

HOSPICIO DE SAN JOSE DE BARILI, CEBU CITY, PETITIONER, VS. DEPARTMENT OF AGRARIAN REFORM, RESPONDENT.

G.R. No. 140847. September 23, 2005

Ponente: TINGA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140847/>

TINGA, J.

At the core of this case is an obscure old special law. The issue is whether a provision in the law prohibiting the sale of the properties donated to the charitable organization that was incorporated by the same law bars the implementation of agrarian reform laws as regards said properties.

Petitioner Hospicio de San Jose de Barili ("Hospicio") is a charitable organization created as a body corporate in 1925 by Act No. 3239. The law was enacted in order to formally accept the offer made by Pedro Cui and Benigna Cui to establish a home for the care and support, free of charge, of indigent invalids and incapacitated and helpless persons.[1] The Hospicio was to be maintained with the revenues of the personal and real properties to be endowed by the Cuis and other donors.[2]

Section 4 of Act No. 3239 provides that "[t]he personal and real property donated to the [Hospicio] by its founders or by other persons shall not be sold under any consideration." [3]

On 10 October 1987, the Department of Agrarian Reform Regional Office (DARRO) Region VII issued an order ordaining that two parcels of land owned by the Hospicio be placed under Operation Land Transfer in favor of twenty-two (22) tillers thereof as beneficiaries. Presidential Decree (P.D.) No. 27, a land reform law, was cited as legal basis for the order. The Hospicio filed a motion for the reconsideration of the order with the Department of Agrarian Reform (DAR) Secretary, citing the aforementioned Section 4 of Act No. 3239. It argued that Act No. 3239 is a special law, which could not have been repealed by P.D. No. 27, a general law, or by the latter's general repealing clause.

The DAR Secretary rejected the motion for reconsideration in an Order dated 30 March 1997. Therein, the DAR Secretary held that P.D. No. 27 was a special law, as it applied only to particular individuals in the State, specifically the tenants of rice and corn lands. Moreover, P.D. No. 27, which covered all rice and corn lands, provides no exemptions based on the manner of acquisition of the land by the landowner.[4]

The Order of the DAR Secretary was assailed in a Petition for Certiorari filed with the Court of Appeals. In a Decision[5] dated 9 July 1999, the Court of Appeals Special Eleventh Division affirmed the DAR Secretary's issuance. It sustained the position of the Office of the Solicitor General (OSG) position that Section 4 of Act No. 3239 was expressly repealed not only by P.D. No. 27, but also by Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, both laws being explicit in mandating the distribution of agricultural lands to qualified beneficiaries. The Court of Appeals further noted that the subject lands did not fall among the exemptions provided under Section 10 of Rep. Act No. 6657. Finally, the appellate court brought into play the aims of land reform, affirming as it did "the need to distribute and create an economic equilibrium among the inhabitants of this land, most especially those with less privilege in life, our peasant farmer." [6]

Unsatisfied with the Court of Appeals' Decision, the Hospicio lodged the present Petition for Review. The Hospicio alleges that P.D. No. 27, the CARL, and Executive Order No. 407[7] all violate Section 10, Article III of the Constitution, which provides that "no law impairing the obligation of contracts shall be passed." More sedately, the Hospicio also argues that Act No. 3239 was not repealed either by P.D. No. 27 or Rep. Act No. 6657 and that the forced disposition of the Hospicio's landholdings would incapacitate the discharge of its charitable functions, which equally promote social justice and the upliftment of the lives of the less fortunate.

On the other hand, the OSG, representing respondent DAR, bluntly replies that Act No. 3239 was repealed by P.D. No. 27 and Rep. Act No. 6657, which do not exempt lands owned by eleemosynary or charitable institutions from the coverage of those agrarian reform laws.

A brief recapitulation of the relevant laws is in order.

P.D. No. 27, "Decreeing the Emancipation of Tenants from the Bondage of the Soil, Transferring to Them Ownership of the Land they Till, and Providing the Instrument and Mechanism Therefor," has once been touted as perhaps "a radical solution in its pristine sense, one that goes at the root [of the problem of land tenancy]."[8] Its constitutionality was upheld in *De Chavez v. Zobel*.^[9] The law generally "ordains the emancipation of tenants and confers on them ownership of the lands they till."^[10] The following provisions of P.D. No. 27 have concretized this policy:

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended do hereby decree and order the emancipation of all tenant farmers as of this day, October 21, 1972;

This shall apply to tenant farmers of private agricultural lands^[11] primarily devoted to rice and corn under a system of sharecrop or lease-tenancy, whether classified as landed estate or not;

The tenant farmer, whether in land classified as landed estate or not, shall be deemed owner of a portion constituting a family-size farm of five (5) hectares if not irrigated and three (3) hectares if irrigated;

In all cases, the landowner may retain an area of not more than seven (7) hectares if such landowner is cultivating such area or will now cultivate it;

The CARL was not yet in effect when the DARRO and the DAR issued their respective orders. Said law vests P.D. No. 27 with suppletory effect insofar as the earlier law does not run inconsistent with the later law.^[12] Under Section 4 of the CARL, placed under coverage are all public and private agricultural lands regardless of tenurial arrangement and commodity produced, subject to the exempted lands listed in Section 10 thereof.

We agree with the Court of Appeals that neither P.D. No. 27 nor the CARL exempts the lands of the Hospicio or other charitable institutions from the coverage of agrarian reform. Ultimately, the result arrived at in the assailed issuances should be affirmed. Nonetheless, both the DAR Secretary and the appellate court failed to appreciate what to this Court is indeed the decisive legal dimension of the case.

Section 4 of Act No. 3239 prohibits the sale "under any consideration" of the lands donated to the Hospicio. But the land transfers mandated under P.D. No. 27 cannot be considered a conventional sale under our civil laws.

Generally, sale arises out of a contractual obligation. Thus, it must meet the first essential requisite of every contract that is the presence of consent.^[13] Consent implies an act of volition in entering into the agreement.^[14] The absence or vitiation of consent renders the sale either void or voidable.

In this case, the deprivation of the Hospicio's property did not arise as a consequence of the Hospicio's consent to the transfer. There was no meeting of minds between the Hospicio, on one hand, and the DAR or the tenants, on the other, on the properties and the cause which are to constitute the contract^[15] that is to serve ultimately as the basis for the transfer of ownership of the subject lands.^[16] Instead, the obligation to transfer arises by compulsion of law, particularly P.D. No. 27.^[17]

Agrarian reform is justified under the State's inherent power of eminent domain that enables it to forcibly acquire private lands intended for public use upon payment of just compensation to the owner.^[18] It has even been characterized as beyond the traditional exercise of eminent domain, but a revolutionary kind of expropriation. As expounded in the landmark case of *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*, thus:

. . . . However, we do not deal here with the traditional exercise of the power of eminent domain. This is not an ordinary expropriation where only a specific property of relatively limited area is sought to be taken by the State from its owner for a specific and perhaps local purpose. What we deal with here is a revolutionary kind of expropriation.

The expropriation before us affects all private agricultural lands whenever found and of whatever kind as long as they are in excess of the maximum retention limits allowed their owners. This kind of expropriation is intended for the benefit not only of a particular community or of a small segment of the population but of the entire Filipino nation, from all levels of our society, from the impoverished farmer to the land-glutted owner. Its purpose does not cover only the whole territory of this country but goes beyond in time to the foreseeable future, which it hopes to secure and edify with the vision and the sacrifice of the present generation of Filipinos. Generations yet to come are as involved in this program as we are today, although hopefully only as beneficiaries of a richer and more fulfilling life we will guarantee to them tomorrow through our thoughtfulness today. And, finally, let it not be forgotten that it is no less than the Constitution itself that has ordained this revolution in the farms, calling for "a just distribution" among the farmers of lands that have heretofore been the prison of their dreams but can now become the key at least to their deliverance.^[19]

This characterization is warranted whether the expropriation is operative under the CARL or P.D. No. 27, as both laws are keyed into the same governmental objective. Moreover, under both laws, the landowner is entitled to just compensation for the properties taken.

The twin process of expropriation of lands under agrarian reform and the payment of just compensation is akin to a forced sale, which has been aptly described in common law jurisdictions as "sale made under the process of the court, and in the mode prescribed by law," and "which is not the voluntary act of the owner, such as to satisfy a debt, whether of a mortgage, judgment, tax lien, etc."^[20] The term has not been precisely defined in this jurisdiction, but reference to the phrase itself is made in Articles 223, 232, 237 and 243 of the Civil Code, which uniformly exempt the family home "from execution, forced sale, or attachment."^[21] Yet a forced sale is clearly different from the sales described under Book V of the Civil Code which are conventional sales, as it does not arise from the consensual agreement of the vendor and vendee, but by compulsion of law. Still, since law is recognized as one of the sources of obligation, there can be no dispute on the efficacy of a forced sale, so long as it is authorized by law.

The crucial question now arises, whether the sale prohibited under Section 4 of Act No. 3239 includes even a forced sale. Of course an overly literal reading of the provision would justify such inclusion, but appropriately a more sophisticated approach to statutory construction is warranted.

No séance is required to discern the intent of Section 4. It ensures that the properties received by the Hospicio are not alienated for profit by the officers or administrators, in contravention of the charitable purpose for which the

Hospicio was created. To an extent, it makes possible the perpetual operation of the Hospicio, which was empowered by law to operate for an indefinite period, by assuring the existence of the property on which the Hospicio could operate. We also do not doubt that whatever fruits of the forcibly retained property would also serve a source of funding for the operations of the Hospicio.

The salutariness of these objectives is beyond doubt. The interests they seek to protect are present whether the prohibition encompasses only conventional sales, or even forced sales. Yet to insist that Section 4 likewise prohibits sales or dispositions by operation of law would necessarily imply that the Hospicio is also beyond the reach of any form of judicial execution. The charitable nature of the Hospicio does not shield it from susceptibility to civil liability, and an absolute prohibition on sales, whether forced or conventional, deprives whatever judgment creditors of the Hospicio from any effective means of enforcing relief.

Was it the intent of the framers of Act No. 3239 to exempt the Hospicio from all judicial processes, even those arising from civil transactions? We do not think so. The contemporaneous construction of Section 4 indicates that the prohibition intended by the crafters of the law pertained only to conventional sales, and not forced sales. The law was promulgated in 1925, or when the Spanish Civil Code of 1889 was in effect. The provisions in the Civil Code referring to "forced sales" were not derived from the Spanish Civil Code. On the other hand, the consensual nature of the contract of sale, and of contracts in general, is recognized under the Spanish Civil Code. Under Article 1261 of the Spanish Civil Code, there is no contract unless the consent of the contracting parties exists.[22]

Evidently, the word "sale," as contemplated by the framers of the law in 1925, pertains to its concept in civil law, with the requisite of consent being present. It cannot refer to sales or dispositions that arise by operation of law, such as through judicial execution, or, as in this case, expropriation.

Thus, we can hardly characterize the acquisition of the subject properties from the Hospicio for the benefit of the tenants as a sale, within the contemplation of Section 4 of Act No. 3239. The transfer arises from compulsion of law, and not the desire of any parties. Even if the Hospicio had voluntarily offered to surrender its properties to agrarian reform, the resulting transaction would not be considered as a conventional sale, since the obligation is created not out of the mandate of the parties, but the will of the law.

The DARRO Order did note that Section 4 of Act No. 3239 is not applicable in this case, since the transfer is compulsory on the part of the landowner, unlike in ordinary sale.[23] Regrettably, the DAR Secretary and the Court of Appeals failed to apply that sound principle, preferring to rely instead on the conclusion that Section 4 was repealed by P.D. No. 27 and the CARL.

Nonetheless, even assuming for the nonce that Section 4 contemplates even forced sales such as those through expropriation, we would agree with the DAR Secretary and the Court of Appeals that Section 4 is deemed repealed by P.D. No. 27 and the CARL.

The scope of lands subjected to agrarian reform under these two laws is overwhelming. P.D. No. 27 applies to all private agricultural lands primarily devoted to rice and corn with tenant farmers under a system of sharecrop or lease-tenancy,[24] while the CARL is even broader in scope, generally covering all public and private agricultural lands regardless of tenurial arrangement and commodity produced. Under Section 10 of the CARL, the only exempted lands are:

Lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watersheds, and mangroves, national defense, school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites and convents appurtenant

thereto, mosque sites and Islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers and all lands with eighteen percent (18%) slope and over, except those already developed

Arguing against "too literal an interpretation" of Section 10, the Hospicio claims that "a serious reading" of the provision is revelatory of the spirit and intent of the exemptions. It argues that there are three categories of exemption as: "(1) those needed by the nation, such as parks, wildlife and forest reserves, fishponds and for national defense, etc.; (2) those for educational purposes such as school sites; and (3) for religious and charitable purposes like church sites, etc." [25] The Hospicio then claims it falls under the third category of "religious and charitable purposes." [26]

To begin with, the terms "charitable purposes" and "charitable organizations" do not appear in Section 10 of the CARL. For its part, Hospicio unduly assumes that charity is integrally wedded to religiosity, despite the fact that there are charitable institutions that are avowedly secular in orientation. We disagree that there is a clear intent or spirit to include properties held by charitable institutions, even those directly utilized for charitable purposes, in the list of exempted properties under the CARL. Section 10 does not include properties which are generally used for charitable purposes, such as orphanages, from the exemption. Not even all properties owned by religious institutions are exempt, save for those places of worship and the convents/Islamic centers appurtenant thereto. Even assuming that the Hospicio were actually owned and operated by the Catholic Church, it still would not be exempted from the CARL.

It is axiomatic that where a general rule is established by a statute with exceptions, the Court will not curtail nor add to the latter by implication, and it is a rule that an express exception excludes all others. [27] We cannot simply impute into a statute an exception which the Congress did not incorporate. Moreover, general welfare legislation such as land reform laws is to be construed in favor of the promotion of social justice to ensure the well-being and economic security of the people. [28] Since a broad construction of the provision listing the properties exempted under the CARL would tend to denigrate the aims of agrarian reform, a strict application of these exceptions is in order.

The crafters of P.D. No. 27 and the CARL were presumably aware of the radical scale of the intended legislation, and the massive effects on property relations nationwide. Considering the magnitude of the changes ordained in these laws, it would be foolhardy to require or expect the legislature to denominate each and every law that would be consequently or logically amended or repealed by the new laws. Hence, the viability of general repealing clauses, which are existent in both P.D. No. 27 [29] and the CARL, [30] as a means of repealing all previous enactments inconsistent with revolutionary new laws. The presence of such general repealing clause in a later statute clearly indicates the legislative intent to repeal all prior inconsistent laws on the subject matter, whether the prior law is a general law or a special law, or as in this case, a special private law. Without such clause, a later general law will ordinarily not repeal a prior special law on the same subject. But with such clause contained in the subsequent general law, the prior special law will be deemed repealed, as the clause is a clear legislative intent to bring about that result. [31]

Should we construe Section 4 of Act No. 3239 as barring forced sales through expropriation of the properties of the Hospicio, such prohibition would irreconcilably countermand both P.D. No. 27 and the CARL and their mandate to subject the properties to agrarian reform. The general repealing clauses of the two later laws would then sufficiently repeal Section 4 of Act No. 3239, to the extent that it may prohibit expropriation of agricultural lands for agrarian reform.

Still, in light of our earlier determinative pronouncement that Section 4 of Act No. 3239 does not contemplate forced sales as part of the prohibition therein, there ultimately is no need to make an abject declaration that

Section 4 has indeed been repealed. Indeed, the Court considers the prohibition on Section 4 as still effectual, but only insofar as it relates to conventional sales under the Civil Code.

The other arguments raised by the Hospicio are similarly bereft of merit. It wants us to hold that P.D. No. 27 and the CARL, both enacted to implement the urgently needed policy of agrarian reform, violate the non-impairment of contracts clause under the Bill of Rights. Yet the broad sweep of this argument ignores the nuances adopted by this Court in interpreting Section 10 of Article III. We have held that the State's exercise of police powers may prevail over obligations imposed by private contracts.[32] Especially in point is *Kabiling v. NHA*,[33] wherein a law authorizing the expropriation of properties in favor of qualified squatter families was challenged on the basis of the non-impairment clause. The Court held:

The stated objective of the decree, namely, to resolve the land tenure problem in the Agno-Leveriza area to allow the implementation of the comprehensive development plans for this depressed community, provides the justification for the exercise of the police power of the State. The police power of the State has been described as "the most essential, insistent and illimitable of powers." It is a power inherent in the State, plenary, "suitably vague and far from precisely defined, rooted in the conception that man in organizing the state and imposing upon the government limitations to safeguard constitutional rights did not intend thereby to enable individual citizens or group of citizens to obstruct unreasonably the enactment of such salutary measure to ensure communal peace, safety, good order and welfare.

The objection raised by petitioners that P.D. No. 1808 impairs the obligations of contract is without merit. The constitutional guaranty of non-impairment of obligations of contract is limited by and subject to the exercise of the police power of the State in the interest of public health, safety, morals and general welfare.[34]

More pertinently, what the Hospicio alleges would be impaired is not actually a contract, but a legislative act, Act No. 3239. The Hospicio admits just as much in its petition, "[Act No. 3239] is not merely an ordinary contract but a contract enacted into law . . . Act No. 3239 is thus a contract within the purview of the impairment clause of the Constitution." [35]

The inanity of this argument is palpable. The non-impairment clause reads: "No law impairing the obligation of contracts shall be passed." If, as the Hospicio argues, the constitutional provision applies as well to the impairment of obligations created by law, then Section 10, Article III operates to bar the legislature from amending or repealing its own enactments. This is of course not the case, as the provision was intended to shield the impairment of obligations created by private agreements, and not by legislative fiat. Certainly, Congress can at any time expressly amend or repeal any and all sections of Act No. 3239 without fear of violating the non-impairment clause of the Constitution. In fine, Section 10[36] of Act 3239 provides that the privileges granted by the Act to the Hospicio are subject to the conditions on the grant of franchises as provided in the Jones Law. Section 28 of the Jones Law in turn provides in part, thus:

No franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the government by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. (Emphasis supplied.)

Finally, the Hospicio alludes to its functions as a charitable institution, which equally promote social justice and the upliftment of lives of the less fortunate. It notes that these purposes are no less noble than giving land to the landless, whom they, with perhaps a touch of contempt, suggest are "perfectly healthy to care for themselves." [37]

The rationale for holding that the properties of the Hospicio are covered by P.D. No. 27 and Rep. Act No. 6657 is so well-grounded in law that it obviates any resort to the sordid game of choosing which of the two competing

aspirations is nobler. The body which would have unquestionable discretion in assigning hierarchical values on the modalities by which social justice may be implemented is the legislature. Land reform affords the opportunity for the landless to break away from the vicious cycle of having to perpetually rely on the kindness of others. By refusing to exempt properties owned by charitable institutions or maintained for charitable purposes from agrarian reform, the legislature has indicated a policy choice which the Court is bound to implement.

WHEREFORE, the Petition is DENIED. No pronouncement as to costs.

SO ORDERED.

Puno (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Sec. 1, Act No. 3239, reads:

SECTION 1. The offer of Pedro Cui and Benigna Cui to establish, maintain, and support in the Province of Cebu, Philippine Islands, a Home for the care and support, free of charge, of indigent invalids, and incapacitated and helpless persons, to be known as HOSPICIO DE SAN JOSE DE BARILI is hereby accepted. The Home so created shall be maintained with the revenues of the personal and real property with which its founders and other donators shall endow the same, and upon its organization in the special manner provided for in section eight of this Act, said Home shall have its legal domicile in the pueblo of Barili, in the province mentioned, shall be a body corporate for an indefinite period and endowed with the right of succession in its corporate name and competent to sue and be sued and to acquire and convey personal and real property, and shall be considered as real corporation and vested in general with all the powers granted to and vested in corporations organized in accordance with Act Numbered Fourteen hundred and fifty-nine, and be subject to the provisions of said Act in so far as the same are not inconsistent herewith. (21 PUBLIC LAWS 188-189)

[2] Sec. 2, Act No. 3239 reads in part:

SECTION 2. The Home organized in accordance with the provisions of this Act and the personal and real property owned by it and donated to it by its founders, Pedro Cui and Benigna Cui, and any other property it may hereafter acquire by donation or any other legal method shall be managed by said founders during their life-time and, in case of their incapacity or death, by such persons as they may nominate or designate, in the order prescribed by them. . . . (21 PUBLIC LAWS 189).

[3] SEC. 4, Act No. 3239 reads:

SECTION 4. The personal and real property donated to the Home by its founders or by other persons shall not be sold under any consideration; Provided, however, That this prohibition shall not prevent the managers or trustees of the Home from selling or alienating personal property belonging to it, which sale or alienation shall be made in the ordinary process of the operation or business of the Home. In connection with the administration of the Home, the Public Welfare Commissioner shall have power to audit the accounts and watch over the proper and adequate investment of the revenues of the property of the Home, and ascertain whether the provisions of this Act are being complied with; but this power of supervision shall be exercised without prejudice to the discretionary powers of administration conferred by this Act. (21 PUBLIC LAWS 190).

[4] Rollo, p. 85.

[5] Penned by Justice R. Salazar-Fernando, and concurred in by Justices C. Carpio-Morales (now Supreme Court Justice) and W. Aguir, Jr. Id. at 84-88.

[6] Rollo, p. 87.

[7] Presumably, Executive Order No. 407, enacted in 1990, "Accelerating The Acquisition And Distribution Of Agricultural Lands, Pasture Lands, Fishponds, Agro-Forestry Lands And Other Lands Of The Public Domain Suitable For Agriculture." However, petitioner does not otherwise make any reference to this executive order in its petition.

[8] *De Chavez v. Zobel*, 154 Phil. 24, 31 (1974).

[9] *Id.* See also *Gonzales v. Estrella*, G.R. No. L-35739, 2 July 1979, 91 SCRA 294, 297.

[10] *Id.* at 27.

[11] Despite the fact that the Hospicio was created by legislation, the DARRO, in its 1987 Order characterized the Hospicio as a private corporation impressed with eleemosynary purpose, and the lands donated to it by Don Pedro Cui as private agricultural lands. Records, p. 14. The Hospicio has not challenged this contention. Moreover, Republic Act No. 6337 now expressly covers both private and public agricultural lands, *infra*, thus rendering any and all questions on this point moot.

[12] See Section 75, Rep. Act No. 6337.

[13] See Articles 1318 and 1319, Civil Code.

[14] See *Batchelder v. Central Bank*, 150 Phil. 866, 875 (1972), citing 2 Planiol, *Treatise on the Civil Law*, pp. 545-546 (1965).

[15] See Articles 1305 and 1319, Civil Code.

[16] See Articles 1496 and 1497, Civil Code.

[17] See Article 1157(1), Civil Code.

[18] See *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*, G.R. No. 78742, 14 July 1989, 175 SCRA 343, 376.

[19] *Id.* at 385-386.

[20] BLACK'S LAW DICTIONARY Sixth Edition (1990), p. 645. "For comparable sale purposes in eminent domain proceedings, "forced sales" are those occurring as a result of legal process, such as tax sale.

[21] See also Article 153, Family Code.

[22] See Article 1261, Spanish Civil Code. "El artículo 1261 del Código Civil claramente dispone que no hay contrato sino cuando concurre el consentimiento de las partes." *Bulasag v. Ramos*, 85 Phil. 330, 335 (1949), J. Pablo, dissenting.

[23] Records, p. 14.

[24] See P.D. No. 27.

[25] Rollo, p. 33.

[26] *Ibid.*

[27] R. AGPALO, STATUTORY CONSTRUCTION (2003), p. 309, citing *Salaysay v. Castro*, 98 Phil. 364.

[28] R. Agpalo, *supra* note 27, at 310, citing *Alfanta v. Noe*, G.R. No. 32362, 19 September 1973, 53 SCRA 76.

[29] See P.D. No. 27: "All laws, executive orders, decrees and rules and regulations, or parts thereof, inconsistent with this Decree are hereby repealed and or modified accordingly."

[30] See Section 76, Rep. Act No. 6657: "Repealing Clause.— Section 35 of Republic Act No. 3834, Presidential Decree No. 316, the last two paragraphs of Section 12 of Presidential Decree No. 946, Presidential Decree No. 1038, and all other laws, decrees executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly."

[31] R. AGPALO, *supra* note 27 at 411, citing Gaerlan v. Catubig, G.R. No. 23964, 1 June 1966, 17 SCRA 376.

[32] See, e.g., Ortigas v. Feati Bank, G.R. No. L-246780, December 14, 1979, 94 SCRA 533; Lozano v. Martinez, G.R. No. L-63419, December 18, 1986, 146 SCRA 323.

[33] G.R. No. L-57424, 18 December 1987, 156 SCRA 623.

[34] *Id.* at

[35] Rollo, p. 27.

[36] Section 10. The privileges granted by this Act to the Hospicio de San Jose de Barili shall be understood to be subject to the provisions concerning the granting of privileges and franchise of the Act of Congress of the United States of August twenty-ninth, nineteen hundred and sixteen, commonly known as the Jones Law. (21 PUBLIC LAWS 189).

[37] Rollo, p. 33.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.