

CANUTO PAGDANGANAN, PETITIONER, VS. COURT OF AGRARIAN RELATIONS, 2ND DISTRICT, BR. I, CABANATUAN CITY. ESTEBAN BALIGAD, ET AL., RESPONDENTS.

G. R. No. 12335. November 29, 1958

Ponente: BENGZON, J.

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BENGZON, J.:

This proceedings calls for interpretation of Sec. 20 of the Land Reform Act of 1955, which reads as follows:

"SEC. 20. Prohibition against alienation.—Upon the filing of the petition referred to in sections 12 and 16, the landowner cannot alienate any portion of the land covered by such petition except in pursuance of the provisions of this Act, or enter into any form of contract to defeat the purposes of this Act, and no ejectment proceedings against any tenant or occupant of the land covered by the petition shall be instituted or prosecuted until it becomes certain that the land shall not be acquired by the Administration." (Republic Act 1400) [Italics ours.]

No dispute about the facts: In Tenancy Case No. 1248-NE of the Court of Agrarian Relations, Second District, a decision was rendered on October 5, 1956, ordering the ejectment of Esteban Baligad with eight other tenants of Canuto Pagdanganan in Guimba, Nueva Ecija, and authorizing the latter to take others in their place. Such judgment having become final, the court, on motion, decreed its execution on March 18, 1957; but on March 25, 1957, the said tenants asked for its stay alleging that in December 1955 "a majority of the tenants in Hacienda Ilagan, in which the land-holdings of the respondents in the instant case are located, filed a petition with the Land Tenure Administration for the acquisition by the Government of the above-named Hacienda under the provisions of Republic Act No. 1400." Acting on the motion, and following sec. 20 of Republic Act 1400, the court by its Resolution of April 15, 1957, quashed its writ of execution.

Later, upon a motion to reconsider, the court qualified its resolution, stating that if within a period of 3 months the Land Tenure Administration took no definite steps towards acquisition of the land, the court would be free to take whatever action may be proper in the premises. Vain was the opposition of Pagdanganan to the request 2 for stay of execution, asserting the court's lack of jurisdiction because its decision had become final and executory. Vain was also his move to reconsider.

Consequently, he instituted this special civil action for mandamus and certiorari, founded on lack or excess of jurisdiction or mistaken legal interpretation.

In his first proposition, he maintains that section 20 applies only where a "petition" for expropriation has been filed in court. We think he errs on this point. The petition contemplated in section 20 is the petition of the tenants submitted to the Land Tenure Administration, to be acted upon by it. Section 20 specifically says "petition referred to in sections 12 and 16 as amended by Republic Act 1485; and these sections speak of petition of tenants to the said office. Of course, they mention "expropriation proceeding", but these are not designated therein as "petitions."

While on this matter, we notice that the court acted upon a certification that Hacienda Ilagan "is subject to a petition filed by the supposed tenants and/or occupants thereof." Sections 12 and 16 refer to "petition filed by a majority of the tenants or occupants." [1] The certificate does not state that the petition was signed by "a majority of the tenants." It says only, "petition by the supposed tenants." The difference is obvious and significant. Those who would invoke a special privilege granted by the State must comply strictly with its provisions. Furthermore, the statute has not authorized the suspension of ejectment proceedings upon the petition of supposed tenants or supposed occupants. It would be preposterous to permit the defendant-tenants to stop the proceedings upon their presenting a petition by outsiders posing as tenants of the land.

As a second proposition, the petitioner denies the Agrarian Court's power to cancel the execution of a final decision. Pointing out that an appeal from said decision had been dismissed here, he questions such court's authority to refuse to carry out a decision that had practically been affirmed by the highest court of the land. Such act, he argues, would amount to assuming "supervisory jurisdiction to interpret or reverse the judgment of the higher court."

There is more to this argument than appears on the surface. It involves the secondary contention that sec. 20 does not apply where the Court is advised of the petition for expropriation after the judgment in the ejectment proceedings had become final and executory.

The undersigned all agree that in the circumstances disclosed by the record, it was improper to cancel the order of execution. Construing the statute, some of us believe, as directing suspension of the execution of a final judgment might render it unconstitutional², inasmuch as the tenancy contracts had been entered in 1953 and 1954, before the passage of Republic Act 1400 (1955). Others, without expressing any opinion on the constitutional aspect, hold, in the light of the purpose of the law and its phraseology, that the section could not be interpreted to cover the situation, because neither the plaintiff nor the court was "instituting or prosecuting" ejectment proceedings, but "executing" a final judgment. The section directs that no ejectment proceedings "shall be instituted or prosecuted" i.e., prosecuted to judgment; yet it does not direct that no judgment shall be executed or carried out. There is reason for the distinction, if one cares to analyze. The law obviously intended to favor bona fide tenants or occupants, those lawfully in possession.^[3]

Now, once the adverse judgment in the ejectment proceedings becomes final, the tenants (Esteban Baligad and his companions), automatically fall beyond the scope of the benevolent provisions of Republic Act 1400, since they lost standing as bona fide occupants.^[4]

Accordingly, annulling its resolution of April 15, 1957, we hereby direct the respondent court to execute its final decision of October 5, 1956. No costs.

Paras, C. J., Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

[1] Section 11, Republic Act 1400.

[2] Statutes suspending execution on judgments for a limited time are generally considered unconstitutional as applied to prior judgments or contracts even though conditions are annexed to the suspension. (16A Corpus Juris Secundum p. 89)

[3] Enrique et al. vs. Judge Panlilio, 50 Off. Gaz., 3026. Purchase by Government is for resale to bona fide tenants. Sec. 6(1) Republic Act 1400.

[4]Enrique et al., Judge Panlilio, supra.

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