

HUGO ADOPTANTE, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 136768. December 17, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This is a petition[1] for review assailing the decision[2] dated May 15, 1998 of the Court of Appeals, which affirmed the orders[3] of the Regional Trial Court of Nasugbu, Batangas, Branch 14, in Civil Case No. 191, citing petitioner Hugo Adoptante in contempt of court.

It appears from the records that Felisa Abellera was the owner of a parcel of agricultural land with an area of 11,532 square meters, situated at Sitio Calumpit, Barangay Prenza, Lian, Batangas. Sometime in 1971, Abellera leased to petitioner Hugo Adoptante the one-half southern portion of the land for sugarcane production under agricultural tenancy, while she retained the northern half portion for her personal cultivation reserved for palay production.

On June 2, 1974, Abellera filed with the now defunct Court of Agrarian Relations in Lipa City a complaint for ejectment against petitioner, docketed as CAR Case No. 1668. She alleged that petitioner caused to harvest and mill the sugarcane crop of 1973-1974 without her consent, to her damage and prejudice. On June 18, 1982, the CAR decided in Abellera's favor and ordered petitioner to vacate the southern half portion of the land, thus:

WHEREFORE, judgment is hereby rendered:

1. Ordering the defendant to vacate the landholding in question containing an area of one and one-half hectares (1½), more or less, situated at Sitio Calumpit, Prenza, Lian, Batangas, and to restore the physical possession thereof to the plaintiff;
2. Ordering the defendant to pay to the plaintiff the sum of two thousand pesos (P2,000.00) by way of attorney's fees;
3. Dismissing all other claims and counterclaims of both parties for insufficiency of evidence;
4. Ordering the defendant to pay the costs of suit.[4]

Petitioner appealed to the Court of Appeals, which affirmed the decision of the CAR. After the same became final and executory, a writ of execution was issued on December 27, 1989.

Subsequently, on August 18, 1981, Abellera filed another complaint against petitioner with the Regional Trial Court of Balayan, Batangas, Branch 10, praying for the determination of farm tenancy over the northern portion of the subject landholding. The complaint was docketed as CAR Case No. 2308. Abellera alleged that sometime in 1973, petitioner forcibly entered into the said northern portion of the land and cultivated the same without complainant's knowledge and consent.

On January 27, 1986, the Regional Trial Court rendered its decision in favor of Abellera, decreeing as follows:

WHEREFORE, judgment is hereby rendered:

1. Declaring plaintiff as the landowner of the parcel of land described in the complaint;
2. Declaring the non-existence of tenancy relationship between plaintiff and the defendant over the one-half (1/2) northern portion of the said parcel of land and ordering his ejectment therefrom;
3. Ordering the defendant to deliver to the plaintiff thirty (30) cavans of palay from 1971 and every year thereafter until he vacates the premises or the equivalent value thereof computed in accordance with the government's price support for palay with legal rate of interest per annum from the filing of the complaint until said sum is fully paid.
4. Ordering the defendant to pay to the plaintiff the sum of TWO THOUSAND (P2,000.00) PESOS as attorney's fees;
5. All other claims are denied from paucity of evidence.

IT IS SO ORDERED.[5]

Petitioner appealed to the Court of Appeals, which affirmed the aforequoted decision. On November 21, 1987, the judgment attained finality and entry of judgment was made on December 14, 1987. On May 25, 1989, the court of origin issued an alias writ for the execution of the said judgment.

Pursuant to the writs of execution issued by the trial court, the landholding subject of the controversy was turned over to Abellera, as evidenced by Certificate of Turnover dated February 1, 1990.

On February 26, 1990, Abellera filed an action to cite and declare petitioner in contempt of court on the ground that the latter, in conspiracy with other persons, re-entered the property in question and, through threats and intimidation, prevented Abellera's workers from entering the same, in disregard of the decisions and writs of the trial court. The case was docketed as Civil Case No. 191 of the Regional Trial Court of Balayan, Batangas, Branch 14.

On February 5, 1991, the trial court rendered its decision finding petitioner in contempt of court and imposing upon him a fine of P500.00 with a warning that further disobedience to the court's order may warrant a higher fine and imprisonment. Notwithstanding the decision, petitioner refused to vacate the landholding. Thus, he was again declared guilty of contempt of court on August 7, 1991 and sentenced to ten (10) days of imprisonment with a warning that a further disobedience may warrant a heavier penalty. Upon release from jail, petitioner again re-entered the property and prevented Abellera from cultivating the land.

On May 13, 1993, Abellera filed another motion to order petitioner to vacate the controverted area and to prevent him from re-entering and cultivating the same or any portion thereof. Petitioner was again cited for contempt on June 2, 1993 for wantonly disregarding lawful court processes and to turn over the possession of the landholding to Abellera. Petitioner continued to be adamant. Consequently, he was repeatedly cited for contempt on July 17, 1993 and May 13, 1994.

Petitioner appealed to the Court of Appeals which affirmed the trial court's contempt orders.[6] Hence, this petition, based on the following errors:

I. THE TRIAL COURT AND THE COURT OF APPEALS ERRED AS A MATTER OF LAW IN HOLDING THAT THE ACCUSED-APPELLANT, WHO NEVER YIELDED POSSESSION OF THE PROPERTY, IS GUILTY OF CONTEMPT OF COURT FOR OPEN DEFIANCE OF THE TRIAL COURT'S JUDGMENT.[7]

II. THE COURT OF APPEALS ERRED AS A MATTER OF LAW, JUSTICE AND EQUITY IN HOLDING

ERRONEOUSLY THAT POSSESSION WAS ALREADY WRESTED FROM DEFENDANT-APPELLANT AND FULLY RESTORED AND DELIVERED TO THE PLAINTIFF AND THAT DEFENDANT-APPELLANT ALLEGEDLY RETURNED TO THE PROPERTY IN TOTAL DISREGARD OF THE OVERWHELMING EVIDENCE TO THE CONTRARY.[8]

The petition has no merit.

A close reading of the assigned errors reveals that at the core of the controversy is a question of fact, i.e., whether or not possession of the property had been partly transferred to Abellera.

Our jurisdiction in petitions for review on certiorari under Rule 45 of the Rules of Court is limited to reviewing only errors of law.[9] Factual findings of the appellate court are binding on the Supreme Court except where, inter alia, the judgment is premised on a misapprehension of facts, or when the appellate court failed to consider certain relevant facts which if considered would justify a different conclusion.[10]

We have carefully reviewed the records of this case and found no cogent reason to deviate from the findings of the Court of Appeals. Petitioner claims that the Sheriff who implemented the writ was not able to successfully restore Abellera in possession of the property in question. However, apart from this assertion, petitioner failed to present evidence to substantiate the same. On the other hand, the records are replete of evidence that the writ was effectively implemented.

The sheriff's return states that Aristeo Madrid, the Deputy Sheriff of Nasugbu, Batangas, together with Abellera and her counsel, served the writ and explained its contents to petitioner, over his vehement objection. Thereafter, they went to the land subject of the writ and, after Abellera pointed to Madrid the boundaries, the latter caused bamboo posts to be erected thereon. In the presence of two police officers, namely, Pfc. Guillermo Jonson and Pfc. Ricardo Granados, and Abellera's counsel, Madrid formally turned over the physical possession of the land to Abellera. This formal turn-over was attested to in the certificate of turn-over executed by Madrid, and signed by the two police officers and Abellera's counsel.

Suffice it to state that the return and certificate of turn-over are presumed to have been regularly executed, pursuant to Section 3(m), Rule 131 of the Rules of Court.[11] Further, petitioner admitted during his cross examination that the events narrated in the return really transpired.[12]

Petitioner's admission strongly militates against his claim that there was no effective turn-over of the property. His contention that the fact that he was not evicted from his place of residence indicates that possession of the land was not effectively restored to her is untenable. Moreover, it appears from the records that petitioner's house was not located within the property, hence, he did not have to be physically ejected from it. The act of erecting bamboo posts to delineate the property was a symbolic act of announcing to the whole world that the property in question was owned and controlled by Abellera, and anyone who enters the same without her consent shall be properly dealt with under the law.

WHEREFORE, in view of the foregoing, the instant petition is DENIED for lack of merit. The decision dated May 15, 1998 of the Court of Appeals in CA-G.R. CR No. 16015, and the Orders of the Regional Trial Court of Balayan, Batangas, Branch 14, declaring petitioner in contempt of court, are AFFIRMED.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 9-17.

[2] Ibid., at 19-23.

[3] RTC Record, pp. 564-566, 583-590; CA Records, pp. 52-57.

[4] RTC Records, p. 188.

[5] Ibid., at pp. 100-101.

[6] Rollo, p. 23.

[7] Ibid., at 13.

[8] Id., at 14.

[9] Maglucot-Aw v. Maglucot, 329 SCRA 78, 88 (2000).

[10] BPI-Family Savings Bank, Inc. v. Court of Appeals, 330 SCRA 507, 514 (2000).

[11] Rule 131, Section 3. Disputable presumptions. – The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x x x x x

(m) That official duty has been regularly performed.

[12] TSN, June 2, 1993, pp. 12-14.

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