

QUINOIANO ISAAC, ET ALS., PLAINTIFFS AND APPELLANTS VS. TAN CHUAN LEQNG, ET ALS., DEFENDANTS AND APPELLEES.

G. R. No. L-3324. May 23, 1951

Ponente: FERIA, J.

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FERIA, J.:

This is an appeal from a decision of the Court of First Instance of Quezon Province which dismisses the plaintiffs' complaint on the ground that it does not state facts sufficient to constitute a cause of action. The decision reads in part as follows:

"It is undisputed that the complaint in this case is for the repurchase of a parcel of land situated in the barrio of Pochtol, Municipality of Unisan, Quezon Province, covered by Homestead Patent No. 11340 and Original Certificate of Title No. 174 of the Office of the Register of Deeds of this province; that the action was based on the provisions of Section 119 of Commonwealth Act No. 141, which became effective on December 1, 1936 and which provides that "every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, within a period of five years from the date of the conveyance." That Homestead Patent No. 11340 for the property in controversy was granted by the Governor General on September 13, 1917, and subsequently, to be exacted on October 1, 1917, Original Certificate of Title No. 174 of the Office of the Register of Deeds of this province, was issued in the name of Benito Isaac, the plaintiff's alleged predecessor in interest, in accordance with the provisions of Act No. 926 of the Philippine Commission; that this Act No. 926 contains no provision of the same, analogous or similar tenor as that embodied in Section 119 of Commonwealth Act No. 141; that it was only on November 29, 1919, or long after the issuance of Original Certificate of Title No. 174, when the Philippine Legislature passed Act No. 2874, repealed Act No. 126 of the Philippine Commission, and introduced therein a new provision in its Section 117, from which Section 119 of Commonwealth Act No. 141 was reproduced en toto.

"Under the above facts, this Court is of the opinion that plaintiffs' complaint can not prosper, firstly, because under Article 3 of the Civil Code 'laws shall have no retroactive effect, unless they so provide' and, secondly, the granting of a homestead patent is a contract between the Government and the patentee, as may be deduced from Section 122 of the Land Registration Act Under Section 1 of Article III of the Philippine Constitution, 'no law impairing the obligation of contracts shall be passed.'

"Plaintiffs' complaint of September 28, 1948, is hereby dismissed."

The appellants in their two assignments of errors contend that the lower court erred in dismissing the plaintiffs' complaint on the ground that Section 119 of Commonwealth Act No. 141, taken from Section 117 of Article No. 2874, has no retroactive effect, and the application of said section to the present case would impair the obligations of contract.

We are of the opinion, and so hold, that the lower court committed the errors assigned by the appellants.

In the present case, the provisions of section 117 of Article 2874 approved on November 29, 1919, which grants the widow and legal heirs of a grantee of homestead the right to repurchase every conveyance of land acquired

under a free patent or homestead provisions within a period of five years from the date of the conveyance, is applicable to the sale made on September 6, 1944, by the heirs of the late grantee Benito Isaac to the defendant Tan Chuan Leon. To apply such provision to the sale in question does not amount to give to it a retrospective effect, because the sale was effected on September 6, 1944, and said Section 117 of Article 2874 was approved on November 29, 1919. The fact that the homestead sold was granted to the sellers' predecessor in interest on September 13, 1917, before Section 117 of Article No. 2874 was approved, is immaterial, for said Section 117 far from impairing or divesting any vested right of the grantee or his successors in interest, the appellants, is beneficial to them.

Besides, taking into consideration that homestead laws are designed to distribute disposable agricultural lands of the State to destitute citizens for their home and cultivation, and to see to it that they are not deprived of their means of livelihood and reduced to misery (Jocson vs. Soriano, 45 Phil. 375), it is evident that it was the intention of the Philippine Legislature to make said Section 117 of Article No. 2874 applicable not only to homestead to be granted in the future but also to those already granted in so far as it would not impair the obligations of contract. Because the constitution does not in term prohibit the enactment of retrospective laws which do not impair the obligations of contract or deprive a person of property without due process of law, that is, do not divest rights of property or vested rights. The appellees will not be divested of any vested right by the application of the provisions of Section 117 of Article No. 2874 or Section 119 of Commonwealth Act No. 141 to the sale of the homestead lot to them in the year 1944, because at the time of purchasing the land in question they ought to know the existence of that legal provision, already in force since the year 1919.

In view of the foregoing, the appealed decision of the lower court is reversed, and the case is returned to the court of origin for further proceeding, with costs against the appellees. So ordered.

Paras, C. J., Pablo, Bengzon, Tuason, Montemayor, Jugo, and Bautista Angelo JJ., concur.

DISSENTING

PADILLA, J.,

I dissent. Act 2874 and Commonwealth Act 141 which provide that every conveyance of land acquired under the free patent or homestead provisions shall be subject to repurchase by the applicant, his widow, or legal heirs, within a period of five years from the date of the conveyance, cannot be applied to a homestead patent issued under the provisions of Act 926 which did not grant such right to the applicant, his widow, or heirs. Act 2874 and Commonwealth Act 141 should not and cannot be given retroactive effect. The fact that the conveyance of the homestead was made on 6 September 1944, when said Acts were already in full force, did not have the effect of bringing the homestead under the operation of said Acts which were subsequently approved or long after the homestead in question had been granted.

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