

**PRESCILLA TUATES AND ANDRES DE LA PAZ, PETITIONERS, VS.
HON. LUCAS P. BERSAMIN, AS PRESIDING JUDGE, BRANCH 96, RTC
QUEZON CITY, PEOPLE OF THE PHILIPPINES AND I.C.
CONSTRUCTION, ...**

G.R. No. 138962. October 04, 2002

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court, seeking to annul the following: (1) Decision dated April 30, 1999 and Resolution dated June 9, 1999, rendered by the Court of Appeals in CA-G.R. SP No. 46845;[1] (2) Decision dated September 10, 1997 and the Order dated January 28, 1998 issued by the Regional Trial Court of Quezon City (Branch 96) in Criminal Cases Nos. Q-97-70428 and Q-97-70429;[2] and (3) Decision dated December 16, 1996 of the Metropolitan Trial Court of Quezon City (Branch 38) in Criminal Cases Nos. 38-0130 and 38-0131.[3]

The facts are as follows:

Convicted by the MTC-Quezon City (Branch 38) of the crime of Violation of Presidential Decree No. 772 or the Anti-Squatting Law, petitioners Prescilla Tuates and Andres de la Paz, appealed to the RTC of Quezon City (Branch 96). Their conviction was affirmed in toto by the RTC in its decision dated September 10, 1997. Pending resolution of their motion for reconsideration, however, Republic Act No. 8368, “An Act Repealing Presidential Decree No. 772, entitled ‘Penalizing Squatting and Other Similar Acts’” was enacted.

In its Order, dated January 28, 1998, the RTC ruled that only petitioners’ criminal convictions were extinguished by R.A. 8368, and the civil aspect, i.e., the removal of petitioners’ illegally constructed house and improvements, shall remain executory against them.[4]

On a petition for review, the Court of Appeals sustained the ruling of the RTC and denied due course to the petition per its Decision, dated April 30, 1999.[5] Petitioners’ motion for reconsideration was likewise denied by the CA in its Resolution dated June 9, 1999.[6]

Hence, the present recourse taken by petitioners, raising the following issues:

“1. That petitioners, being charged with Violation of Presidential Decree No. 772, the express repeal of said decree absolves the petitioners of any criminal or civil liability;

“2. That public respondent erred in holding that ‘the civil aspect of the judgment rendered x x x shall be executory against the accused; and

“3. That the Honorable Court of Appeals, in affirming the Order of the Regional Trial Court of Quezon City (Branch 96), dated June 9, 1999, grossly erred in ignoring applicable laws and jurisprudence.”[7]

Petitioners argue that the repeal of P.D. 772 by R.A. 8368 carries with it the extinction of both the criminal and

civil aspects of the crime. Private respondent, however, insists that public respondents were correct in ruling that only the criminal liability was absolved and the civil liability remains inasmuch as it was not extinguished in accordance with Article 113 of the Revised Penal Code, which reads:

“ART. 113. Obligation to satisfy civil liability. -- Except in case of extinction of his civil liability as provided in the next preceding article, the offender shall continue to be obliged to satisfy the civil liability resulting from the crime committed by him, notwithstanding the fact that he has served his sentence consisting of deprivation of liberty or other rights, or has not been required to serve the same by reason of amnesty, pardon, commutation of sentence or any other reason.”

In its Motion to Deny Due Course, private respondent also argues that the petition should now be denied as its title to the land subject of this case has already been adjudged in its favor.[8]

In its Comment, the Office of the Solicitor General, in behalf of public respondents, agrees with petitioners that both the criminal and civil liability were rendered extinct with the repeal of P.D. 772, and recommended that the assailed issuances be reversed and set aside.

We find the petition to be meritorious.

Republic Act No. 8368, otherwise known as the “Anti-Squatting Law Repeal Act of 1997,” provides:

“SECTION 1. Title. -- This Act shall be known as the ‘Anti-Squatting Law Repeal Act of 1997.’

“SEC. 2. Repeal. -- Presidential Decree No. 772, entitled ‘Penalizing Squatting and Other Similar Acts’ is hereby repealed.

“SEC. 3. Effect on Pending Cases. -- All pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.

“SEC. 4. Effect on Republic Act No. 7279. -- Nothing herein shall be construed to nullify, eliminate or diminish in any way Section 27 of Republic Act No. 7279 or any of its provisions relative to sanctions against professional squatters and squatting syndicates.

“SEC. 5. Effectivity. -- This Act shall take effect thirty (30) days after its publication in two (2) newspapers of national circulation.

“Approved, October 27, 1997.”[9]

The repeal of P.D. No. 772 under Section 2 of R.A. No. 8368 is explicit, categorical, definite and absolute. As such, the act that was penalized by P.D. 772, i.e., squatting, ceases to be criminal under R.A. 8368, and the previous offense is obliterated.[10]

In the same vein, the absolute repeal of P.D. 772 has the effect of depriving a court of its authority to punish a person charged with violation of the old law prior to its repeal. This is because an unqualified repeal of a penal law constitutes a legislative act of rendering legal what had been previously declared as illegal, such that the offense no longer exists and it is as if the person who committed it never did so.[11] Specially so, as in the present case where it is unconditionally stated in Section 3 of R.A. No. 8368 that: “(A)ll pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.”[12] Obviously, it was the clear intent of the law to decriminalize or do away with the crime of squatting. Hence, there being no criminal liability, there is likewise no civil liability because the latter is rooted in the former. Where an act or omission is not a crime, no person can be held liable for such act or omission. There being no delict, logically, civil liability *ex delicto* is out of the question.[13]

In fact, in *People v. Leachon, Jr.*[14] we implicitly recognized the unconditional repeal of P.D. 772 by R.A. 8368 when we ordered the dismissal of the petition filed in said case, without any qualification whatsoever, because of the enactment of R.A. 8368, viz.:

“But the foregoing antecedent facts and proceedings notwithstanding, the petition cannot now prosper because on October 27, 1997, Republic Act No. 8368, entitled ‘An Act Repealing Presidential Decree No. 772 Entitled ‘Penalizing Squatting and Other Similar Acts’ was “enacted. Section 3 of the said Act provides that ‘all pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.’”[15]

This is not to say, however, that people now have the unbridled license to illegally occupy lands they do not own. R.A. No. 8368[16] was unanimously approved by the members of the Senate of the Philippines present on its third reading.[17] The legislature considered it a major piece of legislation on the country’s anti-poverty program[18] as it sought to confront the perennial problem of poverty at its root, abolish an otherwise inutile and oppressive law, and pave the way for a genuine urban housing and land reform program. Senate records reveal that it is the manifest intent of the authors of R.A. 8368 to decriminalize squatting but does not encourage or protect acts of squatting on somebody else’s land.[19] The law is not intended to compromise the property rights of legitimate landowners.[20] Recourse may be had in cases of violation of their property rights, such as those provided for in Republic Act No. 7279 or the Urban Development and Housing Act, penalizing professional squatters and squatting syndicates as defined therein, who commit nefarious and illegal activities[21]; the Revised Penal Code providing for criminal prosecution in cases of Trespass to Property,[22] Occupation of Real Property or Usurpation of Real Rights in Property,[23] and similar violations, and, cases for Forcible Entry and Unlawful Detainer under the Rules of Court,[24] as well as civil liability for Damages under the Civil Code.

Considering that prosecution for criminal as well as civil liability under P.D. 772 has been rendered nugatory with the passage of R.A. 8368, both criminal and civil aspects of Criminal Cases Nos. Q-97-70428 and Q-97-70429 in the RTC as well as Criminal Cases Nos. 38-0130 and 38-0131 in the MTC filed against petitioners should be dismissed.

WHEREFORE, finding the petition for review to be with merit, the Decision dated April 30, 1999 of the Court of Appeals in CA-G.R. SP No. 46845, is REVERSED and SET ASIDE. A new judgment is hereby entered modifying the Decision dated September 10, 1997 of the Regional Trial Court of Quezon City (Branch 96) in Criminal Cases No. Q-97-70428 and Q-97-70429 and the Decision dated December 16, 1996 issued by the Metropolitan Trial Court of Quezon City (Branch 38), to the effect that the dismissal of the aforementioned criminal cases likewise include the dismissal of the civil aspects thereof, without prejudice to the filing of civil and/or criminal actions under the prevailing laws.

No costs.

SO ORDERED.

Bellosillo, Acting C.J. (Chairman), Quisumbing, and Callejo, Sr., JJ., concur.
Mendoza, J., on official leave.

[1] Entitled, “Prescilla Tuates and Andres de la Paz, Petitioners vs. Hon. Lucas P. Bersamin, as Presiding Judge, Regional Trial Court, Branch 96, Quezon City, People of the Philippines and I.C. Cruz Construction, Inc., Respondents.”

[2] Entitled, “People of the Philippines, Plaintiff, versus, Prescilla Tuates, Accused”; and “People of the

Philippines, Plaintiff, versus, Andres de la Paz, Accused.”

[3] Ibid.

[4] Rollo, p. 23, Annex “A”.

[5] Id., p. 25, Annex “B”.

[6] Id., p. 34, Annex “D”.

[7] Id., p. 15.

[8] Id., p. 71.

[9] Vital Legal Documents (Second Series), Book 7, p. 197.

[10] People v. Pimentel, 288 SCRA 542, 555-556 [1998].

[11] Benedicto v. Court of Appeals, G.R. No. 125359, September 4, 2001.

[12] Section 3.

[13] Manantan v. Court of Appeals, 350 SCRA 387, 397 [2001].

[14] 296 SCRA 163 [1998].

[15] Id., p. 170.

[16] Entitled “An Act to Decriminalize Squatting and Other Similar Acts, Thereby Repealing Presidential Decree No. 772, Entitled ‘Penalizing Squatting and Other Similar Acts.’”

[17] Records of the Senate, Third Regular Session [October 1 to November 26, 1997]; Vol. II, Nos. 18-38, p. 20.

[18] Ibid.

[19] Records of the Senate, Third Regular Session [July 28 to September 30, 1997]; Vol. 1, Nos. 1-18, p. 1005.

[20] Id., p. 469; 470.

[21] R.A. 7279, Section 27.

[22] Revised Penal Code, Article 281.

[23] Id., Article 312.

[24] 1997 Rules of Civil Procedure, as amended, Rule 70.

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