

PASTOR GAMBOA, PETITIONER, VS. DIONISIO PALLARCA, AND THE HONORABLE JOSE M. SANTOS, PRESIDING JUDGE, CAR, 2ND REGIONAL DISTRICT, CABANATUAN CITY, RESPONDENTS.*G.R. No. 20407. March 31, 1966*

Ponente: ZALDIVAR. J.

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This is a petition for a writ of certiorari to review and set aside the decision of the Court of Agrarian Relations, Second Regional District, Cabanatuan City, in its Case No. 2828-NE-61, approving the petition of the respondent Dionisio Pallarca, tenant, against the petitioner Pastor Gamboa, his landlord, for the change of their tenancy contract from share tenancy to leasehold tenancy.

Respondent Dionisio Pallarca is the share tenant of the petitioner Pastor Gamboa on a riceland with an area of 2-1/2 hectares situated at Sto. Tomas, Jaen, Nueva Ecija, since the agricultural year 1957-1958. The sharing ratio agreed upon and adopted by tenant Dionisio Pallarca and landholder Pastor Gamboa in dividing the net produce from the landholding in question from the agricultural year 1960-1961 was fifty-fifty, with the tenant contributing his labor, work animals, farm implements, and expenses for final harrowing; and the landholder contributing his land and expenses for transplanting. The share tenancy relationship between the tenant and the landholder is not governed by a registered written tenancy contract. On April 11, 1961 tenant Dionisio Pallarca sent a written notice to landholder Pastor Gamboa by registered mail, informing the latter of his (tenant's) desire to change their tenancy system from share to leasehold tenancy, effective the agricultural year 1961-1962, which notice was received by the landholder on April 14, 1961. Agricultural year 1961-1962 started sometime in June 1961, so that the notice sent by the tenant to the landholder for a change in the tenancy system was received by the landholder more than one month before the start of the agricultural year 1961-1962. The tenant, therefore, had timely availed of his right as provided for in the pertinent provisions of Section 14, of Rep. Act 1199, as amended by Rep. Act 2263, which reads:

"The tenant shall have the right to change the tenancy contract from one of share tenancy to leasehold tenancy and vice versa * * * In the absence of any registered written tenancy contract the right may be exercised at least one month before the agricultural year when the change shall be effected."

The landholder not having agreed to the change in the tenancy contract, tenant Dionisio Pallarca filed a petition for the change of the tenancy contract in the respondent Court of Agrarian Relations on December 19, 1961. Because at the time when the petition was filed the crop for the agricultural year 1961-62 had already been harvested, tenant Pallarca at the same time prayed for the immediate threshing and temporary liquidation of said harvest.

In his answer, filed on January 2, 1962, to the petition of the tenant in the court below landholder Pastor Gamboa set up the defense that (1) the tenancy relationship between him and Dionisio Pallarca no longer existed during the agricultural year 1961-1962, because Pallarca voluntarily surrendered the landholding in question immediately

after the agricultural year 1960-1961, abandoned said land and later on forcibly entered the same by ejecting Ambrosio de Jesus who was appointed tenant to succeed him; and (2) that Section 14 of Republic Act 1199, as amended by Rep. Act 2263, which is the basis of the petition of tenant Pallarca to change the tenancy contract was unconstitutional. Landholder Gamboa prayed the lower court to at least suspend the decision in the case, to await the decision of cases then pending in the Supreme Court where the constitutionality of Section 14 of Republic Act 1199, as amended, was in question.

Acting on the prayer of tenant Dionisio Pallarca, in his petition, for the immediate threshing and temporary liquidation of the harvest for the agricultural year 1961-1962, the respondent Court of Agrarian Relations, on January 17, 1962, ordered that 50% of the net produce be released to tenant Pallarca, 20% to landholder Gamboa, and 30% be deposited in the Jaen Rice Mill and Bonded warehouse. The disputed portion of 30% consisted of 30 cavans of palay.

After hearing, the respondent Court of Agrarian Relations rendered a decision finding that a tenancy relationship had existed between landholder Pastor Gamboa and tenant Dionisio Pallarca during the agricultural year 1961-1962, and declared that the tenancy contract between tenant Dionisio Pallarca and the landholder Pastor Gamboa be changed from share to leasehold tenancy effective as of the agricultural year 1961-1962. On the basis of the gross harvests of the tenant from the landholding in question for the agricultural years 1958-59 to 1960-61, inclusive, the court fixed the annual rental of the leasehold tenancy at 17.332 cavans of palay effective the agricultural year 1962-63 and for every agricultural year thereafter. The rentals for the period beginning the agricultural year 1962-63 have since been deposited in the bonded warehouse, to await the final decision of this case by this Court.

The court a quo declared as without merit the plea of landholder Gamboa that the decision of the case be suspended until the Supreme Court had decided the cases pending before it involving the constitutionality of Section 14 of Republic Act 1199, as amended. The court below held that Section 14 of Rep. Act 1199, as amended, remains a valid law and should be enforced as long as it is not declared unconstitutional.

In its decision the respondent Court of Agrarian Relations ordered that of the 30 cavans deposited with the Jaen Rice Mill and Bonded warehouse, 25 cavans be released to tenant Pallarca and 5 cavans to landholder Gamboa.

His motion for reconsideration of the decision rendered by the court below having been denied, landholder Pastor Gamboa appealed to this Court by way of a petition for certiorari.

The only question to be resolved by this Court in the present appeal is the constitutionality of Section 14 of Rep. Act 1199 as amended by Rep. Act 2263.

The landholder, now petitioner, Pastor Gamboa, contends that said Section 14 of Rep. Act 1199, as amended, is unconstitutional because (1) it is not a proper and valid exercise of the police power of the State, (2) it is violative of the equal protection and due process clauses of the Constitution, and (3) it is violative of the constitutional provision prohibiting the impairment of the obligation of contract.

Suffice it to say, that since this case was submitted for decision on July 3, 1963, this Court has decided at least three cases where the constitutionality of Section 14 of Republic Act 1199, as amended by Rep. Act 2263, was upheld (*Ramas vs. Court of Agrarian Relations, et al.*, G.R.No. L-19555, May 29, 1964; *Macasaet vs. Court of Industrial Relations, et al.*, G.R.No.L-19750, July 17, 1964; *Uichangco, et al. vs. Gutierrez, et al.*, G.R.Nos. L-20275-20279, May 31, 1965). In the decisions in these three cases, the grounds adduced by petitioner Pastor Gamboa in assailing the constitutionality of Section 14 of Rep. Act 1199, as amended by Rep. Act 2263, had been passed upon by this Court, and We do not consider it necessary to elaborate further on the matter.

In view of the foregoing, the petition for certiorari should be, as it is hereby, denied, and the decision appealed from is affirmed. The palay that had been ordered deposited during the pendency of this case should immediately be released to the parties entitled thereto in accordance with the decision of the court below. With costs against the petitioner. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Regala, Makalintal, Bengzon, J. P., and Sanchez, JJ., concur.

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