

**SEVERITA MEDINA, PETITIONER-APPELLEE, VS. PIO GARCES,
MAXIMINA OYOD DE GARCES, GREGORIO OYOD FERNANDO
GARCES, SALVADOR CAMPEROSO, PEDRO ESPAÑA, LEOPOLDO
BARBON, SEVERO HERAY, PA...**

G.R. No. L-25923. July 15, 1980

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

It would follow from the allegation as set forth in the brief for the respondents-appellants Pio Garces and Maximina Oyod de Garces that a reversal of a judgment for contempt would be justified if, as alleged, there was some sort of justification for the failure to deliver the lot in controversy to petitioner-appellee notwithstanding the finality of a court decision, as they could not ascertain its "true legal and technical descriptions and boundaries." [1] They would thus raise the legal issue of the improvident exercise of the power to punish for contempt. It suffices by way of refutation to such a contention to refer to the assailed order. It speaks for itself.

In the order appealed from, there was a recital that petitioner in the lower court, now appellee, filed a petition with the trial judge to declare respondents, now appellants, guilty of contempt for executing acts of ownership and disturbing the possession of petitioner of the lot in question and causing the cutting of the sugar cane planted therein as well as for failure to remove the house constructed thereon as required by the trial judge. There was a hearing. The evidence in the opinion of the trial judge made clear the commission of the contumacious acts. It could thus conclude: "From the consideration of the evidence obtaining in the records of the case, this Court is convinced that the portion planted to sugar cane is inside Lot 228-A. This particular lot is so identified in the decision of the Court of Appeals which was already ordered executed and the plaintiff in that case and now the petitioner in the present case was placed in possession by the sheriff. As a matter of fact, it was relocated by order of this Court, by a duly licensed surveyor in the person of Mr. Iluminado E. Nessia, Jr. who made a written report attached to the record, * * *." [2] The contumacy of respondents-appellants was further made clear in such order when it referred to "several previous incidents of the same nature," evincing the obduracy of respondents-appellants. [3] The patience of the trial judge must have been sorely taxed. Thus respondents-appellants Pio Garces and Maximina Oyod de Garces were found "guilty of Contempt of Court under the provisions of Section 3 in connection with Section 6, Rule 71 of the Rules of Court and each is hereby sentenced to pay a fine of Two Hundred Pesos (P200.00). In case of failure to pay the fine, each must serve an imprisonment of thirty (30) days in jail. They are likewise ordered not to enter the premises of lot 228-A of San Carlos Cadastre." [4]

The acts in question clearly constituted disobedience and therefore are punishable as contempt of court. In *Aragon v. Aragon*, [5] this Court, speaking through the then Justice Alex Reyes, cited the work of Chief Justice Moran on the Rules of Court. Reference was made to the 1952 edition. [6] The 1980 edition of such authoritative work reproduced such a citation in this wise: "Likewise, when by virtue of a judgment or order rendered by a competent court in partition proceedings, a litigant has been placed in possession of real property, the act of the adverse

party, who has been evicted therefrom, of re-entering it and gathering it and gathering fruits therefrom, constitutes contempt. And there is no limit as to the time in which re-entry or attempted re-entry constitutes contempt. The fact that the same act may also be a violation of the Revised Penal Code does not necessarily take it out of the sanction of Rule 71 of the Rules of Court." [7] In the recent case of *Francisco v. Ramos*, [8] such a ruling was reiterated in the following words: "Nor could any fault be imputed to respondent when complainant was held in contempt of court. There was a manifest disobedience to what was ordered by the Court. Barred from the lot in question, from which he had been ejected, he did go back. That act was clearly contempt." [9]

WHEREFORE, the appealed order is affirmed. Costs against respondents-appellants.

Barredo, Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

[1] Brief for the Respondents-Appellants, 5.

[2] Order of the Lower Court dated January 15, 1966, 3.

[3] *Ibid.*, 3-4.

[4] *Ibid.*, 4-5.

[5] 92 Phil. 580.

[6] II Moran, Rules of Court, 134.

[7] III Moran, *op. cit.*, 360.

[8] Adm. Matter No. 776-MJ, February 27, 1976, 69 SCRA 379, 382.

[9] *Ibid.*, 382.

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