

RAYMUNDO ANCHETA, PETITIONER, VS. COURT OF APPEALS, CALIXTO BLAZA AND CANUTO DAMASO, RESPONDENTS.

G.R. No. L-35495. August 09, 1991

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari of the decision* of the Court of Appeals dated April 19, 1972 dismissing the appeal of herein petitioner which sought the reversal of the decision** of the Court of Agrarian Relations, Branch II-A, Cuyapo, Nueva Ecija, dated March 23, 1971 dismissing his complaint for repossession of his land on the ground of personal cultivation; and the resolution dated August 17, 1972 denying the motion for reconsideration.

The facts of the case are as follows:

On March 2, 1970, plaintiff-petitioner Raymundo Ancheta filed an action for ejectment on the ground of personal cultivation under Section 36 (1) of the Agricultural Land Reform Code with the Court of Agrarian Relations, Fourth Regional District, Branch II-A, Cuyapo, Nueva Ecija (Rollo, Annex "A", p. 9) against defendants-respondents Calixto Blaza and Canuto Damaso who are agricultural lessees of landholdings situated at Barrio Colosboa, Cuyapo, Nueva Ecija, with areas of 1 1/2 hectares and 3 hectares, respectively (Rollo, Annex "B", p. 19).

Plaintiff-petitioner alleges in his complaint that he is the owner and landholder of those landholdings under agricultural leasehold by defendants-respondents; that he desires and intends to personally cultivate the aforesaid landholdings, with the aid of members of his immediate family, and that defendants-respondents were notified in writing at least one agricultural year previous to the filing of the action (Rollo, Annex "A", p. 9).

Defendants-respondents filed their joint answers admitting that plaintiff-petitioner is their agricultural lessor-owner. Canuto Damaso admits that he was duly notified as alleged in the complaint while Calixto Blaza denies having received any such notice. As a special defense, defendants-respondents aver that plaintiff-petitioner was motivated by vindictiveness in seeking to eject defendants-respondents from their respective landholdings (Rollo, Annex "B", p. 20).

At the pre-trial, the parties entered into the following stipulations:

"1. Stipulations of facts:

"a) That the plaintiff is the owner-agricultural-lessor of the landholding in question, while the defendants are the agricultural lessees thereon;

"b) That the area of defendant Calixto Blaza's landholding is 1 1/2 hectares while that of Canuto Damaso's landholding is 3 hectares, both located at Barrio Colosboa, Cuyapo, Nueva Ecija, which has been declared as Land Reform Area on May 13, 1968;

"c) That the defendants admit that the landholding in question is covered by TCT No. NT-26924 in the name of the plaintiff;

"d) That the defendants were notified of the bona fide intention of the plaintiff for personal cultivation, but they deny its validity.

"2. The only issue to be resolved is:

"Whether the plaintiff should be allowed to personally cultivate the landholdings in question." (Ibid.)

After due trial, the court a quo rendered its decision, the dispositive part of which reads:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered dismissing the complaint for lack of merit, with costs against the plaintiff.

IT IS SO ORDERED." (Rollo, p. 16).

Ancheta appealed to the Court of Appeals, which appeal was denied in a decision dated April 19, 1972, the dispositive portion of which reads:

"WHEREFORE, the judgment appealed from is hereby affirmed for lack of cause of action in view of the provisions of Section 7, Republic Act No. 6389, without pronouncement as to costs.

SO ORDERED." (Rollo, pp. 26-27).

Hence, this petition for review, which was previously denied for non-compliance with the Rules requiring: (a) the submission of the record on appeal as filed in the Court of Appeals; and (b) the verification of the petition, by this Court in a 15 September 1972 resolution (Rollo, Resolution, p. 38). Petitioner moved for the reconsideration of the said order of denial (Rollo, pp. 39-40). On 2 October 1972, this Court gave due course to the instant petition (Rollo, Resolution, p. 43).

On November 7, 1972, petitioner filed his brief (Rollo, p. 47). With the private respondents failing to file their brief within the extended period which expired on January 6, 1973, the Court resolved to consider the case submitted for decision without said respondents' brief (Rollo, p. 53).

In his brief, petitioner made the following assignments of error:

1. THE COURT OF APPEALS ERRED IN HOLDING THAT PETITIONER HEREIN ACTED IN BAD FAITH;
2. THE COURT OF APPEALS ERRED IN PREMATURELY HOLDING THAT THE PETITIONER HEREIN AND/OR HIS FARM HOUSEHOLD IS INCAPABLE TO PERFORM PERSONAL CULTIVATION;
3. THE COURT OF APPEALS ERRED IN HOLDING THAT IT IS DISPUTABLE WHETHER DIONISIO ANCHETA, APPELLANT'S FORMER PROTEGEE, WHO IS NOW MARRIED AND LIVING SEPARATELY FROM HIM IS WILLING TO PERSONALLY ATTEND TO THE CULTIVATION OF SAID PROPERTIES; AND
4. THE COURT OF APPEALS ERRED IN HOLDING THAT REPUBLIC ACT NO. 6389 HAS RETROACTIVE EFFECT.

(Brief for the Petitioner, p.1, Rollo, p. 47)

The primary issue to be resolved in this case, is whether or not petitioner has the right to eject private respondents on the ground of personal cultivation under Section 36 (1) of Republic Act No. 3844 (as amended).

The petition is without merit.

The Court of Appeals, evidently erred in applying retroactively Republic Act No. 6389 particularly with respect to personal cultivation as a ground for ejectment. It is well-settled that R.A. 6389, which removed personal cultivation as a ground for ejectment of tenant/lessee, cannot be given retroactive effect in the absence of a statutory provision for retroactivity or a clear implication of the law to that effect (*Castro v. Castro*, 128 SCRA 519 [1984]; *Diga v. Adriano*, 133 SCRA 421 [1984]; *Gallardo v. Borromeo*, 161 SCRA 500 [1988]; *Bonifacio v. Dizon*, 177 SCRA 294 [1989]).

However, we cannot ignore the undisputed findings of the agrarian court which remained undisturbed by the Court of Appeals that petitioner was in bad faith because Raymundo Ancheta is economically well off and is old and sickly and cannot work on the land himself. Dionisio Ancheta from whom he expects help, is now married and living separately from Raymundo. It was also found that Raymundo was motivated by hatred and vindictiveness against private respondent Canuto Damaso whom he blamed for the loss of his carabao. These findings are supported by substantial evidence on record particularly in his rebuttal testimony on October 20, 1970 (Original T.S.N., pp. 68-70), which are sufficient in this case being an agrarian case where all that is required is mere substantial evidence (*Castro v. Court of Appeals*, 169 SCRA 383 [1989]). While petitioner correctly pointed out that a presumption of bona fide intention is inherent in the filing of an action for personal cultivation under Section 36(1) of the Agricultural Land Reform Code, still like other disputable presumptions, the same can be overcome by evidence to the contrary; such as the facts brought out during the trial, showing bad faith and malice. Judicial notice should be taken of the pernicious practice of many landowners who resort to filing cases of ejectment against their tenants based on personal cultivation in retaliation to harass tenants who were determined to enforce the rights granted them by law.

More than that, on both justiciable and equitable grounds, this Court as arbiter of agrarian justice, has generally upheld the tenants' security of tenure (*Primero v. Court of Agrarian Relations and Sinforoso Quion*, 101 Phil. 675 [1957]; *Pineda v. De Guzman*, 21 SCRA 1450 [1967]; *Quilantang v. Court of Appeals*, 48 SCRA 294 [1972]) or the right of the tenant to the enjoyment and possession of his farmholding which has been created, conferred, protected and guaranteed by the police power of the state in compliance with the mandate of the Constitution expressed in Article II, Section 5 of the 1935 Constitution (as well as in the 1973 and 1987 Constitutions). In pursuance thereof, the Agricultural Land Reform Code was enacted to help small farmers and to uplift their economic status by providing them a modest standard of living. The law further protects them by conferring upon them security of tenure over the landholding they work on. Thus, it has been held that the leasehold relation cannot be extinguished by the mere expiration of the term or period in a leasehold contract or by the sale, alienation, transfer or conveyance of the legal possession of the landholding. The tenant can only be ejected by the Court for cause (*Code of Agrarian Reform of the Philippines with Notes and Comments*, Venerando L. Agustin, pp. 26-45, 1981 edition; *De Jesus v. Intermediate Appellate Court*, 175 SCRA 559 [1989]), and such cause for dispossession must be proven and justified.

In the light of the foregoing, it is this Court's duty to protect the poor tenants/agricultural lessees against the harassment and vindictiveness of their landlord, thus giving substance to the security of tenure provisions of our law.

PREMISES CONSIDERED, the decision of the Court of Appeals is AFFIRMED except as to the application of Republic Act No. 6389 which should be prospective merely (that is, not retroactive).

SO ORDERED.

Melencio-Herrera, (Chairman), Padilla, Sarmiento, and Regalado, JJ., concur.

* CA G.R. No. 00057-R decision penned by Associate Justice Manuel P. Barcelona with Associate Justices Ramon Nolasco and Guillermo Santos, concurring and Associate Justices Lourdes San Diego and Ruperto G. Martin, dissenting.

** Presided by Judge Agustin C. Bagasao.

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