

**JOSEFINA D. TANALGO, AND FEBE D. TANALGO, PETITIONERS, VS.
HONORABLE COURT OF APPEALS, AND MODESTO SAMAR,
RESPONDENTS.***G.R. No. L-34508. April 30, 1980*

Ponente: FERNANDO, C.J.

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The difficulty confronting petitioners Josefina D. Tanalgo and Febe D. Tanalgo, successors-in-interest of a former landholder, in seeking the reversal of a Court of Appeals decision is quite obvious.[1] The well-written opinion of Justice Jesus Y. Perez, now retired, is based on *Natividad v. De Guzman*[2] and *Almarinez v. Potenciano*.[3] Such reliance, which was quite justified, did not deter petitioners. They would seek to distinguish the above two decisions. Even with due recognition to the deceptive plausibility of the petition and the scholarly memorandum for petitioners filed by Attorneys Corazon Miraflores and Enrique Arguelles, a reversal is not warranted. The decision now under review is buttressed, moreover, by its fidelity to the constitutional objective to protect tenants.[4] Any effort, therefore, to frustrate such a goal by the ingenuity with which the issue was presented should not meet with any encouragement. This petition must be dismissed.

As was stated in the opinion of Justice Perez: "In the main, there is no dispute as to the material facts of this case." [5] Respondent Modesto Samar, on June 30, 1963, sought reinstatement as tenant against the former landholder, as well as damages for illegal ejectment in an action filed with the Court of Agrarian Relations of the Tenth Regional District. The Philippine National Bank was likewise impleaded as party defendant, as the landholding involved was the object of a foreclosure proceeding decided in its favor. The property was sold to a certain Rosita Jara Mesa, who in turn sold it to other vendees from whom petitioners acquired it. Since the execution was returned only partly satisfied, now petitioners, the Tanalgo spouses, the new landholders, were sued to answer for the damages awarded to respondent tenant, Modesto Samar. The issue, as worded in the decision under review, is whether they could be adjudged "to assume and pay the obligations of the former landholder Rosita Jara Mesa in connection with the said landholdings, which obligations were judicially adjudicated in favor of the plaintiff, in a decision that has already become final and executory." [6] After citing the *Natividad* and *Almarinez* decisions, the opinion of Justice Perez went on to state: "In the light of the foregoing, it is evident that the plaintiff has the right to proceed against the defendants as the transferees from the former landowner Rosita Jara Mesa for the enforcement of the latter's obligations to the plaintiff-tenant under the terms of the decision in CAR Case No. 1423-Iloilo." [7]

As noted at the outset, the petition must fail.

1. The well-written opinion of Justice Perez, as already mentioned, cited the *De Guzman* and *Potenciano* decisions. In *Potenciano*, this Court, speaking through the then Justice Jose P. Bengzon, first cited the pertinent portion of the controlling provision of Section 9, Republic Act No. 1199: "The expiration of the period of the contract as fixed by the parties, or the sale, alienation or transfer of legal possession of the land does not of itself

extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant. In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations." [8] Then the opinion continued: "We have already decided in *Natividad vs. De Guzman*, 111 Phil., 430, March 27, 1961, that the tenant may proceed against the transferee of the land to enforce obligations incurred by the former landholder in relation to said land, for the reason that 'such obligations * * * fall upon the assignee or transferee of the land' pursuant to Sec. 9 abovementioned." [9] There was a reaffirmation by the same ponente in an even later case, *Decena v. Court of Agrarian Relations*: [10] "This Court has ruled that death of the landholder alone does not extinguish the tenancy relationship (*Ferreria vs. Gonzales*, 55 O.G. 1358). Furthermore, in view of Section 9 of Republic Act 1199, as amended by Republic Act 2263, the present landholders assume the rights and obligations of the former landholder." [11] It thus becomes clear why the Court of Appeals felt bound by the previous ruling by this Tribunal in sustaining the right of the tenant to proceed against the new landholder.

2. Nonetheless, the force of the above three decisions is sought to be impaired by the allegation that the former decision has long been final, although it was admitted that the execution was returned only partly satisfied. Again, reference to the opinion of this Court in *Potenciano* ought to have cautioned petitioners against such an approach, for it was therein categorically declared: "Moreover, it is the purpose of Republic Act 1199, particularly Sec. 9 thereof, to insure that the right of the tenant to receive his lawful share of the produce of the land is unhampered by transfers of said land from one landholder to another." [12] There was no question that in this case there was a transfer of the land from one landholder to another. There is no question either as to his claim for damages, duly admitted by petitioners having been awarded him against the former landholder. All that he did seek was to be able to get the full amount of such damages. That was all that was decided by the Court of Appeals. The correctness of the decision is thus unassailable.

WHEREFORE, the decision of the Court of Appeals dated September 23, 1971 is affirmed. Costs against petitioners.

Barredo, Aquino, Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.
Antonio, J., on official leave.

[1] A petition for review in a companion case, G. R. No. L-34494, *Tesalla v. Court of Appeals and Modesto Samar*, against the very same decision, was denied for lack of merit in a resolution of this Court dated January 4, 1972.

[2] 111 Phil. 430 (1961).

[3] 120 Phil. 1154 (1964).

[4] According to Article XIV, Section 6 of the 1935 Constitution: "The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agri-culture."

[5] Annex A to Petition, 6.

[6] *Ibid.*

[7] *Ibid.*, 8.

[8] 120 Phil. 1154, 1158 (1964).

[9] Ibid.

[10] L-20988, September 27, 1966, 18 SCRA 103.

[11] Ibid., 105.

[12] 120 Phil. 1154, 1158 (1964).

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