

EUGENIO CHAVEZ, PETITIONER VS. THE COURT OF AGRARIAN RELATIONS AND AQUILINO DE LOS REYES, RESPONDENTS.

G.R. No. L-17814. October 31, 1963

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

On April 8, 1959 Eugenio Chavez filed a petition in respondent court (5th Regional District, San Pablo City), praying that respondent Aquilino de los Reyes be ordered to reinstate him as tenant and to pay damages and attorney's fees. On June 30, 1960 judgment was rendered dismissing the petition on the ground that petitioner was not a tenant of respondent. By subsequent resolution the court declined to reconsider the dismissal.

Petitioner appealed. His two main contentions are: (1) the court's finding that he was not a tenant of respondent is not supported by substantial evidence; and (2) under the provisions of Section 9 of Republic Act 1199, as amended by Republic Act 2263, he should be deemed to have succeeded his deceased father as tenant on respondent's land.

The following facts, stated by respondent court in its decision, appear to be undisputed:

"Troadio Frontera was formerly the owner of a parcel of riceland with an area of 1½ hectares, more or less, located at Barrio Dalig, Balayan, Batangas. On this property the tenant was a septuagenarian, one Pablo Chavez, who worked the same principally with the aid of his son Eugenio Chavez, petitioner herein. Sometime in 1957., Aquilino de los Reyes, herein respondent, purchased the property from Troadio Frontera, with the intention of working it himself, but much as he desired, he could not take possession of the land because the then incumbent tenant, Pablo Chavez, did not want to surrender the land to its new owner.

"On July 27, 1957, Aquilino de los Reyes filed a petition with this Court against Pablo Chavez (CAR Case No. 136-Batangas 57), asking for authority to dispossess said tenant, on grounds, firstly, that Pablo Chavez was already incapacitated to work the land because of old age; and secondly, that he wanted to work the land himself. Pablo Chavez contested this suit claiming, as defenses, that he was then only 74 years of age and besides his son Eugenio Chavez was working the land for him with the knowledge and consent of the former owner, and that the landholder's action, in regard to the latter's intention to cultivate the land himself, was premature because the landholder had not complied with the provisions of Sec. 50(a) of Republic Act No. 1199 regarding service of notice of such intention to the tenant and to the court. Pablo Chavez was represented in said CAR Case No. 136-Batangas '57 by Attorney Ambrosio Flores, Supervising Trial Attorney of the Agricultural Tenancy Commission. This suit was later on dismissed by this Court, without prejudice, in an order dated January 4, 1958, on motion of Aquilino de los Reyes and with the conformity of Pablo Chavez.

"On October 21, 1958, Pablo Chavez died of old age (senility). At that time the land was already planted with palay, which was later to be harvested in February, 1959."

The lower court found further that on January 5, 1959 Crispina Codizal, widow of Pablo Chavez, and petitioner Eugenio Chavez, in their own names and in representation of the heirs of said Pablo Chavez, entered into a written agreement (Exh. 2) with Troadio Frontera and respondent Aquilino de los Reyes, in virtue of which the

widow and the heirs received from the last two the sum of P500.00 as full compensation for the improvements introduced by Pablo Chavez on the land. The agreement also provided that the heirs of Pablo Chavez would continue to take care of the standing palay crop, the same to pertain exclusively to them when harvested, and that thereafter they would no longer have any right to the land and its improvements. Two days after the agreement was signed Cristina Codizal, thru petitioner, attempted to return the money to respondent, but the latter rejected it. After the palay was harvested in February 1959 petitioner attempted to deliver 30% of the net produce to respondent, upon whose refusal to accept petitioner deposited it with the Chief of Police of Balayan, Batangas. Respondent thereafter took possession of the land and started cultivating it himself.

The first question here is whether or not petitioner was respondent's tenant at the time the latter repossessed the land. The Agrarian Court found that he was not. This factual finding, supported as it is by substantial evidence, may no longer be reviewed by this Court.[1] Petitioner testified that he was merely helping his father Pablo Chavez, who in 1956 was still strong, enough to work the land. This entirely belies petitioner's claim that in 1954 he assumed tenancy of the landholding by virtue of a mutual agreement he and his father had with Troadio Frontera because at that time his father was already old and sickly. Again, in the answer of Pablo Chavez to respondent's petition in CAR case No. 136- Batangas, he staunchly denied that he could be evicted for being old and sickly, alleging that he was only 74 years old and that during his temporary incapacity his son, herein petitioner, performed the actual cultivation of the land with the knowledge and consent of the land-owner; and although admitting that Aquilino de los Reyes was a good farmer and intended to work the land personally, therein respondent Pablo Chavez averred by way of defense that the action for eviction was premature because he had not been served notice pursuant to Section 50, par. (a), of R.A. 1199. That petition was subsequently dismissed without prejudice. Petitioner herein, Eugenio Chavez, admittedly had knowledge of the case, but made no claim at all that he and not his father was already the tenant at the time.

One other circumstance militates against petitioner. This is the agreement he and his mother entered into with Troadio Frontera and respondent de los Reyes. From the tenor thereof it is apparent that whatever rights petitioner might have in regard to the land stemmed from his being an heir of Pablo Chavez, not from his being himself the tenant of respondent; and that as such heir he, together with the other heirs, had nothing more to do with the land after the standing crop was harvested in February 1959.

Petitioner assails the validity of the agreement on the ground that he did not voluntarily affix his thumbmark thereto. He does not, however, allege that fraud, force or intimidation intervened in its execution. The incontrovertible fact remains that he signed it, perhaps with reluctance, but certainly not with that lack of volition which would justify annulling the same. And regardless of the express terms of the agreement, its clear implication is that up to his death on October 21, 1958, Pablo Chavez was recognized by the parties as the tenant of respondent on the land. That tenancy relationship was terminated when he died, according to section 9 of Republic Act 1199.

This brings us to the next question, concerning the effect of the amendment to the said provision in Republic Act 2263, which took effect on June 19, 1959. As amended, the law is that in case of the tenant's death the tenancy relationship shall continue between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree by consanguinity and who shall cultivate the land himself personally. Petitioner maintains that this new provision should apply in this case, pursuant to section 22 of the same amendatory act, which states that its provisions "are applicable to all cases pending in any court at the time of the approval of this act." The ruling of the respondent court on this particular point is, in our opinion, correct. It states:

"But then, it may be argued that Republic Act No. 2263, which amends Section 9 of Republic Act No. 1199

and which makes its provisions applicable to cases pending at the time of its approval, of which this case is one, gives successional rights to the heirs at the deceased tenant. Petitioner is an heir of the deceased, Pablo Chavez; ergo, he is entitled to succeed his father, so runs the argument. This contention loses sight of the fact that at the time the petitioner filed this case on April 6, 1959, the law did not give any successional rights to the heirs of the deceased tenant. What has been legally extinguished—the tenancy relationship, that is—cannot be resurrected without impairing the substantive right of the landholder which has already become vested in him."

Succession presupposes the existence of a right or property in the decedent to which the heir can succeed at the time transmission takes place, that is, at the moment of death of the decedent. Since the law in force on October 21, 1958, when the tenant Pablo Chavez died, was Republic Act 1199, under which the tenancy relationship between him and respondent De los Reyes was terminated by reason of such death, the subsequent enactment of Republic Act 2263 did not operate to confer upon petitioner any successional right to continue as tenant. We held as much in the case of *Ulpiedo vs. CAR 109 Phil.*, 964, where we said: "The amendment to section 9, Republic Act No. 1199 by Republic Act No. 2263 providing for the continuance of the relationship in the event of the tenants's death or incapacity 'between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree of consanguinity and who shall cultivate the land himself personally * * *' which took effect on 19 June 1959, cannot be applied retroactively." To hold otherwise would lay open this particular provision of the law to the objection of unconstitutionality, on the ground that it impairs a substantive right that has already become vested.[2]

In any event, Section 9 of Republic Act 2263 provides an exception to the right of succession by a relative of the tenant within the second degree, namely, if the landholder "shall cultivate the land himself personally or through the employment of mechanical farm implements x x x." In fact he served notice upon Pablo Chavez and upon the Agrarian Court on November 26, 1957 that he would take over the land for that purpose, pursuant to Section 50 (a) of Republic Act 1199, which required such notice at least one year before an ejectment case could be instituted. Of course, the suit of ejectment became unnecessary upon the death of Pablo Chavez resulting in the termination of the tenancy relationship.

Wherefore, the judgment appealed from is affirmed, with costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon JJ., concur.

[1] *Bermudez vs. Fernando*, G.R. No. L-18610, April 22, 1963, *Toledo vs. C.A.R.* G.R. No. L-16054; July 21, 1963.

[2] As a general rule, where there is no direct constitutional prohibition, the legislative branch of government, whether federal or state, may pass retrospective laws, such as, in their operation may affect pending suits and give to a party a remedy which he did not previously possess, or modify an existing remedy, or remove an impediment in the way of legal proceedings. Such acts are of a remedial character and are the peculiar subjects of legislation. x x x Where, of course a legislative act in reference to pending litigation impairs vested rights it cannot be upheld. 11 Am. Jur. 1212-1213.

The general rule, which is almost universally supported by the authorities, is that retrospective laws are unconstitutional if they disturb or destroy existing or vested rights, as where they disturb or destroy existing or vested rights embodied in judgments or judicial decisions, or create new obligations with respect to past transactions, as by creating a substantive right, or a fundamental cause of action where none existed before and

making such right retroactive, or by arbitrarily recreating a right or liability already extinguished by operation of law. (16A C.J.S. 99-102).

REGALA, J.:

I vote that this case should be sent to the Court of Appeals under the new law. (Rep. Act 3844).

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