

7 Phil. 584

[G.R. No. 3433. March 02, 1907]

**FELIPE ZAMORA, PLAINTIFF AND APPELLANT, VS. THE CITY OF MANILA,
DEFENDANT AND APPELLEE.**

D E C I S I O N

CARSON, J.:

The only question submitted in this case is the meaning which should be given to the word “land” as it is used in the title and the body of Act No. 975 of the Philippine Commission.

The title of Act No. 975 is as follows:

“No. 975.—An act providing for the relief of persons who have paid, in the city of Manila, taxes upon land for the years nineteen hundred and one and nineteen hundred and two upon an excessive assessment.”

As its title indicates, it provides for the relief of *all* persons who paid taxes upon *land* in the city of Manila for the years 1901 and 1902 upon an assessed valuation more than 50 per cent above the revised assessed valuation provided for in Act No. 581, notwithstanding their failure to protest and appeal within the time prescribed by law in such cases.

Counsel for the city contends that the relief provided for in this act extends only to cases where land apart from the buildings and improvements thereon was assessed too high, and that it does not extend to cases where land together with the buildings and improvements thereon were overvalued in the original assessment—in other words, that the word *land* as used in this act means no more than ground, soil, or earth, and does not include buildings and improvements.

It is admitted that the English word *land* may be properly used either in a limited and restricted sense, to signify no more than the ground, earth, or soil, or in a broader and more

comprehensive sense, to signify the ground, soil, or earth, together with the buildings and improvements thereon, and that the precise meaning of the word must be determined in each case from the context, and in accordance with sound rules of interpretation and construction.

The contention of counsel for the city is, therefore, based on the following propositions:

First. That the Philippine Commission have invariably given to the word *land* as used in the acts of the Commission the more restricted and limited signification, using the word *real estate* when it is intended to refer to *lands, with the buildings and improvements thereon*.

Second. That the act under consideration provides for an exemption from taxation and should be construed strictly in accordance with the recognized rules of interpretation in such cases.

We do not think that an examination of the acts of the Commission sustains the appellee's first contention. There is no such uniformity in the use of the words *land* and *real estate* in these acts as would justify the adoption of a rule of interpretation based on this use.

Limiting our attention to Acts Nos. 82, 123, and 551, wherein these words frequently occur in connection with taxation of municipal property, we find that, while the distinction does appear to have been consciously made in Act No. 123, it is wholly disregarded in Acts Nos. 82 and 551.

In sections 78, 79, 80, 81, 82, and 85 of Act No. 82 the word *land* is plainly and manifestly used in its broad signification, and is intended to include the ground, soil, or earth, together with the buildings and improvements thereon, while in other sections of the same act it is as plainly and manifestly used in the narrow and limited signification.

In like manner the words *real estate* are used as synonymous with the word *land* in its broad signification in sections 49, 51, 52, 55, and others of said Act No. 82, while in section 54 of the same act we find the following language used, "real estate and the improvements thereon," suggesting that the words *real estate* had in the mind of the author of this paragraph a synonymous meaning with that of *land* in its limited and more restricted signification.

So in Act No. 581 we find the words *real estate* frequently used in conjunction with the words "and the buildings and improvements thereon," while in section 6 of this act the word

lands is indisputably used in its wider and more comprehensive signification, and is intended to denote earth, ground, or soil, together with the buildings and improvements thereon.

We think that while it may be true that in some of the acts of the Commission the legislator has consciously sought to give to the word *land* and the words *real estate* a special signification, nevertheless such use has not been uniform and the deviations therefrom have been so frequent that it affords no safe rule of interpretation.

The rule of strict construction of statutes granting exemptions from taxation is not applicable in this case. This rule is not without its exceptions and limitations and the plain principles of justice suggest that the act under consideration should be construed with some liberality.

It is essentially a remedial statute, providing for a refund of taxes which appear to have been collected unjustly and upon an unfair and inequitable valuation of land in the city of Manila.

Act No. 581 provides for a revision of the assessment upon real estate in the city of Manila. The opening paragraphs of section 1 of that act are as follows:

“SECTION 1. Whereas it is claimed that the assessment of real estate and improvements in the city of Manila has in many cases been unjust and not according to the true value in money of the property assessed; and

“Whereas it is claimed that in view of the novelty of the procedure, the inexperience of the officials, and the ignorance of the property holders as to the method to be pursued in remedying the injustice done by the assessment, proper appeals have not been taken and satisfactory review of the original assessment has not been had;

“There is hereby created a temporary Board of Tax Revision, which shall perform the duties and exercise the powers hereinafter described and conferred. * * *”

The board thus organized having completed its labors, Act No. 975 undertakes to relieve persons who have paid taxes prior to its organization on grossly excessive valuations upon land, and no satisfactory reason can be assigned for giving its provisions a restricted

interpretation and thus limiting the remedial effect of the statute.

Our opinion that the word *land* in the act should be given a liberal and not a strict interpretation is strengthened by an examination of the official Spanish text.

Act No. 63 of the Commission prescribes that in the construction of acts of the Commission the Spanish text may be consulted to explain the English text in obvious cases of ambiguity, omission, or mistake; in the Spanish text of this act we find the words "*contribucion territorial*" in the title of the act used as equivalent to the words "taxes upon land," and in the first section we find the words "*propiedad inmueble*" used as equivalent to the word "land." These Spanish equivalents are properly used if the word "land" in the English text is given its broad signification, but they are wholly inadequate if the word be given the limited and restricted signification contended for by the city.

The judgment of the trial court is reversed, without special condemnation of costs in this instance, and after twenty days judgment will be entered in accordance herewith and ten days thereafter the record will be returned to the trial court, where judgment will be entered in favor of the plaintiff. So ordered.

Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.
