

ANICETA IBURAN, PLAINTIFF AND APPELLEE, VS. MAGDALENO LABES, DEFENDANT AND APPELLANT.*G.R. No. L-2671. August 30, 1950*

Ponente: TUASON, J.

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This was an action of unlawfull detainer begun in the Justice of the Peace Court of Carcar, Cebu. The single question presented on appeal has to do with the Justice of the Peace's jurisdiction to take cognizance of the case as one of unlawful detainer, as he did. It is the contention of the defendant and appellant that the allegations int he complaint bring the case within the provisions of Act No. 4054, known as Tenancy Law, and its amendments.

It should be stated that section 29 of Act No. 4054, which was approved on February 27, 1933, provides "That this Act shall take effect only in the provinces where the majority of the municipal councils shall, by resolution, have petitioned for its application to the Governor-General, who thereupon shall, by proclamation, fix the date when this law shall take effect in said provinces," and that it was only on November 12, 1946, when that Act as amended was declared in full force and effect in Cebu by Executive Proclamation No. 14 of the President. It should be also stated that on the date of the proclamation, the present case had been decided by the Justice of the Peace against the defendant, the latter had appealed to the Court of First Instance, the plaintiff had reproduced her complaint and the defendant had filed his answer in the latter court, and execution of the Justice of the Peace's judgment had been issued although the execution apparently had not been carried out. It thus only remained for the Court of First Instance to hear and decide the action.

Statutes are presumed to be prospective only in their operation rather than retrospective or retroactive, unless the contrary clearly appears, or is clearly, plainly, and unequivacally expressed or necessarily implied. (59 C.J., 1169, 1170.) So where, by its terms, a statute is to apply "hereafter" or "thereafter", or is to take effect at a fixed future date, or immediately, or which contains, in the enacting clause, the phrase "from and after the passing of this Act," or contains the words "shall have been made," or "from and after," a designated date * * *, it is prospective only in operation. (Idem, 1159.)

The presumption is stronger against retroactivity of a statute with reference to pending actions or proceedings. It has been generally held that "no statute shall be so construed as to give it retroactive effect so as to affect pending litigation." (Idem, 1174-75.) "Statutes which affect or change a remedy are presumed intended to exempt pending cases and proceedings from their operation unless the contrary appears." (Idem, Note 55-b, 1175.)

Proclamation No. 14 declared "The Philippine Rice Share Tenancy Act to be in full force and effect from and after the date of this proclamation throughout the Philippines." These words clearly import an intent to make the proclamation prospective.

The provision of Act No. 4054 that the date of its effectivity in a given province was to be fixed by the Chief Executive depending upon the wishes of the majority of the municipal councils thereof, is the strongest argument against the theory that such proclamation when issued should cover previous cases. Obviously there was in the

mind of the Legislature no pressing need for the application of this legislation, when it was passed, to all the provinces. Hand in hand with this idea was the notion that the conditions affecting the relations between landlords and tenants in a given province did not demand the operation of the law therein before Proclamation No. 14 was promulgated.

Judge Moscoso denied the motion to dismiss on the ground that the case "refers to undelivered share of the products of the land in question by the tenants to the owner of the land," adding that "it is clear that the Tenancy Act which was made applicable to the Province of Cebu by Proclamation No. 14 dated November 12, 1946, only, does not cover the present action." Yet in giving judgment for the plaintiff "declaring here with right to the possession of the lands in question and ordering the defendant to vacate and restore it to her, to pay to her the products from 1945 to 1946 amounting to eight (8) cavanes of palay to the total value of P200," the Judge declined to "make pronouncement as to the products for 1947 in view of the aforesaid executive proclamation."

Closely analyzed, this decision seems to us self-contradictory, and if totally allowed to stand, might lead to conflicts, misunderstandings and anomalies. In adjudicating to the plaintiff the possession of the land and the landlord's share of the crop for two years and refusing to make any adjudication with respect to the rent or share for the subsequent years, the decision does not explain how and where the latter rent or share should be recovered. Apparently the intention of the lower court was that this matter should be brought before an agency created by the Land Tenancy Act. If this be the case, the action of the Department of Justice or its representative would be confined to the fixing of the share, which might be different from that found by the court for 1945 and 1946, but that department would have no authority to determine the right of the landlord to dismiss the tenant. If, on the contrary, the court contemplates that the Department of Justice or its representative should take jurisdiction of the case in all its aspects, then that should carry the authority to annul the decision of the lower court, which would be an incongruity—it should be from the standpoint of the trial court.

It is quite plain that the court erred in granting part of the relief asked for and refusing to take jurisdiction over another part of it.

Jurisdiction over remedies of the same nature arising from the same cause of action is indivisible. It is the policy of the courts to determine the entire controversy between litigants. Accordingly, jurisdiction carries with it the power to hear and determine every issue or question properly arising in the case, to do any and all things with reference thereto authorized by law, and to grant full and complete relief. (21 C.J.S., 135, 136.) Where a court originally obtains and exercises jurisdiction, jurisdiction will not be overturned and impaired by any legislative enactment unless express prohibitory words are used, and jurisdiction duly acquired under an existing statute is not taken away by a subsequent statute prescribing a different method of commencing an action. (*Idem*. 148.)

However, the plaintiff has not appealed from the lower court's decision and we are not at liberty to modify it in her favor. Under the circumstances, we only can and do hereby, reserve her right to claim whatever rent or share of the crop she may be entitled to for 1947 and/or subsequent years, in a separate action at law, not in the Department of Justice or through any of its instrumentalities.

With this reservation and modification of the appealed decision, judgment is affirmed with costs against the appellant.

Moran, C.J., Ozaeta, Paras, Pablo, Bengzon, Montemayor, and Reyes, JJ., concur.

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