

LEON DEL ROSARIO, PETITIONER, VS. HON BIENVENIDO CHINGCUANGCO, ASSOCIATE JUDGE OF THE COURT OF AGRARIAN RELATIONS, PROVINCIAL SHERIFF OF NUEVA ECIJA AND TOMAS IMPERIO, RESPONDENTS.

G.R. No. L-25503. December 17, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

This is a petition for certiorari with preliminary injunction principally assailing an order of the Court of Agrarian Relations denying a motion to stay execution of its judgment dispossessing the tenant until he is indemnified for alleged expenses and improvements.

As leasehold tenant, petitioner, Leon del Rosario, occupied a parcel of land owned by respondent Tomas Imperio, situated in Cabocbocan, Rizal, Nueva Ecija. Said land became the subject matter of litigation between said parties before the Court of Agrarian Relations, Fourth regional district, in CAR Cases Nos. 2652-NE '61 and 2909-NE '62. And on July 12, 1963, a decision was rendered therein, the dispositive portion running as follows:

"WHEREFORE, judgment is hereby rendered: (1) ordering the ejectment of Leon del Rosario from the landholding in question subject to Section 43 and Section 50, paragraph (a), R.A. No. 1199, as amended by R.A. No. 2263, and (2) ordering Tomas Imperio to pay Leon del Rosario the value of the excess rentals received by him for the agricultural years 1961-62 and 1962-63."

Said judgment was affirmed in toto by the Court of Appeals on March 26, 1965.

Subsequently, on October 26, 1965, Imperio filed with the Court of Agrarian Relations a motion for execution of the afore-stated Judgment. Del Rosario however opposed it, on the ground that he has a right of retention over the land until he is indemnified for expenses and improvements, alleging that in the present case he is entitled thereto. Acting thereon, the Court of Agrarian Relations, on November 18, 1965, issued an order for the Issuance of a writ of execution, stating that the judgment had become final and executory, and that Del Rosario's claim for indemnity, if any, should be filed with said court for determination, but cannot stop execution of said judgment. Del Rosario filed a motion for reconsideration but this was denied by the same court on December 14, 1965. And on December 16, 1965, the corresponding writ of execution was issued.

Petitioner Del Rosario then filed, on December 27, 1965, the present special civil action herein.

Respondents, on January 4, 1966, were required by Us to answer the petition; and on January 8, 1966, We issued a writ of preliminary injunction addressed:

"To: Hon. Bienvenido Chingcuangco (reg.-spl.-del.)
Judge, Court of Agrarian Relations
Cabanatuan City
The Provincial Sheriff of Nueva Ecija (reg.-spl.-del.)

Cabanatuan City"

stating:

"NOW, THEREFORE, until further orders from this Court, You, your agents, your representatives and/or any person or persons acting in your behalf are hereby restrained from implementing the Writ of Execution dated December 16, 1965, in CAR Cases Nos. 2652-NE-61 and 2902-NE-62 of the Court of Agrarian Relations of Cabanatuan City entitled 'Leon del Rosario, plaintiff versus Tomas Imperio, defendant.'"

On January 20, 1966, respondents filed their answer. Further developments came by way of two petitions for contempt: First, a petition filed by respondent Imperio dated February 5, 1966, to declare petitioner's counsel in direct contempt, on the alleged ground that in his petition herein said lawyer cited a fictitious authority. Second, a petition filed by Del Rosario, dated June 20, 1966, to cite for contempt respondent Imperio, and three non-parties, the Chief of Police of the Municipality of Rizal, Nueva Ecija (Eduardo Dumlao), and policemen Remigio Baldonado and Romeo Miguel, for having allegedly sought to eject Del Rosario from the land in question notwithstanding this Court's preliminary injunction. To this a supplementary petition for contempt was filed, dated July 25, 1966, alleging further that with the full backing of said policemen, Imperio caused the plowing and harrowing of the landholding and prevented Del Rosario from reaping the crops therein.

After the respective parties had filed their comments to the petitions for contempt, We deferred their resolution until consideration of this case upon the merits.

At issue on the merits of this petition for certiorari is the proper interpretation or application of Section 43 of Republic Act 1199 (Agricultural Tenancy Act) which provides:

"SEC. 43.—Rights and Obligations of Tenant-Lessee.—With the creation of the tenancy relationship arising out of the contract between the landholders-lessor and tenant-lessee, the latter shall have the right to enter the premises of the land, and to the adequate and peaceful enjoyment thereof. He shall have the right to work the land according to his best judgment, provided the manner and method of cultivation and harvest are in accordance with proven farm practices. Upon termination of the relationship, he shall be entitled to one-half of the value of the improvements made by him, provided they are reasonable and adequate to the purposes of the lease." (Italics supplied).

in relation to Section 1 of Rule 15 of the Rules of the Court of Agrarian Relations, stating:

"Rule 15.—Writ of Execution "Section 1. Requisites for Issuance of Writ of Execution in Case of Final Judgment Ejecting Tenant.—In cases where the dispossession is authorized by final judgment no writ of execution shall issue unless upon certification of the corresponding Judge that the tenant has been fully indemnified of his claim under Section 22 of Republic Act No. 1199 in case of share tenancy or under Section 43 thereof in case of leasehold tenancy."

It is the position of respondents that Section 43 of Republic Act 1199 merely grants the tenant the right to recover one-half of the value of improvements he made on the land, without giving him any right of retention over the land until he is so reimbursed. As to Section 1 of Rule 15 of the Rules of the Court of Agrarian Relations, they contend that the same had been superseded with the advent of the Agricultural Land Reform Code (R. A. 3844), effective August 8, 1963, which replaced the Rules of the Court of Agrarian Relations with the Rules of Court (Sec. 115, R.A. 3844). And, they emphasize that there can be no vested right on procedure, arguing that petitioner's right under the former Rules of the Court of Agrarian Relations cannot be anything more than procedural.

There is no merit to the view that Section 1 of Rule 15 of the Rules of the Court of Agrarian Relations is not applicable in this case for having been abrogated with the enactment of the Agricultural Land Reform Code. Said

Code, it is true, provides that the Court of Agrarian Relations shall be governed by the Rules of Court. (Sec. 155, R.A. 3844) And neither the Rules of Court then obtaining nor the present Rules of Court contain a similar provision requiring payment to the tenant of one-half of the value of his improvements before there can be execution of a judgment dispossessing him. Nonetheless, since the Rules of Court was applied to the Court of Agrarian Relations only on August 8, 1963, pursuant to Republic Act 3844 as afore-stated, its effectiveness to pending cases as of that time, such as the Instant case, should follow the norm set forth in Rule 133 therein: "These rules ... shall govern all cases brought after they take effect, and also all further proceedings in cases then pending, except to the extent that in the opinion of the court their application would not be feasible or would work injustice, in which event the former procedure shall apply."

Should it turn out that indeed petitioner tenant had made Improvements on the landholding, - a point not for Us now to decide - then Section 43 of Republic Act 1199 clearly gives him the right to one-half of their value, thereby Imposing upon the landholder dispossessing him the correlative duty of paying the same. The rule prevailing during the pendency of this case in the Court of Agrarian Relations required that this account be settled before any judgment of ejectment can be executed. It is therefore not difficult to see that to apply the Rules of Court, which do not contain a similar provision, would be unjust to the tenant. In this event, the former procedure is to be followed, namely, Section 1 of Rule 15 of the Rules of the Court of Agrarian Relations.

Respondent Imperio's argument that petitioner failed to show that improvements were in fact made should be addressed to the Court of Agrarian Relations. The point is that the tenant's claim for reimbursement under Section 43 of Republic Act 1199 should first be threshed out, determined and resolved "before the tenant can be dispossessed by writ of execution. This recourse is but in accordance with the policy of the law to protect the rights of tenants upon the principle of social Justice (Sec. 2, Republic Act 1199).

The petition for contempt filed by respondent Imperio charges petitioner's counsel of having cited a fictitious case and a non-existent ruling. The record bears out that petitioner's counsel alleged in page 5 of the petition for certiorari herein, thus:

"Section 1, Rule 15, Rules of the Courts of Agrarian Relations, predicated on Section 43 of Republic Act No. 1199, as amended, supra, has been upheld to be valid by this Honorable Tribunal so that now no writ of execution can be issued unless it is complied with first (Paz Ongsiako, Inc. vs. Celestino Abad, et al., O.R. No. L-121447), This ruling, in effect, created and established or confirmed the prior substantial right of a tenant to indemnification before he is finally ejected from his holding."

Petitioner's counsel obviously had in mind this Court's decision in Paz Ongsiako, Inc. vs. Celestino Abad, L-12147, July 30, 1957. Although he cites as docket number L-121447 instead of L-12147, the same is plainly but a slight typographical mistake not sufficient to place him in contempt, especially because the names of the parties were given correctly. As to said counsel's interpretation of this Court's decision in said case, or of what the ruling therein "in effect" created, established or confirmed, the same are mere arguments fully within the bounds of earnest debate, rather than a deception urged upon this Court. The first petition for contempt is therefore without merit.

The second petition for contempt is against respondent Imperio and three others, not parties herein: the Chief of Police of the Municipality of Rizal, Nueva Ecija, Eduardo Dumlao; policeman Remigio Baldonado; and, policeman Romeo Miguel. Said petition as well as the supplemental petition thereto, allege that respondent Imperio, with the aid of the three law enforcement officers, disturbed petitioner in the possession and cultivation of the land, on June 13, 1966; caused its plowing and harrowing on June 27, 1966; and prevented the petitioner from reaping the second rice crop on July 16, 1966, The foregoing acts, if true, would be a ground for contempt only if at the time this Court's writ of preliminary injunction was issued, respondent court's writ of execution had

not yet been carried out. From the sheriff's return,[*] however, it would appear that respondent Imperio was placed in possession of the land by virtue of the writ of execution as of December 18, 1965. This Court's preliminary injunction, restraining implementation of the writ of execution, was issued only on January 8, 1966. Respondents, therefore, may not be held in contempt. Nonetheless, the premature implementation of the writ of execution being illegal, petitioner should be restored to peaceful and undisturbed possession of the landholding, until his claim for payment of improvements (one-half of their value) is settled by respondent court.

WHEREFORE, respondent court's orders of November 18, 1965 and December 14, 1965, denying petitioner's motion to stay execution pending settlement of his claim for one-half of the value of alleged improvements, as well as the writ of execution already issued, are hereby set aside; respondents are ordered to restore petitioner to the landholding, and to proceed according to Section 1 of Rule 15 of the former Rules of the Court of Agrarian Relations, by first determining petitioner's claim for improvements under Section 43 of Republic Act 1199, before issuing a writ of execution for the said tenant's dispossession. The petitions for contempt are denied for lack of merit. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

[*] See reverse side of Annex 1, answer.

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