

ALFREDO TOLENTINO, ET AL., PETITIONERS, VS. ANTONIO O. ALZATE, ET AL., RESPONDENTS.

G.R. No. L-9267. April 11, 1956

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for review seeking to set aside certain orders of the Court of Industrial Relations which denied the motion to dismiss set up by petitioners on the ground of lack of jurisdiction.

Antonio O. Alzate, as manager of an hacienda located in the municipalities of Nampicuan and Guimba, Nueva Ecija, filed a petition with the Court of Industrial Relations asking for permission to lay off nineteen (19) tenants who were working on a portion covering an area of 67 1/4 hectares to enable its owner to introduce a mechanization program which would increase its production at a lesser cost beginning with the agricultural year 1955-1956. The petition was filed on August 12, 1954.

The tenants, answering the petition, denied that the portion which is sought to be mechanized is suitable to mechanized farming, the truth being that the purpose of petitioner is merely to seek the ejectment of the aforesaid tenants to create an atmosphere of fear among them who previously had filed a claim against the hacienda seeking certain improvements in their tenancy relation.

Issues having been joined, the case was set for hearing. In the meantime, Republic Act No. 1199 was approved governing the relations of landlords and tenants of agricultural lands and providing for mechanized farming as one of the causes for the dispossession of a tenant. In "view of the approval of that Act the tenants moved to dismiss the case on the ground of lack of jurisdiction which consists in that the procedure therein provided as a prerequisite for mechanized farming has not been complied with, and this motion having been denied, as well as two other motions for reconsideration filed by the tenants, the latter interposed the present petition for review.

Republic Act No. 1199 was approved on August 30, 1954. Said Act enumerates the causes whereby a tenant may be dispossessed of the land among them being the desire of the landlord to cultivate the land "through the employment of farm machinery and implements." And it is therein provided that in order that the mechanization may be undertaken it is necessary that "the landholder shall, at least one year but not more than two years prior to the date of his petition to dispossess the tenant * * * file notice with the court and shall inform the tenant in writing in a language or dialect known to the latter of his intention to cultivate the land himself, either personally or through the employment of mechanical implements, together with a certification of the Secretary of Agriculture and Natural Resources that the land is suited for mechanization." (Section 50, paragraph a.) It is now contended by the tenants that because the landlord had not complied with this requirement before filing the present petition for mechanization, the industrial court has not acquired the requisite jurisdiction to proceed with the hearing of the case.

We find this claim to be without merit. While it is true that under the new Act there is need to comply with the above procedural requirement in order that a landlord may dispossess a tenant and give jurisdiction to the

industrial court to act on the matter, the same cannot be invoked in the present case it appearing that the petition herein was filed on August 12, 1954, or prior to the approval of Republic Act No. 1199. It is a well known rule that "Laws shall have no retroactive effect, unless the contrary is provided" (Article 4, new Civil Code). Or, as this Court well said, "A statute operates prospectively and never retroactively, unless the legislative intent to the contrary is made manifest either by the express terms of the statute or by necessary implication" (Segovia vs. Noel, 47 Phil., 543). There is nothing in said Act which would make its provisions operate retroactively even with respect to the provision regarding mechanized farming.

It may be contended that a statute which merely regulates court procedure may be given retroactive effect to the extent of applying it even to actions that are pending at the time of its passage (People vs. Sumilang, 44 Off. Gaz., No. 3, p. 881), but the provision under consideration does not merely partake of a court procedure but refers to a requirement which must be complied with before the case could be brought to court. Thus, the new law requires that "at least one year but not more than two years prior to the date of his petition to dispossess the tenant' the landlord shall file a notice with the court and shall inform the tenant in writing of his intention and must secure a certification from the Secretary of Agriculture and Natural Resources that the land is suited for mechanization. Such provision is clearly substantive in nature and cannot be given retroactive effect unless so clearly expressed in the law.

With regard to the claim that the motion for reconsideration set up by the tenants was acted upon by the industrial court without hearing thus depriving them of their day in court, it appears that, under the rules of the Court of Industrial Relations, a motion is deemed submitted for resolution after an answer had been interposed, the only exception being if the court itself should consider it necessary to hear the parties. It would, therefore, appear that this matter is addressed to the discretion of the court.

The orders appealed from are affirmed, without costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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