

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
WENCESLAO ALMUETE, FERNANDO FRONDA, FAUSTO DURION AND
CIPRIANO FRONDA, DEFENDANTS-APPELLEES.**

G.R. No. L-26551. February 27, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

Wenceslao Almuete, Fernando Fronda, Cipriano Fronda and Fausto Durion were charged with a violation of section 39 of the Agricultural Tenancy Law. It was alleged in the information that in December, 1963, in Muñoz, Nueva Ecija, the accused being tenants of Margarita Fernando in her riceland, without notice to her or without her consent, pre-threshed a portion of their respective harvests of five (5) cavans of palay each to her damage in the amount of P187.50 at P12.50 a cavan (Criminal Case No. SD-179, Court of First Instance of Nueva Ecija, Sto. Domingo Branch VI).

Upon arraignment the accused pleaded not guilty. They filed a motion for a bill of particulars as to the exact date of the commission of the offense charged. The lower court denied their motion because they had already entered their plea.

Thereafter, they filed a motion to quash the information on the grounds (1) that it does not allege facts sufficient to constitute the crime charged; (2) that there is no law punishing it, and (3) that the court has no jurisdiction over the alleged crime. The fiscal opposed the motion.

The lower court granted the motion and dismissed the information in its order of August 11, 1966. It held that the information is basically deficient because it does not describe the circumstances under which the cavans of palay were found in the possession of the accused tenants; it does not specify the date agreed upon for the threshing of the harvests, and it does not allege that the palay found in the tenants' possession exceeded ten percent of their net share based on the last normal harvest.

The prosecution appealed from the order of dismissal. The Solicitor General argues in his brief that the information in this case alleges all the elements of the offense defined in section 39 of Republic Act No. 1199, as amended by Republic Act No. 2263. Sections 39 and 57 of the same law reads as follows:

"SEC. 39 Prohibition on Pre-threshing..- It shall be unlawful for either the tenant or landholder, without mutual consent, to reap or thresh a portion of the crop at any time previous to the date set, for its threshing: Provided, That if the tenant needs food for his family and the landholder does not or cannot furnish such and refuses to allow the tenant to reap or thresh a portion of the crop previous to the date set for its threshing, the tenant can reap or thresh not more than ten percent of his net share in the last normal harvest after giving notice thereof to the landholder or his representative. Any violation of this section by either party shall be treated and penalized in accordance with this Act and/or under the general provisions of law applicable to the act committed".

"SEC. 57 Penal Provision.- Violation of the provisions of x x x sections thirty-nine and forty-nine of this Act shall be punished by a fine not exceeding two thousand pesos or imprisonment not exceeding one year, or both,

in the discretion of the Court. x x x "[*]

We hold that the order of dismissal should be affirmed because as held in *People vs. Adillo*, L-23785, November 27, 1975, a case similar to the instant case, section 39 was impliedly repealed by the Agricultural Land Reform Code of 1963, as amended by Republic Act No. 6389 (68 O.G. 915) and as implemented by Presidential Decrees Nos. 2, 27 and 316. That Code was already in force when the act complained of was committed. The repeal may be rationalized in this manner:

The prohibition against pre-reaping or pre-threshing found in section 39 of the Agricultural Tenancy Law of 1954 is premised on the existence of the rice share tenancy system. The evident purpose is to prevent the tenant and the landholder from defrauding each other in the division of the harvests.

The Agricultural Land Reform Code superseded the Agricultural Tenancy Law (except as qualified in sections 4 and 35 of the Code). The Code instituted the leasehold system and abolished share tenancy subject to certain conditions indicated in section 4 thereof. It is significant that section 39 is not reproduced in the Agricultural Land Reform Code whose section 172 repeals "all laws or part of any law inconsistent with" its provisions.

Under the leasehold system the prohibition against pre-threshing has no more *raison d'être* because the lessee is obligated to pay a fixed rental as prescribed in section 34 of the Agricultural Land Reform Code, or the Code of Agrarian Reforms, as redesignated in Republic Act No. 6389 which took effect on September 10, 1971. Thus, the legal maxim, *cessante ratione legis, cessat ipsa lex* (the reason for the law ceasing, the law itself also ceases), applies to this case.

Section 4 of the Code of Agrarian Reforms declared agricultural share tenancy throughout the country as contrary to public policy and automatically converted it to agricultural leasehold. Presidential Decree No. 2 proclaimed the entire country "as a land reform area". Presidential Decree No. 27 emancipated the tenant from the bondage of the soil. And Presidential Decree No. 316 interdicted the ejectment or removal of the tenant-farmer from his farmholding until the promulgation of the rules and regulations implementing Presidential Decree No. 27. (See *People vs. Adillo*, *supra*).

The legislative intent not to punish anymore the tenant's act of pre-reaping and pre-threshing without notice to the landlord is inferable from the fact that, as already noted, the Code of Agrarian Reforms did not reenact section 39 of the Agricultural Tenancy Law and that it abolished share tenancy which is the basis for penalizing clandestine pre-reaping and pre-threshing.

All indications point to a deliberate and manifest legislative design to replace the Agricultural Tenancy Law with the Code of Agrarian Reforms, formerly the Agricultural Land Reform Code, at least as far as ricelands are concerned.

As held in the *Adillo* case, the act of pre-reaping and pre-threshing without notice to the landlord, which is an offense under the Agricultural Tenancy Law, had ceased to be an offense under the subsequent law, the Code of Agrarian Reforms. To prosecute it as an offense when the Code of Agrarian Reforms is already in force would be repugnant or abhorrent to the policy and spirit of that Code and would subvert the manifest legislative intent not to punish anymore pre-reaping and pre-threshing without notice to landholder.

It is a rule of legal hermeneutics that "an act which purports to set out in full all that it intends to contain, operates as a repeal of anything omitted which was contained in the old act and not included in the amendatory act" (*Crawford, Construction of Statutes*, p. 621 cited in the *Adillo* case).

"A subsequent statute, revising the whole subject matter of a former statute, and evidently intended as a substitute for it, operates to repeal the former statute" (82 C.J.S. 499). "The revising statute is in effect a legislative

declaration that whatever is embraced in the new statute shall prevail, and whatever is excluded therefrom shall be discarded" (82 C.J.S. 500).

The repeal of a penal law deprives the courts of jurisdiction to punish persons charged with a violation of the old penal law prior to its repeal (People vs. Tamayo, 61 Phil. 225; People vs. Sindiong and Pastor, 77 Phil. 1000; People vs. Binuya, 61 Phil. 208; U.S. vs. Reyes, 10 Phil. 423; U.S. vs. Academia, 10 Phil. 431; See dissent in Lagrimas vs. Director of Prisons, 57 Phil. 247, 252, 254).

Wherefore, the order of dismissal is affirmed with costs de officio. So ordered.

Fernando (Chairman), Antonio, Concepcion, Jr., and Martin[*], JJ., concur.

Barredo, J., did not take part.

[*] Appellees' contention that the Court of First Instance had no jurisdiction over the offense because inferior courts have jurisdiction over offenses in which the penalty is imprisonment for not more than three years, or a fine of not more than three thousand pesos, or both such fine and imprisonment and that it is the Muñoz municipal court that has jurisdiction is wrong. The Court of First Instance has concurrent jurisdiction with the inferior court in cases in which the penalty provided by law is imprisonment for more than six months, or a fine of more than two hundred pesos (Sec. 44[f], Judiciary Law).

[*] Designated to sit in the Second Division.

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