 (Rollo, p. 1).

On February 25, 1975 the Court rendered its decision"[*] on the petition, affirming the appealed decision of respondent Court of Appeals. The Court also ordered lifted the restraining order it had previously issued in the case (Rollo, p. 250). It, however, resolved to grant on April 18, 1975 the urgent motion of petitioner for extension of time to file a motion for reconsideration and issued a new temporary restraining order effective on the same date (Rollo, p. "268).

On April 25, 1975 petitioner filed his motion for reconsideration (Rollo, p. 272). After the opposition to the motion (Rollo, p. 380), reply to the opposition to the motion (Rollo, p. 408), and the rejoinder to petitioner's reply (Rollo, p. 417) had been submitted, the Court decided through a Resolution dated June 18, 1976, to reconsider and modify the decision promulgated on February 25, 1975 by remanding the case to the trial court for further proceedings. The proceedings contemplated are to be held in Civil Case No. R-1666, rendering academic Civil Case No. 62-T and another case reviewing the same, not specifically identified in the decision (Rollo, p. 434).

The decision as modified became final and executory on July 30, 1976 (Rollo, p. 446).

On February 23, 1979, exactly two years, six months and twenty-three days after the judgment had become final and executory, private respondents filed their urgent motion for contempt and for lifting the temporary restraining order (Rollo, p. 458). On June 3, 1986 one of the movants. Pablito Ocang de Gracia, filed a motion for resolution of the urgent motion for contempt and for lifting of the temporary restraining order (Rollo, p. 491). On July 14, 1986 the Court resolved to require the petitioner to comment on the motion (Rollo, p. 494).

The comment of petitioner on the motion of respondent Pablito O. de Gracia asking the Court for a resolution on their motion for contempt and to lift the temporary restraining order was filed on October 9, 1986 (Rollo, p. 495). The reply of private respondent and movant Pablito O. de Gracia was filed on January 23, 1987 (Rollo, p. 508): the rejoinder to the reply, on April 14, 1987 (Rollo, p. 518).

Private respondents impute the following acts to petitioner which according to them constitute grievous contempt committed against the Court:

a)

that petitioner Crystal deceitfully concealed from the Court the fact that Civil Case No. 62-T had already been dismissed on September 19, 1974, a year prior to his filing a motion for reconsideration of the decision of the Court promulgated on February 25, 1975: and

b)

that petitioner falsified the temporary restraining order issued by the Court on April 16, 1975 by intercalating or imposing at the bottom of said temporary restraining order a small sketch map of Cadastral Lot No. 4126, with intent to deceive and mislead the police that complied with it accordingly depriving respondents of the possession and enjoyment of Lot No. 4126 which in the Cadastral Survey of 1963 rightfully belongs to them (Rollo, p 460-462).

The issue of the dismissal of Civil Case No. 62-T was first brought up by respondents in their opposition to the motion for reconsideration filed by petitioner on April 25, 1975. The fact was admitted by petitioner in his reply to the opposition to the motion for reconsideration wherein petitioner explained that when he learned about the dismissal of the case, which was very much later he immediately instructed his counsel to file a motion for reconsideration or a petition for relief from judgment or order with the trial court. The counsel, however, decided to refile the case instead since the dismissal of the case was without prejudice (Rollo, p. 464) and the period for filing a petition for relief from judgment or order had already expired (Rollo, p. 409). It appears that the case had been refiled on April 15, 1975 as Civil Case No. 492-T (Rollo, p. 389). Respondents filed with the trial court a motion to dismiss the case on May 5, 1975 (Rollo, p. 396). Thus when petitioner filed his motion for reconsideration the case was indeed pending in the trial Court.

The Court granted petitioner's motion for reconsideration. In the light of the Court's ruling on the motion that "since it was the trial Court in that Civil Case No. R-1666 that rendered the judgment and subsequently ordered the execution sale from which the disputed redemption was made, it should be the one to settle the whole controversy among all the interested parties, including even the judgment debtors, the heirs of Nicolas Rafols themselves, who, according to the records, have claims of their own relative to the same redemption, which might just as well be inquired into in said case, rather than in Case No. 62-T in which they are not parties" it becomes irrelevant for the Court to delve further into the issue as to whether or not Civil Case No. 62-T had been dismissed by the trial court prior to petitioner's filing of his motion for reconsideration.

As to the second ground raised by private respondents in their urgent motion for contempt there is no showing how at this point when Civil Case No. R-1666 had long become final and executory the restraining order issued by the Court on April 16, 1975 could still prejudice private respondents even with the alleged imposition at the bottom of the last page of the restraining order of a small sketch map of Cadastral Lot No. 4126. Petitioner was in possession of the lots in litigation at the time the petition for certiorari in G.R. No. L-35767 was filed. The Court then issued a restraining order to maintain the status quo, that is, to restrain respondent Court of Appeals and private respondents from implementing the decision of respondent Court dated September 13, 1972 affirming the order of the trial court in Civil Case No. R-1666 reviving its previous order for the issuance of a writ of possession in favor of private respondents. When this Court promulgated a decision in G.R. No. L-35767 on February 25, 1975 affirming the decision of respondent Court of Appeals, it ordered in the same decision the lifting of the temporary restraining order. It was upon the urgent motion of petitioner for extension of time to file a motion for reconsideration that the Court again issued on April 16, 1975 the restraining Order which private respondents would now want lifted. The Court had reconsidered its decision of February 25, 1975 and had the case remanded to the trial court to continue the proceedings for the settlement of the whole controversy in Civil

Case No. R-1666. The police force of Toledo City did not use the restraining order to dispossess private respondents of Lot No. 4126. Petitioner remained in possession of the lots in litigation since his filing of Civil Case No. 62-T in the Court of First Instance and throughout the pendency of G.R. No. L-35767 in the Court.

The trial court had already rendered a decision in Civil Case No. R-1666 on December 8, 1982, the dispositive portion of which was quoted by petitioner in his comment on the motion of respondent Pablito O. Graeja asking the Court for a resolution on their motion for contempt and to lift the temporary restraining order (Rollo, p. 496), as follows:

"In view of all the foregoing considerations, this Court hereby declares and so holds that respondents Pelagia Ochang and her children have been fully paid the redemption price of the four (4) parcels of land in dispute and therefore, the Deed of Redemption is hereby also declared valid and effective as of the date it was executed. Accordingly, petitioner-redemptioner, Raymundo Crystal, Filipino, of legal age, and married to Desamparados Crystal, is hereby declared owner of all the disputed parcels of land described in the Deed of Redemption executed by the Provincial Sheriff of Cebu in his favor in Civil Case No. 1666 which parcels are now known as Lot Nos. 3816, 4129, 4143, 4126 and 4127 of Toledo City Cadastre all situated at Poog, Toledo-City.

"The claim of the intervenors, Roso Sabalones and Luis Sabalones, are rendered moot and academic with the passing out of the right of Pelagia Ochang."

The above-quoted dispositive portion of the decision shows that Lot No. 4126 is among the four lots described in the Deed of Redemption executed by the Provincial Sheriff of Cebu in favor of petitioner. Accordingly, the petitioner was declared owner of the four lots in the same decision.

The decision of the trial court in Civil Case No. R-1666 was appealed by Private Respondents as ACCR. CV NO. 3132-UDK and is still pending decision in the Court of Appeals (Rollo, p. 497).

G.R. No. L-35767 was terminated in this Court and became final and executory on July 30, 1976. The case has been remanded to the trial court which had also rendered its decision on the controversy. The Court no longer has jurisdiction in the case to resolve, by a mere motion therein, issues having to do with the rights of parties to the case (National Investment and Development Corporation v. Angeles, 40 SCR A [1971]). When the case reaches the court again, on appeal, then and only then will it regain jurisdiction over the case. Under the circumstances, the following passage from the decision in *Li Kim Tho v. Go Sin Kaw* is applicable:

"Litigation must end and terminate sometime and somewhere and it is essential to an effective and efficient administration of justice that once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them." (82 Phil. 776, cited in *Phil. Blooming Mills Employees Co. v. Blooming Mills Co., Inc.*, 51 SCRA 189 [1973]).

PREMISES CONSIDERED, the motion is DISMISSED for having become moot and academic.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, Padilla, and Sarmiento, JJ., concur.

[**] Penned by then Associate Justice Antonio P. Barredo, Second Division, and concurred in by Justices Felix Q. Antonio, Salvador V. Esguerra, and Ramon C. Aquino.

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