

IGNACIA N. DE TANEDO, PETITIONER-APPELLANT, VS. EMETERIO DE LA CRUZ, RESPONDENT-APPELLEE.*G.R. No. L-27667. March 25, 1970*

Ponente: MAKALINTAL, J.

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This case, filed under the provisions of the Agricultural Tenancy Act (R.A. No. 1199) is one for ejectment of the leasehold tenant from the parcel of land under cultivation by him, owned by the petitioners-appellants. Judgment by the Court of Agrarian Relations was for the respondent-appellee, and appeal was taken to the Court of Appeals, which certified the same to us on the ground that only a question of law is involved.

Several reasons were alleged in the complaint below to justify the ejectment prayed for, but in this appeal only two of said reasons are insisted upon, namely, failure on the part of the tenant to pay the yearly rentals in advance pursuant to his agreement with the landholders; and conviction of said tenant of a crime committed against them.

In the decision appealed from as well as in the resolution of the Court of Appeals forwarding this case to us, it has been found that the rentals for the agricultural years 1958 to 1961, inclusive, had all been fully satisfied, although not in advance as agreed upon. This is admitted by the petitioners-appellants. We agree with the Court a quo that the delay in payment does not justify the drastic remedy of ejectment, considering Section 50(b) of Republic Act 1199, which states that while violation by the tenant of any of the terms and conditions of the tenancy contract shall be a ground to eject him, yet this provision shall not apply where there has been substantial compliance. With reference to the rental for the crop-year 1962-63, failure to pay the same was not alleged in the original or amended complaints below, and hence may not be considered for the first time on appeal.

The second ground invoked by the petitioners-appellants deserves more serious consideration. It is an admitted fact that the respondent-appellee was charged with and convicted of the crime of theft by the Municipal Court of Tarlac for having stolen eight (8) bamboo shoots belonging to the petitioners-appellants. The judgment of conviction was promulgated on April 27, 1962, and the penalty imposed was a fine of P50.00.

The Agricultural Tenancy Act (R.A. No. 1199), which was then in force, provided as follows:

"SEC. 50. Causes for the Dispossession of Tenant. - Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his hold-ings:

x x x

(g) Conviction by a competent court of a tenant or any member of his immediate family or farm household of a crime against the landholder or a member of his immediate family."

Several considerations deter this Court from applying the aforequoted provision to the letter in this case and ordering the ejectment of the respondent-appellee as a result. First, the conviction was for a minor offense, involving as it did the taking of a few bamboo shoots from the land under cultivation without the prior consent of the petitioners-appellants, for which only a small fine was imposed and duly paid. Second, under Section 49 of the

Agricultural Tenancy Act, the tenant shall be dispossessed of his holding for any of the causes enumerated in Section 50 "only after the same has been proved before, and the dispossession is authorized by the court." It would seem from this that the court is given some discretion to determine whether or not the cause, although among those enumerated, is of such gravity as to warrant the drastic remedy contemplated, or whether or not there exist circumstances under which its application may be stayed. Third, it should be noted that under the Agricultural Land Reform Code (R.A. No. 3844, approved August 8, 1963) an agricultural lessee's conviction of a crime committed against his lessor is no longer a cause for the former's dispossession. While the principle of retroactivity generally applied to posterior legislation favorable to an accused refers to the penal aspects of the case, yet for reasons of equity we believe that the benefits of that principle may be extended to the respondent appellee here, insofar as his ejectment is predicated on his conviction alone. Finally, Section 56 of the Agricultural Tenancy Act lays down the guideline that "in the interpretation and enforcement of this Act and other laws as well as of the stipulations between the landholder and the tenant, the court and administrative officials shall solve all grave doubts in favor of the tenant." This Court has had occasions to observe this guideline, among them in Santos vs. Garcia, G.R. No. L-16894, May 31, 1963, where we reversed the decree of ejectment issued by the lower court on a finding that the tenant had reaped two cavans of palay from the land cultivated by him without the consent of the landholder.

Wherefore, the judgment appealed from is affirmed, without costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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