

FRANCISCO PINEDA, ET ALS, PETITIONERS, VS. PASTOR DE GUZMAN, JUDGE, COURT OF AGRARIAN RELATIONS, AND BEATRIZ D. VDA. DE FELICIANO, RESPONDENTS.

G.R. Nos. L-23773 & L-23774. December 29, 1967

Ponente: ANGELES, J.

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ANGELES, J.:

On certiorari and prohibition with preliminary injunction to the Court of Agrarian Relations, presid-ed by the respondent Judge, Pastor de Guzman, and pri-vate respondent Beatriz D. Vda. de Feliciano, to set aside the order issued by the respondent Judge, dated October 7, 1964, ordering the execution of the deci-sion rendered in the CAR Cases Nos. 1187 and 1188, on the ground that the assailed order was issued without and in excess of jurisdiction, or with grave abuse of discretion; that respondent Judge be restrained from enforcing or implementing the aforesaid order; and that a writ of preliminary injunction be issued pending consideration of the instant petition.

On November 10, 1964, the Court resolved to give due course to the petition, required the respondents to answer the petition (not a motion to dismiss), and authorized the issuance of a writ of preliminary injunction, as prayed for, upon the pe-titioners' filing a bond in the sum of P1,000.00. The required bond having been posted, the injunctive writ was issued on November 17, 1964.

From the pleadings and annexes thereto filed by the parties, it appears that on July 17, 1962, Beatriz D. Vda. de Feliciano, herein private respond-ent, filed two petitions before the Court of Agrarian Relations docketed Nos. 1187 and 1188, against the herein petitioners, as respondents therein, alleging that petitioner is the owner of several parcels of land which are tenanted by the respondents; that said petitioner has duly notified the respondents and the Agrarian court, within the time and in the manner prescribed by law, of her intention to mechanize her landholdings; and, prayed that she be authorized to mechanize her landholdings, and the respondents be ordered to vacate the lands.

The respondents traversed the allegations in the petitions, specifically averring that petitioner has no sincere intention of mechanizing her landhold-ings and had filed the cases merely to harass them; that the court has acquired no jurisdiction over the cases for failure of petitioner to comply with the provision of Section 50, Republic Act 1199, as amend-ed, regarding the giving of proper notices; and that it is more economical to continue with the old system of farming, by the use of man-animal labor. They prayed that the petitions be dismissed.

By agreement of the parties the cases were tried jointly.

After a trial, on February 1, 1964, decision was rendered with the following dispositive portion:

"WHEREFORE, the court decides this case in favor of the peti-tioner by giving her authority to eject her tenants above-named from their respect-ive landholdings also above-described, and to mechanize her said

land-holdings."

Admittedly, the decision had become final and executory in March, 1964.

On September 3, 1964, the petitioners, with due notice to the respondents, filed a motion for execution on the ground that the decision had already become final.

On September 26, 1964, the respondents opposed the motion on the following grounds:

"(a) That the defendants have already planted their respective landholdings with palay and some with sugar cane and a part will be harvested next month and December, 1964, and January, 1965, and the sugar cane crops will be harvested this coming November, 1964;

"(c) That one of the defendants (Rosalino Dizon) sold his landholding before the decision of these cases to defendant Juanito Ochoa with the knowledge and consent of the plaintiff;

"(d) That these cases were filed and tried during the time when Republic Act No. 1199, as amended by Republic Act No. 2263 was still enforced and a portion of the proceedings including the rendition of the decision was had after the passage of the Land Reform Code, Republic Act No. 3844, thus section 168 of the Land Reform Code allows the said complaint for mechanization and be tried and decided in accordance with Republic Act No. 1199, as amended;

"(e) That the dispossessed defendants are not willing to be resettled, and thus the execution of this decision should be held in abeyance until the lapse of one year from date of decision become final." [Underscoring Ours.]

Resolving the motion for execution and the opposition thereto, on October 7, 1964, an order was issued granting the execution of the decision.

A motion for reconsideration of the order filed by the respondents having been denied, the instant petition was filed on November 7, 1964.

The herein respondents, answering the petition, alleged that Section 50 of Republic Act 1199, as amended, is not the applicable law on the matter, contending that said provision of the law is applicable only - "x x x in so far as the requirements to make up a case for ejectment on the ground of cultivation by mechanization is concerned, and ends up to the rendition of the decision. It does not go to the extent of embracing its execution, x x x. After a case for ejectment is laid before the Court and decision is rendered therein, the Revised Rules of Court, which took effect on January 1, 1964, which Republic Act 3844 has adopted as its procedural vehicle, on the manner and time of appeal and execution after the finality of the decision, find application to the ejectment case. x x x With the enactment of Republic Act 3844, and subsequently, the adoption of the Rules of Court, first its original version and later the Revised Rules of Court, the procedural rule of execution stated in section 50(a), Republic Act 1199, as amended, was abrogated."

The issue to be resolved, therefore, is: May execution issue of a decision of the Court of Agrarian Relations dispossessing a tenant of his land-holding immediately after the lapse of the reglementary period to appeal from the decision, if no appeal has been duly perfected, in accordance with the provision of Section 1, Rule 39 of the Revised Rules of Court, or, should it be, as in the case at bar, under Section 50(a) of Republic Act 1199, as amended?

Section 1, Rule 39 of the Revised Rules of Court reads thus:

"Section 1. Execution upon final judgments or orders. - Execution shall issue only upon a judgment or order that finally disposes of the action or proceeding. Such execution shall issue as a matter of right upon the

expiration of the period to appeal therefrom if no appeal has been duly perfected.

"If the judgment has been duly appealed, execution may issue as a matter of right from the date of the service of the notice provided in section 11 of Rule 51."

Section 50(a), Republic Act 1199, as amended, provides the following:

"Sec. 50. Causes for the Dispossession of Tenant.- Any of the following, and no other shall be sufficient cause for the dispossession of a tenant from his landholdings:

"(a) The bona fide intention of the landholder-owner or his relative within the first degree by consanguinity to cultivate the land himself personally or through the employment of farm machinery and equipment and implements. x x x Pro-vided, further, That in case any dispossessed tenant is not willing to be resettled, his possession (dispossession) shall not be enforced until the lapse of one year from the date the decision becomes final. x x x." [Underscored Supplied]

The decision herein rendered authorizing the petitioner-landlord to mechanize her landholdings and ordering the tenants to vacate the land, upon the facts obtaining in the cases, appears to be regular, and considering that the tenants did not appeal therefrom, its validity is beyond question. But the question is, did the Court act without and in excess of jurisdiction, or with grave abuse of discretion, in ordering the execution of the decision in disregard of the provision of Section 50(a) of Republic Act 1199, as amended?

The respondents attempt to justify the validity of the order anchoring on the provision of Section 1, Rule 39 of the Revised Rules of Court, above-quoted, and argue that the decision having become final and executory, it becomes a ministerial duty of the Court to order execution. Respondents further contend that "With the enactment of Republic Act 3844 (which did not reproduce the quoted and underscored provision of Section 50(a) of Act 1199, as amended), and subsequently, the adoption of the Rules of Court, first its original version and later the Revised Rules of Court, the procedural rule of execution stated in said Section 50(a), Republic Act 1199, as amended, was abrogated."

The petitioners take issue with the respondents and contend that the provision of Section 50 (a) of Republic Act 1199, as amended, is substantive in character, and, therefore, it could not be deemed to have been abrogated by the approval of the Revised Rules of Court, since the rule-making power of the Supreme Court is limited to the promulgation of rules concerning pleadings, practice and procedure in all courts, and admission to the practice of law, which shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights.

The consideration of the problem may be approached from two legal aspects:

1. There can be no debate of the fact that petitioners were agricultural share tenants. Their status as such is recognized by the respondents.

When the Agricultural Land Reform Code, Republic Act 3844 went into effect as law on August 8, 1963, the CAR Cases Nos. 1187 and 1188 were still pending trial before the Court of Agrarian Relations. Said cases being applications for mechanization of farmlands, therefore, conformably to the provision of Section 168 of Act 3844, the same should be "decided in accordance with the pertinent provisions and requirements of Republic Act Numbered Eleven Hundred and Ninety-nine, as amended."

Implicit from the foregoing legal provision, the adjudication of the said cases Nos. 1187 and 1188 shall be proceeded in accordance with, and with due observance of, the provisions of Act 1199, as amended, among which, Section 50(a) of the law, which specifically ordains that the judgment of dispossession of the tenant shall not be enforced until the lapse of one year from the date the decision becomes final.

The reasons behind the provision of the law among others, is found in Section 4 of Act 3844 -

"x x x That existing share tenancy contracts may continue in force and effect in any region or locality, to be governed in the meantime by the pertinent provisions of Republic Act No. 1199, as amended, until the end of the Agricultural year when the National Land Reform Council proclaims that all the government machineries and agencies in that region or locality relating to leasehold envisioned in this Code are operating, x x x x."

The foregoing provisions of the law breathe the breathe of the spirit of the social justice precept, embodied in the Constitution "to insure the well-being and economic security of all the people", such that, the law has deemed it wise and just to ordain that until the National Land Reform Council has not yet made a proclamation that all the government machineries and agencies in the region or locality relating to leasehold envisioned in this Code, are operating, "That the existing share tenancy contracts may continue in force and effect in any region or locality, to be governed in the meantime by the pertinent provisions of Republic Act No. 1199, as amended, x x x." As there is no showing in the record that the National Land Reform Council had already proclaimed "that all the government machineries and agencies" in the region or locality where the landholdings in question are situated, "are operating", the law has prescribed that in the meantime, the provision of Section 50(a) of Act 1199, as amended, should be followed in the adjudication and enforcement of the rights of the parties, and, therefore, the dispossession of the tenant, who is not willing to be resettled, as the herein petitioners have so stated, "shall not be enforced until the lapse of one year from the date of the decision becomes final."

2. The proviso in Section 50(a) of Act 1199, as amended, quoted hereinabove, is a substantive law in character conferring a substantive right in favor of persons contemplated to be protected therefrom. Substantive law is that which creates, defines and regulates rights, or which regulates the rights and duties which give rise to a cause of action; that part of the law which courts are established to administer, as opposed to adjective or remedial law, which prescribes the method of enforcing rights or obtain redress for their invasion. (*Primicias v. Ocampo*, 93 Phil. 446.)

The adverted provision of the law contemplates giving to the tenants a protection from a sudden change of condition of livelihood, and it is a reasonable exercise by the State of its police power to regulate and control the relationship between landholders and tenants; in compliance with the principle of social justice embodied in the Constitution. Section 49 of the Agricultural Tenancy Act, Republic Act 1199, as amended, enunciates the principle of security of tenure of the tenant, such that it prescribes that the relationship of landholder and tenant can only be terminated for causes provided by law. The principle is epitomized by the axiom in land tenure that - once a tenant, always a tenant. Attacks on the constitutionality of this guarantee have centered on the contention that it is a limitation on freedom of contract, a denial of the equal protection of the law, and an impairment of or a limitation on property rights. The assault is without reason. The law simply provides that the tenancy relationship between the landholder and his tenant should be preserved in order to insure the well-being of the tenant and protect him from being unjustly dispossessed of the land. Its termination can take place only for causes and reasons provided in the law. It was established pursuant to the social justice precept of the Constitution and in the exercise of the police power of the State to promote the common weal. (*Primero v. Court of Industrial Relations*, G. R. No. L-10594, May 29, 1957.)

An aspect of the case which calls for the application of the equity rule is manifested from the fact clearly established in the record that the petitioner-landholder has been guilty of laches. A common fact of which courts can take judicial cognizance is that the planting season of palay, especially in the Central Luzon, begins during the rainy season, generally in June or July of every year. Notwithstanding that the decision had become final and executory in March, 1964, we fail to find justifiable explanation for the conduct of the petitioner-landholder for

not having asked, as soon as practicable, the execution of the decision, if her intention really was to obtain possession of the land so that her plan of cultivation by mechanization of the land could be carried out. Nevertheless, with full knowledge of the circumstances and conditions then present, the petitioner-landholder had tolerated, nay, permitted, the tenants to begin with the plowing, harrowing, cleaning, and sowing of seeds on the land, and when she saw that the plants had already grown and blooming and almost ready to be harvested, it was then when petitioner-landholder came before the court to ask for the possession of the land. Such an action of the landholder to take possession of the land from the tenants, at such a time is, to all intents and purposes, an attempt to enrich herself to the prejudice of the tenants. This conduct can find no sanction in the realm of good faith.

For the foregoing consideration, the order of the respondent Judge dated October 7, 1964, is hereby set aside; considering, however, that the one year period from the finality of the decision has already elapsed, the issuance of a permanent injunction has thus become *functus officio*. Costs against the private respondents.

Concepcion, C.J., Reyes, JBL, Makalintal, Bengzon, Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Fernando, J., did not take part.

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