

MELCHOR MANIEGO, PETITIONER AND APPELLANT, VS. RICARDO L. CASTELO, IN HIS CAPACITY AS PROVINCIAL SHERIFF FOR THE PROVINCE OF NUEVA ECIJA, RESPONDENT AND APPELLEE.

G. R. No. L-9855. April 29, 1957

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

This is an appeal from a decision of the Court of First Instance of Nueva Ecija, denying a writ of mandamus to compel the Provincial Sheriff to deliver to the petitioning landlord the 25 per cent of the tenant's share of the crop, that section 19 of Republic Act 1199 declares exempt from liens or attachment.

The case was submitted to the court below on the following stipulation of facts:

- That, on March 11, 1954, judgment was rendered in Civil Case No. 175, entitled MELCHOR MANIEGO vs. DANIEL JAIME, by the Justice of the Peace Court of San Jose, Nueva Ecija, a copy of said decision is herewith attached as Annex "A" hereof;
- That, 145 cavans and 11 kilos of palay belonging to Daniel Jaime was raised in his landholding as tenant of petitioner was levied upon by the respondent pursuant to a Writ of Execution Issued in Civil Case No. 175;
- That, after due notice and publication required by law, the respondent, thru Deputy Provincial Sheriff F. G. Manahan, sold at public auction the 145 cavans and 11 kilos of palay belonging to Daniel Jaime, a copy of the notice and publication of the sale is herewith attached as Annex "B" hereof;
- That, petitioner was the highest bidder in the auction sale who bid P835.80 for the 145 cavans and 11 kilos of palay as shown by a certificate issued by Deputy Provincial Sheriff F. G. Manahan herewith attached as Annex "C" hereof;
- That, the petitioner has paid the kilometrage fee and percentage of collection as shown in Official Receipt No. 6289136 herewith attached as Annex "D" based on the amount of his bid;
- That, on February 16, 1955, the petitioner went to the office of the Provincial Sheriff and verbally demanded the delivery of the receipt to him of the 145 cavans and 11 kilos of palay which he purchased in the auction sale and the indorsement in his favor of the receipts of deposits herewith attached as Annex "E" hereof, so petitioner could withdraw the palay from the NG SU Rice Mill where the palay are deposited;
- That, Provincial Deputy Sheriff F. G. Manahan prepared the indorsement appearing on the back of Annexes "E" but the respondent refused to sign the said indorsement and likewise refused to deliver to petitioner the receipt of 145 cavans and 11 kilos of palay purchased by the latter in the auction sale;
- That, the respondent was willing to deliver the palay after deducting therefrom 25 per cent thereof which respondent claims as exempt from execution under Republic Act No. 1199, Section 19, which fact he knew only immediately after the auction sale upon arrival in his office;
- That, on February 18, 1955, the respondent received an order dated February 16, 1955, of the Justice of the

Peaca Court of San Jose, Nueva Ecija commanding the respondent to release 25 per cent of the 145 cavans and 11 kilos sold to the petitioner in the auction sale but not yet delivered to petitioner in favor of Daniel Jaime; a copy of said order bearing the date of receipt by the Office of the Provincial Sheriff is hereto attached as Annex "F" hereof;

- That, the parties agree to submit this case for decision by the Court based on the foregoing stipulation of facts.

- That, the parties will submit their memorandum simultaneously within 15 days from today, after which this case is deemed submitted for decision." (Appellant's Brief, pp. 13-16).

Section 19, of Republic Act 1199 (new Rice Tenancy-Act), is to the effect that—

"Sec. 19. Exemption from Lien and/or Attachment.—Twenty-five per centum of the tenant's share of the produce of the land in share tenancy, or of the entire produce in leasehold tenancy, one work animal and one of each kind of farm implement belonging to the tenant, provided that the value of such work animal and implements do not exceed five hundred pesos, shall be exempt from lien and attachment."

The court below held that the tenant having claimed the exemption thus provided, the Sheriff was not compellable by mandamus to deliver the exempt portion; that the fact that the tenant laid claim to the exemption after the Sheriff's sale had been held did not constitute a waiver of the exemption because the same could not under any circumstance, be waived or relinquished. Hence, the petition was dismissed.

From that judgment the petitioner has appealed to this Court, and argues that, in the absence of statutory restriction, the tenant's exemption must be regarded as a personal right that is waived if not interposed in due time. We can not assent to this view. As pointed out in the appealed decision, the 25 per cent exemption

"is a reservation which the law specifically sets aside for the exclusive benefit of the tenant and upon which he can readily depend to meet his immediate needs and those of his family."

Being designed to provide sustenance for the tenant and his family from one harvest to the next, a waiver of the exemption could amount to a waiver of the tenant's right to live. Any such renunciation would therefore be against public policy, and hence null and void even without specific statutory provision. The case comes under the rule of Art. 6 of the new Civil Code, providing as follows:

"Art. 6. Rights may be waived unless the waiver is contrary to law, public order, public policy, morals or good customs, or prejudicial to a third person with a right recognized by law."

We have had, heretofore, occasion to point out the remedial character of the tenancy acts, and the need of construing their provisions to carry out the legislative policy.

"The Tenancy Act is a remedial legislation intended to better the lot of the sharecropper by giving him a more equitable participation in the produce of the land which he cultivates. Being a remedial statute it should be construed so as to further its purpose in accordance with the general intent of the lawmaker. Adopting the construction placed upon it by the petitioner would open the door to evasions and render the law useless." (Sibulo vs. Altar, 83 Phil., 513, 46 Off. Gaz., 5502).

The Sheriff's levy on the exempt portion being illegal, the sale thereof was likewise unlawful and unenforceable. The petitioner could not plead ignorance of the inclusion of the exempted portion in the levy and sale, he being the landlord on whose land the palay was harvested.

We find no reversible error in the judgment appealed from. Wherefore, the same is hereby affirmed, with costs against the petitioner. So ordered.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angela, Labrador, Conception, Endencia and Felix, JJ., concur.

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