

**JESUS SODSOD, PETITIONER, VS. HON. JUDGE VALERIANO L. DEL VALLE, PRESIDING JUDGE OF THE COURT OF AGRARIAN RELATIONS, NINTH REGIONAL DISTRICT, BRANCH II, LEGASPI CITY, HON. COURT...**

*G.R. NO. L-34130. April 25, 1974*

Ponente: MAKALINTAL, C.J.

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**MAKALINTAL, C.J.:**

This is a special civil action for certiorari and prohibition with preliminary injunction seeking to set aside or annul: (1) the order of respondent Judge of the Court of Agrarian Relations (9th Regional District, Branch II, Legaspi City) dated January 16, 1971 directing the issuance of a writ of execution of its November 6, 1970 decision in CAR Case No. 651 which is pending appeal in the Court of Appeals (CA-G.R. No. 47314-R); (2) the order of the same respondent Judge dated February 27, 1971 denying petitioner's motion for reconsideration and/or stay of execution; the resolution of the respondent Court of Appeals dated July 30, 1971 in its pending appealed case (CA-G.R. No. 47314-R) denying herein petitioner's urgent motion for said appellate court to dissolve the writ of execution or otherwise maintain petitioner in peaceful possession of the landholding in question until the judgment in CAR Case No. 651 would have become final; and the resolution of the same appellate court dated September 3, 1971 denying petitioner's motion for reconsideration. The writ of prohibition is sought separately to enjoin the respondent Judge from implementing his order for the issuance of the writ of execution, as well as the respondent Provincial Sheriff of Albay from actually enforcing said writ.

On November 19, 1972, acting upon an urgent motion of petitioner alleging that private respondents had filed with the agrarian court a motion to have him cited for contempt of court, We issued a temporary restraining order worded as follows:

"NOW THEREFORE, effective immediately, and until further orders from this Court, YOU (respondent Judge), your representative, assigns or any person acting upon your orders, place or stead, are hereby enjoined from hearing and enforcing the writ of execution dated January 16, 1973, issued in CAR Case No. 651, Albay '66 entitled 'Jesus Sodsod v. Antonio Floranza, et al.' and all subsequent orders relative thereto; YOU (respondent Provincial Sheriff of Albay) or your deputies from implementing the said writ of execution and You (private respondents) from entering petitioner's landholding or otherwise disturbing him in his possession of the property during the pendency of these proceedings."

In the said CAR Case No. 651, petitioner Jesus Sodsod, claiming to be a share-tenant since 1952 of a 1 ha. parcel of riceiand located in Obalim, Oas, Albay, sought to be maintained in peaceful possession of the same, alleging that the landowners had earlier made attempts[1] to eject him from his landholding. Petitioner also demanded that he be reimbursed the value of improvements he had introduced on the land and that his shares as tenant which had not been delivered to him in full be completed, or its money equivalent, plus interest and damages be paid to him. In their answer respondents Antonio Floranza and Leopoldo Pojol denied Sodsod's claim that he was atenant, asserting that he "is a mere laborer hired by your answering respondents to help in the clearing of the land for

planting as your petitioner is without any visible means of livelihood but would depend only upon the mercy and charity of your answering respondents." After appropriate proceedings the agrarian court rendered a decision on November 27, 1970 sustaining the landowners' position and "(O)rdering the plaintiff to immediately vacate and deliver the possession and cultivation of the land in question to the defendants." From this decision Jesus Sodsod appealed to the Court of Appeals (CA-G.R. No. 47314-R), perfecting the appeal on January 11, 1971. And it was during the pendency of said appeal that the assailed orders of respondent Judge were issued.

The issuance of the writ for the execution of the decision in CAR Case No. 651 pending its appeal before the Court of Appeals is sought to be justified under Section 5 of Republic Act No. 5434, which reads:

"Sec. 5. Effect of Appeal.— Appeal shall not stay the award, order, ruling, decision or judgment unless the officer or body rendering the same or the court on motion, after hearing, and on such terms as it may deem just, should provide otherwise. The propriety of a stay granted by the officer or body rendering the 'award, order, ruling, decision or judgment may be raised only by motion in the main case."

Respondents argue that Section 12 of Republic Act No. 1267[2], as amended, and Section 36 of Republic Act No. 3844, otherwise known as the Agricultural Land Reform Code,[3] both of which allow execution of a decision ejecting the tenant only after the decision has become final and executory, do not apply to the case at bar in view of the finding of the Court of Agrarian Relations that petitioner was not and had never been a tenant of private respondents-landowners.

The issue in this case is not of first impression. In *Paulo vs. Court of Appeals, et al.* (L-33845, December 18, 1973), which is practically on all fours with the facts of this case, We stated:

"We had previously ruled in *Quilantang vs. Court of Appeals* (L-34212, December 13, 1972, 48 SCRA 294, 298) that Section 36 of Republic Act No. 3844, created in favor of the agricultural lessee a substantive right to 'continue in the enjoyment and possession of his landholding except when the dispossession has been authorized by the Court in a judgment that is final and executory' and that Republic Act No. 5434, on the other hand, 'as its title indicates, is purely procedural in nature, in that it purports to do no more than prescribe a uniform procedure for appeals from the bodies and entities enumerated therein. It is easily comprehensible, then, considering the adjective nature of R. A. 5434, that Section 12 of R. A. 1267, as amended, was explicitly and precisely referred to as one of the procedural provisions to be superseded by R.A. 5434/ In the evolution of legislative policy declaring share tenancy as contrary to public policy and granting to tenants greater security and added interests of a semi-proprietary nature in their landholdings, We declared therein that it is, therefore, 'not a mere accident in the lawmaking process that while under R. A. 1267 a tenant's authority to stay in his landholding until the judgment ousting him became final and executory, merely formed part of the ordinary rules of procedure in the disposition of agrarian cases, that same authority to hold over until final judgment was withdrawn by R.A. 3844 from the realm of procedural law and transformed into a transcendental substantive right. Within the context of the environmental legislative intention directly pertinent to the issue at bar, this Court cannot construe R.A. 5434 an adjective law, in a manner that will upturn one of the fundamental substantive aspects of R.A. 3844, although the latter, in terms of end-results would seemingly operate to constrict the scope of the former.' We reaffirmed this ruling in *Tiongson vs. Court of Appeals* (1,-35059) decided only last February 27, 1973 (49 SCRA 429) where We again stressed that under the Land Reform Code the tenants are entitled to the enjoyment and possession of their landholdings except when their dispossession has been authorized by the Court in a judgment that is final and executory."

The basic issue before the Court of Appeals in the appealed case(CA-G.R. No. 47314-R)is whether or not petitioner Jesus Sodsod is a tenant of landowners Antonio Floranza and Leonardo Pojol. When said appellate court sanctioned Sodsod's ouster from the landholding in question, it prejudged without sufficient justification the very issue of the main case submitted to it for adjudication.

WHEREFORE, the writs of certiorari and prohibition prayed for are granted, and the orders dated January 16, 1971 and November 27, 1971 of respondent Judge of the Court of Agrarian Relations, as well as the resolutions dated July 30, 1971 and September 3, 1971 of respondent Court of Appeals, are nullified. The temporary restraining order dated November 19, 1972 is hereby made permanent and the Court of Appeals is enjoined to decide CA-G.R. No. 47314-R with dispatch. Costs against private respondents.

Ruiz Castro, Teehankee, Esguerra, and Muñoz Palma, JJ., concur.  
Makasiar, J., is on leave

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[1] It appears that prior to the institution of CAR Case No. 651, private respondents had sued petitioner before the Municipal Court of Oas, Albay for forcible entry, which case, when eventually dismissed, was appealed to the Court of First Instance of Albay where it is now pending.

[2] Section 12 of Republic Act No. 3267, as amended — which was expressly repealed by Republic Act No. 5434 — reads:

"SEC. 12. Execution of Orders or Decisions.— At the expiration of fifteen (15) days from notice of the order or decision, judgment shall be entered in accordance therewith, . . . The institution of an appeal shall not stay the execution of the order or decision sought to be reviewed, unless for a special reason, the Court of Agrarian Relations or the Supreme Court shall order that execution be stayed, in which event the Court, in its discretion, may require the appellant to deposit with the Clerk of Court such amount as would answer for the sum involved in the order or decision or require him to give bond in such form and for such amount as to insure compliance with the order or decision in case the same is confirmed: Provided, however, That an order or decision ejecting a tenant from his landholding shall not be executed until after the decision has become final conclusive."

[3] Section 36 of Republic Act No. 3844 partly provides:

"SEC. 36. Possession of Land holding; 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 . . ."

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