

ZOILA DE CHAVEZ, PETITIONER, VS. ENRIQUE ZOBEL AND COURT OF APPEALS, RESPONDENTS.*G.R. No. L-28609. January 17, 1974*

Ponente: FERNANDO, J.

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These two petitions[1] for the review of a joint decision of respondent Court of Appeals, sustaining the right of respondent-landholder, Enrique Zobel to eject petitioner-tenants and thus reversing a judgment in their favor by the Court of Agrarian Relations, present the crucial issue of how far this Tribunal is bound by the cardinal policy set forth in a presidential decree[2] that ordains the emancipation of tenants and confers on them ownership of the lands they till, upheld as part of the law of the land under the Revised Constitution.[3] This too, in the face of its avowed primordial objective: "The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution." [4] As thus posed, its resolution is rather obvious. We cannot sustain respondent Court of Appeals.

Private respondent Zobel, as the registered owner of a parcel of land located at Calatagan, Batangas, known as Hacienda Bigaa, with an aggregate area of more than five hundred hectares, sought to eject petitioners, his tenants tilling lands in a portion thereof, relying on the provision of Republic Act No. 1199, which would justify such a move where the land is suited for mechanization.[5] Petitioners, as tenants, vigorously objected to such petition not only on the ground that the small areas they are occupying were not suited for mechanization, but likewise on the allegation that the true intention of respondent as landholder was to utilize the same for pasture and for the raising of sorghum. The Court of Agrarian Relations dismissed the petition for ejectment, doubting such an intent to mechanize and at the same time holding that mechanization during the rainy season of the year was not practicable. The matter was elevated to respondent Court of Appeals, which reversed the Court of Agrarian Relations and granted such petition for ejectment. Hence this petition for review.

There is no question as to the tenancy relationship as well as to the areas occupied by petitioners as tenants. For the decision of the Court of Appeals now sought to be reviewed did clearly specify: "At the hearing of these cases on July 15, 1963, the litigants, through their counsels, entered into the following stipulation of facts: 1. That the relation of landholder and tenant between the petitioner and the respondents is admitted; 2. That the respective area cultivated by each of the respondents is as indicated * * * as follows: Bartolome Dimaala - 1 lot with an approximate area of 1.1440 hectare; Rufo Garcia - area of lot is more or less one (1) hectare; Paulino Esguerra - two (2) lots with an aggregate area of about two (2) hectares; Fernando Veroya - one (1) lot with an area of about 1/2 hectare; Wilson Zapatero - one (1) lot with an area of about less than 1-1/2 hectares; Rufino Zapatero - one (1) lot with an area of about one (1) hectare; Almario Alab - three (3) lots with an area of about 3 hectares; Roman Veroya - one (1) lot of about 1/2 hectare; Romana Vizconde - one (1) lot with an area of about 1/2 hectare; and Zoila de Chavez - four (4) lots with an aggregate area of about 6 hectares." [6] That is why, as set forth at the outset, the applicability of Presidential Decree No. 27 decreeing the emancipation of tenants from the bondage of the soil and transferring to them the ownership of the land they till and providing the instruments and mechanism

therefor is unavoidable.[7] Hence, again, as was made mention of at the outset, the decision of the Court of Appeals cannot be sustained.

1. The tenancy problem in the Philippines is of ancient vintage. The opinion of Justice Tuason in the leading case of *Guido vs. Rural Progress Administration*[8] made reference to the concern shown by our great patriot and hero, Jose Rizal, one arising from first-hand knowledge and the bitter personal experience of his family. As was so vividly expressed by Justice Labrador, speaking for this Court, in *De Ramas vs. Court of Agrarian Relations*:[9] "The history of land tenancy, especially in Central Luzon, is a dark spot in the social life and history of the people. It was among the tenants of Central Luzon that the late Pedro Abad Santos, acting as a saviour of the tenant class, which for generations has been relegated to a life of bondage, without hope of salvation or improvement, enunciated a form of socialism as a remedy for the pitiful condition of the tenants of Central Luzon. It was in Central Luzon also that the tenants forming the PKM organization of tenants and, during the war, the Hukbalahap, rose in arms against the constituted authority as their only salvation from permanent thralldom. According to statistics, whereas at the beginning of the century we had only 19% of the people belonging to the tenant class, after 60 years, the prevailing percentage has reached 39%." [10] Such situation calls to mind this apt observation of Laski, "of the normal life of the poor, their perpetual fear of the morrow, their haunting sense of impending disaster, their fitful search for a beauty which perpetually eludes." [11] The 1935 delegates to the Constitutional Convention were not unaware of the gravity of the problem. Under the Commonwealth and under the Republic therefore, the appropriate legislation was enacted.[12] Progress in the solution of this serious social malady, while considerable, did not supply the necessary corrective.

On this vital policy question, one of the utmost concern, the need for what for some is a radical solution in its pristine sense, one that goes at the root, was apparent. Presidential Decree No. 27 was thus conceived. It was issued in October of 1972. The very next month, the 1971 Constitutional Convention voiced its overwhelming approval. There is no doubt then, as set forth expressly therein, that the goal is emancipation.[13] What is more, the decree is now part and parcel of the law of the land according to the revised Constitution itself.[14] Ejectment therefore of petitioners is simply out of the question. That would be to set at naught an express mandate of the Constitution. Once it has spoken, our duty is clear; obedience is unavoidable. This is not only so because of the cardinal postulate of constitutionalism, the supremacy of the fundamental law. It is also because any other approach would run the risk of setting at naught this basic aspiration to do away with all remnants of a feudalistic order at war with the promise and the hope associated with an open society. To deprive petitioners of the small landholdings in the face of a presidential decree considered ratified by the new Constitution and precisely in accordance with its avowed objective could indeed be contributory to perpetuating the misery that tenancy had spawned in the past as well as the grave social problems thereby created. There can be no justification for any other decision than whether predicated on a juridical norm or on the traditional role assigned to the judiciary of implementing and not thwarting fundamental policy goals.

2. With the disposition of these petitions for review thus so clearly indicated by the controlling constitutional provisions, a discussion of the errors assigned by petitioners would be fruitless. Nonetheless, insofar as they would stress the basic doctrine that the findings of fact of the Court of Agrarian Relations, supported by substantial evidence, is well-nigh conclusive on an appellate tribunal, it is undeniable that such a submission is supported and buttressed by a host of our decisions dating back to 1958.[15]

WHEREFORE, the joint decision in these two petitions of respondent Court of Appeals of November 23, 1967 is reversed and set aside, and the joint decision of the Court of Agrarian Relations of October 1, 1964 dismissing the actions filed by respondent Enrique Zobel is reinstated and given full force and effect. Costs against respondent Enrique Zobel.

Zaldivar, (Chairman) and Aquino, JJ., concur.

Barredo, J., concurs in a separate opinion.

Antonio and Fernandez, JJ., concur as qualified by the separate opinion of Justice Barredo.

[1] L-28609 is entitled *Zoila de Chavez vs. Enrique Zobel, et al.* and L--28610 is entitled *Bartolome Dimaala, et al. vs. Enrique Zobel, et al.*

[2] Presidential Decree No. 27, entitled "Decreeing the Emancipation of Tenants From the Bondage of the Soil Transferring to Them the Ownership of the Land They Till and Providing The Instruments and Mechanism Therefor" (October 21, 1972).

[3] According to Article XVII, Section 3, par. (2) of the Revised Constitution 'All proclamations, orders, decrees, instructions, and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.'

[4] Article XIV, Section 12 of the Revised Constitution.

[5] Section 50 of Republic Act No. 1199 (1954).

[6] Decision, Annex A of Petition, 2-3.

[7] Presidential Decree No. 27 reads as follows: "Inasmuch as the old concept of land ownership by a few has spawned valid and legitimate grievances that gave rise to violent conflict and social tension, [t]he redress of such legitimate grievances being one of the fundamental objectives of the New Society, [s]ince Reformation must start with the emancipation of the tiller of the soil from his bondage, [n]ow, [t]herefore, I, Ferdinand E. Marcos, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended do hereby decree and order the emancipation of all tenant farmers as of this day, October 21, 1972; This shall apply to tenant farmers of private agricultural lands primarily devoted to rice and corn under a system of share-crop or lease-tenancy, whether classified as landed estate or not: The tenant farmer, whether in land classified as landed estate or not, shall be deemed owner of a portion constituting a family-size farm of five (5) hectares if not irrigated and three (3) hectares if irrigated; In all cases, the landowner may retain an area of not more than seven (7) hectares if such landowner is cultivating such area or will now cultivate it; For the purpose of determining the cost of the land to be transferred to the tenant-farmer pursuant to this Decree, the value of the land shall be equivalent to two and one half (2-1/2) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree; The total cost of the land, including harvest at the rate of six (6) percentum per annum, shall be paid by the tenant in fifteen (15) years of fifteen (15) equal annual amortizations; In case of default, the amortizations due shall be paid by the farmers' cooperative in which the defaulting tenant-farmer is a member, with the cooperative having a right of recourse against him; The government shall guarantee such amortizations with shares of stock in government-owned and government-controlled corporations; No title to the land owned by the tenant-farmers under this Decree shall be actually issued to a tenant-farmer unless and until the tenant-farmer has become a full-fledged member of a duly recognized farmers' cooperative; Title to land acquired pursuant to this Decree or the Land Reform Program of the Government shall not be transferable except by hereditary succession or to the Government in accordance with the provisions of this Decree, the Code of Agrarian Reforms and other existing

laws and regulations; The Department of Agrarian Reform through its Secretary is hereby empowered to promulgate rules and regulations for the implementation of this Decree; All laws, executive orders, decrees and rules and regulations, or parts thereof, inconsistent with this Decree are hereby repealed and or modified accordingly. Done in the City of Manila this 21st day of October, in the year of Our Lord, nineteen hundred and seventy-two."

[8] 84 Phil. 847 (1949).

[9] L-19555, May 29, 1964, 11 SCRA 171.

[10] *Ibid*, 177-178.

[11] Laski, *Liberty in the Modern State*, 34 (1949).

[12] Cf. Commonwealth Acts Nos. 34 (1936), 178 (1936), 461 (1939). Also, Republic Acts 1199 (1954) and 3844 (1963).

[13] Cf. Art. XIV, Section 12 reading thus: "The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution."

[14] Cf. Art. XVII, Section 12.

[15] The 1958 decisions are *Atayde vs. De Guzman*, 103 Phil. 187; and *De Miranda vs. Reyes*, 103 Phil. 207. The other decisions follow: *Cahilo vs. De Guzman*, 106 Phil. 520 (1959); *Yusay vs. Alojado*, 107 Phil. 1156 (1960); *Ulpiedo vs. Court of Agrarian Relations*, 109 Phil. 964 (1960); *Canada vs. Rubi*, 110 Phil. 505 (1960); *Mateo vs. Duran*, L-14314, Feb. 22, 1961, 1 SCRA 508; *De Domingo vs. Court of Agrarian Relations*, L-12116, April 28, 1962, 4 SCRA 1151; *Silva vs. Cabangon*, L-14801, Jan. 31, 1963, 7 SCRA 33; *Bermudez vs. Fernando*, L-18610, April 22, 1963, 7 SCRA 682; *Toledo vs. Court of Agrarian Relations*, L-16054, July 31, 1963, 8 SCRA 499; *Lustre vs. Court of Agrarian Relations*, L-19654, March 31, 1964, 10 SCRA 659; *Gagola vs. Court of Agrarian Relations*, L-19740, Dec. 17, 1966, 18 SCRA 992; *Lapina vs. Court of Agrarian Relations*, L-20706, Sept. 25, 1967, 21 SCRA 194; *Ibaviosa vs. Tuazon*, L-21641, Dec. 29, 1967, 21 SCRA 1438; *Picardal vs. Lladas*, L-21309, Dec. 29, 1967, 21 SCRA 1483; *Del Rosario vs. De los Santos*, L-20589-90, March 21, 1968, 22 SCRA 1196; *Beltran vs. Cruz*, L-20973, October 26, 1968, 25 SCRA 607; *Teodoro vs. Macaraeg*, L-20700, Feb. 27, 1969, 27 SCRA 7; *Lim vs. Secretary of Agriculture and Natural Resources*, L-26990, Aug. 31, 1970, 34 SCRA 751.

CONCURRING OPINION

BARREDO, J.:

I fully concur, except as to all references made by Justice Fernando to a "revised constitution", it being my unequivocal position that the constitution now in force and effect, which I am sure is the one being cited, is indeed a new constitution, as contra-distinguished from another that is merely amended, which would be what could be termed as "revised". The new charter should always be called simply as the New Constitution of the Philippines or the Philippine Constitution of 1973. This nomenclature does away with any question as to whether or not its ratification was accomplished in accordance with the provision on amendments of the old charter.

In the language of its Section 16, Article XVII, "this Constitution * * * shall supersede the Constitution of nineteen hundred and thirty-five and all amendments thereto." In other words, the replacement is integral, and, accordingly, the ratification and approval of the new one should be determined by its own effectivity clause, it

being undeniable that the previous constitution, while it provides for an amending process, is completely silent as to how an integral replacement thereof may be effected. Which is how it ought to be, for it is to me but logical, if it cannot be deemed axiomatic, that as a new fundamental law is ordained precisely in disregard, if not in repudiation, of its predecessor, it is incongruous that the latter should in any way bind the hands of the people in enacting the former. I have said once before that a constitution is by its very nature always self-born or comes into effect by the force of its own authority, expressive of the people's sovereignty,[1] and I have not yet been shown any reason why I should believe otherwise. Actually, if one must be accurate, the innovations introduced by the new constitution in its underlying principles as well as in the provisions regarding the form and theory of our government, the rights and obligations of the citizens, the conditions of citizenship, the voting age, the national economy and society in general, but more particularly, the eradication of social injustice, the judicial set up, the accountability of public officers, the autonomy of local governments, the preservation and protection of the national patrimony and the reorientation of the educational system, to mention only some of them, are so substantial and far reaching that only blind loyalty to the old order could make anyone insist that the former charter has merely suffered amendments of form and language and that the Philippine Constitution of 1973 is not a new one. Withal, having taken a sacred oath on October 29, 1973 that "aking itataguyod at ipagtatangol and bagong Saligang-Batas", I am as solemnly bound not to ever consider the present charter as anything less than new.

[1] See, my separate opinion in the Ratification Cases, *Javellana vs. The Executive Secretary and the other cases* decided with it, March 31, 1973, 50 SCRA 30, 197-198.

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