SUPREME COURT
EN BANC

ANGEL M. TINIO,
***Plaintiff-Appellant*,**

-versus- **G.R. No. L-29488**
December 24, 1968

DALMACIO MINA, ET AL.,
***Defendants-Appellees*.**
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ANGEL M. TINIO,
***Plaintiff-Appellant*,**

-versus- **G.R. No. L-29489**
December 24, 1968

FLORENCIO ANTONIO, ET AL.,
***Defendants-Appellees*.**
x----------x

ANGEL M. TINIO,
***Plaintiff-Appellant*,**

-versus- **G.R. No. L-29490**
December 24, 1968

BARTOLOME NATIVIDAD, ET AL.,
Defendants-Appellees.
x----------x

D E C I S I O N

FERNANDO, *J.*:

The Agricultural Land Reform Code[1] goes rather far, much too far in the opinion of some of its irreconcilable critics, whose opposition has been most vocal and bitter, in curtailing the property rights of landholders in pursuance of the constitutional objectives of social justice and protection to labor.[2] It is understandable then why not a few of its provisions have been assailed as unconstitutional. One would think that a section of such act, giving due course to any application for mechanization properly certified in accordance with the previous statute by the Agricultural Tenancy Commission and the National Resettlement and Rehabilitation Administration with proper notices served on the tenants at least two months prior to its approval on August 8, 1963 and allowing the decision to be based on the Agricultural Tenancy Act formerly in force, would not raise a constitutional question.[3]

Nonetheless, insofar as it could stand in the way of a landholder ejecting a tenant based on such previous statute,[4] there would be a clear need for declaring Sec. 168 void; otherwise such a move would be doomed to failure. That accounts for the three cases originating in the Court of Agrarian Relations where the principal legislative question posed is the validity of the above provision, the retroactive application of which is alleged to be violative of due process. The landholder in this case is plaintiff-appellant Angel M. Tinio. The tenants are defendants-appellees Dalmacio Mina,[5] Florencio Antonio,[6] and Bartolome Natividad.[7]

For a better understanding of the controlling facts, it must be remembered that under Section 50 of the previous law, the Agricultural Tenancy Act, the dispossession of a tenant by the

landholder based on the ground of the latter's intention of mechanizing his farm was allowed subject to certain conditions. They are that the landholder (1) shall at least one year but not more than two years prior to the date of his petition to dispossess the tenant file a notice with the Court of Agrarian Relations; and (2) shall inform him in writing in a language or dialect known to him of such intention to cultivate the land himself, through the employment of mechanical implements. It is required likewise that there be a certification of the Agricultural Tenancy Commission that the land is suited for mechanization and another certification from the manager of the National Resettlement and Rehabilitation Administration that it can resettle the tenant immediately in the event that the petition for dispossession is authorized.

On the basis of the above statutory provision, plaintiff- appellant Tinio, with intention to mechanize his land occupied by his tenants, now defendants-appellees Mina, Antonio and Natividad, obtained the required certification both from the Agricultural Tenancy Commission on March 22, 1963 and from the National Resettlement and Rehabilitation Administration on May 30, 1963. While there was an allegation that the notice of such intention to mechanize was served on the tenants, the brief of plaintiff-appellant did not show whether it was made in writing. No mention was made of the date either.

The Agricultural Land Reform Code took effect on August 8, 1963, as previously noted, while the previous ground for dispossession based on mechanization was omitted, Section 168 thereof would preserve such right of the landholder under the previous statute, if he could show that the corresponding certification for suitability for mechanization and availability for resettlement were thus obtained from the proper agencies and proper notices were served on the tenants at least two months prior to its approval. To be more precise, the tenants should have been notified, if reliance be placed on the above provision, at the latest on June 8, 1963, the law having taken effect on August 8 of that year.

Plaintiff-appellant Tinio in these three cases, however, waited almost two years from such date, having filed his action in the Court of Agrarian Relations in Guimba, Nueva Ecija against defendant-

appellee Mina under date of July 8, 1965, defendant-appellee Antonio, July 11, 1965 and defendant-appellee Natividad, August 5, 1965, the complaints were for the mechanization of the land under tenancy, owned by plaintiff-appellant Angel M. Tinio. On August 10, 1965, defendants-appellees through counsel, the then incumbent mayor of such municipality filed a motion to dismiss based on the ground that under the above referred to Section 168 of Agricultural Land Reform Code, the Court of Agrarian Relations was without jurisdiction over the subject matter. It was contended in the opposition to such motion to dismiss that to apply the aforesaid Section would be to taint it with invalidity as it would deprive plaintiff-appellant of a vested right. On February 26, 1966, the opposition notwithstanding, the Court of Agrarian Relations dismissed all of the three above cases for lack of jurisdiction in accordance with the aforesaid section. A more accurate ground on which dismissal could be predicated could have been the absence of a cause of action in all three cases, no showing having been made that there was full compliance by plaintiff-appellant Tinio with the terms of Section 168, which did preserve, under the conditions therein provided, the jurisdiction of the Court of Agrarian Relations. At any rate, appeals were taken from such order of dismissal to the Court of Appeals, which certified the matter to us, the decisive issue being one of constitutionality, the briefs of plaintiff-appellant Tinio in all three cases rather insistent in their condemnation of the alleged nullity of Section 168 of the Agricultural Land Reform Code.

We could sustain the Court of Agrarian Relations in its dismissal of the three above cases in view of the rather conspicuous failure of plaintiff-appellant to show a cause of action. That would leave the constitutional question still open, the doubt thus engendered likely to plague the various Court of Agrarian Relations in subsequent cases. Such a situation may be fraught with undesirable consequences.

The Agricultural Land Reform Code is undeniably a major piece of social legislation. It is not for us to give expression to our views as to whether it is unnecessary, unwise, or inexpedient. We are called upon however to decide whether the claim of landholders of any infringement of constitutional rights, be passed upon, and as promptly as possible. Thereby, whatever be the decision, others similarly situated, and much more so, the agricultural workers for

whose benefit the legislation was enacted, could be certain as to what precisely may be constitutionally done. We feel under the circumstances that the validity of Sec. 168 of the Agricultural Land Reform Code should be inquired into.

The Court of Agrarian Relations must be upheld; the attack on the validity of the above Section of the Agricultural Land Reform Code is flimsy and insubstantial.

1. Sec. 168 of the Agricultural Land Reform Code being essentially procedural, the question of retroactivity hardly poses a serious problem. Less than a month ago, in Gregorio vs. Court of Appeals,[8] we explicitly affirmed: "under the doctrine uninterruptedly adhered to by this Court, the retroactive application of a procedural law is not violative of any right of a party who may feel that he is adversely affected." More to the point, in Laurel vs. Misa,[9] we made clear that "there is no constitutional objection to retroactive statutes where they relate to remedies or procedure." To the same effect: "The amendment being procedural in character, no vested rights could attach."[10]

2. On what basis then could the contention of unconstitutionality based on retroactivity be made to rest, with some degree of plausibility? Plaintiff-appellant would assert that the right to file such an action not in accordance with the present Sec. 168 of the Agricultural Land Reform Code, but with Sec. 50 of the Agricultural Tenancy Act, is a vested right of a substantive, not merely of a procedural, character. As set forth in the brief for plaintiff-appellant in his case against defendant-appellee Mina: "The appellant before the enactment of the new law has already acquired a vested right and has complied with the provision of Sec. 50 of R.A. No. 1199 as amended, prior to the filing of the instant complaint for mechanization."[11] Also, "the new law is not procedural in nature which may have retroactive effect, for it affects a right already acquired by the appellant."[12]

Assume that the right vested in the plaintiff-appellant was in reality substantive rather than procedural, would his contention prevail? The answer must still be in the negative.

It is to be admitted that a vested right, substantive in character, comes within the protection of the Constitution under the due process clause. In certain cases, it could find shelter under non impairment guaranty, but not according to the facts as found in these three suits before us. There is no assertion of any obligation arising from contract being disregarded, nor could any such averment be made. To follow plaintiff-appellant's approach, it likewise admits of no doubt that there may be instances where retroactivity as such would amount to a denial of due process. It does not follow, however, that each and every instance where a law operates to affect past events is to be condemned as obnoxious to such a basic right.

For what does due process signify? According to a recent decision: "It is responsiveness to the supremacy of reason, obedience to the dictates of justice. Negatively put, arbitrariness is ruled out and unfairness avoided. To satisfy the due process requirement, official action, to paraphrase Cardozo, must not outrun the bounds of reason and result in sheer oppression. Due process is thus hostile to any official action marred by lack of reasonableness. Correctly has it been identified as freedom from arbitrariness. It is the embodiment of the sporting idea of fair play. It exacts fealty `to those strivings for justice' and judges the act of officialdom of whatever branch `in the light of reason drawn from considerations of fairness that reflect [democratic] traditions of legal and political thought.'"[13]

It is thus easily understandable why the allegation based on the insistence on the alleged denial of due process by plaintiff-appellant cannot be deemed persuasive. Rather than being arbitrary or possessing an element of unfairness, the challenged Sec. 168 of the Agricultural Land Reform Code reveals on its face the concern shown by the legislative body for pending actions for mechanization based on the

previous Agricultural Tenancy Act. How could it be said that such section is tainted by unreasonableness or oppressiveness?

Plaintiff-appellant, along with almost every other Filipino, must have been aware all the while that beginning the legislative sessions from 1962, a land reform measure, more comprehensive in scope and much more generous in its conferment of benefits to agricultural workers, had been vigorously and extensively discussed and debated, until its final approval on August 8, 1963. It could have been reasonably assumed then by landholders that whatever privileges had been enjoyed by them under the Agricultural Tenancy Act could still be curtailed. The element of surprise was clearly lacking. They were not left in the dark at all. Whatever they could validly do under the previous statute, they should have done, before it might prove too late. That is what happened here.

Under the above circumstances, the allegation that the retroactive aspect of the challenged Section, even if the right formerly recognized as possessed by landholders to file such suits for mechanization under the previous law be considered substantive rather than procedural, sufficed to call for a judgment of nullity should fall on deaf ears. There is manifestly no violation of the due process guaranty. Section 168 is not unconstitutional.

3. Plaintiff-appellant's case for invalidity, weak enough as it is, dwindles to the vanishing point, considering that the case for mechanization against defendant-appellee Mina was filed on July 8, 1965, that against defendant-appellee Antonio on July 11, 1965 and that against defendant-appellee Natividad on August 5,1965. In these three above cases then, plaintiff-appellant allowed almost two years to lapse after the effectivity of the Agricultural Land Reform Code before going to court. For him then to voice a plea of anguish, complaining of the alleged retroactivity of the challenged Section, is to elicit not sympathy but rejection. Whatever be

the plight he might find himself in now, he has only himself to blame.

Even the equities of the case frown on his pretension. Plaintiff- appellant, after allowing such a long period of time to elapse, to enforce whatever rights he felt he was entitled to, could not thereafter impugn the challenged section which rightfully poses an insuperable barrier to his unwarranted claim.

4. That is all then that these three cases present. What was done by the Court of Agrarian Relations was strictly in accordance with law. The reversal of the orders of dismissal certainly is uncalled for. Respect for a valid statute demands no less. What is regrettable is that plaintiff-appellant, adamant and unbending in his refusal to follow the dictates of the Agricultural Land Reform Code, would seize upon a flimsy and insubstantial argument in the vain hope of imparting deceptive plausibility to the assertion of a non-existing right even to the extent of alleging nullity of the challenged section. How could he hope to show its alleged invalidity, when, both according to reason and precedent, no ground for such a conclusion, does exist?[14]

WHEREFORE, the orders dated February 26,1966, in all of the three cases before us, dismissing for want of jurisdiction the complaints for mechanization filed by plaintiff-appellant against defendants- appellees Mina, Antonio and Natividad, are hereby affirmed. With costs in each of the three above cases against plaintiff-appellant.

Dizon, Makalintal, Zaldivar, Sanchez and Capistrano, *JJ.*, concur.
Concepcion, *C.J.*, concurs in the result.
Reyes, *J.*, I concurs on the ground that the petitions do not state a cause of action.
Ruiz Castro, *J.*, did not take part.

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[1] R.A. Act No. 3844, approved August 8, 1963.

[2] Sec. 2, Art. V and Sec. 6, Art. XIV, Constitution of the Philippines.

[3] Section 168 of the Agricultural Land Reform Code provides: "Pending Application for Mechanization. - Any provision of this Code to the contrary notwithstanding, any application for mechanization where corresponding certifications for suitability for mechanization and for availability of resettlement by the Agricultural Tenancy Commission and the National Resettlement and Rehabilitation Administration, respectively, have been issued and proper notices served on the tenants at least two months prior to the approval of this Code shall be given due course and decided in accordance with the pertinent provisions and requirements of Republic Act Numbered Eleven hundred and ninety-nine, as amended."

[4] Sec. 50. par (a) of the Agricultural Tenancy Act provides: "Causes for Ejectment. — Any of the following, and no other, shall be sufficient cause for the dispossession of a tenant from his holdings: (a) The bona fide intention of the landholder-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: Provided, however, That should the landholder-owner of the aforesaid relative not cultivate the land himself for at least three years or the landholder-owner and his successor in interest should fail to employ mechanical farm implements for a period of at least five years after dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and damages for any loss incurred by him because of said dispossession: Provided, further, That the landholder-owner of 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 himself, either personally or through the employment of mechanical implements: Provided, That in the latter case, the notice to the tenant and to the court should be accomplished by a certification of the Agricultural Tenancy Commission that the land is suited for mechanization and by a certification by the manager of the National Resettlement and Rehabilitation Administration that it will be able to provide immediate resettlement to the tenants in case their dispossession is authorized by the court:"

[5] L-29488.

[6] L-29489.

[7] L-29490.

[8] L-22802, Nov. 29, 1968. Citing Enrile vs. Court of First Instance of Bulacan, 36 Phil. 574 (1917); Hosana vs. Diomano, 56 Phil. 741 (1927); Guevara vs. Laico, 64 Phil. 144 (1937); Sevilla vs. Tolentino, 66 Phil. 196 (1938); Camacho vs. Court of Industrial Relations, 80 Phil. 848 (1948); People vs. Young, 83 Phil. 702 (1949); Ongsiako vs. Gamboa, 86 Phil. 50 (1950); Salcedo vs. Carpio, 89 Phil. 254 (1951); Castro vs. Sagales, 94 Phil. 208 (1953)

[9] 76 Phil. 372, 378 (1946)

[10] Billones vs. C.I.R., L-17566, July 30, 1965.

[11] Brief for Appellant, p. 15. The same statement in identical language likewise appears on the appellant's brief against defendant- appellee Antonio on the very same page. So it is in his brief against defendant-appellee Natividad.

[12] In plaintiff-appellant's brief against defendant-appellee Antonio and defendant-appellee Natividad, the very same language was used appearing likewise on pp. 15-16 thereof.

[13] Ermita-Malate Hotel Assn. vs. Mayor of Manila, L-24693, July 31, 1967, followed in Morfe vs. Mutuc, L-20387, Jan. 31, 1968 and in Santiago vs. Alikpala, L-25133, Sept. 28, 1968.

[14] The other errors assigned to the effect that Sec. 165 is not a ground for a motion to dismiss, that there should have been a hearing and presentation of evidence in support of a Motion to Dismiss, and that defendants-appellees were represented by the Mayor of said Municipality, who was without proper permission to practice his profession need not be considered at all, the decisive issue being on the alleged unconstitutionality of Sec. 168 of the Agricultural Land Reform Code.