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THIRD DIVISION

[G.R. No. 108725-26, September 25, 1998]

PEOPLE OF THE PHILIPPINES AND FARMERS COOPERATIVE MARKETING ASSOCIATION (FACOMA), SAN JOSE, OCCIDENTAL MINDORO, PETITIONERS, VS. THE HON. EMILIO L. LEACHON, JR., PRESIDING JUDGE, RTC, BRANCH 46, 4TH JUDICIAL REGION, SAN JOSE, OCCIDENTAL MINDORO, RESPONDENTS.

D E C I S I O N

PURISIMA, J.:

The People of the Philippines, represented by the Provincial Prosecutor of Occidental Mindoro, and the private complainant, Farmers' Cooperative Marketing Association (FACOMA), brought this special civil action for *certiorari* and mandamus, to annul the orders, dated January 18 and February 4, 1993, respectively, of Presiding Judge Emilio L. Leachon, Jr. of the Regional Trial Court, Branch 46, San Jose, Occidental Mindoro, who dismissed Criminal Case Nos. R-2877 and R-2828, and denied herein petitioners' motion for reconsideration. Petitioners further pray that respondent Judge be ordered to proceed with the trial of said cases.

The antecedent facts that matter are, as follows:

> On August 7, 1990, pursuant to the Resolution of the Municipal Trial Court of San Jose, Occidental Mindoro, the Provincial Prosecutor of Occidental Mindoro filed two separate informations for violation of P. D. 772, otherwise known as the Anti-Squatting Law, against Noli Hablo, Edmundo Mapindan and Diego Escala, docketed as Criminal Case Nos. R-2877 and R-2828, before the Regional Trial Court of Occidental Mindoro presided over by respondent judge.
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> The cases proceeded to trial. After presenting its evidence, the prosecution rested the cases, sending in a written offer of evidence on November 14, 1991.
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> On August 18, 1992, almost a year after the prosecution had rested, the respondent Judge issued an Order dismissing the said cases *motu proprio* on the ground of "lack of jurisdiction."
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> From the aforesaid order of dismissal, petitioners appealed to this Court via a Petition for Certiorari, Prohibition and Mandamus, which was referred to the Court of Appeals for proper disposition.

On December 24, 1992, the 12th Division of the Court of Appeals came out with a decision reversing the appealed Order of dismissal, ordering continuation of trial of subject criminal cases, and disposing, thus:

> "IN VIEW OF ALL THE FOREGOING considerations, the petition is given due course and the orders of respondent judge dated August 19, 1992 and September 1, 1992 are set aside and declared null and void. Respondent judge is hereby directed to proceed with the hearing of the case, i.e., with the presentation of evidence by the accused, then the rebuttal or surrebuttal evidence, if necessary and thereafter, to decide the case on the basis of the evidence adduced. No pronouncement as to costs.
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> SO ORDERED."

On January 19, 1993, instead of conducting the trial, as directed by the Court of Appeals, the respondent judge dismissed the cases *motu proprio, once more,* opining that P.D. 772 is rendered obsolete and deemed repealed by Sections 9 and 10, Article XIII of the 1987 Constitution, which provide that "urban or rural poor dwellers shall not be evicted nor their dwellings demolished except in accordance with law and in a just and humane manner."

Petitioners' Motion for Reconsideration interposed on January 29, 1993, having been denied by the respondent Judge on February 4, 1993, petitioners found their way to this court via the instant petition.

The issue posited here is whether or not the respondent judge acted with grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing subject criminal cases for violation of the Anti-Squatting Law, and in declaring the said law as repugnant to the provisions of the 1987 Constitution.

To begin with, to every legislative act attaches the presumption of constitutionality. (Misolas vs.Panga, 181 SCRA 648; Alvarez vs. Guingona, Jr., 252 SCRA 695). Unless otherwise repealed by a subsequent law or adjudged unconstitutional by this Court, a law will always be presumed valid and the first and fundamental duty of the court is to apply the law. (Lim vs. Pacquing, 240 SCRA 649; National Federation of Labor vs. Eisma, 127 SCRA 419)

Then, too, it is a basic rule of statutory construction that repeals by implication are not favored unless it is manifest that such is the legislative intent. (Napocor vs. Province of Lanao del Sur, 264 SCRA 271) This doctrine is premised on the rationale that the will of the legislature cannot be overturned by the judicial function of construction and interpretation. (Ty vs. Trampe, 250 SCRA 500; Frivaldo vs. Comelec, 257 SCRA 727; Agujetas vs. Court of Appeals, 261 SCRA 17)

Presidential Decree No. 772, otherwise known as the Anti-Squatting Law, enjoys this presumption of constitutionality. At the time the respondent Judge rendered the questioned Decision and issued the orders of dismissal in 1993, Presidential Decree No. 772, Anti-Squatting Law, was still effective. Neither has this Court declared its unconstitutionality, notwithstanding the social justice provision of Article XIII of the 1987 Constitution, specifically on urban land reform and housing.

Article XIII of the 1987 Constitution, provides: