

J. M. TUASON & CO., INC., PETITIONER-APPELLEE, VS. THE LAND TENURE ADMINISTRATION, THE SOLICITOR GENERAL AND THE AUDITOR GENERAL, RESPONDENTS-APPELLANTS.*G.R. No. L-21064. June 30, 1970*

Ponente: FERNANDO, J.

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From our decision of February 18, 1970, reversing the judgment of the lower court holding that Republic Act No. 2616 as amended is unconstitutional, a printed motion for reconsideration was filed by petitioner-appellee on March 31, 1970 reiterating its arguments as to its alleged invalidity for being violative of the due process and equal protection guarantees. On May 27, 1970, a detailed opposition to such a motion for reconsideration was filed by the Solicitor General, the Honorable Felix Q. Antonio, on behalf of respondents-appellants. Then came a rejoinder of petitioner, on June 15, 1970, to the pleading of the Solicitor General. The motion for reconsideration is thus ripe for determination. With due recognition of the vigor and earnestness with which petitioner argued its motion, based on what it considered to be our applicable decisions, the Court cannot grant the same. Our decision stands.

1. It was a unanimous Court that could not locate a constitutional infirmity vitiating Republic Act No. 2616 directing the expropriation of the Tatalon Estate in Quezon City. There are points of differences in the three written opinions, but there is none as to the challenged legislative act being invulnerable on the grounds therein asserted to justify its sought for nullification. While, to repeat, petitioner apparently remains unconvinced, standing fast on the contentions to which it would seek to impart greater plausibility, still the intent of the framers of the Constitutional Convention, as shown not only by the specific provisions allowing the expropriation of landed estates, but also by the social justice provision as reflected in our decisions, save possibly Republic v. Baylosis,[1] preclude a favorable action on the impassioned plea of petitioner for a reconsideration of our decision. At any rate, petitioner-appellee can take comfort in the separate opinion of Justice Teehankee, with which four other members of the Court, including the Chief Justice, are in agreement, to enable it to raise questions, the answers to which, if its view would be sustained, would certainly afford sufficient protection to what it believes to be an unconstitutional infringement on its property rights.

2. It may not be amiss to make more explicit and categorical what was held in our opinion that Section 4 of Republic Act No. 2616 prohibiting a suit for ejectment proceedings or the continuance of one already commenced even in the absence of expropriation proceedings, is unconstitutional, as held in Cuatico v. Court of Appeals.[2] Greater emphasis likewise should be laid on our holding that while an inaccuracy apparent on the face of the challenged statute as to the ownership of the Tatalon Estate does not suffice to call for its invalidity, still to erase even a fanciful doubt on the matter, the statement therein found in Section 1 of the Act that in addition to petitioner-appellee, Gregorio Araneta & Co., Inc. and Florencio Deudor, et al. are included, cannot be understood as conferring on any juridical or natural persons, clearly not entitled thereto, dominical rights over such property in question.

3. In the aforesaid decision of *Cuatico v. Court of Appeals*, reference was made to the amendatory Act, Republic Act No. 3453 to Section 4 as it originally was worded in Republic Act No. 2616, the amendment consisting of the following: "Upon approval of this amendatory Act, no ejectment proceedings shall be instituted or prosecuted against the present occupants of any lot in said Tatalon Estate, and no ejectment proceedings already commenced shall be continued, and such lot or any portion thereof shall not be sold by the owners of said estate to any person other than the present occupant without the consent of the latter given in a public instrument." [3] The question before the Court, according to the opinion penned by Justice Bautista Angelo, was: "Are the provisions embodied in the amendatory Act which prescribe that upon approval of said Act no ejectment proceedings shall be instituted or prosecuted against any occupant of any lot in the Tatalon Estate, or that no ejectment proceedings already commenced shall be continued, constitutional and valid such that it may be said that the Court of Appeals abused its discretion in denying the petitions for suspension filed by petitioners?" [4]

Then came this portion of the opinion: "This is not the first time that this Court has been called upon to pass upon the validity of a provision which places a landowner in the situation of losing his dominical rights over the property without due process or compensation. We refer to the provisions of Republic Act 2616 before they were amended by Republic Act No. 3453. Note that, as originally provided, Republic Act No. 2616 prohibited the institution of an ejectment proceeding against any occupant of any lot in the Tatalon Estate or the continuance of one that has already been commenced after the expropriation proceedings shall have been initiated and during the pendency of the same. On the surface this provision would appear to be valid if the same is carried out in the light of the provisions of our Constitution relative to cases of eminent domain, for in that case the rights of the owner of the property to be expropriated are protected. But then an attempt came to circumvent that provision in an effort to safeguard or protect the interest of some occupants of the land, which reached this Court for adjudication, as when some occupants attempted to block their ejectment upon the plea that the government would soon start expropriation proceedings even if no sufficient funds were appropriated to provide compensation to the owner and even if it was not in a position to take possession of the estate, and so the owner contested the attempt invoking its rights under the Constitution. And this Court upheld the contention of the owner by declaring the attempt unconstitutional." [5]

The conclusion that inevitably was called for is worded thus: "It is, therefore, imperative that we declare, as we now do, that Section 4 of Republic Act No. 3453 which prohibits the filing of an ejectment proceeding, or the continuance of one that has already been commenced, even in the absence of expropriation proceedings offends our Constitution and, hence, is unenforceable." [6]

What we said then, we reaffirm now, as was indeed evident in our decision sought to be reconsidered but perhaps not given the importance which, in the opinion of petitioner-appellee, it was entitled to. Nothing in our decision can be taken to detract in any wise from the binding force and effect of the *Cuatico* ruling which declared unconstitutional Section 4 of Republic Act No. 3453.

4. We likewise ruled that the mistake imputed to Congress in apparently recognizing the rights of ownership in entities or individuals not possessed of the same could not invalidate the challenged statute. In the same way, it cannot be made the basis for non-existent rights of ownership to the property in question. It is in that sense that, as noted in our decision, no fear need be entertained that thereby the petitioner-appellee would be adversely affected. The government certainly would not pay to a party other than the owner the claim for just compensation which, under the Constitution, it is required to meet. Neither, then, can any party who is not in that situation have any standing whatsoever. This much is beyond dispute. To repeat, the apprehension entertained by petitioner-appellee, perhaps indicative of its excess of caution, is without legal foundation.

WHEREFORE, the motion for the reconsideration of our decision of February 18, 1970, filed by

petitioner-appellee, is denied.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, and Barredo, JJ., concur.
Villamor, J., took no part.

[1] 96 Phil. 461 (1955).

[2] L-20141-42, Oct. 31, 1962, 6 SCRA 595.

[3] Ibid, pp. 597-598.

[4] Ibid, p. 598.

[5] Ibid, p. 599.

[6] Ibid, p. 601.

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