

AGATON SEGARRA, PLAINTIFF AND APPELLANT, VS. FELIX MARONILLA, JR., DEFENDANT AND APPELLEE.

G.R. No. 14428. July 26, 1960

Ponente: GUTIERREZ DAVID, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-14428/>

GUTIERREZ DAVID, J.:

This is an appeal interposed by Agaton Segarra from an order of the Court of First Instance of Albay issued on November 29, 1954 in Civil Case No. 301, entitled "Agaton Segarra, plaintiff, vs. Felix Maronilla, Jr., defendant", the dispositive part of which reads:

"Wherefore, in view of the fact that Portion A was actually delivered by the sheriff to the defendant pursuant to the judgment of this Court, and said plaintiff re-entered said portion after such delivery, the Courts finds plaintiff Agaton Segarra in contempt of court and he is hereby ordered committed to jail to be detained therein until he complies with the judgment of this Court and the writ of execution issued by virtue thereof."

The record shows that way back on July 1, 1948, the lower court rendered its decision in said Civil Case No. 301, which reads as follows:

"This is a forcible entry case commenced in the Justice of the Peace Court of Libon and a decision having been rendered by the Justice of the Peace, declaring that the plaintiff is the lawful possessor of the land described in the complaint and entitled to its immediate possession, the defendant was ordered to vacate the land and to pay the amount of P200.00 as damages, with costs. The defendant appealed against said decision.[1]

"Pending hearing before this Court, the identity of the land in question and the land claimed by the defendant was raised by the parties, and for this reason they agreed that Deputy Sheriff Jose A. Ante, Sr. be appointed to relocate the land claimed by the plaintiff in his complaint and the land claimed by defendant Felix Maronilla, Jr. Said commissioner, pursuant to the order of the Court has made an ocular inspection of the said lands and right in the place prepared a croquis which was submitted to the Court on June 30, with his written report.

"Before proceeding to the reception of the evidence in this case, the parties made the following manifestations in connection with the report and croquis prepared by the commissioner: Attorney Kallos in behalf of his client Felix Maronilla made of record that the portion of the land marked capital A in the croquis, which according to the commissioner is the land in question, is the one actually possessed and claimed by defendant Felix Maronilla Jr.; on the other hand, Attorney Abrera and his client the plaintiff Agaton S. Segarra, made also of record that said parcel of land identified as Lot A in the croquis is not the land in question, and if that is the very land actually possessed and occupied by defendant Maronilla, the plaintiff has nothing to do with it and does not lay any claim over the same, alleging at the same time that the land in question lies on the Eastern portion of Quiperete River which has been identified as Lot B in red pencil in the same croquis, and for greater clarification it has been encircled with red line. The defendant Maronilla thru his attorney Mr. Kallos manifested that his client has nothing to do with said land marked parcel B in red pencil, and that a decision may be rendered declaring the plaintiff to be the rightful possessor of said portion of land.

"In view of the foregoing, judgment is hereby rendered declaring plaintiff Agaton S. Segarra the rightful

possessor of the portion of land marked B in the croquis of the commissioner, who is entitled to its immediate possession without pronouncement as to costs."

On August 17, 1948, plaintiff Agaton S. Segarra filed a motion for reconsideration praying that he "be declared the rightful possessor of the land described in the complaint lying about two kilometers away from Lot marked B in the croquis submitted by the commissioner, * * *." He alleged that "what his counsel has manifested to the Court was that the report and croquis prepared and submitted by the commissioner do not represent the true location of the land in question," and that the property claimed and owned by him as described in his complaint is situated in the Eastern portion of Quiperete River, two kilometers away from the land marked B in the croquis.

Upon plaintiff's representations, a duly licensed private surveyor was commissioned by the court to relocate and identify the area in controversy. In due time, said surveyor submitted his report together with a sketch, showing that the property in question "is entirely inside of Portion A (as designated in Ante's sketch)." The report was opposed by defendant. On August 27, 1953, after hearing, the motion for reconsideration was denied "for failure of the plaintiff to substantiate his allegations in his motion for reconsideration by proper evidence."

Upon defendant's motion, a writ of execution was issued by virtue of which the land described as Portion A in the sketch submitted by Deputy Sheriff Jose A. Ante was, over plaintiff's objections, delivered to the defendant Felix Maronilla, Jr.

On January 28, 1954, defendant Maronilla, Jr., alleging that plaintiff through his tenants re-entered the land (Portion A) and refused to vacate the same, filed a verified motion to cite said plaintiff for contempt. Acting upon that motion, the court below ordered plaintiff and his tenants to appear on February 13, 1954 and explain "why they should not be dealt with for contempt of court." On this latter date, plaintiff filed a "Constancia" questioning the validity of the writ of execution issued and served upon him, which, he avers, is not in consonance with the judgment. Said judgment, according to him, does not order the delivery of Portion A to defendant, but merely declares him (plaintiff) to be the rightful possessor of Portion B.

After hearing, the court below issued the order now complained of finding plaintiff Agaton S. Segarra guilty of contempt of court and ordering him "committed to jail to be detained therein until he complies with the judgment of this Court and the writ of execution issued by virtue thereof." From that order, plaintiff appealed to the Court of Appeals, but that court has certified the case to us on the ground that the questions raised are purely legal.

We find merit in the appeal. It will be observed that the decision of July 1, 1948, made no pronouncement whatsoever as to who was entitled to the possession of the parcel of land described in the sketch submitted by Deputy Sheriff Jose A. Ante as Portion A, which was allegedly re-entered by plaintiff. And the dispositive part of the decision simply awarded to plaintiff the possession of the parcel of land appearing on the same sketch as Portion B. It made no adjudication as to Portion A. The writ of execution dated November 23, 1953, therefore, by virtue of which Portion A was delivered to defendant, is not in harmony with the judgment and consequently has pro tanto no validity. (*Velez vs. Martinez, et al.*, 63 Phil., 531.) Such being the case, it is evident that the contempt imputed to plaintiff-appellant is without basis. The writ or order of the court must be lawful in order that resistance thereto may be punished as contempt. Courts have no power to demand compliance with an order issued without authority. (*Chanco vs. Madrilejos*, 9 Phil., 356; *Angel Realty Corporation vs. Galao, et al.*, 76 Phil., 201.)

The lower court in the order complained of upheld the validity of the writ of execution directing the delivery of Portion A to defendant on the theory that while the dispositive part of the decision sought to be enforced did not so direct, the body thereof, "actually adjudicates" said Portion A to defendant. The fact, however, remains that no such adjudication was made either in the body or in the dispositive part of the decision. Indeed, it would appear

that the decision adjudicating the possession of Portion B to plaintiff was made on the assumption that Portion A was not the land in litigation. At any rate, the rule is that the only portion of the decision that becomes the subject of execution is that ordained or decreed in the dispositive part. "Whatever may be found in the body of the decision can only be considered as part of the reasons or conclusions of the court and while they may serve as guide or enlightenment to determine the ratio decidendi, what is controlling is what appears in the dispositive part of the decision. (Rosario Nery Eduards, et al. vs. Jose Arce, et al., 98 Phil., 688; 52 Off. Gaz., 2537)." (Robles, et al. vs. Timario, et al., 107 Phil., 809; 58 Off. Gaz. [8] 1507.)

In view of the foregoing, the order complained of is set aside and the charge for contempt against plaintiff-appellant dismissed. So ordered without costs.

Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.
Barrera, J., concurs in the result.

[1] It would also appear that upon motion of herein plaintiff-appellant, a preliminary (mandatory) injunction was issued by the inferior court restoring him in his possession of the land described in the complaint. The defendant was declared in default. He was, nevertheless, allowed to appeal although the order of default entered against him had never been lifted.

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.