

**FORTUNATO AISPORNA, PETITIONER, VS. COURT OF APPEALS,
AVELINO DE LA CRUZ AND BENIGNO DE LA CRUZ, RESPONDENT.***G.R. No. L-47533. October 27, 1981*

Ponente: GUERRERO, J.

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In CAR Case No. 420-Gpn-NE' 70, entitled "Fortunato Aisporna vs. Avelino De la Cruz", an action for reinstatement with damages, instituted before the Court of Agrarian Relations at Gapan, Nueva Ecija, where the complaint was later amended to include respondent Benigno de la Cruz, herein petitioner Fortunato Aisporna obtained judgment for reinstatement to the possession of a farm land as leasehold tenant by virtue of Section 36-1 of R.A. 3844, otherwise known as the Agricultural Land Reform Code of 1963. On appeal by respondents, the aforesaid judgment was set aside by the Court of Appeals[1] fundamentally on the ground that the remedy for the reinstatement of an ejected tenant secured under the above provision had been abolished or repealed by R.A. 6389 which amended R.A. 3844. Hence, this petition for review on certiorari of the latter judgment.

The factual antecedents of this case are not disputed. The property involved is a farm land measuring approximately 23,756 square meters situated in Sto. Cristo, Gapan, Nueva Ecija, planted to palay. Private respondent Avelino de la Cruz acquired the land some-time in 1966. In a verbal contract of leasehold tenancy, he transferred possession of the land to petitioner Fortunato Aisporna as tenant.

Shortly thereafter, in 1967, private respondent Avelino de la Cruz filed a complaint (CAR Case No. 4318) with the Court of Agrarian Relations for the ejectment of petitioner tenant on the ground that he (de la Cruz) will personally cultivate the farm. The agrarian court on July 7, 1967 rendered a decision which authorized the owner Avelino de la Cruz to dispossess his tenant. The decision was affirmed by the Court of Appeals On October 1, 1968, and after said judgment became final and executory, Fortunato Aisporna was ejected from the landholding and the owner, Avelino de la Cruz, assumed actual physical possession of the farmland on May 13, 1969.

Subsequently, on April 11, 1970, Fortunato Aisporna filed CAR Case No. 420-Gpn-NE'70 for reinstatement with damages on the ground that the owner had failed to personally cultivate the landholding. He claimed that after his ejectment, the owner instituted co-respondent Benigno de la Cruz as tenant to work and cultivate the farm during the two successive crop years from 1969 to 1971, and that respondent owner allegedly had not performed any phase of farmwork but visited the landholding only during harvesting or threshing seasons. On the other hand, owner Avelino de la Cruz answered and asserted that he personally cultivated the farm, sometimes with the use of farm machinery, including the preparation of seedbed, broadcasting the seeds, plowing, harrowing and transplanting the seedlings. Trial was held on the issue of personal cultivation and upon the conflicting assertions, appearing in the testimonial evidence of the parties, the agrarian court found for the tenant Aisporna and rendered the following judgment on August 12, 1976, thus:

"FOR ALL THE FOREGOING CONSIDERATIONS, judgment is hereby rendered in favor of Fortunato Aisporna and against Avelino de la Cruz, in the tenor and disposition herein below provided to wit:

1. Declaring that defendant Avelino de la Cruz has not personally and by him-self undertaken the work and cultivate the landholding in question with an area of 23,756 square meters, situated at Sto. Cristo, Gapan, Nueva Ecija, since he has disposed plaintiff Fortunato Aisporna therefrom on May 12, 1969;
2. Ordering defendant Avelino de la Cruz to reinstate plaintiff immediately to the aforesaid landholding;
3. Denying plaintiff's claim for payment of actual or compensatory damages, as well as exemplary or moral damages for in-sufficiency of evidence;
4. Ordering said defendant Avelino de la Cruz to pay plaintiff the amount of Two Thousand Pesos (P2,000.00) in the form of litigation expenses; and
5. Dismissing the complaint with respect to defendant Benigno de la Cruz."

Defendant Avelino de la Cruz appealed to the Court of Appeals. In reversing the decision of the agrarian court, the Court of Appeals relied on the amendment to the first paragraph of section 36 introduced by Republic Act No. 6389 during the pendency of the action for reinstatement, the amendment abolishing personal cultivation as ground for ejecting an agricultural lessee. The appealed decision held that with the abolition of personal cultivation, with it was eliminated the corollary proviso on reinstatement of the ejected tenant. It further ruled that since the amending law is silent as regards those cases for ejectment and/or reinstatement authorized and filed in court under paragraph 1 of section 36, R.A. No. 3844, which are pending at the time of the amendment, the cause of action for reinstatement and the right to bring an action and pursue the remedy, albeit already started, are abated pursuant to the general rule that the repeal of a law defeats all actions and proceedings under the repealed statute at the time of its repeal, including those which are pending appeal. Accordingly, the Court of Appeals ordered the dismissal of the appealed case.

From the above reversal, petitioner comes before Us and submits the following issues:

I

WHETHER OR NOT SECTION 36 OF REPUBLIC ACT NO. 3844 IS APPLICABLE TO THE CASE AT BAR.

II

WHETHER OR NOT THE REPEAL OF SECTION 36 OF REPUBLIC ACT NO. 3844 BY REPUBLIC ACT NO. 6389, PLAINTIFF-APPELLEE LOST HIS RIGHT OF ACTION FOR REINSTATEMENT.

III

WHETHER OR NOT THE TENANCY RIGHT OF PLAINTIFF-APPELLEE OVER THE LANDHOLDING IN QUESTION IS ANCHORED ON SECTION 36 OF REPUBLIC ACT NO. 3844.

IV

WHETHER OR NOT THE DECISION OF THE HONORABLE COURT OF APPEALS REVERSING THE DECISION OF THE TRIAL COURT WOULD IN EFFECT NULLIFY SECTION 7 OF REPUBLIC ACT NO. 6389 ELIMINATING TOTALLY PERSONAL CULTIVATION AS A GROUND FOR DISPOSSESSION OF AN AGRICULTURAL TENANT.

V

WHETHER OR NOT THE DECISION OF THE HONORABLE COURT OF APPEALS CONTRAVENES THE SPIRIT AND INTENT OF PRESIDENTIAL DECREE NO. 27 AND RUNS COUNTER TO THE POLICY OF AGRARIAN REFORM AND THE EMANCIPATION OF TENANT-FARMERS.

In amplification of the issues, petitioner main-tains the view of the trial court that to sustain the right of the lessor-owner to eject his tenant on ground of personal cultivation, the former's desire or inten-tion must be honest, sincere, and must have been moti-vated by good faith, and bad faith is presumed if he does not cultivate the land himself within the period of three (3) years from the dispossession of the tenant, in which case, the latter shall have the right to be reinstated and recover damages. In line with the dissenting opinion in the appealed decision, petitioner further argues that his right to remain as tenant is not based on paragraph 1 of Section 36 of Republic Act No. 3844, nor that his right to reinstatement was created by the same, such that with the repeal of the said provision, the ejected tenant may no longer be reverted to the possession of the leasehold from which he was ejected. Petitioner contends that what the law actually repealed was the right of the landlord to eject his tenant on ground of personal cultivation; and that where there is bad faith on the part of the landowner consis-ting of a false representation on the said ground, Congress in repealing the paragraph did not intend to include the deprivation of the tenant's right to be reinstated. Finally, petitioner sees the reversal as contrary to the spirit and intent of the current agra-rian reform policy to emancipate the tenant farmers from the bondage of the soil.

Respondent landowner, on the other hand, asserts that in view of the amendment of Section 36 (1) of R.A. 3844 by R.A. 6389 and since Congress has not provided for any saving clause in R.A. No. 6389 with respect to cases pending in the courts for the ejectment of agricultural lessees on the ground that the agricultural lessor or a member of his immediate family will per-sonally cultivate the landholding involved as authorized under Section 36, paragraph (1) of R.A. 3844, the repeal defeats all actions or proceedings pending under the repealed statute at the time of its repeal including those which are pending appeal, citing the case of *Arambulo vs. Canicon*, CA-G.R. No. 46727-R, January 26, 1972, which was elevated to the Supreme Court in G.R. No. L-34816 but said petition was denied for lack of merit, in effect sustaining the Court of Appeals' ruling that R.A. 6389 abated pending appeals, according to private respondent's theory. And he concludes, thus: "Simply stated, the rights of the landowner and the tenant being reciprocal under Sec. 36(1) of R.A. No. 3844, it follows of necessity that the repeal of said law by R.A. No. 6389 erases not only the rights of the landholder but also the rights of the tenant for re-instatement. Consequently, we cannot now disturb the vested right of Avelino de la Cruz."

Finally, respondent claims that the action for reinstatement, assuming the remedy is still available, was filed prematurely on May 5, 1970 or before the lapse of three (3) years when no presumption of bad faith on the part of the landowner has yet arisen.

The central issue posed in these contentions is whether or not petitioner's action for reinstatement to enforce his right to demand possession of the lease-hold pursuant to paragraph (1) of Section 36 of Republic Act No. 3844 is deemed abated by the repeal or abolition during the pendency thereof, of the aforesaid provision.

Undoubtedly, the governing law then in force when petitioner filed his action for reinstatement to the land in question is paragraph (1) of Section 36 of R.A. 3844. This provision states:

"Sec. 36. Possession of Landholding; Exceptions. - Notwithstanding any agreement as to the period or future surrender of the land, an agricultural lessee shall continue in the enjoyment and possession of his landholding except when his dispossession has been authorized by the Court in a judgment that is final and executory if after due hearing it is shown that:

(1) The agricultural lessor-owner or a member of his immediate family will personally cultivate the

landholding or will convert the landholding, if suitably located, into residential, factory, hospital or school site or other useful non-agricultural purposes; Provided, That the agricultural lessee shall be entitled to disturbance compensation equivalent to five years rental on his landholding in addition to his rights under Sections twenty-five and thirty-four, except when the land owned and leased by the agricultural lessor is not more than five hectares, in which case instead of disturbance compensation the lessee may be entitled to advance notice of at lease one agricultural year before ejectment proceedings are filed against him: Provided further, That should the landholder not cultivate the land himself for three years or fail to substantially carry out such conversion within one year after the dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and recover damages for any loss incurred by him because of said dispossession;"

The amendatory act is Republic Act No. 6389 entitled "An act amending Republic Act numbered Thirty Eight Hundred and Forty-Four as amended, otherwise known as the Agricultural Land Reform Code, and for other purposes," approved September 10, 1971, otherwise known as the Code of Agrarian Reforms of the Philippines. Section 7 thereof provides as follows:

"Sec. 7. Section 36(1) of the same Code is hereby amended to read as follows:

(1) The landholding is declared by the department head upon recommendation of the National Planning Commission to be suited for residential, commercial, industrial or some other urban purposes: Provided, That the agricultural lessee shall be entitled to disturbance compensation equivalent to five times the average of the gross harvests on his landholding during the last five preceding calendar years."

A cursory reading of Republic Act 6389, Sec. 7 quoted above clearly eliminated personal cultivation by the landowner as grounds for the ejectment of an agricultural tenant.

The assailed decision of the respondent Court of Appeals, in dismissing the appeal, based its action in the following rationale:

"When this case was still pending in the court below, the Land Reform Code, otherwise known as Republic Act 6389, was passed by Congress which took effect on September 10, 1971. Its repealing clause, Sec. 38, paragraph 2, RA 6389, expressly repealed and/ or modified 'all laws or parts of any law inconsistent with the provisions thereof'. Among the provisions thus repealed or amended was the aforementioned provision of Sec. 36, paragraph 1, of Republic Act 3844. Personal cultivation by the landowner as a ground for ejectment of the agricultural lessee was therein eliminated and with it, was likewise eliminated the corollary proviso on reinstatement of the ejected lessee.

Our main task now is to determine the effect of the repeal of the provision under which this case was instituted, not any more the issue of whether or not defendant-appellant personally cultivated the land-holding to determine the plaintiff's right to a reinstatement. Let it be noted that the repealing law Republic Act 6389 is silent as regards those cases for ejectment and/or reinstatement authorized and filed in court under Sec. 36, paragraph 1 of Republic Act 3844, and which are pending at the time of the repeal thereof.

That being the case, we believe that the dismissal of the present case is in order. For this Court, and any court for that matter, is already powerless to grant the remedy sought by the plaintiff-appellee in view of the repeal of the law upon which his right was predicated. No valid judgment can be rendered in the pending case after the repeal of the act under which it was brought. (Re McCardle, 7 Wall. 506.)

That a cause of action for reinstatement accrued under the old law in favor of the plaintiff-appellee, on the assumption that defendant-appellant really did not personally cultivate his landholding, is not disputed. But the right to bring an action and pursue the remedy albeit already started, is already precluded by the repeal of paragraph 1, Sec. 36, of Republic Act 3844 from which the said right was deprived, the repealing law, not having provided any saving clause with respect thereto.

'The repealing clause is such an express enactment as necessarily divests all inchoate rights which have arisen under the statute which it destroys. These rights are but incident of the statute and fall with it, unless saved by express words in the repealing clause.' (Dufus & Howard Purnace Co., 40 N.Y.S. 925, 930, 8 App. Div. 567.) In analogous cases, it had been held that:

'The powers derived wholly from a statute are extinguished by its repeal and no proceedings can be pursued under the repealed statute though begun before the repeal, unless such proceedings be authorized under a special clause in the repealing act. (Filanigan vs. Sierra Country, 196 U.S. 553; 25 Supreme Court Rep. 314.) A suit pending to enforce a right or remedy conferred solely by a statute, is abated by the unconditional repeal of the said statute (Globe Pub. Co. vs. State Bank, 27 L.R.A. 854.)

This Court ordered the dismissal of an ejectment case, pending appeal herein when Republic Act 6489 took effect, advocating the principle that 'the repeal of a law defeats all actions and proceedings under the repealed statute at the time of its repeal, including those which are pending appeal.' (Canicon vs. Arambulo, CA-G.R. No. 46727-R, January 26, 1972.) Thus this Court, speaking through Honorable Justice Jesus Y. Perez, said:

'Since Congress has not provided for any saving clause in Republic Act No. 6389 with respect to cases pending in Court for the ejectment of agricultural lessee on the ground that the agricultural lessor-owner or a member of his immediate family will personally cultivate the landholding involved as authorized under Section 36, par. 1, Rep. Act 3844, then the instant case should be dismissed for it is settled that the repeal defeats all actions and proceedings pending under the repealed statute at the time of its repeal including those which are pending appeal.

'As a general rule the repeal of a statute without reservation takes away all remedies given by the repealed statute and defeats all actions and proceedings pending under it at the time of its repeal. (Gates vs. Osborne, 19 L. Ed. 768; Louisville & N.R. Co. v. Western Union Telegraph Co., 268 F.4 (cert den 41 S. Ct. 147, 254 U.S. 650, 65 L.Ed. 457.) The rule is especially applicable to the repeal of statutes creating a cause of action (Callet v. Alioto, 290 p. 438; Western Union Tel. Co. vs. Lumpkin, 26 S.E. 73), providing a remedy not known to the common law or conferring jurisdiction where it did not exist before, and abates proceedings pending even after judgment but before the entry thereof or pending appeal. A suit the continuance of which is dependent upon the statute repealed stops where the repeal finds it (South Carolina v. Caellard, 101 U.S. 433)' (59 C.J. 1189-1190)

If upon the effectivity of Republic Act 6389 on September 10, 1971, a plaintiff landowner who has a pending case for ejectment of his tenant, has lost his right to do so, as above cited, then We see no reason why, under similar prevailing circumstances, We should reinstate the herein plaintiff-appellee to the landholding from where he had been ejected pursuant to a final and executory judgment of the same Agrarian Court in its CAR Case No. 4318."

We do not agree with respondent appellate court.

What Republic Act 6389 abolished, eliminated or repealed is the right of the landowner to eject his tenant on the grounds that said landowner would personally cultivate the land. This amendatory Act did not abolish the right of the tenant to continue in the enjoyment and possession of his landholding. In fact, such right of the tenant to remain in the enjoyment and possession of the landholding was not created by paragraph (1) of Sec. 36, Rep. Act 3844 because the main proviso of Sec. 36 actually recognizes the tenant's right to continue in the enjoyment and possession of his landholding in these terms: "Notwithstanding any agreement as to the period or future surrender of the land, an agricultural lessee shall continue in the enjoyment and possession of his landholding x x x." Such right to enjoy and possess is not only a contractual right but also arises from a status of tenancy or relationship duly recognized and protected by agrarian reform legislation.

Hence, Rep. Act 6389 in its Section 7 specifically amending Sec. 36 (1) of Rep. Act 3844 cannot be considered

to have repealed the tenant's right to enjoy and possess the landholding because such right is preserved and maintained in the main proviso of Sec. 36 which is not altered, amended or otherwise repealed. In other words, Sec. 36 of R.A. 3844 as amended by Sec. 7 of R.A. 6389 will read as follows:

"Sec. 36. Possession of Landholding; Exceptions. - Notwithstanding any agreement as to the period or future surrender of the land, an agricultural lessee shall continue in the enjoyment and possession of his landholding except when his dispossession has been authorized by the Court in a judgment that is final and executory if after due hearing, it is shown that:

(1) The landholding is declared by the department head upon recommendation of the National Planning Commission to be suited for residential, commercial, industrial or some other urban purposes: Provided, That the agricultural lessee shall be entitled to disturbance compensation equivalent to five times the average of the gross harvests on his landholding during the last five preceding calendar years."

That it was the intention of the legislature in amending paragraph (1), Sec. 36 of R.A. 3844 to deprive the landowner of the right to eject his tenant on the ground that the former would personally cultivate the land and also to abate cases brought by the landowner to eject the tenant on the same ground which were still pending at the time of the passage of the amendatory Act, is clear and evident from the deliberations and debate of Congress when Republic Act 6389 was being deliberated, as published in the Senate Journal, thus:

"SENATOR DIOKNO: Now I am very much interested in one other aspect of the existing law which has been the source of many problems, and that is, the termination of the tenancy relationship because the landowner would want to cultivate the land himself.

"SENATOR LAUREL: We have eliminated that option on the part of the landowners. On p. 7, Your Honor you will notice that we have deleted from line 3 to line 21. This is the basis of the owner's alibi in refusing to sell to the tenants, that he will convert it into a subdivision, a hospital site or a school site. We are deleting that portion of the Code.

"SENATOR DIOKNO: Now, what happens to those cases which are now pending in court where this has been the excuse given? In other words the landowner, under the existing law, has notified his tenants or lessees, 'You must vacate because I will personally cultivate the land.' That is under the existing law which gives him that right. But if these cases are not yet decided and then this bill is enacted into law, what would happen to those cases?

"SENATOR LAUREL: It will not affect whatever contracts were entered into.

"SENATOR DIOKNO: There is no contract. No existing contract.

"SENATOR LAUREL: Yes.

"SENATOR DIOKNO: It is just an old, old relationship between fathers and grandfathers, etc. of both parties, until they finally come down to the present parties. So the right of the agricultural lessor-owner is based upon a legal provision. And this legal provision in force now authorizes him, with of course, certain provision that this matter can be brought to court and so forth, to eject these tenants. Now, can he continue to exercise that right or can we say that he can no longer do so because the right so to speak has not become final and it has now disappeared?

"SENATOR LAUREL: In answer to Your Honor's question, the owner will lose the right to eject after the enactment of this measure even on cases as those cited by Your Honor, because in those particular cases, the owner has not really succeeded yet in ejecting the tenants.

"SENATOR DIOKNO: In other words, where the ejectment is already a final case, or 'yari na' then it is alright.

"SENATOR LAUREL: Yes.

"SENATOR DIOKNO: Well, I am glad Your Honor has the same view because that is the same view that I would have advocated on p. 8, Your Honor refers." (Senate Journal, Nos. 43 & 44, March 30 & 31, 1971, 2nd Regular Session - 7th Congress)

Moreover, R.A. 6389 must be considered a remedial legislation enacted with the principal aim and purpose of curtailing and suppressing the pernicious practice of many landowners who resort to the filing of cases of ejectment against their tenants based on personal cultivation in retaliation to harass tenants who were determined to enforce the rights granted them by law. Such justification is clearly expressed in the original Senate Bill No. 478, as quoted in *The Code of Agrarian Reforms Annotated* by Justice Guillermo S. Santos, 1973 Revised Edition, p. 157, to wit:

"Personal cultivation by the landowner of his land x x x as a basis for dispos-session is being abused. This provision is being availed of by landowners in driving their lessees out of their landholding on the pretext of personal cultivation x x x which often causes tension and explodes as an agrarian unrest.

"SENATOR LAUREL: Well, Your Honor, just for the record, the Committee would like to state its reason for proposing the deletion of Section 36. First, based on statistics, 80 to 85 percent of the farm lands here in this country have also below 10 hectares. Second, the idea of personal cultivation has been abused; it has become an alibi. It is the reason given always by landowners to prevent the conversion from tenancy into leasehold. And third, when it comes to the weighing of who needs it more, we felt that the tenants on the land, need it more to survive than the owner who decides late in life to cultivate it himself or with his sons. In other words, he who needs the help more should receive it. Or 'those who (have) less in life should have more in law' -- borrowing from President Magsaysay. That is the entire reason or philosophy for our proposal to eliminate Section 36." (Congressional Record, Senate, Vol. II, No. 48, April 13, 1971, p. 1844)

In the light of this clear intention of the law, We hold that the Court of Appeals erred in dismissing the appeal of the petitioner-tenant whereby he seeks reinstatement and the exercise of his right to the enjoyment and possession of the landholding from which he had been previously ousted by the landowner-respondent on the latter's false representation and bad faith, which right of enjoyment and possession has not been repealed or abolished by the amendatory Act.

The Court of Appeals' holding that the repeal of a statute defeats all actions and proceedings pending under the repealed statute at the time of its repeal, including those cases which are still pending appeal is, of course, correct as the general rule in statutory construction. And for this reason, the dismissal of pending cases including those on appeal where the landowner seeks the privilege or authority to oust his tenant on the ground of personal cultivation, is justified and warranted because the repeal had eliminated personal cultivation as a ground for eviction.

But given the facts of the case at bar, where it is the tenant who, having been previously ousted by the landowner by false representation and bad faith, now comes on appeal as petitioner to enforce his right of security of tenure, We hold that the general rule stated above does not apply but the exceptions thereto which state that "a repealing statute must not interfere with vested rights or impair the obligation of contracts; that if any other construction is possible, the act should not be construed so as to affect rights which have vested under the old law, or as requiring the abatement of actions instituted for the enforcement of such rights." (Statutory Construction by V.J. Francisco, p. 335; 23 Crawford, Statutory Construction, Sec. 296, pp. 599-600).

The right of the petitioner-tenant to the enjoyment and possession of the landholding is a right granted, conferred and vested by law, in fact by and through the various legislations that have been passed by the legislature to improve the lot of the tillers of the soil and by progressive land reforms to emancipate them from bondage and

poverty, even as the 1935 Philippine Constitution mandated that "The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and agriculture." (Art. XIV, Sec. 6, Constitution of the Philippines). Thus, We find the right of security of tenure of the tenant recognized under Act No. 4054 otherwise known as "The Philippine Rice Share Tenancy Act," approved on February 27, 1933, under Section 19 thereof which provides as follows:

Sec. 19. Landlord cannot dismiss his tenant except for good causes. The landlord shall not dismiss his tenant without just and reasonable cause, otherwise the former shall be liable to the latter for losses and damages to the extent of his share in the product of the farm entrusted to the dismissed tenant.

Commonwealth Act No. 461 entitled "An Act to regulate the relations between landowner and tenant and to provide for compulsory arbitration of any controversy arising between them," approved June 9, 1939 further protected the security of tenure of the tenant under Section 1 thereof which states:

"Any agreement or provision of law to the contrary notwithstanding, in all cases where land is held under any system of tenancy the tenant shall not be dispossessed of the land cultivated by him except for any of the causes mentioned in section nineteen of Act Numbered Four thousand fifty-four or for any just cause, and without the approval of a representative of the Department of Justice duly authorized for the purpose. Should the landowner or the tenant feel aggrieved by the action taken by this official, or in the event of any dispute between arising out of their relationship as landowner and tenant, either party may submit the matter to the Court of Industrial Relations which is given jurisdiction to determine the controversy in accordance with law."

Under Republic Act No. 1199, the Agricultural Tenancy Act of the Philippines, enacted August 30, 1954, the tenancy relationship between a landowner and a tenant is clearly defined and under such relationship, the tenant acquires the right to continue working on and cultivating the land, until and unless he is dispossessed of his holdings for any of the just causes enumerated in Section 50 or the relationship is terminated in accordance with Section 9. Specifically, Sections 6 and 7 of Republic Act No. 1199 provide:

"Sec. 6. Tenancy Relationship; Its Definition. - Tenancy relationship is a juridical tie which arises between a landholder and tenant once they agree, expressly or impliedly to undertake jointly the cultivation of land belonging to the former, either under the share tenancy or leasehold tenancy system, as a result of which relationship the tenant acquires the right to continue working on and cultivating the land, until and unless he is dispossessed of his holdings for any of the just causes enumerated in Section fifty or the relationship is terminated in accordance with Section nine.

"Sec. 7. Tenancy Relationship; How Established; Security of Tenure. - Tenancy relationship may be established either verbally or in writing, expressly or impliedly. Once such relationship is established, the tenant shall be entitled to security of tenure as hereinafter provided." (underscoring supplied).

It is interesting to note that under Republic Act 1199, Part IV on Security of Tenure, the ejection of the tenant is provided under Section 49 and the causes for the dispossession of a tenant are enumerated (which are similar to Section 36 of Republic Act No. 3844) and these provisions read:

"Sec. 49. Ejectment of Tenant. - Notwithstanding any agreement or provision of law as to the period, in all cases where land devoted to any agricultural purpose is held under any system of tenancy, the tenant shall not be dispossessed of his holdings except for any of the causes hereinafter enumerated and only after the same has been proved before, and the dispossession is authorized by the court.

"Sec. 50. Causes for the Dispossession of a Tenant. - Any of the following shall be a sufficient cause for the dispossession of a tenant from his holdings:

(a) The bona fide intention of the landholder to cultivate the land himself personally or through the employment of farm machinery and implements: Provided, however, That should the landholder not cultivate the land himself or should fail to employ mechanical farm implements for a period of one year after the dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and damages for any loss incurred by him because of said dispossession; Provided, further, That the landholder shall, at least one year but not more than two years prior to the date of his petition to dispossess the tenant under this sub-section, file notice with the court and shall inform the tenant in writing in a language or dialect known to the latter of his intention to cultivate the land himself, either personally or through the employment of mechanical implements, together with a certification of the Secretary of Agriculture and Natural Resources that the land is suited for mechanization: Provided, further, That the dispossessed tenant and the members of his immediate household shall be preferred in the employment of necessary laborers under the new set-up.

(b) x x x."

Republic Act 2263, approved June 19, 1959, amended Section 49 of Republic Act 1199, the latter to read as follows:

"Sec. 49. Ejectment of Tenant. - Notwithstanding any agreement or provision of law as to the period or future surrender of the land, in all cases where land devoted to any agricultural purpose is held under any system of tenancy, the tenant shall not be dispossessed of his landholdings by the landholder except for any of the causes hereinafter enumerated and only after the same has been proved before and the dispossession is authorized by the court.

x x x."

Section 50 of Rep. Act 1199 was likewise amended to include among the causes for the dispossession of the tenant the bonafide intention of not only the land-holder-owner but also his relative within the first degree of consanguinity to cultivate the land himself personally or through the employment of farm machinery and implements.

The Agricultural Land Reform Code, which is Republic Act No. 3844 approved August 8, 1963, contains provisions establishing agricultural Leasehold relation (Sec. 5) and conferring and protecting the security of tenure of the agricultural lessee (Sec. 7). Thus –

"Sec. 5. Establishment of Agricultural Leasehold Relation. - The agricultural leasehold relation shall be established by operation of law in accordance with Section four of this Code and, in other cases, either orally or in writing, expressly or impliedly."

"Sec. 7. Tenure of Agricultural Leasehold Relation. - The agricultural leasehold relation once established shall confer upon the agricultural lessee the right to continue working on the landholding until such leasehold relation is extinguished. The agricultural lessee shall be entitled to security of tenure on his landholding and cannot be ejected therefrom unless authorized by the Court for causes herein provided."

The different laws cited and enumerated above clearly show that the right of the tenant to the enjoyment and possession of the farmholding had been created and conferred, protected and guaranteed therein previous to the enactment of R.A. 3844 and that par. (1) of Sec. 36 of said R.A. 3844 did not create such right. The security of tenure of the tenant had been enjoyed by him long before the passage of R.A. 3844. Hence, it is not correct for the Court of Appeals to assume that the right of the tenant to the security of his tenure was abolished by R.A. 6389 when the latter repealed by substitution paragraph (1) of Sec. 36, R.A. 3844.

And more than that, the Supreme Court has upheld the tenant's security of tenure on the police power of the State

in compliance with the mandate of the Constitution expressed in Article II, Sec. 5, 1935 Constitution of the Philippines, as against alleged impairment of the obligations of contract, a limitation to the freedom of contract and a denial of the equal protection of the laws, in *Primero vs. Court of Agrarian Relations and Sinforoso Quion*, L-10594, May 29, 1957, 101 Phil. 675. The Supreme Court, speaking thru Justice Endencia, said:

"The provisions of law assailed as unconstitutional do not impair the right of the landowner to dispose or alienate his property nor prohibit him to make such transfer or alienation; they only provide that in case of transfer or in case of lease, as in the instant case, the tenancy relationship between the landowner and his tenant should be preserved in order to insure the well-being of the tenant or protect him from being unjustly dispossessed by the transferee or purchaser of the land; in other words, the purpose of the law in question is to maintain the tenants in the peaceful possession and cultivation of the land or afford them protection against unjustified dismissal from their holdings. Republic Act 1199 is unquestionably a remedial legislation promulgated pursuant to the social justice precepts of the Constitution and in the exercise of the police power of the State to promote the common weal. It is a statute relating to public subjects within the domain of the general legislative powers of the State and involving the public rights and public welfare of the entire community affected by it. Republic Act 1199, like the precious tenancy laws enacted by our lawmaking body, was passed by Congress in compliance with the constitutional mandates that 'the promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State' (Art. II, sec. 5) and that 'the State shall regulate the relations between landlord and tenant * * * in agriculture * * *' (Art. XIV, sec. 6)."

The constitutional guarantee afforded the tenant's right to security of tenure was further emphasized and strengthened in the case of *Pineda vs. De Guzman and Feliciano*, L-23773-74, December 29, 1967, 21 SCRA 1450, wherein the Supreme Court held –

"Section 49 of the Agricultural Tenancy Act, Republic Act 1199, as amended, enunciates the principle of security of tenure of the tenant, such that it prescribes that the relationship of landholder and tenant can only be terminated for causes provided by law. The principle is epitomized by the axiom in land tenure that - once a tenant, always a tenant. Attacks on the constitutionality of this guarantee have centered on the contention that it is a limitation on freedom of contract, a denial of the equal protection of the law, and an impairment of or a limitation on property rights. The assault is without reason. The law simply provides that the tenancy relationship between the landholder and his tenant should be preserved in order to insure the well-being of the tenant and protect him from being unjustly dispossessed of the land. Its termination can take place only for causes and reasons provided in the law. It was established pursuant to the social justice precept of the Constitution and in the exercise of the police power of the State to promote the common weal. (*Primero v. Court of Industrial Relations*, G.R. No. L-10594, May 29, 1957.)"

Indeed, We find no clear and cogent reason, no logical and legal ground to hold, as the Court of Appeals held, that Republic Act 6389 abolished the right of the tenant to be reinstated to the enjoyment and possession of the farmholding in question.

There is one final point We cannot ignore, and that is, the undisputed finding of the agrarian court and not disturbed by the appellate court that the private respondent-landowner had foisted false representations and committed bad faith in successfully evicting the petitioner-tenant from the landholding. We are bound by such finding of fact. The authority given to said landowner to oust the tenant-petitioner was, therefore, vitiated with dishonesty and malice. We cannot and should not reward such malice and bad faith. On both justiciable and equitable grounds, the petitioner herein is entitled to reinstatement and possession such that it must be deemed that his possession has been continuous and uninterrupted. To dismiss the present appeal of the tenant is simply a backward step from the social justice and agrarian progress of the nation, and this Court will not allow nor sanction the same.

WHEREFORE, IN VIEW OF ALL THE FOREGOING, the judgment of the Court of Appeals is hereby REVERSED and SET ASIDE. The decision of the Court of Agrarian Relations is hereby ordered reinstated. No costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, and Melencio-Herrera, JJ., concur.

[1] Special Division of Five; Batacan, J., ponente; Pascual, Jimenez and Gancayco, JJ., concurring; Vasquez, J., dissenting.

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