

**LUCRECIO PATRICIO, SEGUNDO DALIGDIG, FRANCISCO DALIGDIG,
FLORENCIO ARELLANO AND EPIFANIO DALIGDIG, PETITIONERS, VS.
ISABELO BAYOG, CONRADA, PEDRO, EMILIO, ALFONSO, DIONISIO
AND ...**

G.R. No. 54106. February 16, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

The legal issue in this case is whether the tenants hired by the purchaser of a homestead planted to coconuts and bananas may be ejected by the homesteader's heirs who were allowed by the Court of Appeals to repurchase the homestead and who desire to personally possess and till the land.

As factual background, it should be stated that in 1934 Policarpio Mendez obtained a patent and Torrens title for a homestead with an area of about twenty-three hectares located at Sitio Badiangon, Barrio Dalipuga, Iligan City. He and his wife, Petra Macaliag, and their nine children lived on the land, cleared it and planted coconuts thereon.

In 1956, Mendez sold the homestead to the spouses Eugenio Lamberang and Ester Fuentes. In 1958, Mendez and his children filed an action to annul the sale. Lamberang countered with an ejectment suit. On March 20, 1961, Mendez and his children filed an action against the Lamberang spouses for the reconveyance of the homestead.

The three cases reached the Court of Appeals which in a decision dated January 3, 1977 ordered Lamberang to reconvey the homestead to the Mendezes "free of all liens and encumbrances" upon their payment to Lamberang of P19, 411.28 as redemption price. That judgment became final and executory.

The Court of Appeals also held that upon the execution of the deed of reconveyance and the delivery of the redemption price to the Lamberang spouses, the Mendezes would be "entitled to the possession and occupancy" of the homestead. (Mendez vs. Lamberang, Lamberang vs. Bayug, and Mendez vs. Fuentes-Lamberang, CA-G.R. Nos. 50879-81-R.)

The Mendezes paid the redemption price and the Lamberang spouses reconveyed the homestead. Pursuant to a writ of possession, a deputy sheriff placed Isabelo Bayog, the representative of the Mendez family, in possession of the homestead after ejecting the tenants of the Lamberang spouses named Lucrecio Patricio, Florencio Arellano, Epifanio Daligdig, Francisco Daligdig and Segundo Daligdig, now the petitioners herein.

However, the tenants reentered the homestead allegedly upon instruction of Bernardino O. Nuñez, a trial attorney of the Bureau of Agrarian Legal Assistance. Hence, the Mendezes filed a motion to declare them and Nuñez in contempt of court.

Before that contempt incident could be resolved, or on April 10, 1979, the tenants, represented by Nuñez, filed in the Court of Agrarian Relations at Iligan City a complaint for damages against the heirs of Policarpio Mendez named Isabelo Bayog and Conrada, Pedro, Emilio, Alfonso, Dionisio and Arsenio, all surnamed Mendez (CAR

Case No. 92), now private respondents.

By reason of an agreement between the parties at the hearing on October 22, 1979, the said tenants vacated the land. They are now not in possession of the land (p. 5, Rollo).

The Agrarian Court in its decision of December 12, 1979 held that the plaintiffs were "tenants of the landholding in question" and ordered their reinstatement therein. The lower court directed the Mendezes to pay them their "unrealized shares" in the coconuts.

The Agrarian Court concluded that the plaintiffs became the tenants of the Mendezes because the Lamberangs, with whom they established a tenancy relationship, were not illegal possessors of the land, having acquired it through a sale. The court said that under section 10 of the Code of Agrarian Reform tenants are entitled to security of tenure and that under section 36 of that Code, personal cultivation by the landowner is no longer a ground for terminating tenancy. The Agrarian Court noted that Presidential Decree No. 152 dated March 13, 1973, which prohibits the employment or use of share tenants in complying with the requirements regarding entry, occupation and cultivation of public lands, is not applicable to the case.

The Mendezes appealed to the Court of Appeals which on May 8, 1980 reversed the decision of the Agrarian Court and declared that the Mendezes are "entitled to the homestead without the gravamen of plaintiffs' tenancies" because the purpose of granting homesteads is "to distribute disposable agricultural lots of the State to land-destitute citizens for their home and cultivation" (Pascua vs. Talens, 80 Phil. 792, 793). That policy would be defeated "if the buyer can install permanent tenants in the homestead who would even have the right of preemption" (Patricio vs. Bayog, CA-G.R. No. 10611-CAR).

The tenants appealed to this Court. They contend (a) that under section 118 of the Public Land Law, share tenancy may be constituted in a homestead after five years from the grant of the patent because section 119 of the same law does not prohibit any encumbrance on the homestead after that period and (b) that they cannot be ejected because they were not parties in any of the cases involving the Mendezes and Lamberang.

This is a case where two competing interests have to be weighed against each other: the tenant's right to security of tenure as against the right of the homesteader or his heirs to own a piece of land for their residence and livelihood.

We hold that the more paramount and superior policy consideration is to uphold the right of the homesteader and his heirs to own and cultivate personally the land acquired from the State without being encumbered by tenancy relations.[*]

This holding is consistent with the intention of the Code of Agrarian Reform to abolish agricultural share tenancy, "to establish owner-cultivatorship and the economic family-size farm as the basis of Philippine agriculture" and "to achieve a dignified existence for the small farmers free from pernicious institutional restraints and practices" (Sec. 2).

WHEREFORE, the judgment of the Court of Appeals is affirmed. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, De Castro, and Ericta, JJ., concur.

Escolin, J., no part.

[*] "The Homestead Act has been enacted for the welfare and protection of the poor. The law gives a needy

citizen a piece of land where he may build a modest house for himself and family and plant what is necessary for subsistence and for the satisfaction of life's other needs. The right of the citizens to their homes and to the things necessary for their subsistence is as vital as the right to life itself. They have a right to live with a certain degree of comfort as become human beings, and the State which looks after the welfare of the people's happiness is under a duty to safeguard the satisfaction of this vital right.

"Moreover, a man with a home and a means of subsistence is a lover of peace and order and will profess affection for his country, whereas one without a home and in penury is not only a social parasite but also a dangerous element in the social order. The Homestead Act at once aims at the promotion of wholesome and happy citizenship and the wiping out of the germs of social discontent found everywhere.

"Considering the social and economic ends of the Homestead Act, the courts should exercise supreme care and strict vigilance towards faithful compliance with all its benign provisions and against the defeat, directly or indirectly, of its highly commendable purposes. And it is my firm conviction that where, x x x, a rich and clever man attempts to wrest a homestead granted to a poor and ignorant woman, the slightest tokens of illegality should be enough to move the courts to apply the strong arm of the law." (Dissent, Moran, J., *Kasilag vs. Rodriguez*, 69 Phil. 217, 254, 263-264.)

"The object and purpose of the homestead law is to encourage residence upon and the cultivation and improvement of the public domain. This paramount public purpose should certainly not be nullified by the tactics of the courts." (*Aquino vs. Director of Lands*, 39 Phil. 850, 861.)

"The statutes of the United States as well as of the various states of the Union contain provisions for the granting and protection of homesteads. Their object is to provide a home for each citizen of the Government, where his family may shelter and live beyond the reach of financial misfortune, and to inculcate in individuals those feelings of independence which are essential to the maintenance of free institutions. Furthermore, the state itself is concerned that the citizens shall not be divested of a means of support, and reduced to pauperism.

"The conservation of a family home is the purpose of homestead laws. The policy of the state is to foster families as the factors of society, and thus promote general welfare. The sentiment of patriotism and independence, the spirit of free citizenship, the feeling of interest in public affairs, are cultivated and fostered more readily when the citizen lives permanently in his own home, with a sense of its protection and durability." (*Jocson vs. Soriano*, 45 Phil. 375, 379.)

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