

ALIPIO SICAT, ET AL., PETITIONERS, VS. HON. PASTOR P. REYES, ETC., ET AL., RESPONDENTS.*G.R. No. L-11023. December 14, 1956*

Ponente: BAUTISTA ANGELO, J.

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Arcadio Lagman was a tenant of Francisco Liongson since 1932 up to ,1951 of three parcels of ricelands belonging to the latter situated in Bacolor, Pampanga. Sometime in May, 1951, due to his failure to pay the rentals agreed upon, Lagman was dispossessed of the land by his landlord who then and there gave it to Alipio Sicat. Since then Sicat worked the land until he was ejected therefrom by the sheriff on July 6, 1956. This came about when a petition was filed by Lagman on September 1, 1952 with the Court of Industrial Relations against his landlord Francisco Liongson praying that he be reinstated as tenant of the land he was working because his dispossession had been done without just cause (Tenancy Case No. 4375-R).

After issues were joined, this case was amicably settled by virtue of an agreement, entered into between tenant and landlord wherein, among other things, they stipulated that Lagman should be reinstated to his landholding beginning the crop year 1956-1957 and that the present tenant, Alipio Sicat, should vacate the land. And on the strength of this agreement, the court issued an order on January 23, 1956 approving the same and ordering that it be given effect as a decision on the merits.

On July 6, 1956, said order having become final, the court ordered its execution, which was carried out by the sheriff on the same date by ejecting Alipio Sicat from the land in question. Sicat lost no time in filing a motion for reconsideration contending that the order of ejectment, as well as the writ of execution, were illegal in so far as he is concerned, because they were issued without having been given his day in court. And when this motion was denied, he interposed the present petition for certiorari.

There is no question that in the tenancy case instituted by Arcadio Lagman against his landlord Francisco Liongson before the Court of Industrial Relations (now Court of Agrarian Relations), Alipio Sicat was not a party even if he was the tenant placed in the land by the latter to take the place of the former. However, when that case was called for trial on the merits, the parties submitted an amicable agreement wherein, among other things, they stipulated as follows:

"4) That the parties respectfully pray this Hon. Court to order the reinstatement of the petitioner Arcadio Lagman as tenant of the respondent in the said remaining portion of his holding beginning the crop year 1956-1957 and to order the present tenant, Alipio Sicat, to vacate said remaining landholding, and the dismissal of the respective claims of the herein parties."

The above agreement, which served as basis for the ejectment of Alipio Sicat, cannot be binding and conclusive upon the latter, who is not a party to the case. Indeed, that order, as well as the writ for execution, cannot legally be enforced against Alipio Sicat for the simple reason that he was not given his day in court. It is well-settled that "No person shall be deprived of life, liberty, or property without due process of law, * * *." (Section 1, Article III,

Constitution of the Philippines) And by "due process of law" we mean " 'a law which hears before it condemns; which proceeds upon inquiry, and renders" judgment only after trial. * * *' (4 Wheaton, U. S., 518, 581)", or as this Court has said: "Due process of law contemplates ' notice and opportunity to be heard before judgment is rendered, affecting one's person or property" (Lopez vs. Director of Lands, 47 Phil., 23, 32). It is, therefore, evident that the order of the lower court dated January 23, 1956, as well as the writ of execution of July 6, 1956, are null and void, the same having been issued by it in excess of its jurisdiction.

Wherefore, petition is granted. The orders above-mentioned are hereby set aside, without pronouncement as to costs. The writ of injunction issued by this Court is hereby declared permanent.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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