

FELIPE ACAR, ET AL., PETITIONERS, VS. HON. INOCENCIO ROSAL, IN HIS CAPACITY AS EXECUTIVE JUDGE, COURT OF FIRST INSTANCE OF NEGROS ORIENTAL, 12TH JUDICIAL DISTRICT, RESPONDENT.*G.R. No. L-21707. March 18, 1967*

Ponente: BENGZON, J.P., J.

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All over the world, Constitutions share one purpose: to protect and enhance the people's interest, as a nation collectively and as persons individually. The Philippine Constitution is no exception. Interpretation of its provisions, therefore, should be done with a view to realizing this fundamental objective. Among the provisions in our Constitution is one both timely and far-reaching, as it affects the people at large and relates to social-justice problems of the day. It is Subsec. 21, Sec. 1 of Art. III: "Free access to the courts shall not be denied to any person by reason of poverty." It is the one involved in this case.

A suit was filed in the Court of First Instance of Negros Oriental on February 21, 1963 by ten persons for their own behalf and that of 9,000 other farm laborers working off and on in sugar cane plantations at the Bais milling district, Negros Oriental, against Compania General de Tabacos de Filipinas, Central Azucarera de Bais, Compafuia Celulosa de Filipinas, Ramon Barata, Aurelio Montinola, Sr., and Miguel Franco. Plaintiffs sought to recover their alleged participations or shares amounting to the aggregate sum of ₱4,031,836.74, in the sugar, molasses, bagasse and other derivatives based on the provisions of Republic Act 809 (The Sugar Act of 1952), particularly Sections 1 and 9 thereof:

"SECTION 1. In the absence of written milling agreements between the majority of planters and the millers of sugar-cane in any milling district in the Philippines, the unrefined sugar produced in that district from the milling by any sugar central of the sugar-cane of any sugar-cane planter or plantation owner, as well as all by-products and derivatives thereof, shall be divided between them as follows:

"Sixty per centum for the planter, and forty per centum for the central in any milling district the maximum actual production of which is not more than four hundred thousand piculs: Provided, That the provisions of this section shall not apply to sugar centrals with an actual production of less than one hundred fifty thousand piculs;

Sixty-two and one-half per centum for the planter, and thirty-seven and one-half per centum for the central in any milling district the maximum actual production of which exceeds four hundred thousand piculs but does not exceed six hundred thousand piculs;

"Sixty-five per centum for the planter, and thirty-five per centum for the central in any milling district the maximum actual production of which exceeds six hundred thousand piculs but does not exceed nine hundred thousand piculs;

"Sixty-seven and one-half per centum for the planter, and thirty-two and one-half per centum for the central in any milling district the maximum actual production of which exceeds nine hundred thousand piculs but does

not exceed one million two hundred thousand piculs;

"Seventy per centum for the planter, and thirty per centum for the central in any mill-ing district the maximum actual production of which exceeds one million two hundred thou-sand piculs.

"By actual production is meant the to-tal production of the mill for the crop year immediately preceding."

x x x x x

"SEC. 9. In addition to the benefits granted by the Minimum Wage Law, the proceeds of any increase in the participation granted the planters under this Act and above their present share shall be divided between the planter and his laborers in the plantation in the following proportion:

"Sixty per centum of the increased par-ticipation for the laborers and forty per cen-tum for the planters. The distribution of the share corresponding to the laborers shall be made under the supervision of the Department of Labor.

"The benefits granted to laborers in su-gar plantations under this Act and in the Mi-nimum Wage Law shall not in any way be dimi-nished by such labor contracts known as 'by the piece,' 'by the volume,' 'by the area,' or by any other system of 'pakyaw,' the Secre-tary of Labor being hereby authorized to is-sue the necessary orders for the enforcement of this provision."

Furthermore, plaintiffs asked thereunder as well as by separate motion, that the aforementioned court autho-rize them to sue as pauper litigants, under Sec. 22, Rule 3 of the Rules of Court:

"SEC. 22. Pauper litigant. - Any court may authorize a litigant to prosecute his ac-tion or defense as a pauper upon a proper show-ing that he has no means to that effect by af-fidavits, certificate of the corresponding pro-vincial, city or municipal treasurer, or other-wise, Such authority once given shall include an exemption from payment of legal fees and from filing appeal bond, printed record and printed brief. The legal fees shall be a lien to any judgment rendered in the case favora-bly to the pauper, unless the court otherwise provides."

invoking Sec. 1, subsec. (21) of Art. III of the Consti-tution of the Philippines. They alleged that they had no means to pay the docket fee of P14,500.00, being la-borers dependent solely on their daily wages for liveli-hood and possessed of no properties. And in support of the foregoing, the ten named plaintiffs submitted certi-ficates of the municipal treasurers of their places of residence stating that they have no real property dec-lared in their names in said municipalities.

Acting on the petition to litigate in forma pauperis, the Court of First Instance issued an order on May 27, 1963 denying the same upon the ground that the plain-tiffs have regular employment and sources of income and, thus, cannot be classified as poor or paupers.

Plaintiffs sought reconsideration of said order but reconsideration was denied in an order dated June 11, 1963. Assailing said two CFI orders and asserting their alleged right not to be denied free access to the courts by reason of poverty, plaintiffs in said case filed here-in, on August 1, 1963, the present special civil action for certiorari and mandamus. Petition to litigate as pauper in the instant case before Us was also filed. And on August 16, 1963, We allowed petitioners herein to li-tigate in this Court as paupers and required respondent to answer. Respondent's answer was filed on November 2, 1963. After hearing on February 10, 1964 this case was submitted for decision.

The sole issue herein is whether petitioners were deprived, by the orders in question, of free access to the courts by reason of poverty. In denying petitioners' motion to litigate as paupers, respondent Judge adopted the definition of "pauper" in Black's Law Dictionary (at p. 1284) as "a person so poor that he must be supported at public expense". And, as afore-stated, he ruled that petitioners are not that poor.

Such interpretation, to our mind, does not fit with the purpose of the rules on suits in forma pauperis and the provision of the Constitution, in the Bill of Rights, that: "Free access to the courts shall not be denied to any person by reason of poverty." As applied to statutes or provisions on the right to sue in forma pauperis, the term has a broader meaning. It has thus been recognized that: "An applicant for leave to sue in forma pauperis need not be a pauper; the fact that he is able-bodied and may earn the necessary money is no answer to his statement that he has not sufficient means to prosecute the action or to secure the costs" (14 Am. Jur. 31). It suffices that plaintiff is indigent (Ibid.), though not a public charge. And the difference between "paupers" and "indigent" persons is that the latter are "persons who have no property or source of income sufficient for their support aside from their own labor, though self-supporting when able to work and in employment" (Black's Law Dictionary, p. 913, "Indigent", citing *Peo. v. Schoharie County*, 121 NY 345, 24 NE 830). It is therefore in this sense of being indigent that "pauper" is taken when referring to suits in forma pauperis. Black's Law Dictionary in fact defines pauper, thus: "A person so poor that he must be supported at public expense; also a suitor who, on account of poverty, is allowed to sue or defend without being chargeable with costs" (p. 1284, underscoring supplied).

It is further argued that the docket fee of P14,500 could very well be shouldered by petitioners since there are around 9,000 of them. It must be remembered, however that the action in question was filed by way of a class suit. And the Rules of Court allowing such procedure state under Sec. 12, Rule 3:

"SEC. 12. Class suit. - When the subject matter of the controversy is one of common or general interest to many persons, and the parties are so numerous that it is impracticable to bring them all before the court, one or more may sue or defend for the benefit of all. But in such case the court shall make sure that the parties actually before it are sufficiently numerous and representative so that all interests concerned are fully protected. Any party in interest shall have a right to intervene in protection of his individual interest."

So that in the suit before respondent Judge the ten named petitioners herein are the ones suing, albeit for the benefit of all the others. It follows that the payment of docket fee would be directly charged upon them, not upon the unnamed "9,000 other laborers." And even if the 9,000 other laborers should later bear the payment of said docket fee of P14,500, the same would be spread among them at about 1.60 each. Said cost of pressing their respective average demand of P1,600 each is, to our mind, a substantial imposition on a seasonal farm laborer earning barely subsistent wages. And as pointed out, this is only the initial fee; subsequent fees and charges would have to be paid. The philosophy underlying the Constitutional mandate of free access to the courts notwithstanding poverty, therefore, calls for exemption of herein petitioners from payment of the aforesaid legal fees in their assertion and claim of substantial rights under the Sugar Act of 1952.

Returning to the purpose of all Constitutions, as mentioned earlier, We find this course the most sensible, logical and practical construction demanded by the free access clause of the Constitution. For a contrary interpretation could not make said provision the living reality that it is designed to be.

As regards the fact that the supporting certifications of indigence refer only to the ten named plaintiffs, suffice it to reiterate that this involves a class suit, where it is not practicable to bring all the other 9,000 laborers before the court. This Court finds the supporting evidence of indigence adequate, showing in petitioners' favor, as plaintiffs in the suit before respondent Judge, the right not to be denied free access to the courts by reason of poverty. Since they were excluded from the use and enjoyment of said right, mandamus lies to enforce it. Appeal was unavailing, since they were not even accorded the status of litigants, for non-payment of docket fee; and perfecting an appeal would have presented the same question of exemption from legal fees, appeal bond and similar requisites.

WHEREFORE, petitioners are declared entitled to litigate as paupers in their class suit before respondent Judge and the latter is hereby ordered to grant their petition to litigate in forma pauperis. No costs.

SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Regala, Makalintal, Zaldivar, Sanchez, and Castro, JJ., concur.

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