

LAND TENURE ADMINISTRATION, PETITIONER AND APPELLANT, VS. CEFERINO ASCUE AND FELISA RAMOS DE ASCUE, RESPONDENTS AND APPELLEES.

G.R. No. L-14969. April 29, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal by petitioner Land Tenure Administration, from a decision of the Court of First Instance of Batangas.

Respondents Ceferino Ascue and Felisa Ramos de Ascue are the owners of "Hacienda Baha", with an area of 808 hectares, more or less, situated in the municipality of Calatagan, Province of Batangas. Alleging that some 96 tenants and/or occupants of said hacienda with about 500 dependents had asked that the same be acquired, for resale to them pursuant to Republic Act No. 1400, petitioner made representations with respondents for the acquisition of the aforementioned property. The negotiations failed, however, because the parties could not agree on, among other things, who would select the portion of 300 hectares exempted from expropriation under section 6 of said Act, reading:

"Powers.—In pursuance of the policy enunciated in section two hereof, the Administration is authorized to:

- (1) Purchase private agricultural lands for resale at cost to bona fide tenants or occupants, or in the case of estates abandoned by the owners for the last five years, to private individuals who will work the lands themselves and who are qualified to acquire or own lands but who do not own more than six hectares of lands in the Philippines;
- (2) Initiate and prosecute expropriation proceedings for the acquisition of private agricultural lands in proper cases, for the same purpose of resale at cost: Provided, That the power herein granted shall apply only to private agricultural lands as to the area in excess of three hundred hectares of contiguous area if owned by natural persons and as to the area in excess of six hundred hectares if owned by corporations: Provided, further, That land where justified agrarian unrest exists may be expropriated regardless of its area;
- (3) Prepare a schedule of areas of family-size farm units, not exceeding six hectares each, for different crops in different localities; and
- (4) Promulgate such rules and regulations as may be necessary for the successful implementation of the provisions of this Act." (Italics supplied.)

Hence, petitioner instituted the present special civil action for a declaratory relief. In its amended petition, petitioner prayed:

"* * * that this Honorable Court lay down the correct interpretation of Section 6(2) of Republic Act. No. 1400, and/or affirm the right of your petitioner to select the residuary portion of 300 hectares of respondents' estate that should pertain to them, and further prays for such other relief just and equitable in the premises."

Upon denial of a motion to dismiss filed by respondents herein, they submitted an answer assailing, inter alia, the

propriety of the declaratory relief sought by the petitioner. Subsequently, respondents filed a motion for summary judgment. In due course, thereafter, the Court of First Instance of Batangas rendered judgment overruling respondents' objection to the rendition of a declaratory judgment and holding that "section 6(2) of Republic Act No. 1400 should be construed in such a manner as to authorize the owner of the private agricultural land to choose the 300 hectares of contiguous area which he desire to retain". Hence, this appeal by the petitioner.

As correctly adverted to in the decision appealed from, said section 6(2) of Republic Act No. 1400 does not state, or even hint, who is entitled to choose the 300 hectares of contiguous area which a private landowner may retain for himself. His Honor the trial Judge rationalized, however, that, had the intention been to give the choice to petitioner herein, the lawmakers would have inserted a clear and express provision to such effect, for, being a limitation upon private ownership, the right of eminent domain must be strictly construed against the government; that the exemption from expropriation of an area of 300 hectares is a "recognition of the right of private property", which negates the choice of such area by the government; that such choice by the government might leave an affluent hacendero with 300 hectares of "worthless and unproductive area", and reduce him to the condition of a "pecunious panhandler", an "eventuality" that "the law could not have envisioned"; and that the lawmaker could not have intended to vest the courts of justice with the authority to make said choice, because this would "force the government to bring a court action everytime a disagreement" thereon arises and, hence, would be "productive of multiple suits".

We have considered carefully the reasons adduced in the decision appealed from, but we are unable to agree with the conclusion reached therein. Whenever a law is silent, as section 6(2) of Republic Act No. 1400 is, on the implementation of a given right, it is to be assumed that, if the parties concerned cannot agree thereon, the issue between them shall be settled by the courts of justice. This is particularly true in connection with the condemnation proceedings authorized by Republic Act No. 1400, for the Rules of Court prescribe the procedure in cases of eminent domain, and we must presume that this is the procedure contemplated by the framers of the law, there being therein nothing to indicate the contrary. In other words, the one seeking to exercise the right of eminent domain shall initially determine what property or portion thereof it wishes to be expropriated. The owner of the property may, in turn, object thereto for valid reasons, including the right to exclude an area of 300 hectares, in cases falling under Republic Act No. 1400. Once the issues have been joined, the court shall settle the same in accordance with law.

It is true that the latter does not give petitioner the right to determine what portion of respondents' Hacienda shall be exempt from expropriation. Neither does it, however, give the owners of the Hacienda the authority to choose the portion that may be expropriated by petitioner, and this would be the effect of the decision appealed from. What is more, the conclusion reached therein would virtually vest in the landowner the power to defeat the purpose of Republic Act No. 1400, as set forth in section 2 thereof, which provides:

"Declaration of policy.—It is the declared policy of the State to create and maintain an agrarian system which is peaceful, prosperous and stable, and to this end the Government shall establish and distribute as many family-size farms to as many landless citizens as possible through the opening up of public agricultural lands and the division and distribution of private agricultural lands where agrarian conflicts exist, either by private arrangement with the owners or through expropriation proceedings."

Thus, for instance, in the case at bar, about 96 tenants and/or occupants of the Hacienda Baha have allegedly urged the acquisition thereof for resale to them. Presumably, these tenants and/or occupants wish to buy the portions respectively cultivated or held by them. Under the view held in the decision appealed from, respondents would have the right to exclude precisely such portions from the condemnation proceedings. Thus, agrarian conflicts or unrest may be provoked or sharpened instead of being forestalled or settled.

Lastly, when the bill that eventually became Republic Act No. 1400 was being considered in the House of Representatives, the question arose as to what would happen in the event that the LarioT Tenure Administration and the owner of the property sought to be expropriated could not agree on the portion to be taken by the government. Congressman Roy, one of the co-authors of the bill, replied that, in such case, the issue would have to be determined by "the court". Thereupon, Congressman Villareal inquired whether Congressman Roy would accept an amendment to the effect that the landowner shall be allowed to make the choice as to which portion shall be expropriated. The answer was in the negative (H. R. Congressional Record, Vol. II, No. 1, pp. 3548-3549, July 7, 1955). Although, subsequently, a proviso to the effect "that the landowner shall be entitled to select the portion that shall remain with him" was introduced in the House (Do., Do., No. 2, p. 3584, July 8, 1955), said proviso was excluded from the bill finally approved by Congress.

It is, therefore, our considered opinion that Congress did not intend to give the landowner the power to choose, either what portion shall be expropriated or what portion shall be exempted from expropriation; that, initially, the parties are, therefore, expected to try to reach an agreement, if they can, on the area to be expropriated and/or the area to be excluded from the expropriation proceedings; and that, in the event of disagreement, the courts of justice shall settle the issue, in accordance with the spirit and purpose of the law and the demands of justice, equity and fair play.

Wherefore, the decision appealed from is hereby modified in conformity with the view expressed herein, without special pronouncement as to costs. It is so ordered.

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

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