

DEMETRIA ESTRADA, PLAINTIFF AND APPELLANT, VS. ULDARICO CASEDA, DEFENDANT AND APPELLEE.

G.R. No. L-1560. October 25, 1949

Ponente: TUASON, J.

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TUASON, J.:

This case is before this Court for review of a decision of the Court of First Instance of Manila reversing the judgment of the municipal court and declaring that "the plaintiff may not eject the defendant from the premises in question."

It appears that on September 5, 1945, plaintiff brought this suit, for unlawful detainer, alleging that defendant leased from her a part of a dwelling at a monthly rental of P26; that on August 11, 1945, plaintiff notified defendant in writing to vacate the premises under lease, because one of her married daughters was going to occupy them by the first of the following month; that defendant refused to leave.

On October 13, 1945, Judge Mariano Nable, then of the municipal court, gave judgment for plaintiff with order for defendant to pay the rent from October 1, 1945, at the rate of P26 a month.

On the case being appealed to the Court of First Instance, defendant filed an answer alleging as special defense, among others not necessary to the solution of this appeal, "that the main motive of the plaintiff in bringing the present action is to oust the defendant and lease the same premises to third parties who are willing to pay the black market rental."

In reversing the judgment of the municipal court, the Court of First Instance of Manila, Judge Rafael Dinglasan presiding, said that "Commonwealth Act No. 689, as amended only provides three grounds for ejecting a lessee or occupant from a building destined solely for dwelling, namely (1) for willful and deliberate non-payment of rents, (2) when the lessor has to occupy the building leased, and (3) when the lessee shall have subleased the building or any part thereof as dwelling or for dwelling purposes without the written consent of the proprietor." None of these contentions, according to the court, was alleged much less proved. The court correctly held that the fact that the premises under lease were needed by plaintiff's married daughter was not comprehended in the second ground above mentioned.

The above requirements were provided in Commonwealth Act No. 689, which was approved October 15, 1945. Section 14 of that Act provided that the same "shall be in force for a period of two years after its approval." Republic Act No. 66, approved October 18, 1946, amended section 14 of Commonwealth Act No. 689 so as to read as follows: "Section 14. This Act shall be in force for a period of four years after its approval."

When did this four-year period commence to run? Is the present lease still within this period?

An amended act is ordinarily to be construed as if the original statute had been repealed, and a new and independent act in the amended form had been adopted in its stead; or, as frequently stated by the courts, so far as regards any action after the adoption of the amendment, as if the statute had been originally enacted in its

amended form. The amendment becomes a part of the original statute as if it had always been contained therein, unless such amendment involves the abrogation of contractual relations between the state and others. Where an amendment leaves certain portions of the original act unchanged, such portions are continued in force, with the same meaning and effect they had before the amendment. So where an amendatory act provides that an existing statute shall be amended to read as recited in the amendatory act, such portions of the existing law as are retained, either literally or substantially, are regarded as a continuation of the existing law, and not as a new enactment. (59 C.J., 1096, 1097.)

In accordance with this rule, the provision of Republic Act No. 66 amending section 14 of Commonwealth Act No. 689, related back to, and should be computed from, the date of the approval of the amended act, that is October 15, 1945. The period as thus construed expired on October 15, 1949.

The judgment of Judge Dinglasan was correct, but, the period reckoned by the trial court being now over, our decision is that judgment shall be rendered ejecting defendant from the house described in the complaint and ordering him to pay rent at the rate of P26 a month from October 1, 1945. It is so ordered, without costs.

Moran, C.J., Ozaeta, Paras, Feria, Montemayor, Reyes, and Torres, JJ., concur.

MORAN, C. J.:

Mr. Justice Bengzon voted in conformity with this decision.

PADILLA, J.:

I concur in the result. Commonwealth Act No. 689, as amended by Republic Act No. 66, cannot be given retro-active effect. The cause of action in the case at bar arose before the passage of the Acts.

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