

LUDOVICO ESTRADA, ET AL., PETITIONERS, VS. HON. AMADO S. SANTIAGO, ETC., ET AL., RESPONDENTS.

G.R. No. L-15655. March 29, 1963

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a petition for certiorari to annul some orders of respondent judges, booking herein petitioners for alleged contempt of court.

It appears that in Civil Case No. 10394 of the Pangasinan court of first instance, filed by above Pindarigan Agricultiiral Co. Inc. (Pindangan Corporation for short) against some of the petitioners, respondent Judge Arhado S. Santiago, on February 28, 1958, promulgated a decision, the dispositive part of which held the Pindangan Corporation to be entitled to lease or to buy a big parcel of land in- Pangasinanj and to the possession thereof. Among other directives, it declared

"* * * a permanent the writ of preliminary injunction heretofore issued in this case which is hereby extended to all persons not duly authorized by the plaintiff corporation to enter into the land in question, their agents, attorneys and other persons acting in their behalf and. in their representation.* * *."

On March 24, 1958, the defendants in said Civil Case appealed. While the said appeal was being perfected, the Pindangan Corporation, on June 13, 1958, requested for immediate execution of the above quoted portion of the decision.

Respondent Judge Santiago, by order dated June 18, 1958, granted the request. The defendants, some of whom are above petitioners, filed a "Motion for Reconsideration" of such order; but this motion was denied on July 28, 1958.

Immediately thereafter, the validity of these orders, of June 18 and July 28, 1958, were challenged here in G.R. No. L-14180 thru a petition for certiorari of the above petitioners against above respondent Judge Santiago and the Pindangan Corporation.

After the said petition for certiorari, L-14180, had been filed on August 18, 1958, and the appeal of the main case had been perfected on September 22, 1958 (L-14591), the Pindangan Corporation, on November 25, 1958, presented a motion for contempt against herein petitioners Ludovico Estrada, Fernando Estrada, Benjamin Estrada, and ATbino Mabalot. charging that they,, among others, ihad been "continuously and surreptitiously entering and invading some portions of the premises in question and have been cultivating the same despite the warning of the plaintiff's agents" and asserting thrt these acts we're "in violation of the order of this Honorable Court (lower court) dated June 18, 1958."

Those charged in the said motion, answered that the respondent court; had lost jurisdiction to act on the' "Motion for Contempt", because an appeal from the decision dated February 28, 1958, had been perfected, and the matter was precisely litigated before the appellate court. Moreover, it was alleged that two persons cited, in the said motion for contempt, were not parties to the original case No. 10394, and that furthermore, the acts enumerated

were not .contumacious in any way.

After a reply was filed, respondent Judge. Santiago issued an order requiring the affected parties to explain why they should not be punished for contempt. A motion for reconsideration having failed, and other persons having included in the contempt charge for entering the land, this petition was subsequently submitted here to contest the orders.

The issues raised are: (1) Does the lower court retain jurisdiction to1 pass on a motion for contempt after an appeal has been perfected from its decision, and after certiorari proceedings had been filed assailing its decree of immediate execution?; (2) May the said court, assuming *arguendo* that it retains jurisdiction, punish as contumacious, acts committed by persons who were not parties to the action?

Petitioners rely on Section 9, Rule 41 of the Rules of Court to support the - contention that upon the filing of the notice of appeal, the approval of the appeal bond and the record on appeal, the appeal is deemed perfected and the trial court loses jurisdiction over the case. They aver that although the trial court may "issue orders for the protection and preservation of the rights of the parties", it is necessary 'that the orders issued do not involve any matter litigated by the appeal. Then they claim that the perfected appeal (L-14591) and the Petition for Certiorari with Preliminary Injunction (L-14180) as well as the Motions for, Contempt, all involve the question of possession of the premises in controversy; that under such circumstances, the trial court lost jurisdiction over the matter; that the remedy is to file the Motion for Contempt with the appellate court before which the .appeal is actually pending.

We do not deem it necessary to discuss the, two issues tendered in this *expe.diente*. The two litigations L—14180-and L-14591 have lately been decided here against the Pindangan Corporation. In the first, we held that the order of immediate execution had been improvidently issued; and in the second, we held that said corporation had no legal right to the possession of the land in question, whether as lessee or as purchaser of the Government land.

It follows that these proceedings for contempt may not now continue, because the petitioners could not be punished for disobeying orders found to be without sufficient legal foundation.

Wherefore, the preliminary injunction heretofore issued preventing the respondent judges, from continuing with the proceeding for contempt, should be, and is hereby made permanent. Costs against respondent Pindangan Agricultural Co., Inc. .

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

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