

PHILIPPINES SUGAR ESTATES DEVELOPMENT CO., LTD., PLAINTIFF AND APPELLEE, VS. GABRIELA PRUDENCIO, DEFENDANT AND APPELLANT.

G.R. No. L-75. February 06, 1946

Ponente: PERFECTO, J.

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PERFECTO, J.:

Appellant is occupying house No. 320 at P. Campa Street, Manila, on a monthly rent of P40. On March 19, 1945, plaintiff served appellant notice in writing, terminating the lease and asking her to vacate the premises. Appellant did not vacate the house within the tiffle granted by plaintiff, and action for ejectment was commenced in the Municipal Court of Manila. After trial, decision was rendered on May 2, ordering appellant to vacate the premises and to pay rents from April, plus costs. The decision was appealed, and the Court of first Instance of Manila, after trial de novo. affirmed trial it on July 30. Appellant appealed again.

There is no question as to the essential facts in this case. There is also no controversy as to the law applicable. Under article 1581 of the Civil Code, plaintiff is entitled to the remedies sought in its complaint. Upon the undisputed facts and the law applicable, the decisions of .the two lower courts are correct and must be affirmed.

Appellant admits that "there is no question that a landlord for good cause is entitled under the law during normal times to recover the possession of a building of his property that is occupied by a tenant under a lease contract." But she maintains that the law "should be tempered with justice and equity"; that the, right to eject "when it is exercised during abnormal conditions, is subservient to human rights and social justice"; that under the present circumstances, Plaintiff "does not seem justified to drive the defendant and appellant from the said premises"; that if the exercise of the right to eject will cause injustice to ascertain class of persons "its enforcement should be Withheld in abeyance until after normalcy has been completely restored." She admits, however, that this last proposition is "novel and experimental."

Then she advances the theory that, as a matter of public policy, courts of justice should abstain from enforcing the law when the landlords are not in need of their buildings "for their own dwellings." Then appellant discourses on social justice in general with quotations from President Quezon and Justice Cardozo. It is, however, to be regretted that appellant fails to point out the specific legal ground which would Justify ua in disregarding the law applicable to the facts in this case, as it is suggested by appellant.

Appellant should have shown us the specific basis which would induce us to adopt a "novelty" and indicated the reasons why we should sacrifice specific provisions of law for the sake of an "experiment", instead of relying simply upon commonplaces and generalities. Appellant failed to snow how the law in this case would be in conflict with the social justice provision of the Constitution.

The magic words "social justice" are not a shibboleth which courts may readily avail of as a shield for shirking their responsibility in the application of law.

In the hypothesis that a justification can be found for us not to apply the law, and we should measure the facts in this case under the general standard alone of social justice, appellant's position certainly is not made stronger by her idea of how social justice should be applied. The record shows appellant to be a heartless egoist, deaf to the cries and blind to the miserable plight of actual victims of war destructions and hecatombs, the ghastliest aspects of the emergency or abnormalcy which appellant invokes, in order to advance her own ends, so she be relieved from the requirements of the law.

Appellant claims that for four months she had been trying in vain to look for a house to move to. Plaintiff, however, disbelieves this claim, observing that so far no one has been seen without roof to shelter him. Appellant alleges, in order that she be not ousted from the premises in question, that there are few houses available for dwellings in the city. But, before the original complaint was filed in this case, she was arrogant enough to refuse the request of plaintiff's manager to allow one Benjamin Ayesa, a war victim whose near relatives were massacred in Paco and whose house was destroyed by fires in the same district, to occupy just one room in the house in question.

Ayesa is a naval commander who participated in several campaigns for the liberation of the Philippines. Fresh from the battle of Iwo Jima, after more than three years of absence, he returned to Manila only to find the tragedy of his situation. Appellant has failed to show the least appreciation and gratefulness for a war hero or pity for a war victim. And now she clamors for social justice, not the one in the mind of the authors of our Constitution — all-embracing, inspired by the spirit of Christian charity, based on the principle of universal brotherhood, intended "to insure the well-being and economic security of all the people"—but narrow-minded, one-sided, egoistic, stone-deaf to the cries of human sufferings, absolutely blind to the miserable situation of others, heartless and souless as a Nazi, one by which appellant may continue occupying indefinitely a house she is retaining illegally about ten months already, but would deny shelter to a homeless war hero and war victim who, by his struggles and sacrifices, contributed to make appellant's life secure under the blessings of rational freedom.

We refuse to be inveigled into accepting the kind of social justice which appellant has in mind: the unchristian and inhuman social justice which is the very opposite of the one luminously written in our fundamental code, and which would wipe out the most elemental principles of justice, by substituting the Golden Rule by the rule of the jungle.

The appeal is without merit.

The appealed decision is affirmed, with costs against appellant.

Ozaete, Hilado, and Bengzon, JJ., concur.

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