

CANUTO PAGDANGANAN, PETITIONER, VS. ELADIO GALLETA (ALIAS ALBERTO GALLETA) AND DOMINGO GALLETA, RESPONDENTS.

G.R. No. L-23564. November 28, 1969

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

To the question - May the heirs of a deceased tenant be dispossessed by the landholder, who is a civil law lessee of the owner, upon the ground that said landholder-lessee wants to personally cultivate the land himself? - the answer of the Court of Agrarian Relations is in the negative. Hence, the appeal of the landholder-lessee direct to this Court.

The facts stipulated by the parties are these:

Felix Galleta, father of herein respondents, was the tenant of herein petitioner Canuto Pagdanganan on a landholding situated in Barrio San Miguel, Guimba, Nueva Ecija. Pagdanganan, in turn, was the lessee of this landholding which was owned by Hacienda Favis. On November 20, 1962, Felix Galleta died. On March 25, 1963, Galleta's widow received from Pagdanganan a letter warning her and her children, respondents herein, against entering the landholding, and notifying them that he (Pagdanganan) and his sons would work the same beginning the agricultural year 1963-1964. Three days thereafter, on March 28, 1963, herein respondents Eladio and Domingo Galleta went to the Court of Agrarian Relations on petition for judgment declaring either of them as petitioner's lawful tenant by way of succession to their deceased father Felix Galleta.[1] This petition notwithstanding, in April 1963, petitioner planted palay on the land by the broadcasting method. Because of drought, however, there was no harvest for the agricultural year 1963-1964.

Petitioner's answer below set up the special defense of termination of tenancy relationship upon the death of his tenant, Felix Galleta, and his (petitioner's) right to personally till the land.

Upon the facts thus stipulated, the Court of Agrarian Relations rendered partial judgment as follows:

"IN VIEW OF THE FOREGOING, respondent CANUTO PAGDANGANAN is hereby given a period of fifteen (15) days from notice hereof within which to exercise his right under Sec. 9, Rep. Act No. 1199, as amended, to choose between petitioners ELADIO and DOMINGO, both surnamed GALLETA, who should succeed their deceased father, Felix Galleta, as tenant on the landholding in question situated at barrio San Miguel, Guimba, Nueva Ecija, with all the rights accorded and obligations imposed by law, and thereafter, respondent is ordered to reinstate the petitioner so chosen in the aforesaid holding.

Upon failure of respondent to exercise his choice within the aforesaid period, this Court hereby declares ELADIO GALLETA to be the successor of the late Felix Galleta as tenant of respondent on the aforesaid landholding (Sec. 9, Rep. Act No. 3844, Agricultural Land Reform Code), and the latter is ordered to reinstate him therein.

Commissioner Clemente S. Felix is directed to set this case immediately for hearing for reception of evidence as to respondent-landholder's participation in the harvest for the agricultural year 1962-63. Com. Felix shall

submit his report, together with the record of this case, within six (6) days from submission of the transcript of stenographic notes.

Petitioner's claim for counsel fees is denied."

Following a hearing, the agrarian court came out with a supplemental decision, the dispositive part of which reads:

"WHEREFORE, judgment is hereby rendered ordering the respondent:

(1) To reinstate Eladio Galleta as his share tenant on the landholding in question with all the rights and obligations prescribed by law;

(2) To pay him the sum of P431.25 (value of 37 1/2 cavans of palay at the rate of P11.50 per cavan, the official buying price of the Rice and Corn Administration), as damages for the agricultural year 1963-1964; and,

(1) To continue paying him the same amount as damages, every agricultural year thereafter until his actual reinstatement."

Petitioner's move to reconsider both the original and the supplemental decisions failed. Hence, the present petition for review.

1. To be reckoned with in the resolution of the crucial issue we have stated at the beginning is Section 9 of Republic Act 1199, otherwise known as the Agricultural Tenancy Act, enacted on August 30, 1954. Worth remembering at this point is that this Section 9 was thereafter amended on June 19, 1959 by Republic Act 2263. The statute as thus amended controls this case.

Perhaps a clear picture of the law in its original state upon enactment on August 30, 1954 and as amended on June 19, 1959 may aid in the proper approach to the question before us. The two provisions, the old and the new, are as follows:

Section 9 of Republic Act 1199:

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The same Section 9 as amended by Republic Act 2263:

“SEC. 9. Severance of Relationship. - The tenancy relationship is extinguished by the voluntary surrender of the land by, or the death or incapacity of, the tenant, but his heirs or the members of his immediate farm household may continue to work the land until the close of the agricultural year. The expiration of the period of the contract as fixed by the parties, and the sale or alienation of the land do not of themselves extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant. In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations.”

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“SEC. 9. Severance of Relationship. - The tenancy relationship is extinguished by the voluntary surrender or abandonment of the land by, or the death or incapacity of, the tenant: Provided, That in case of the tenant's death or incapacity, the tenancy relationship shall continue between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree by consanguinity and who shall cultivate the land himself personally unless the landholder shall cultivate the land himself personally or through the employment of mechanical farm implements, in accordance with section fifty hereof. Should the deceased or incapacitated tenant have two or more members of his immediate farm household qualified to succeed him, the landholder shall have the right to choose from among them who should succeed. x x x.”

The limited rights of the heirs of a tenant under the original statute is quite plain. Upon the death of the tenant, the heirs could only "continue to work the land until the close of the agricultural year." After amendment, in case of the tenant's death, "the tenancy relationship shall continue between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree by consanguinity and who shall cultivate the land himself personally." With one exception. And that exception is couched in the following language: "unless the landholder shall cultivate the land himself personally or through the employment of mechanical farm implements, in accordance with section fifty hereof."

Section 50 of the Agricultural Tenancy Act, as amended by the same Republic Act 2263, it bears emphasizing, gives the right to dispossess a tenant solely and exclusively to "the landholder-owner or his relative within the first degree by consanguinity." The pertinent provision of Section 50, as amended, reads:

"SEC. 50. Causes for the Dispossession of Tenant. - Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his holdings:

(a) The bona fide intention of the landholder-owner or his relative within the first degree by con-sanguinity to cultivate the land himself personally or through the employment of farm machinery and implements: x x x."

In its original form, Section 50(a) reads:

"(a) The bona fide intention of the land-holder to cultivate the land himself personally or through the employment of farm machinery and implements: x x x."

It is true that the amended Section 9 heretofore quoted merely uses the word "landholder" in reference to the person who may exercise the right to personally cultivate the land-holding of the deceased tenant. However, congressional inten-tion to limit the import of the term landholder to landholder-owner is clear from a reading of Section 50(a) as amended. And then, during the debates in Congress, Senator Emmanuel Pelaez, who sponsored the bill (Senate Bill 119) that became Republic Act 2263, remarked: "The hereditary right involved is the right to work the land. Now, the right to work the land is not absolute because the land still belongs to the landowner. To be just to the landowner, he should have the preference to choose among the two or three qualified members." [2]

Thus it is, that according to the amended Section 9, such right to cultivate the landholding is to be exercised "in accord-ance with section fifty" of the law. The Section 50 referred to is Section 50 of the Agricultural Tenancy Act, as amended by Republic Act 2263. For, Republic Act 2263 simultaneously amended Section 9 and Section

50. And, Section 50, as amended, specifically gives such right solely and exclusively to a landholder-owner. It should not escape notice that the amendment inserted in Section 50 by Republic Act 2263 was from "landholder" to "land-holder-owner or his relative within the first degree by consanguinity." The intent of Congress is too plain for argument. No one who is not a landholder-owner may dispossess the authorized successor of the deceased tenant upon the ground that he or his relatives mentioned in the law intend to cultivate the land personally.

Statutes must be given conjoint, not discordant, effect.[3] Our primary duty then is to harmonize Section 9 with Section 50, both as amended. Thus harmonizing, we take the word "landholder" in Section 9 to mean "landholder-owner". Really, it would be unreasonable to think that a mere lessee could rise to the level of a landowner. The protection afforded the landowner to enable him to improve his own economic situation by working the land himself does not apply to a lessee, such as is petitioner. A lessee is much like a middleman. He technically holds the land; but he does not own it.

Furthermore, it is evident from a reading of Section 9, as amended, that Congress would want to fortify the security of tenure of the tenant. This is reflected in the record of the congressional debates, thus -

"Another important aspect of the Agricultural Tenancy Act is to strengthen the security of tenure of the tenants. Before the passage of the Agricultural Tenancy Act, there were many cases of ejectment for unjustified reasons. Under Republic Act No. 1199, we have provided that a tenant may be ejected only upon just cause. With respect to the death of the tenants the present law provides that the heirs may cultivate the land for one more agricultural year, in which case the land is returned to the landholder after one year. In the present amendatory bill, it is proposed that the right to till the land should be made hereditary. The idea is not new, Mr. President. As a matter of fact, the idea goes back to the time of President Quezon, who, in 1939, first broached the idea of giving security to the tenure of the tenants and to make the right to work the land hereditary." [4]

To allow a landholder-lessee to get back the possession from the tenant is to open the door to fraudulent schemes to defeat the tenant's security of tenure. We may cite an instance: A landowner has a tenant. Thereafter, in order to displace the tenant's successor, he (the landowner) enters into a fictitious civil law lease of the land with that other person who becomes the lessee. The lessee ejects the tenant's successor to become the tenant of the owner.[5] The result would be achieving by indirection what the law proscribes. Section 50, as amended, plugs this loophole.

Finally, the Agricultural Tenancy Act is a remedial legislation in implementation of the social justice precepts of the Constitution and in the exercise of the police power of the State to promote the common weal.[6] Such being the case, a sensible view of the provisions of Section 9 here being construed should lean towards the security of tenure of tenants.

We, accordingly, rule that petitioner, being a mere landholder-lessee and not the landholder-owner, cannot exercise the right granted under Section 9 of the Agricultural Tenancy Act to personally cultivate the landholding upon the death of the tenant. And in consequence, we uphold respondent Eladio Galleta's right to till the land in question as set forth in the judgment below.

2. Since respondents were unlawfully dispossessed of the landholding, upon the provisions of Section 27(1) of the Agricultural Tenancy Act, petitioner was adjudged liable for damages "to the extent of the landholder's participation in the harvest."

No question on appeal would have arisen on this score were it not for certain facts in this case obtaining. The parties had stipulated that because of drought petitioner did not harvest in the 1963-1964 agricultural year. Not

that petitioner was alone. During the hearing before the Court of Agrarian Relations, an additional stipulation was made that the landholding adjoining petitioner also "had no harvest due to drought." [7]

Because the measure of damages fixed by law is the landholder's share, and given the fact that for the agricultural year 1963-1964 there was no production and no share either for the landholder or for the tenant to speak of due to a fortuitous event, it would collide with our sense of justice to award respondents damages for that agricultural year. [8]

We, accordingly, rule that no damages should be awarded for the agricultural year 1963-1964. However, damages of P431.25 per year for every succeeding agricultural year thereafter until actual reinstatement stands; for, good faith had ceased.

Modified as just stated, the original and supplemental decisions of the Court of Agrarian Relations are hereby affirmed in all other respects.

Costs against petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] CAR Case No. 1017-Gba. Br.-63 of the Court of Agrarian Relations, Second Regional District, Sala II, Guimba, Nueva Ecija, entitled "Eladio Galleta (alias Alberto Galleta) and Domingo Galleta, Petitioners, versus Canuto Pagdanganan, Respondent." This court later on became Branch II, Fourth Regional District of the Court of Agrarian Relations.

[2] Congressional Record (Senate), Fourth Congress, First Session, Volume I, No. 54, April 21, 1958, p. 904; emphasis supplied.

[3] University of the Philippines Board of Regents vs. Auditor General, L-19617, October 31, 1969; Mangila vs. Lantin, L-24735, October 31, 1969.

[4] Sponsorship speech of Senator Emmanuel Pelaez, Congressional Record (Senate), Fourth Congress, First Session, Volume I, No. 54, April 21, 1958, p. 898; emphasis supplied.

[5] "Problems in Landlord-Tenant Relations" by Judge Fernando Santiago, U.P. Law Center Proceedings of 1966 on Fair Labor Standards and Welfare Legislations, p. 190.

[6] Primero vs. Court of Agrarian Relations (1957), 101 Phil. 675, 680, cited in Ilusorio vs. Court of Agrarian Relations (1966), 17 SCRA 25, 29-30. See also: Congressional Record (Senate), Fourth Congress, First Session, Volume I, No. 54, April 21, 1958, pp. 897-898.

[7] Record, p. 58.

[8] See: Delfin vs. Court of Agrarian Relations (1967), 19 SCRA 593, 594.

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