

**DR. TOLOMEO ZURBANO AND BELEN B. ZURBANO, PETITIONERS, VS.
HONORABLE CONRADO ESTRELLA, MINISTER OF AGRARIAN
REFORM, HONO-RABLE SALVADOR PEJO, REGIONAL DIRECTOR OF
MINISTRY OF AG...**

G.R. No. 61617. July 02, 1985

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

By far, one of the most far-reaching governmental reforms, acclaimed both here and abroad, is Presidential Decree No. 27 issued on October 21, 1972, decreeing the emancipation of the tenants from the bondage of the soil and transferring the ownership of the land they till. Its validity was assumed in *Chavez v. Zobel*,^[1] and upheld in *Gonzales v. Estrella*.^[2] It could not have been otherwise. The Constitution explicitly provides: "The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution."^[3] The Constitution is worded in the future tense; the State is to formulate and implement a vitally needed program. It was signed on November 30, 1972. It is worth recalling that a month and nine days earlier, to be exact, on October 21, 1972, the epochal Presidential Decree No. 27 was issued by President Marcos.

Thereafter, under a Letter of Instruction dated October 21, 1976,^[4] the President directed the then Secretary, now Minister of Agrarian Reform, to "undertake to place under the Land Transfer Program of the government pursuant to Presidential Decree No. 27, all tenanted rice/corn lands with areas of seven hectares or less belonging to landowners who own other agricultural lands of more than seven hectares in aggregate areas or lands used for residential, commercial, industrial or other urban purposes from which they derive adequate income to support themselves and their families."^[5]

It is the validity of such Letter of Instruction that is assailed in this prohibition proceeding on the ground that it is class legislation and, therefore, violative of the equal protection guarantee; that it is "a form of tyrannical imposition by a strong and powerful state" and, as such, violative of the due process clause; and that it would, as applied to petitioners, be a taking of private property without just compensation.^[6]

Petitioners-spouses in this prohibition proceeding alleged that they are the owners of agricultural lands, with six (6) parcels planted to coconuts, 56 hectares in area and two (2) parcels of riceland, 1.86 hectares in size.^[7] It is further alleged that said "coconut lands which are scattered in different barrios are very far from the poblacion of Labo where petitioners reside which they could not even visit due to the unsettled peace and order conditions," resulting in their only productive property being the rielands.^[8] On August 10, 1982, "petitioners received a communication from respondent Salvador Pejo of Region V of the Ministry of Agrarian Reform informing them that the processing of the land transfer had been initiated and requiring them to submit to the Regional Office all the necessary documents pertinent to their claim" otherwise, the farmer-beneficiaries would be issued the corresponding emancipation patents.^[9] When they asked why a small piece of property of only 1.86 hectares of

riceland should be under Presidential Decree No. 27, they were informed that the text of the Letter of Instruction No. 474 calls for the two parcels of ricelands being included in the Land Transfer Program.[10]

The Solicitor General, in the Comment[11] he was required to file, stated that the total area of the landholding of the petitioners is 56.14 hectares in coconut lands and two parcels of riceland of 1.86 hectares. It was further stated that on August 2, 1982, respondent Director Pejo did take the initial steps for the issuance of the Emancipation Patent to the farmer-beneficiaries based on the existing record of his office and earnestly required the utmost cooperation from petitioners, but despite the initiation of the proceeding for the land transfer claim, there was failure to extend such cooperation. He denied that the Letter of Instruction assailed is unconstitutional, setting forth its background as an implementing measure of Presidential Decree No. 27, the validity of which is not in doubt.[12] He prayed for the dismissal of the petition. His Comment is considered as the Answer.

The plea for dismissal must be granted. There is no legal basis for declaring Letter of Instruction No. 474 void on its face on equal protection, due process and taking of private property without just compensation grounds. The Constitution decrees no less than the emancipation of tenants, and there are safeguards therein to assure that there be no arbitrariness or injustice in its enforcement. There are, moreover, built-in safeguards to preclude any unlawful taking of private property.

1. There is no merit to the contention that Letter of Instruction No. 474 denies equal protection. To condemn as class legislation an executive act intended to promote the welfare of tenants is to ignore not only the letter of the Constitution — incidentally cited in the petition itself - requiring the "formulation and implementation of an agrarian reform program aimed at emancipating the tenant from the bondage of the soil,"[13] but also the nation's history. Among the highlights in the proceedings in the First Constitutional Convention was the reference by then Delegate Miguel Cuaderno to the sad plight of the national hero, Jose Rizal, reflective of the evil spawned by the tenancy system.[14] In *Ramas v. Court of Agrarian Relations*,[15] sustaining the validity of the Agricultural Tenancy Act,[16] there is this relevant excerpt: "The history of land tenancy, especially in Central Luzon, is a dark spot in the social life and history of the people. It was among the tenants of Central Luzon that the late Pedro Abad Santos, acting as a saviour of the tenant class, which for generations has been relegated to a life of bondage, without hope of salvation or improvement, enunciated a form of socialism as a remedy for the pitiful condition of the tenants of Central Luzon. It was in Central Luzon also that the tenants forming the PKM organization of tenants and, during the war, the Hukbalahap, rose in arms against the constituted authority as their only salvation from permanent thralldom. According to statistics, whereas at the beginning of the century we had only 19% of the people belonging to the tenant class, after 60 years the prevailing percentage has reached 30%. It is the desire to improve the condition of the peasant class that must have impelled the Legislature to adopt the provisions as a whole of the Agricultural Tenancy Act, and particularly Section 14 of said Act." [17] Then came the Agricultural Land Reform Code,[18] an enactment that extended even greater benefits to tenants. It was declared valid in *Association of Rice and Corn Producers of the Philippines v. Land Reform Council*. [19] Thus was manifested anew, the concern shown for their rights, even if thereby the interest of the property owners would be adversely affected. No heed was paid to the claim that there was a denial of equal protection. Finally, Presidential Decree No. 27, which anticipated what was to be a constitutional mandate that tenants in rice and corn lands be freed from the bondage of the soil was issued. Again, this Court in the cited case of *Gonzales v. Estrella*, [20] had no difficulty dismissing a petition that it be declared unconstitutional. Nor did counsel even insinuate a possible violation of the equal protection guarantee. In the face of such consistent course of action dictated by the commitment of the fundamental law to the ideal of putting an end to the evils of tenancy, any argument that thereby landholders would be adversely affected is an exercise in futility — except on a showing that in implementing such mandate, there is arbitrariness or unfairness. To that aspect of the case, we now turn.

2. There is no merit either to the contention that Letter of Instruction No. 474 amounts to deprivation of property without due process of law. All that it provides is that the Secretary then, now the Minister, of Agrarian Reform, is to take charge of the Land Transfer Program pursuant to Presidential Decree No. 27. Landholders with tenanted rice/corn lands with areas of seven hectares or less are included if they own other agricultural lands of more than seven hectares in aggregate areas or lands used for residential, commercial, industrial or other urban purposes from which they derive adequate income to support themselves and their families."^[21] It is manifest that there is no departure from constitutional restraints. The attack on due process ground is unavailing as on the face of the challenged measure fairness and justice may easily be discerned. Nothing in its language lend support to the contention that consequences so harsh and drastic would attend its implementation. In language, scheme, and framework, this Letter of Instruction reveals the plan and purpose to attain the goal envisioned by the Constitution but with due regard to the landowners affected. There is a saving clause. They are exempt from its operation if it be shown that from the other lands owned by them of more than seven hectares in aggregate areas if agricultural, or other areas, whether residential, commercial, or industrial or lands devoted to other urban purposes, they are unable to "derive adequate income to support themselves and their families." Where then is the arbitrariness? Where is the injustice?

3. Neither is there any merit to the contention that there would be the taking of property for public use without just compensation. The Constitution itself imposes the duty on the State to emancipate the tenants from the bondage of the soil. What is more, even a month before its adoption by the 1971-1972 Constitutional Convention, Presidential Decree No. 27 was issued. Its validity, to repeat, was unanimously sustained by this Tribunal. No other conclusion could have been reached, conforming as it did to what the fundamental law ordained. The only remaining question then is the compensation to be awarded the landowner. That is provided for in the Decree. Thus: "For the purpose of determining the cost of the land to be transferred to the tenant-farmer pursuant to this Decree, the value of the land shall be equivalent to two and one-half (2-1/2) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree; The total cost of the land, including interest at the rate of six (6) per centum per annum, shall be paid by the tenant in fifteen (15) years of (15) equal annual amortization."^[22] Nor is this all. This petition may be premature. There are, as pointed out, built-in safeguards to assure that landowners are not to be deprived of such lots "from which they derive adequate income for the support of themselves and their families." If petitioners could show that the application of the Letter of Instruction to them would be visited by the failure to meet that standard, they are exempt. They would have then no valid cause for complaint.

WHEREFORE, the petition is dismissed for lack of merit. No costs.

Teehankee, Makasiar, Aquino, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, Gutierrez, Jr., De La Fuente, Cuevas, and Alampay, JJ., concur.

[1] G.R. No. L-28609, January 17, 1974, 55 SCRA 26.

[2] G.R. No. L-35739, July 2, 1979, 91 SCRA 294.

[3] Article XIV, Sec. 12, par. 1 of the Constitution.

[4] Letter of Instruction No. 474.

[5] Ibid, par. 1.

[6] The following provisions of the Constitution were cited: "No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws." Article IV,

Section 1; and "Private property shall not be taken for public use without just compensation." Article IV, Section 2.

[7] Petition, par. 2.

[8] Ibid , par. 3.

[9] Ibid , par. 4.

[10] Ibid , par. 5.

[11] The Comment came from Solicitor General Estelito P. Mendoza, assisted by Assistant Solicitor General Eduardo Montenegro and Solicitor Oswaldo D. Agcaoili.

[12] Comment. There was a Reply to such Comment by petitioners.

[13] Article XIV, Section 12 of the Constitution, reads in full: "The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution."

[14] In *J.M. Tuason and Co. v. Land Tenure Administration*, L-21064, February 18, 1970, 31 SCRA 413, reference was made to the speech of Delegate Miguel Cuaderno as cited in *Guido v. Rural Progress*, a 1949 decision, reported in 84 Phil. 847, 850, to the invocation of Rizal for "inspiration and illumination in [the tenancy] problem of the conflicts between landlords and tenants."

[15] 120 Phil. 168 (1964).

[16] Republic Act 1199.

[17] 120 Phil. 174, 175 (1964). Cf. *Del Rosario v. De los Santos*, L-20489-90, March 21, 1968, 22 SCRA 1196.

[18] Act No. 3844 (1963) as amended by Act No. 6389 (1971).

[19] L-27907, April 20, 1982, 113 SCRA 798.

[20] L-35739, July 2, 1979, 91 SCRA 294.

[21] Letter of Instruction No. 474, par 1.

[22] Presidential Decree No. 27 (1972).

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