

REMEDIOS SACLOLO AND ERNESTO PASCUAL, PETITIONER, VS. COURT OF AGRARIAN RELATIONS AND SANTIAGO MADLANGSAKAY, RESPONDENTS.

G.R. No. 13274. January 30, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is a petition for certiorari brought before us to review a decision of the Court of Agrarian Relations, Hon. Guillermo S. Santos, presiding, dismissing a suit filed by petitioners herein to eject respondent Santiago Madlangsakay from a four-hectare land belonging to petitioner Remedios Saclolo, in order that the same may be cultivated by her husband, Ernesto Pascual. The facts are stated by the respondent judge below as follows:

"Remedios Saclolo is the owner of a landholding of four (4) hectares, more or less, located at Barrio Matungao, Bulacan, Bulacan. The said holding is tenanted by respondent Santiago Madlangsakay. Ernesto Pascual is the husband of Remedios, and the landholding is Remedios' paraphernal property brought into their marriage. The notice to the respondent required under Sec. 50(a), of Republic Act No. 1199, dated April 9, 1956, was prepared by counsel for petitioner, Atty. Ernesto M. Tomaneng, to the effect that Ernesto Pascual desires to farm the land (Exhibit "B") which was served upon respondent on April 9, 1956, and a notice to the Court of said notification was forwarded on the same date. Ernesto Pascual, who is at present not gainfully employed, and who has some experience in farm work, will work the land to support petitioners' family."

The ground upon which the judge dismissed the petition is stated by him as follows:

"We may, and, in fact, do, believe with petitioners that, in cases, such as the present, and others cited in his memorandum (p. 2; case of widow and son) it may be a wise policy to allow the tenant's ejectment from the landholding, to enable the owner to cultivate the same thru or with the help of her husband (in this instant case) or a son, in the other. But the wisdom of the law is not the sphere of this Court. 'We cannot * * * step outside the settled and ordinary meaning of the law and by judicial legislation give to the law a meaning not intended. If * * * redress is proper * * * the complainants must look to the legislature and not to the courts.' (per Justice Malcolm in *Molina vs. Rafferty*, 37 Phil, at page 557.)"

The reason given by the court below for denying the petition of the landowner and her husband to cultivate the landholding is Section 50 (a) of Republic Act No. 1199, which provides that an owner may eject a tenant in order that he may cultivate it, only when he will personally cultivate his land. The judge below admits that it may be a wise policy to permit a tenant to be ejected from a landholding to enable the owner to cultivate the same through or with the help of her husband. But he says that to authorize the ejectment of the tenant, because the wife-owner desires the property to be cultivated by her husband, is expressly prohibited by the law which requires personal cultivation by the owner, and this prohibition cannot by construction be made inapplicable to the husband of an owner-wife.

We cannot subscribe to the opinion of the judge of the court below that to authorize the ejectment under the above circumstances would be a judicial construction of the law beyond the intent thereof. The provisions of the

Agricultural Tenancy Act (Republic Act No. 1199) should be construed in the light of the law, and the legal principles obtaining' in this jurisdiction, especially those that regulate the relation between husband and wife. Under legal principles, by the contract of marriage, a man and a woman enter a joint life, acting, living and working as one. Whether under the common law or under the civil law, upon marriage the husband and the wife become one single moral, spiritual and social being, not only for purposes of procreation but also for the purpose of mutual help and protection, physically, morally and materially. There is between them a full and complete community of existence.

"Entre las del tercer grupo o de tipo finalistas las hay que atienden a la finalidad estrictamente sexual del matrimonio, y otras, mas aceptables, que atienden a la finalidad espiritual o integral. En este ultimo sentido, ya las definiciones de los juristas romanos señalaron la constitucion de una plena comunidad de la vida como finalidad juridicamente reconocida del matrimonio. * * * Modernamente se inspira en la misma idea Ahrens al considerar el matrimonio como la union formada entre dos personas de sexo diferente con el proposito de una comunidad perfecta de toda su vida moral, espiritual fisica, y de todas las relaciones que son su consecuencia, y Kipp y Wolff, al definirlo como 'la union de un hombre y de una mujer dirigida al establecimiento de una plena cmmunidad de vida. Todas estas definiciones recogen la idea moral del matrimonio, propia de la civilizacion cristiana y moderna, y que inspira las legislaciones positivas.

"No faltan, por lo demas, definiciones mixtas. En realidad, las tres notas aludidas de la legalidad, permanencia y plenitud son otros tantos aspectos parciales de la idea del matrimonio. Reuniendolos podriamos definir este como la union legal de un hombre y una mujer para la plena y perpetua comunidad de existencia. Y si quisieramos definirlo en su acepcion de acto, podriamos decir que el matrimonio es el acto solemne por medio del cual el hombre y la mujer constituyen entre si una union legal para la plena y perpetua comunidad de existencia. (Castan, Derecho Civil, Tomo 3, 6.a ed., paginas 445-446.)

If there is unity and community of existence between husband and wife, then the husband may not be considered as a being distinct and different from the wife, and the cultivation of the wife's land should be considered as a joint effort of both. In fact, even if the difficult manual work like plowing and harrowing is usually done by men, women take part in the planting; of the seedlings, in the cleaning of the growing crop, in the harvesting, in the winnowing—all of which constitute integral parts of the raising of the crop.

Moreover, the law allows a tenant to cultivate a piece of agricultural land, held under a contract of tenancy, either personally or with the aid of labor available from members of this immediate farm household. (Republic Act No. 1199, Section 4, par. 3, as amended by Republic Act No. 2263.) Note that he is not even-required to have said cultivation undertaken by immediate members of his family, but only by his immediate farm household, who may or may not belong to the immediate members of his family. Surely no reason exists why this same right should be denied to the landowner herself. The law as it were seeks to extend its protecting arm not only to the tenant but to the landlord as well.

"SEC. 2. Purpose.—It is the purpose of this Act to establish agricultural tenancy relations between landholders and tenants upon the principle of social justice; to afford adequate protection to the rights of both tenants and landholders; * * *." (R. A. No. 1199.)

There is also an express provision of the law which may be construed to give the husband the right to cultivate a landholding belonging to the wife as paraphernal property. This is Article 137 of the Civil Code of the Philippines, which says:

"ART. 137. The wife shall have the administration of the paraphernal property, unless she delivers the same to the husband by means of a public instrument empowering him to administer it. * * *."

The administration of a rice land, for example, is not alone the giving thereof to another and the receiving of the

owner's share in the harvest. It may well include cultivation, or the raising of a crop thereon, should the administrator deem it better for the spouses to have the cultivation done by the husband principally.

For the foregoing considerations, the order of dismissal sought to be reviewed is hereby set aside and the petition to eject the respondent from the landholding of Remedios Saclolo is hereby granted. Without costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Concepcion, Endencia, Barrera and Gutierrez David, JJ., concur.

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