

FRANCISCO SAURE, PETITIONER, VS. HON. PRUDENCIO S. PENTECOSTES, MUNICIPAL JUDGE OF CAMILING, TARIAC, DEPUTY SHERIFF VIVENCIO PALANCIO, SPOUSES TELESFORO GALANG AND NIEVES GALANG...

G.R. No. L-46468. May 27, 1981

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7e3c31e7cefc/>

FERNANDO, C.J.:

It is readily discernible from the records of this certiorari and prohibition proceeding why the Citizens Legal Assistance Office of the Ministry of Justice took such pains to nullify and set aside a decision of respondent Municipal Judge Prudencio S. Pentecostes of Camiling, Tarlac[1] ejecting petitioner as lessee from the building owned by private respondents, the spouses Telesforo and Nieves Galang,[2] as well as his order denying a motion for relief from judgment.[3] The point stressed, and rightly so, is that respondent Judge disregarded the plain command of Presidential Decree No. 20 which suspended indefinitely the filing of ejectment cases except when the lease is for a definite period and which prohibited the increase in rentals of dwelling units where the monthly rentals do not exceed P300.00 a month. There is no evidence whatsoever that disproves the allegation that petitioner Saure is occupying the premises in question as his residence. The fact that he has a small photography shop undoubtedly to supplement his income does not transform it into a commercial establishment. Moreover, no period had been fixed for the duration of his occupancy. As a matter of fact, it could not be denied that the only reason of private respondents for seeking his ejectment was his refusal to submit to an increase in rentals from P50.00 to P180.00, the Presidential Decree notwithstanding. In the light of the undisputed facts, the jurisdictional infirmity of the actuation of respondent Judge is quite obvious. It is surprising how he could have decided the matter the way he did. The explanation, but not the justification, apparently lies in the fact that the building in question, a unit of which is the residence of petitioner, is located in the commercial district of Camiling, Tarlac. That does not suffice.

There is merit to the petition.

1. The ruling in the recent case of *Salaria v. Buenviaje*,[4] the opinion being penned by Justice Guerrero, is quite categorical. Where Presidential Decree No. 20 calls for application, the fact that the lessor needed the premises for his personal use could not defeat its application. Accordingly, it was categorically held that the lessee "cannot be ordered to vacate the premises of the land in question" pursuant to the applicable law.[5] Private respondents could not even allege such purpose. All they were interested in was that the rentals be increased, contrary to what is ordained by Presidential Decree No. 20. The case for petitioner is thus much stronger.

2. In a still later decision of this Court, *Gutierrez v. Cantada*,[6] the same approach was followed. In that case, the decision of the then respondent Judge Santiago O. Tanada was upheld, a suit for certiorari against him filed by the lessor being dismissed. Such special civil action was filed in this Court as a suit for ejectment against the tenant did not prosper. It was pointed out in the opinion that Presidential Decree No. 20 as well as the previous act

regulating rentals[7] which it amended "had a common objective to remedy the plight of the lessees, Presidential Decree No. 20, moreover, having a constitutional sanction in that it is specifically referred to in the fundamental law as part of 'the law of the land.' Under the former statute, actions for ejectment were 'suspended from two years from the effectivity' thereof. . . . Such a period was made indefinite by Presidential Decree No. 20 thus: 'Except when the lease is for a definite period, the provisions of paragraph (1) of Article 1673 of the Civil Code of the Philippines insofar as they refer to dwelling unit or land on which another's dwelling is located shall be suspended until otherwise provided; but other provisions of the Civil Code and the Rules of Court of the Philippines on lease contracts, insofar as they are not in conflict with the provisions of this Act, shall apply.' Under paragraph (1) of Article 1673 of the Civil Code, one of the grounds for judicially ejecting the lessee is the expiration of the period fixed for the duration of the leaser's it bears repeating that the legislation or decree of the above character is a police power measure intended to alleviate the plight of lessees occupying premises with a monthly rental of less than P300.00. The construction that should be given to it therefore should be of a liberal character. Otherwise, its beneficent purpose could be frustrated. Nor could any doubt be entertained that the decree applied to leases entered into prior to its issuance. There is relevance to this excerpt from *Gutierrez v. Cantada*: "The applicability thereof to existing contracts cannot be denied. From *Pangasinan Transportation Co. v. Public Service Commission*, such a doctrine has been repeatedly adhered to by this Court. As was held in *Ongsiako v. Gamboa*, decided in 1950, a police power measure being remedial in character covers existing situations; otherwise, it would be self-defeating." [9]

3. As was pointed out earlier, the only explanation for this failure to abide by Presidential Decree No. 20 must have been the belief of respondent Judge that the premises in question, being located in a commercial section of the town of Camiling, was outside the operation of the Decree. Such a belief is unjustified. Petitioner was occupying only one of the units in the building in question, all of which served as the dwelling places of the lessees. They therefore fall within the explicit language of the Decree. It is not the location but the use of the premises in question that is decisive. Nor is the application of the Decree defeated by the fact that there is a small photo shop owned by petitioner. Again, what calls for the setting aside of a decision is the fact that respondent Judge disregarded the evidence which showed that petitioner and his family had lived in such place for the last ten years. Under the circumstances, to refuse to recognize that the case for petitioner comes within the operation of the Decree is to disregard and ignore its command. Whatever doubt there may be on that score is removed by this definition of a residential unit in *Batas Pambansa Big. 25*: "A residential unit—refers to an apartment, house and/or land on which another's dwelling is located used for residential purposes and shall include not only buildings, parts or units thereof used solely as dwelling places, except motels, motel rooms, hotels, hotel rooms, boarding houses, dormitories, rooms and bedspaces for rent, but also those used for home industries, retail stores or other business purposes if the owner thereof and his family actually, live therein and use it principally for dwelling purposes: Provided, That in the case of a retail store, home industry or business, the capitalization thereof shall not exceed five thousand pesos (P5,000.00): and Provided, further, That in the operation of the store, industry or business, the owner thereof shall not require the services of any person other than the immediate members of his family." [10] There is testimony, unrefuted, that the capital of the photo shop was in the amount of P2,500.00. Nor can there be any doubt that the services of a person other than the immediate members of petitioner's family were not required.

4. There is, however, this matter to consider. Petitioner did not deposit during the pendency of this litigation the monthly rental of P50.00 agreed upon. It could be argued that in *Salaria*, there was at least a deposit of P200.00 during the pendency of the litigation. Admittedly, such amount was not enough, as shown by the last sentence of its dispositive portion: "The petitioner is, however, ordered to pay back rentals for the period of his stay on the land at the rate of P10.00 a month, which is not covered by the deposit." [11] In this case, however, the failure of

petitioner to deposit the rental is mitigated by the fact that he did offer to pay the former rental, but private respondents made it clear that they would not accept. Counsel for petitioner ought to have advised him to make the necessary consignment. This is one instance however where the client should not be made to suffer for the omission of counsel. At any rate, it can be stated legally that the action for ejectment not being allowable in law at all, and a clear case of jurisdictional infirmity being apparent, such failure could be considered excusable. Petitioner, however, must pay all the back rentals due and owing. In according him justice through law, no injustice should be visited on private respondents.

5. Moreover, Batas Pambansa Big. 25 affords private respondents some degree of relief. As therein set forth: "Upon the effectivity of this Act and for a duration of five years thereafter the monthly rentals of all residential units not exceeding three hundred pesos shall not be increased, for any one year period, by more than ten percent (10%) of the monthly rentals existing at the time of the approval of this Act. The yearly increases authorized herein shall be cumulative."¹² The Act took effect on April 10, 1979.

WHEREFORE, the petition for certiorari is granted nullifying the decision of respondent Judge dated November 17, 1976 and the writ of execution issued on December 15, 1976 by virtue thereof. The order of March 10, 1977 of respondent Judge denying the petition for relief from the aforesaid decision is likewise declared of no force and effect. The writ of prohibition is granted enjoining respondent Judge and respondent Deputy Sheriff Vivencio Palancio or any person acting on their stead or behalf from taking any further action in connection with Civil Case No. 3066 of the Municipal Court of Camiling between the spouses Telesforo and Nieves Galang, now private respondents, as plaintiffs, and Francisco Saure, now petitioner, as one of the defendants. The restraining order issued by this Court on July 18, 1977 is hereby made permanent. Petitioner Francisco Saure is granted a period of ninety days within which to pay the back rentals. No costs.

Barredo, Aquino, Abad Santos and De Castro, JJ., concur.

Concepcion Jr., J., is on official leave.

[1] Deputy Sheriff Vivencio Palancio was likewise named respondent, a writ of execution having been issued.

[2] Petition, Annex C.

[3] Ibid, Annex E.

[4] L-45642, February 28, 1978, 81 SCRA 722.

[5] Ibid, 121.

[6] L-36797, May 3, 1979, 90 SCRA 1.

[7] Republic Act No. 6359 entitled An Act to Regulate Rentals for Two Years of Dwelling Units or of Land on Which Another's Dwelling is Located and Penalizing Violations Thereof, and for Other Purposes.

[8] 90 SCRA I, 2-3.

[9] Ibid, 5-6.

[10] Section 2(b) of Batas Pambansa Big. 25 (1979).

[11] 81 SCRA 722, 729.

[12] Section 1 of Batas Pambansa Big. 25 (1979).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.