

CIPRIANO DEFENSOR, PETITIONER VS. THE HONORABLE RAMON BLANCO, ASSOCIATE JUDGE OF THE COURT OF AGRARIAN RELATIONS AND DEMOCRITO DELEONIO RESPONDENTS.

G.R. No. L-17812. May 20, 1964

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal under section 13 of Republic Act No. 1267, as amended by section 8 of Republic Act No. 1409 to review a judgment rendered on 20 September 1960 by the Court of Agrarian Relations, Eighth Regional District, Iloilo City, in CAR Case No. 959.

It appears that on 17 March 1960, respondent Democrito Deleonio, then petitioner, filed a petition (Annex A) in the Court of Agrarian Relations, Eighth Regional District, Iloilo City, alleging that; he is the owner of a parcel of agricultural land, containing an area of three (3) hectares, a part of Lot 6329 of Dumangas Cadastre, situated in barrio Solangan, municipality of Dumangas, province of Iloilo, worked by his tenant, then respondent Cipriano Defensor, now petitioner; that: he (Deleonio), a farmer by occupation, had notified then respondent Defensor, by means of a letter written in Visayan dialect dated 17 June 1958, received by the latter on 8 July 1958, and on 16 March 1959 had filed notice with the Court of Agrarian Relations of his intention to cultivate the landholding personally; that as landholder, he had also sent by registered mail a copy of the notice to eject him (Defensor) but the latter refused to receive the copy of the notice so it was returned to petitioner Deleonio on 18 March 1959, and praying that his tenant, then respondent (Defensor), be ejected from the landholding so that he (petitioner Deleonio) could personally cultivate it and for other just and equitable remedies and reliefs.

In his answer dated 23 March 1960 (Annex B), the herein petitioner, then respondent, denied the bona fide intention of the landholder to cultivate the land himself personally, because aside from his other extensive landholdings under cultivation with hired workers, he is engaged in the purchase and sale of rice; and as special defenses he averred that then petitioner Deleonio was not the absolute owner of the landholding but merely a mortgagee whose right over it was to expire on the following year (1961); and that on 27 April 1957, with the sanction or approval of the respondent Court, the same parties, in an amicable settlement entered into by them on 22 April 1951, agreed to have the land cultivated by the herein petitioner, then petitioner-tenant, and prayed that the petition be dismissed and that then petitioner, respondent herein, be ordered to pay him P100.00 as attorney's fees, and for other just and equitable reliefs. (CAR Case No, 939-Iloilo).

After hearing, the Court of Agrarian. Relations rendered judgment, the dispositive part of which is as follows:

WHEREFORE, judgment is rendered ordering the ejectment of the respondent Cipriano Defensor from the landholding in question subject to the provisions of Section 22(3 & 4), R. A. 1199, as amended, in relation to Section 1, Rule 13, Rules of the Court of Agrarian Relations, (p. 9, Annex C).

In his motion for reconsideration of the judgment just rendered (Annex D), the then respondent Defensor argued that under Rep. Act No, 1199 an owner, a lessee, usufructuary, or a legal possessor of a landholding can eject a

tenant if in good faith he intends to cultivate the land himself personally, but after the passage of Rep. Act No. 2263, the amendatory law which took effect on 19 June 1959, a landholder who is a mere lessee, usufructuary, legal possessor, or a vendee a retro cannot eject the tenant because of such bona fide intention to cultivate the land himself personally. On 24 October 1960, then petitioner Deleonio, now respondent, filed an opposition (Annex E) to the then respondent's motion for reconsideration contending that the use of the word "landholder-owner" in Republic Act No. 2263 should not be construed in a limited sense but should be given its general and full meaning so as to include all and every kind of ownership including that of a vendee a retro. On 21 November 1960, the trial court denied the then respondent's motion for reconsideration (Annex F).

The respondent Court made the following findings and pronouncements:

"After a careful study of the evidence of both parties, it is our candid opinion that the petitioner has complied with all the mandatory provisions of the law regarding ejectment on the ground of personal cultivation. The law presumes the bona fide intention until the landholder-owner has failed to cultivate the landholding personally for at least three (3) years. It follows that before this eventuality comes, the presumption of bona fide intention is inherent in the filing of the petition. Much more so, because the petitioner has been personally working on rice lands since the age of 15 and now that he is 44 years old he is still physically capable to undertake the labor required of a tenant in the cultivation of rice field. The evidence has shown, that he owns three (3) hectares of land, 2 hectares of which are worked on by his son-in-law while the remaining one (1) hectare is personally tenanted by him. With the area of the landholding which is three (3) hectares, in case the respondent tenant is ejected, the petitioner-landholder can properly and efficiently work on and cultivate the landholding. The means of livelihood of the petitioner is not sufficient to make both ends meet, because he has 11 children, 4 of whom are already married, but 7 are still with him, under his support. As a matter of fact, his son, 18 years old could not continue his studies in the Maritime School due to lack of means. True it is that he is partly engaged in selling rice in Negros Occidental, but his income therefrom, together with that which he has been deriving from his 1 hectare land, is not sufficient for the support and education of his children. x x x

The decision rendered in Case No. 353 between the same parties which was based on an amicable settlement to the effect that respondent Defensor shall continue as tenant of the landholding, is not a legal impediment to the filing of the present petition nor the agreement had with respect to the seedlings which took place in the second week of March, 1960.

The only issue to be decided in this case is purely legal, whether a vendee-a-retro can eject a tenant on the ground of personal cultivation. It appears on record that the landholding was sold by Ignacia Depakakibo to the petitioner on April 27, 1956, for a period of ten (10) years and with the right to repurchase within the last four (4) years. Before Republic Act No. 2263 took effect on June 19, 1959, a landholder may be an owner, lessee, usufructuary and legal possessor, but the mandatory law R. A. 2263, says of "landholder-owner" as the competent person to dispossess tenant on the ground of personal cultivation.

It is admitted by evidence of both parties that the landholding was sold to the petitioner with the right, to repurchase. If this is so, the petitioner is the landholder of the respondent. The law does not make any distinction on the ownership of the owner. It may be absolute or relative or conditional as in the case of the pacto de retro. The law simply mentions the word owner and no more. As a consequence therefore, where the law does not make any distinction, it should be applied as it is and not interpreted as it should have been. In a sale with the right to repurchase, all the elements of ownership are transferred to the vendee, such as the petitioner in this instance, subject only to the right of repurchase.

* * * * *

We greatly sympathize with the plight of the respondent because he has been the tenant of the landholding for decades and "this land has witnessed the birth of his children, the death of his family, the joys and pains of his life as a farmer", but the interpretation of the law is raised squarely and it is indeed painful that this court has

reached the opinion that a vendee-a-retro as landholder-owner can eject a tenant on the ground of personal cultivation before the repurchase actually takes place."

In his appeal entitled "petition for certiorari" filed 8 December 1960 (G. & No. L-17812) , the herein petitioner contends that respondent Decmocrito Deleonio, who is a vendee a retro of the landholding, has no right to eject the petitioner Cipriano Defensor from it on the ground of personal cultivation, because only an absolute owner thereof has such right. Otherwise, the petitioner adds, the security of tenure of the tenant would be rendered nugatory and ineffectual.

The petitioner does not dispute the findings of the respondent Court regarding the notice requirements as provided for in Sec. 50 (a) o£ Republic Act No, 1199, as amended by Rep. Act No. 2263, and the bona fide intention or "good faith of respondent-landholder Deleonio to personally cultivate the landholding involved in CAR Case No. 959-Iloilo, entitled "Democrito Deleonio vs. Cipriano Defensor."

The only point to determine is whether the respondent Democrito Deleonio, the vendee a retro of the landholding, subject of the controversy, has the right to eject his tenant Cipriano Defensor, the herein petitioner, from said landholding on the ground of personal cultivation.

The petitioner's contention that Section 50 of Republic Act No. 1199, as amended by R, A, 2263, applies only to the absolute owners of agricultural lands and not to conditional owners like a vendee a retro, is without merit, for said section 50, which partly provides that-

SEC. 50. causes for the Dispossession of Tenant. - Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his holdings:

(a) The bona fide intention of the landholder-owner or his relative within the first degree by consanguinity to cultivate the Land himself personally or through the employment of farm machinery and implements: Provided, however. That should the landholder-owner or the aforesaid relative not cultivate the land himself for at least three years or the landholder-owner and his successor in interest should fail to employ mechanical farm implements for a period of at least five years after dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and damages for any loss incurred by him because of said dispossession: Provided, further, That the landholder-owner or the aforesaid relative shall, at least one year but not more than two years prior to the date of his petition to dispossess the tenant under this subsection, 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: x x x.

is clear and needs no interpretation. The law does not require that absolute ownership of the landholding be vested in the "landholder-owner" to give him the right to eject his tenant on the ground of personal cultivation or through the employment of farm machinery and implements. A vendee a retro of a landholding is certainly an owner thereof, subject only to a resolutory condition or the right of the vendor a retro to repurchase it if duly availed of by him. When Section 50(a) quoted above was amended, the vendee a retro was not included among those excluded, to wit: the lessee, usufructuary and legal possessor.

The argument of the petitioner that to include vendee a retro in the term "landholder-owner" found in Section 50 (a) of "R.A. 2263 is "premature and run counter to Article 1607 of the New Civil Code" (P. 73, Record), is without merit, for the provisions of said article (1607) do not deprive the vendee a retro of his ownership and title to the landholding, but merely requires a judicial order, after the vendor a retro had bean duly heard, before a consolidation, of ownership in the vendee a retro, upon failure of the vendor a retro to repurchase the landholding or to comply with the provisions of Article 1616, may be recorded in the corresponding Registry of Property. Should the vendor a retro repurchase the landholding, the petitions would be entitled to be reinstated as tenant in

the landholding.

The judgment under review is affirmed, without special pronouncement as to costs.

Bengzon, C.J., Bautista. Angelo, Labrador, Barrera, Paredes, Dizon, and Makalintal, JJ., concur.

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