

BERNARDO QUILANTANG, ET AL, PETITIONERS, VS. THE COURT OF APPEALS AND BENJAMIN TECSON, RESPONDENTS.

G.R. No. L-34212. December 13, 1972

Ponente: CASTRO, J.

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CASTRO, J.:

This is a petition for certiorari filed by the petitioners Bernardo Quilantang, Monico Bitangcol, Eustaquio Bitangcol, Bonifacio Talens, Isidro Maon, Gorgonio Maon and Jacinto Ramos, against a resolution of the Court of Appeals dated August 3, 1971 granting the motion of the private respondent Benjamin Tecson for execution pending appeal of the decision of the Court of Agrarian Relations of Nueva Ecija, and ordering the ejectment of the petitioners from the farm of the private respondent.

It appears that on February 6, 1968 the private respondent filed a complaint with the Court of Agrarian Relations of Nueva Ecija (docketed as CAR Case 176) for ejectment from their respective landholdings of the petitioners who were working the respondent's farm as agricultural lessees, on the ground that he will personally cultivate the same.

On May 13, 1970, after trial on the merits, the agrarian court rendered a decision granting the respondent's prayer.[1] The petitioners forthwith appealed to the Court of Appeals. During the pendency of the appeal, the respondent filed a motion with the Court of Appeals, praying for the execution of the decision a quo, on the strength of section 5 of R. A. 5434 which reads:[2]

"SEC. 5. Effect of appeal. - Appeal shall not stay the award, order, ruling, decision or judgment unless the officer or body rendering the same or the court, on motion, after hearing, and on such terms as it may deem just, should provide otherwise. The propriety of a stay granted by the officer or body rendering the award, order, ruling, decision or judgment may be raised only by motion in the main case."

The petitioners opposed the foregoing motion, arguing that section 36 of R. A. 3844 (otherwise known as the Land Reform Code) forbids the dispossession of an agricultural lessee except by virtue of a final and executory judgment. The cited section provides, inter alia, as follows:

"SEC. 36. Possession of Land holding; Exceptions. - Notwithstanding any agreement as to the period or future surrender of the land, an agricultural lessee shall continue in the enjoyment and possession of his landholding except when his dispossession has been authorized by the Court in a judgment that is final and executory if after due hearing it is shown that:

(1) The agricultural lessor-owner or a member of his immediate family will personally cultivate the landholding, or will convert the landholding, if suitably located, into residential, factory, hospital or school site or other useful non-agricultural purposes * * *."

On August 3, 1971 the Court of Appeals granted the private respondent's motion for execution. The rationale of the said Court may be stated as follows: the matter of whether or not a judgment authorizing the dispossession of a tenant may be executed pending appeal was, prior to the approval of R. A. 5434; governed by section 12 of R.

A. 1267, as amended by R. A. 1409, and not by section 36 of R. A. 3844, the former being more specific on the matter than the latter.

R. A. 1267, as amended, provides, inter alia:

"SEC. 12. Execution of Orders or Decisions. - At the expiration of fifteen (15) days from notice of the order or decision, judgment shall be entered in accordance therewith * * *. The institution of an appeal shall not stay the execution of the order or decision sought to be reviewed, unless for a special reason, the Court of Agrarian Relations or the Supreme Court shall order that execution be stayed, in which event the Court, in its discretion, may require the appellant to deposit with the Clerk of Court such amount as would answer for the sum involved in the order or decision or require him to give bond in such form and for such amount as to insure compliance with the order or decision in case the same is confirmed: Provided, however, That an order or decision ejecting a tenant from his landholding shall not be executed until after the decision has become final and conclusive."

However, when R. A. 5434 took effect on September 9, 1968, the rationale continues, section 12 of R. A. 1267, as amended, lost all force and effect because section 8 of R. A. 5434 expressly repealed said section 12, thus:

"SEC. 8. Repealing clause. - Section twelve of Republic Act Numbered One thousand two hundred and sixty-seven, as amended; Section seven of Republic Act Numbered Six hundred two, as amended; * * * and all other portions of said Acts, and all other laws, rules and regulations, or Rules of Court, or parts thereof, that are in-consistent with the provisions of this Act, are hereby amended, repealed or modified to conform herewith."

Consequently, the Court of Appeals may order the execution, pending appeal, of decisions of courts of agrarian relations.

We are not persuaded by the thrust of the appellate court's reasoning. In our view, the same section 36 of R. A. 3844, supra, which the private respondent invoked before the trial court to obtain the petitioner's collective ouster, created in favor of an agricultural lessee a substantive right to "continue in the enjoyment and possession of his landholding except when his dispossession has been authorized by the Court in a judgment that is final and executory." R. A. 5434, on the other hand, as its statutory title indicates, is purely procedural in nature, in that it purports to do no more than prescribe a uniform procedure for appeals from the bodies and entities enumerated therein. It is easily comprehensible, then, considering the adjective nature of R. A. 5434, that section 12 of R. A. 1267, as amended, was explicitly and precisely referred to as one of the procedural provisions to be superseded by R. A. 5434.

The legislative policy on agrarian relations, however, has changed radically since the enactment of R. A. 1267. Share tenancy, for instance, has become outcast, and has been declared as contrary to public policy, and tenants were given greater security and added interests of a semi-proprietary nature in their landholdings. It is, therefore, not a mere accident in the law-making process that while under R. A. 1267, a tenant's authority to stay in his landholding until the judgment ousting him became final and executory, merely formed part of the ordinary rules of procedure in the disposition of agrarian cases, that same authority to hold over until final judgment was withdrawn by R. A. 3844 from the realm of procedural law and transformed into a transcendental substantive right. Within the context of the environmental legislative intention directly pertinent to the issue at bar, this Court cannot construe R. A. 5434, an adjective law, in a manner that will upturn one of the fundamental substantive aspects of R. A., 3844, although the latter, in terms and end-results, would seemingly operate to constrict the scope of the former.

Needless to say, the Constitutional mandate that the State "afford protection to labor" (section 6, Article XIV) has already found indelible expression in many of our laws on agrarian relations. The vital role which the law-making

body has played in the demanding task of nationwide feudal emancipation, and the progress that so far, through its wise and circumspect leadership, has been attained toward that end, merit judicial concern and consideration to such a degree that unless it can be indubitably demonstrated that Congress has unequivocally expressed an intention to depart from its previously declared substantive public policy, the same should be taken as still prevailing, unaffected by mere procedural reform. Well-settled is the rule that repeals by implication are not favored.

ACCORDINGLY, the questioned resolution of the Court of Appeals dated August 3, 1971 is hereby annulled. No costs.

Concepcion, C.J., Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

[1] Prior to its amendment by R. A. 6389 on September 10, 1971, R. A. 3844 allowed the dispossession of an agricultural lessee on the ground of personal cultivation by the landowner. (See section 36, R. A. 3844.

[2] R. A. 5434 took effect on September 9, 1968. It provides a uniform procedure for appeals from the Courts of Agrarian Relations and other quasi-judicial tribunals.

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