

BERNARDO PATAGAN AND CARMELITA PATAGAN, PETITIONERS, VS. HONORABLE DOMINGO D. PANIS, JUDGE, COURT OF FIRST INSTANCE OF ZAMBALES & OLONGAPO, THIRD JUDICIAL DISTRICT, BRANCH III, ...

G.R. No. 55730. April 08, 1988

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-55730/>

PARAS, J.:

Sometime in January 1962, Eduardo Balagtas, Jr., son of private respondent, filed with the Bureau of Lands, a Miscellaneous Sales Application Plan for Lot No. 133, Murphy Street, Saluysoy Subdivision, which was at that time temporarily designated as Lot No. 13, Block CCL, Olongapo Townsite.

Also in February 1964, herein petitioner Bernardo & Carmelita Patagan filed their own Sales Application for Lot No. 4075 (former 131) Murphy Street, Saluysoy Ts-308, Residential Site Subdivision.

There would have been no conflict if the lot applied for by both parties were different. However, it turned out that they were applying for one and the same lot. A land conflict thus arose between the two parties. Appropriate proceedings were instituted and upon the recommendation of the Land Inspector, the Regional Director of the Bureau of Lands, Angel Sangalang, rendered a decision in December 1968, finding among others

“(1) That in the Master List (list of allocatees during the United States Naval Reservation), Lot No. 133 was granted to EDUARDO BALAGTAS, JR., while in the scheme of subdivision of Ts-308, said Lot No. 131 does not appear instead Lot No. 131 is indicated as equivalent to Lot No. 4075, Ts-308 or the controverted lot and appeared in the Allocation Book (list of allocatees after the reservation) to have been applied for by BERNARDO PATAGAN as only applicant;

“(2) That Lot No. 133 and Lot No. 131 are one and identical lot which is indicated in Ts-308 as Lot No. 4075 or the lot in question;

“(3) That EDUARDO BALAGTAS, JR. was the original allocatee of the controverted lot by virtue of an occupancy permit issued by the United States Naval Authority on January 21, 1959 and is in the actual possession of the same having introduced therein valuable improvements consisting of sand and gravel fillings and fence around the premises;

“(4) That the application of BERNARDO PATAGAN is irregular and anomalous having been filed and accepted despite the existence of a previous and valid application of EDUARDO BALAGTAS, JR.; and

“(5) That the possession and occupation of the lot by BERNARDO PATAGAN is likewise illegal, the construction having been made despite the admonition and restraining advice from the District Land Officer and without the usual building permit from the city authorities”;

and decreeing that -

“Premises considered, it is ordered, as hereby it is ordered, that the Miscellaneous Sales Application No. (1-4) 939 of BERNARDO PATAGAN be rejected and cancelled forfeiting in favor of the Government any amount paid on account thereof and the Miscellaneous Sales Application No. (1-4) 938 of EDUARDO BALAGTAS, JR., be given due course. Let the construction be demolished at respondent's cost.” (Exhibits Q and Q-1)

The motion for reconsideration filed by the petitioners was denied by the then Director of Lands Vicente A. Valdellon.

Meanwhile, Eduardo Balagtas, Jr. died in 1967. On July 28, 1972, Eduardo Balagtas, Sr., (herein private respondent) apparently in his capacity as legal heir of his deceased son filed an action to recover the possession of subject lot from petitioner Bernardo Patagan with the Court of First Instance of Olongapo & Zambales, Branch III, docketed as Civil Case No. 1055-0.

In their Answer, the petitioners alleged by way of affirmative defenses

(a) That the land in controversy is different from the land allocated to and occupied by the late Eduardo Balagtas, Jr.; and

(b) That, having occupied the land in controversy for more than ten (10) years, they have acquired prescriptive title thereto.

After trial, judgment was rendered on August 28, 1974, the dispositive portion of which reads -

"WHEREFORE, judgment is hereby rendered in favor of plaintiff Eduardo Balagtas, Sr. and against defendant Bernardo Patagan, declaring that said plaintiff, as successor-in-interest of the late Eduardo Balagtas, Jr., is entitled to the possession of Lot No. 4075, Ts-308, Olongapo Townsite Subdivision, and ordering said defendant to vacate the land aforesaid, remove his improvements thereon, and deliver the possession thereof to said plaintiff; and, to pay said plaintiff the sum of One Thousand Pesos (P1,000.00) as and for attorney's fees.

"Defendant's counterclaim is, as the same is hereby, dismissed.

"Costs against defendant.

"SO ORDERED."

Petitioner filed a Notice of Appeal from the said decision. Upon the finding, however, that the Appeal Bond and Record on Appeal were both filed out of time, the trial court in an Order dated November 5, 1974 resolved to deny the appeal and acting upon private respondent's motion for execution, ordered the issuance of a writ of execution, the decision having already become final and executory. The corresponding writ of execution was issued on November 7, 1974.

On November 25, 1974, the Deputy Sheriff submitted his return which states, among others -

"That because of the improvements introduced by the defendant consisting of two (2) residential houses, undersigned cannot satisfactorily place the plaintiff in possession of the land in question, it appearing that defendant refused to remove the same." (Exh. "B-Contempt").

On February 18, 1975, the trial court, acting upon the motion for the issuance of a writ of demolition filed by private respondent, ordered petitioner, pursuant to Section 13 of Rule 39 of the Rules of Court to remove the improvements consisting of two residential houses, within thirty (30) days from notice.

It later appeared that in the meantime, petitioner filed with the Court of Appeals, a petition for certiorari to annul and set aside the decision rendered in this case (Civil Case No. 1055-0) together with the November 5, 1974 order

(which denied the appeal and ordered the issuance of a writ of execution). The petition was docketed as CA-G.R. No. SP-039552.

On September 29, 1977, the Court of Appeals dismissed the petition. On January 17, 1978, the trial court received the entry of final judgment from the Court of Appeals.

On February 3, 1978, the trial court, acting upon another motion filed by private respondent for the issuance of a writ of demolition, issued another order directing petitioner "to remove the improvements consisting of two residential houses introduced by him on the land in question within thirty (30) days from notice", failing which a writ of demolition would issue. (p. 23, Rollo).

For failure of petitioner to comply with the aforesaid order within the prescribed period notwithstanding due notice, the writ of demolition was issued. The subject residential houses were demolished on March 8, 1978. However, petitioners re-entered the premises, constructed their shanty thereon, which acts prompted private respondent to file a Motion to Declare Petitioners in Contempt of Court.

After hearing on the said motion, the lower court on April 30, 1980 issued the following Order -

"WHEREFORE, judgment is hereby rendered finding respondent BERNARDO PATAGAN guilty beyond reasonable doubt of indirect contempt of this court. In view however, of the admonition that courts should be slow in jailing people for disobedience or resistance to its lawful order, writ or command, respondent is hereby given thirty (30) days from the promulgation of this judgment within which to remove the improvements he introduced on Lot No. 4075, Ts 308, Olongapo Townsite Subdivision and to vacate the same, failing which said respondent BERNARDO PATAGAN should suffer imprisonment until such time when he can demolish his improvements aforesaid and vacate the land in question.

"SO ORDERED." (p. 26, Rollo)

For failure of petitioner Bernardo Patagan to comply with the aforesaid order, the lower court issued on October 1, 1980, an order for his arrest.

"ORDER

"Acting upon the motion for execution dated September 2, 1980 filed by Atty. Rodrigo F. Beltran, counsel for the plaintiff;

"Considering that the respondent failed to comply with the order of this Court dated April 30, 1980; that upon the filing of a notice of appeal on said order respondent has not filed his bond to justify the suspension of the execution of the order of this Court;

"AS PRAYED FOR, let a warrant issue for the arrest of respondent Bernardo Patagan in order that he should suffer imprisonment until such time when he can comply with the order dated April 30, 1980.

"SO ORDERED." (p. 28, Rollo)

The petitioners now seek relief before this Court, thru the instant petition for certiorari, mandamus and prohibition with prayer for preliminary injunction and/or restraining order claiming that respondent judge acted arbitrarily, whimsically and capriciously abused his discretion, amounting to lack of jurisdiction in issuing the aforequoted Orders dated April 30, 1980 and October 1, 1980.

Petitioner Bernardo Patagan does not deny that he re-entered the land in question and built a shanty thereon. It is however his submission that said act did not constitute contempt because:

(a)

the decision in Civil Case No. 1055-0 is null and void and/or unenforceable. As early as May 1967, Eduardo Balagtas, Jr. already sold whatever rights he may have over the subject lot. Consequently, when private respondent filed the complaint on July 28, 1972, he had no right anymore on the subject lot. Civil Case No. 1055-0 therefore, was not filed by or prosecuted in the name of the real party in interest.

(b)

while the writ of demolition was returned fully satisfied, private respondent was never placed in possession of the lot in question because petitioners managed to immediately return and reconstruct their house thereon.

With respect to the Order dated October 1, 1980, petitioner Bernardo Patagan contends that the same has no basis because the Order dated April 30, 1980 was not and could not be served upon him as he was then abroad. (pp. 7-9, Rollo)

The flaw in petitioners' argument lies in the fact that it proceeds from the erroneous assumption that the remedy of contempt is intended solely to protect the interest of the party adversely affected by the contemptuous act complained of. What the rule provides is that a person guilty of "Disobedience of or resistance to a lawful writ, process, order, judgment or command of court, x x x including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters x x x upon such property, for the purpose of executing acts of ownership or possession x x x," may be punishable for contempt (Section 3, par. 1 (b), Rule 71, Rules of Court). Therefore, contempt of court is an act constituting a defiance of the authority of the court. It matters not if any party litigant is adversely affected.

In the case at bar, it appears that petitioners had been effectively ejected from the land in question pursuant to the writ of demolition issued by the court. Their re-entry is clearly a defiance of the authority of the court. As it is, the decision sought to be enforced had long become final and executory. And unless and until the said decision is annulled or set aside in a proper proceeding, the same must be given effect.

"One form of indirect contempt is 'disobedience of or resistance to a lawful writ, process, order, judgment or command of a court, or injunction granted by a court or judge' which is punishable by a fine not exceeding one thousand pesos or imprisonment not exceeding six months or both. (Reliance Procoma, Inc. vs. Phil-Asia Tobacco Corporation, 57 SCRA 370)

"The act of re-entry by a party into the land from which he was ordered by the court to vacate may be punished for contempt of court even after the lapse of five years from the date of the execution of the judgment." (Benedicto vs. Canada, L-20292, November 27, 1967, 21 SCRA 1066)

Anent the claim of petitioner that the Order dated October 1, 1980 has no basis because the Order dated April 30, 1980 could not be served upon him, the same is without merit. The record shows that Bernardo Patagan had always been represented by counsel in all the hearings on the motion for contempt. In fact he had presented his own evidence. Therefore he cannot now claim that he had no knowledge of the April 30, 1980 order.

At any rate, what was ordered in Civil Case No. 1055-0 was merely the return of the possession of the subject parcel of land to private respondent. As to who has a better right to the ownership thereof is a question to be determined by the Bureau of Lands in appropriate proceedings filed before it, the subject parcel of land being admittedly public land.

WHEREFORE, the instant petition is DISMISSED.

Costs against petitioners.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Griño-Aquino, JJ., concur.

Feliciano, J., took no part.

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.