

BENIGNA H. PINTACASI, PETITIONER, VS. THE COURT OF AGRARIAN RELATIONS AND GRACIANO JAPSON, RESPONDENTS.*G.R. No. L-23704. July 28, 1972*

Ponente: FERNANDO, J.

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There is nothing enviable about the inability of a widow, whose husband, the landholder, was killed by a tenant, but yet unable to terminate such relationship prior to a judgment of conviction. That was the situation of plaintiff Benigna H. Pintacasi, now petitioner, whose suit for ejectment against the defendant Graciano Japson, now respondent, did not prosper. The Court of Agrarian Relations, likewise named respondent, relying on the literal language of the then applicable Agricultural Tenancy Act, specifying as a cause for the dispossession of a tenant conviction by a competent court of a crime against a landholder or a member of his immediate family,[1] ruled that it could not sustain such an action during the pendency of the criminal case against the tenant, the absence of a conviction by a competent court being evident. It is to be noted likewise that while there was an admission by him that he did take the life of the landholder, he pleaded self-defense. Hence, this petition to review such a decision with this rather unique issue presenting itself. There being in the meanwhile, however, the requisite conviction of respondent Japson, and his sentence having become final, the impediment for his dispossession no longer exists. The decision now on review has lost its claim to validity.

As noted in the decision of respondent Court, through Executive Judge Artemio C. Macalino a complaint was filed by petitioner Pintacasi as plaintiff for the ejectment of respondent Graciano Japson the tenant, the site of the landholding being in Ozamiz City. The decision went on to state: "It is averred in the complaint that defendant Graciano Japson, since November, 1956, has been the tenant of plaintiff Benigna H. Pintacasi, and her late husband, Ricardo E. Pintacasi, over two parcels of coconut land located at Liposong, Ozamiz City having an aggregate area of six (6) hectares, more or less; that on February 17, 1964, the defendant killed his landholder, the husband of the plaintiff, inside the premises of the Batjak Compound in Ozamiz City for which the defendant is now facing an indictment for murder in the City Court of Ozamiz City; that having been unable to post bail, defendant is now languishing in the City Jail of Ozamiz City; that the killing of plaintiff's husband by the defendant caused widespread demoralization among the numerous tenants of the plaintiff in her vast landholding; that defendant's wife is showing a hostile and belligerent attitude towards plaintiff and her farm household; and, finally, that all of the aforesaid events have created an atmosphere of tense and uneasy peace within plaintiff's landholdings." [2] In the answer submitted on March 28, 1964, "defendant admitted having killed plaintiff's husband, but maintains that he acted in self-defense. He denies that his wife is acting in a belligerent manner towards plaintiff, claiming that, on the contrary, his wife and her children 'acted justly and fairly and in accordance with proper decorum towards all her co-tenants and towards their landlord as well as her representatives.'" [3] After the issues were joined, the case was set for pre-trial. There was admission by the parties of the following: "1. That the husband of the plaintiff was killed by the defendant; 2. That the defendant is now a detention prisoner charged with the crime of murder; and 3. That the said criminal case is now pending before the regular court of Ozamiz City." [4]

The issue posed according to respondent Court was: "Under the admitted fact that defendant killed his landholder, Ricardo L. Pintacasi, husband of the plaintiff, and the fact that defendant is being prosecuted for murder, before a regular court of justice, and the further fact that said criminal case is still pending, can the defendant be ordered ejected from his landholding by reason of the commission of said deed?"[5] After noting that the only possible ground for ejectment is the appropriate provision of the Agricultural Tenancy Act requiring conviction by a competent court of the tenants sought to be dispossessed of a crime against a landholder or a member of his family, it was answered thus: "The said provision, however, is clear; it requires 'conviction by a competent court' before the crime of the tenant assuming that the defendant is guilty of a crime could mature into a cause for ejectment. Since the murder charge against the defendant is still pending hearing, and he is still presumed to be innocent of the charge, this ground for ejectment, Sec. 50(g), Rep. Act No. 1199, as amended, cannot yet be availed of."[6] It was the judgment therefore that the complaint should be dismissed for being premature. Hence this petition for review.

1. It is to be admitted that offhand, it would not be easy to find fault with the decision under review. It is undisputed that as of the time of the filing of the action for ejectment, there was lacking that conviction by a competent court which is an indispensable element under the law. This provision of the Agricultural Tenancy Act speaks in unequivocal language. It is worded in categorical terms. Its meaning is clear. It does not require interpretation. All that it calls for is application. As the law commands, so did respondent Court act.[7] In that sense, the decision under review is not likely to fail the test of a rigorous scrutiny.

2. This is not to say that the complaint for ejectment of petitioner was in all respects devoid of merit. A law may be valid and yet susceptible to the charge of its being unconstitutionally applied.[8] Before proceeding further, however, mention must be made that insofar as the Agricultural Tenancy Act tends to assure a greater degree of security of tenure for tenants, it further promotes the constitutional objective of social justice[9] and protection to labor.[10] Its salutary purpose is not then to be frustrated. The end sought to be achieved must not be rendered illusory. Whenever possible, the high hopes implicit in legislation of such character must be translated into reality. There is to be no disappointment of expectations. This does not preclude the existence of occasions where as to a particular landholder and under certain circumstances, a literal application of the act or any of its provisions may be objectionable on due process grounds.[11]

It is the thrust of petitioner's brief that this is one of them. She would impress on this Court that the imputation of arbitrariness is hard to repel. For her, the taint of infirmity is discernible. Justice Laurel could be relied upon for a similar approach. Thus: "The law, in protecting the rights of the laborer, authorizes neither oppression nor self-destruction of the employer."[12] From the standpoint of petitioner then, considering the admission of the killing of her husband by respondent Japson, although allegedly in self-defense, the continuation of the tenancy relationship Certainly should not be tolerated. The failure, to terminate it is a mark of unfairness. A law is not to be applied where to do so would create a situation offensive to every norm of justice. She would stress then that an unyielding insistence on a literal compliance with this provision of law as to her runs counter to the due process guarantee.

3. There is, however, a supervening event that would relieve this Court of the necessity of passing upon such a contention. On March 17, 1967, a manifestation was filed by petitioner to the effect that as far back as December 6, 1966, an entry of judgment was made by the Clerk of this Tribunal certifying that on December 1, 1966, there was a resolution of this Court, the dispositive portion of which reads as follows: "The motion of accused-appellant, withdrawing his appeal in L-23889 (People vs. Graciano Saluta Japson), is [Granted]."[13] It was likewise manifested by petitioner that the sentence appealed from was one of life imprisonment. It is clear, therefore, that respondent Graciano Japson had been convicted for the killing of the landholder and that the

sentence had become final with the withdrawal of his appeal. There can be no doubt that as of December 1, 1966 the obstacle to the dispossession of respondent Japson was removed; the requirement of the law was fully met. He was convicted by a competent court of a crime against his landholder. While this strictness of procedure might seem to require that the judgment to review be set aside and the case referred back to respondent Court for appropriate proceeding in accordance with law, the further loss of time with the same result certain to be arrived at, namely, the dispossession of respondent tenant, justifies our resolving the matter once and for all. Nor would it be the first time that this Court has seen fit to avoid unnecessary steps in order to assure the proper disposition of cases. As was so well put by the then Justice, now Chief Justice, Concepcion, in *Francisco vs. City of Davao*:^[14] "The ends of justice would not be served, if we now dismiss the case — over nine (9) years after it had been initiated - and bade the plaintiffs to start all over again, following the procedure that the defendants had asked the lower court, but which the latter refused, to require. At any rate, since the legal question raised in the pleadings has reached this Court, and the assessment complained of is manifestly violative of the clear and express provision of the law, it is best that we decide said question, instead of further deferring its resolution."^[15] As a matter of fact, there is less justification in this case for any objection to the step we take. In the *Francisco* decision, the question was one of jurisdiction, the suit having been initiated in the Court of First Instance of Davao, when under Republic Act No. 1125 the appropriate tribunal is the Court of Tax Appeals. Here on the other hand, no such jurisdictional question is involved.

WHEREFORE, the decision of respondent Court of September 9, 1964 is set aside and another entered in favor of petitioner Benigna H. Pintacasi granting her plea for the dispossession of respondent Graciano Japson as a tenant. No costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ, concur.

[1] Sec. 50 of Republic Act 1199 (1954), insofar as pertinent, reads as follows: "Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his holdings * * (g) Conviction by competent court of a tenant any member of his immediate family or farm household of crime against the landholder or a menthe, of his immediate family.

[2] Decision of respondent Court of Agrarian Relations, Appendix to Brief for Petitioner, pp. I-II.

[3] *Ibid*, p. II.

[4] *Ibid*, p. III

[5] *Ibid*, pp. IV-V.

[6] *Ibid*, p. V.

[7] Cf. *People vs. Mapa*, L -22301, Aug. 30, 1967, 20 SCRA 1164; *Pacific Oxygen & Acetylene Co. vs. Central Bank*, L-21881, March 1, 1968, 22 SCRA 917; *Dequito vs. Lopez*, L-27757, March 28, 1968, 22 SCRA 1352; *Padilla vs. City of, Pasay*, L-24039, June 29, 1968, 23 SCRA 1349; *Garcia vs. Vasquez*, L-26808, March 28, 1969, 27 SCRA 505; *La Perla Cigar & Cigarette Factory vs. Capapas*, L-27948 & L-28001-11, July 31, 1969, 28 SCRA 1085; *Mobil Oil Phil., Inc. vs. Diocares*, L-26371, Sept. 30 1969, 29 SCRA 656; *Luzon Surety Co., Inc. vs. De Garcia*, L-25659, Oct. 31, 1969, 30 SCRA 111; *Vda. de Macabenta vs. Davao Stevedore Terminal Company*, L-27489, April 30, 1970, 32 SCRA 553; *Republic Flour Mills, Inc. vs. Commissioner of Customs*, L-28463, May 31, 1971, 39 SCRA 269; *Maritime Company of the Philippines vs. Reparations Commission*, L-29203, July 26, 1971, 40 SCRA 70; *Allied Brokerage Corp. vs. The Commissioner of Customs*, L-27641, Aug. 31, 1971, 40

SCRA 555; *Manuel vs. Gen. Auditing Office*, L-28952, Dec. 29, 1971, 42 SCRA 660.

[8] Cf. *Switzer vs. Municipality of Cebu*, 20 Phil., 111 (1911); *United States vs. Pompeya*, 31 Phil. 245 (1915); *Bestida vs. City Council of Baguio*, 53 Phil. 553 (1929); *People vs. Cruz*, 54 Phil. 24 (1929); *Primicias vs. Fugoso*, 80 Phil. 71 (1948); *Manila Race Horse Trainers vs. De la Fuente*, 88 Phil. 60 (1951); *Manila Lighter Trans. vs. Mun. Board*, 98 Phil. 872 (1956); *American Bible Society vs. City of Manila*, 101 Phil. 386 (1957); *Ah Nam vs. City of Manila*, L-15502, 109 Phil. 808 (1960); *Pampanga Bus Co. vs. Mun. of Tarlac*, L-15759, Dec. 30, 1961, 3 SCRA 816; *People vs. Soria*, L-18982, Jan 31, 1963, 7 SCRA 242; *De Leon vs. Mun. of Calumpit, Bulacan* L-26906 & L-26907, Nov. 28, 1969, 30 SCRA 531.

[9] According to Art. II, Sec. 5 of the Constitution: "The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State."

[10] According to Art. XIV, Sec. 6 of the Constitution: "The State shall afford protection to labor especially to working women and minors, and shall regulate the relation between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration."

[11] According to Art III, Sec. 1, par. 1 of the Constitution: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

[12] *Manila Trading and Supply Co. vs. Zulueta*, 69 Phil. 485, 487 (1940).

[13] Annex A to Manifestation of Petitioner of March 17, 1967.

[14] L-20654, December 24, 1964, 12 SCRA 628.

[15] *Ibid*, p. 634.

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