

**FAUSTO MIPALAR, PETITIONER, VS. HON. JOSE M. SANTOS, AS
JUDGE OF THE COURT OF AGRA-RIAN RELATIONS, EUGENIO
SAGUN, SOTERO FERNANDEZ, ET AL., RESPONDENTS.**

G.R. No. 22966. August 10, 1967

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

A petition for mechanization of a 45-hectare rice-land in Canaan, Rizal, Nueva Ecija, was filed by Fausto Mipalar on January 28, 1963 in the Court of Agrarian Relations against the fourteen tenants thereon.

Said petition stated that: Petitioner-landowner Fausto Mipalar had previously sent notices to said tenants in writing in the dialect known to them of his intention to cultivate the landholdings thru the use of farm machineries. The respondents-tenants received these notices on January 28, 1961 and subsequent dates, the last being February 23, 1961. And earlier, on December 28, 1960, Fausto Mipalar filed notice with the Court of Agrarian Relations, stating his intention to cultivate the same landholdings thru the use of farm machineries.

A motion to dismiss was filed by respondents tenants on the ground that the petition for mechanization was filed beyond the reglementary period of two years as required by law (Sec. 50[a], R.A. 1199 as amended). Acting thereon, the Court of Agrarian Relations, on February 13, 1964, dismissed the case, sustaining the ground afore-stated. Petitioner-landowner now appeals from the dismissal order.

Section 50(a) of Republic Act 1199, as amended, provides that:

SEC. 50. Causes for the Dispossession of Tenant. - Any of the following, and no other, shall be sufficient cause for the dis-possession of a tenant from his holdings:

"(a) The bona fide intention of the land-holder-owner or his relative within the first degree by consanguinity to cultivate the land himself personally or through the employment of farm machinery and implements: x x x Pro-vided, further, That the landholder-owner or the aforesaid relative shall, at least one year but not more than two years prior to the date of his petition to dispossess the tenant under this subsection, file notice with the court and shall inform the tenant in writing in a language or dialect known to the latter of his intention to cultivate the land him-self, either personally or through the employment of mechanical implements: x x x"

The statute plainly requires that within the period therein stated, two notices be made: (1) to the Court of Agrarian Relations; and (2) to the tenant. Accordingly, if notice to the court is within the period but notice to the tenant is outside the same; or if notice to the tenant falls inside the period but notice to the court lies beyond it, the statutory requisites of notices are not complied with, and the petition cannot be entertained.

In the present case, notices to the tenants were made within the abovementioned period, that is, at least one year but not more than two years prior to the filing of the petition. Not so, however, with the notice to the court. It was filed more than two years prior to the filing of the petition for mechanization; to be pre-cise, two years and one month non-compliance with the requirements of Section 50(a) before such filing. It follows that for

non-compliance with the requirements of Section 50(a) on notices, requisites that are substantive, not merely procedural (*Tolentino v. Alzate*, 98 Phil. 781), the petition was rightly dismissed.

Appellant would contend that a liberal interpretation should be followed, and the two-year period should be considered in relation to either of the notices, or whichever is later. The statute uses the word "and" not "or". In the interpretation of Republic Act 1199, more-over, all doubts are to be solved in favor of the tenant (Sec. 56, R.A. 1199). And while it would be favorable to the tenant to count the one-year period, before which the petition cannot be filed, from whichever notice comes later, it would be unfavorable to him to count the two-year period, after which the petition cannot be filed, from whichever notice is later. For while in the first case, the tenant would in effect have a longer time to stay on the land, in the second case, the landholder-owner would be given a longer period to ask for his dispossession. To prevent such unfavorable effects on the tenant, such as, for instance, the filing of the petition after one year from notice to the court, but less than one year from notice to the tenant; or, as in this case, more than two years from notice to the court, the rule should be, in accordance with the statute's obvious import, that both notices should be made within the period laid down at least one year but not more than two years prior to the filing of the petition to dispossess under Sec. 50(a) of R.A. 1199.

WHEREFORE, the dismissal order is hereby affirmed, with costs against appellant.

SO ORDERED.

Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., on official leave.

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