

MARTA A. VDA. DE CUIZON, PETITIONER, VS. EMILIANO ORTIZ AND THE COURT OF AGRARIAN RELATIONS, RESPONDENTS.*G.R. No. L-20905. April 30, 1966*

Ponente: ZALDIVAR. J.

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This is a petition for a writ of certiorari to review and set aside the decision of the Court of Agrarian Relations, Second Regional District, Cabanatuan City, in its CAR Case No. 2630-NE-61, approving the petition of the respondent Emiliano Ortiz, tenant, against the petitioner, Marta A. Viuda de Cuizon, the landholder, for a change of their tenancy contract from share tenancy to leasehold tenancy.

Respondent Emiliano Ortiz has been the share tenant of the petitioner Marta A. Viuda de Cuizon on a riceland with an area of 3 hectares, more or less, seeded to 2 cavans and 8 gantas of palay, situated in the barrio of Sto. Cristo, Gapan, Nueva Ecija, since the agricultural year 1944-45 without the benefit of a registered written tenancy contract. Up to the agricultural year 1957-58 the sharing ratio was 50-50; and from the agricultural year 1958-59 up to the agricultural year 1960-61 the sharing ratio was 70-30 in favor of the tenant, the latter contributing all the items of production with the exception of the land.

On February 13, 1961 tenant Emiliano Ortiz sent a letter to landholder Marta A. Viuda de Cuizon by registered mail, informing the latter of his (tenant's) desire to change their tenancy system from share to leasehold tenancy effective the agricultural year 1961-62, which notice was received by the landholder on March 18, 1961. The agricultural season for the first crop in 1961 started in the month of May of the same year, so that the tenant had timely and validly exercised his right to change the tenancy system from share to leasehold tenancy effective the agricultural year 1961-62. The right availed of by the tenant is provided for in Section 14 of Rep. Act 1199 as amended by Rep. Act 2263, the pertinent provisions of which reads as follows:

"The tenant shall have the right to change the tenancy contract from one of share tenancy to leasehold tenancy and vice-versa * * * In the absence of any registered written contract the right may be exercised at least one month before the agricultural year when the change shall be effected."

The landholder not having agreed to the change in the tenancy system, tenant Emiliano Ortiz filed before the respondent Court of Agrarian Relations on April 18, 1961 a petition for a change in the tenancy system from share to leasehold tenancy.

In her amended answer to the tenant's petition, the landholder contends that Section 14 of R.A. No. 1199, as amended by R.A. No. 2263, which grants to the tenant the right to change the tenancy contract from one of share to leasehold tenancy is unconstitutional and, therefore, null and void because (1) it impairs the obligation of contract; (2) it is a class legislation; and (3) it deprives the landholder of her property without due process of law.

After hearing, the respondent Court of Agrarian Relations rendered a decision declaring the tenancy system between the tenant (herein respondent Emiliano Ortiz) and the landholder (herein petitioner Marta A. Viuda de Cuizon) to be under the leasehold tenancy system effective as of the agricultural season for the second crop from

September 1962 to February 1963. The respondent court fixed the leasehold rentals as follows: for the first crop, at 36 cavans and 34.96 kilos of palay; and for the second crop, at 37 cavans and 34.8 kilos of palay—all of the same variety actually and usually planted in said landholding payable at the threshing site immediately upon the threshing of the harvest every agricultural season.

Her petition for reconsideration of the decision rendered by the respondent court having been denied, landholder appealed to this Court by way of a petition for certiorari.

The only question to be resolved by this Court in the present appeal is the constitutionality of Section 14 of R.A. No. 1199 as amended by R.A. No. 2263.

The landholder, now petitioner, Marta A. Vda. de Cuizon, contends that said Sec. 14 of R.A. No. 1199, as amended by R.A. 2263, is unconstitutional because: (1) said law constitutes an impairment of the obligations of contract; (2) it is not regulatory in nature; (3) it is discriminatory; (4) it violates due process of law and the principle of social justice.

Since this case was submitted for decision on November 11, 1963, this Court has rendered no less than three decisions where the constitutionality of Sec. 14 of R.A. 1199, as amended by R.A. 2263 was upheld (*Ramas vs. Court of Agrarian Relations*, G.R. No. L-19555, May 29, 1964; *Macasaet vs. Court of Industrial Relations, et al.*, G.R. No. L-19750, July 17, 1964; and *Uichangco vs. Gutierrez, et al.* G.R. No. L-20275-20279, May 31, 1965). In the decisions in these three cases practically all the grounds adduced by the herein petitioner, Marta A. vda. de Cuizon, in assailing the constitutionality of Sec. 14 of R.A. 1199, as amended by R.A. 2263, had been passed upon by this Court, and we do not consider it necessary to elaborate further on the matter. Very recently this Court, in the case of *Gamboa vs. Pallarca*, G.R. No. 20407, March 31, 1966, also upheld the constitutionality of Sec. 14 of R.A. 1199, as amended by R.A. 2263, precisely on the authority of the three cases we have herein cited.

Wherefore, the petition for certiorari should be, as it is hereby denied; and the decision appealed from is affirmed. With costs against the petitioner.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

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