

PATRICIO DIGA, PETITIONER, VS. FRANCISCO V. ADRIANO AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-34584. November 29, 1984

Ponente: CUEVAS, J.

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CUEVAS, J.:

In a petition filed with the Court of Agrarian Relations. Branch I, Cabanatuan City and docketed therein as CAR Case No. 4228, herein private respondent Francisco V. Adriano, sought the ejectment of herein petitioner, Patricio Diga and one Cipnano Dumale from the landholdings which they are cultivating as agricultural lessees, on ground of "personal cultivation." pursuant to Sec. 36 of Republic Act No. 3844 which provides -

"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 the 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 purpose x x x"

During the pendency of the case before the agrarian court, Cipriano Dumale voluntarily surrendered his landholding to the private respondent and so the case was dismissed as against him.

On December 26, 1969, and after trial on the merits, judgment was rendered in favor of herein private respondent as plaintiff, the positive portion of which reads -

"WHEREFORE, judgment is hereby rendered:

(1) Authorizing plaintiff to eject defendant Patricio Diga from, and the latter is ordered to vacate the landholding in question, with an area of two (2) hectares, more or less, located at Bo. Cabisuculan, Munoz, Nueva Ecija, subject to the provisions of Section 25, Republic Act No. 3844, and subject further to the condition that if plaintiff fails to cultivate the landholding for at least three (3) years immediately after the dispossession of defendant, it shall be presumed that he acted in bad faith and defendant shall have the right to demand possession of the holding and damages for any loss incurred by him because of said dispossession;

(2) Declaring the agricultural leasehold system under Republic Act No. 3844 governing the relationship between plaintiff and defendant Patricio Diga commencing from the agricultural year 1968-69 and fixing the consideration for the use of his landholding at 25 cavans and 43.81 kilos of palay per agricultural year (regular season) until dispossession, payable immediately after threshing at the threshing site computed at 48 kilos a cavan and of the same variety as that usually and actually, planted on the landholding.

All other claims of the parties are hereby denied for lack/insufficiency of evidence.

No pronouncement as to costs. "

SO ORDERED."

From the aforesaid decision, petitioner appealed to the then Court of Appeals (now the Intermediate Appellate Court) under CA-G.R. No. 44877-R, and on October 28, 1971, the said court rendered judgment affirming in toto the decision of the Court of Agrarian Relations.

On December 7, 1971, petitioner filed a motion for reconsideration contending that "since personal cultivation as a ground for ejectment of an agricultural lessee has been eliminated under Republic Act No. 6389 which took effect on September 10, 1971 (or before the Court of Appeals rendered its decision on October 28, 1971), the decision authorizing the plaintiff to personally cultivate the landholding and ordering the ejectment of defendant is now without legal basis."

The respondent Court of Appeals denied the motion, resolving that "Republic Act No. 6389 has no retroactive effect and therefore cannot affect the ruling made by this Court in the decision in regard to the matter of personal cultivation."

Hence, the instant petition, petitioner raising the issue of- whether or not Section 7 of Republic Act No. 6389 which amended Section 36(1) of Republic Act No. 3844, abolishing as a consequence "personal cultivation" as a ground for ejectment, should be given retroactive effect.

This issue of 'retroactivity' of Republic Act No. 6389 particularly with respect to personal cultivation as ground for ejectment, had already been squarely raised and finally settled in the case of "Nilo vs. Court of Appeals,"[1] wherein this Court, categorically ruled that Republic Act No. 6389, which removed personal cultivation as a ground for ejectment of a tenant cannot be given retroactive effect in the absence of a statutory provision for retroactivity. To hold that they can no longer eject their tenants because of Republic Act No. 6389, would deprive them of their right to enjoy their property which they had already asserted before the statute was passed. Precisely, the law-making body, in providing "personal cultivation" as a ground to eject tenants intended to encourage and attract the landowners to go to their respective provinces and till their own lands.

"The general rule therefore, is that statutes have no retroactive effect unless otherwise provided therein (Philippine Virginia Tobacco Administration vs. Gonzales, 92 SCRA 172). To exemplify this doctrine, in Salcedo vs. Court of Appeals (81 SCRA 408), we held that Republic Act No. 2260 or the Civil Service Act of 1959 has no retroactive effect. In Padasas vs. Court of Appeals (82 SCRA 250), we held that the Agricultural Land Reform Code or Republic Act No. 3844 must be enforced prospectively and not retroactively and therefore, the rights created, granted, or recognized therein such as the right of redemption - accrued upon the enactment of said legislation and may be exercised thereafter in appropriate cases. In Jacinto vs. Court of Appeals (87 SCRA 263) reiterated in Castro vs. Court of Appeals (99 SCRA 722) and in Baltazar vs. Court of Appeals (104 SCRA 619), we held that Presidential Decrees Nos. 27, 316 and 946 cannot be applied retroactively.

More important than resort to statutory construction in determining the issue of retroactivity is the ascertainment of the objectives sought to be realized by the Code of Agrarian Reform.

In the declaration of policy in Republic Act No. 6389, the applicable objectives are:

xxx xxx xxx

(2) To achieve a dignified existence for the small farmers free from pernicious institutional restraint and practices;

xxx xxx xxx

(6) To make the small farmers more independent, self-reliant, and responsible citizens and a source of genuine strength in our democratic society.

It is the legislature which determines the policy objectives of reform legislation.

This Court would be thwarting and not promoting the objectives of Congress if we rule against the small landowners in this case. The national goal of having independent and self-reliant farmers tilling their own small landholdings would not be achieved if persons who own only two hectares or 6,941 square meters of land as in the instant cases cannot be allowed to work their land themselves but must be compelled to perpetuate a lessor-lessee relationship. The desire of Congress to achieve a "dignified existence for the small farmers is not served if two families - one landowner and one tenant - must share the measly produce from 6,941 square meters of land. Land reform and agrarian reform were intended to equalize opportunities for land ownership, to enable a diffusion and sharing of wealth and not a sharing of poverty or a fragmentation of tenanted farms into non-economic sizes.

xxx xxx xxx

It is true that during the debates on the bill which was later enacted into Republic Act No. 3844, there were statements on the floor that "the owner will lose the right to eject after the enactment of this measure" even in cases where the owner has not really succeeded yet in ejecting the tenants (Senate Journal, Nos. 43 & 44, March 30 and 31, 1971, 2nd Regular Session - 7th Congress;. Nonetheless and inspite of these remarks, Congress failed to express an intention to make Republic Act No. 6389 retroactive and to cover ejectment cases on ground of personal cultivation then pending adjudication by the courts." [2]

In the case at bar, the area of the landholding in question is only two (2) hectares, more or less. The evidence on record shows that private respondent's reason in deciding to personally cultivate said landholding is sincere and genuine, motivated solely by the desire to augment his earnings in order to support a growing family of eight, the eldest being then only 12 years old and four of them already in school, [3] It should be borne in mind that Republic Act No. 3844 as well as Republic Act No. 6389 are social legislations. They are designed to promote economic and social stability and must be interpreted liberally to give full force and effect to their clear intent. This liberality in interpretation, however, should not accrue solely in favor of actual tillers of the land, the tenant-farmers, but should extend to landowners as well, especially those owning small landholdings, like herein private respondent. [4]

WHEREFORE, the petition is dismissed and the decision appealed from is AFFIRMED. No costs.

SO ORDERED,

Makasiar (Chairman), Aquino, Concepcion Jr., Abad Santos, and Escolin, JJ., concur.

[1] L_34586 & L-36625, April 2, 1984, 128 SCRA 521.

[2] Nilo vs. Court of Appeals, supra.

[3] TSN, Decmber, 1968.

[4] Gonzales vs. GSIS, 107 SCRA 492.

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