

94 Phil. 927

[G.R. No. L-5773. May 10, 1954]

**EULAUA, ESTANISLAWA, PEDRO, JOVITO, NLCANOR AND SUSANA, ALL
SURNAMED CASIMIRO, PETITIONERS, VS. FABIAN SOBERANO, RESPONDENT.**

D E C I S I O N

JUGO, J.:

This is a petition for certiorari by way of appeal to review a decision of the Court of Appeals.

The parties submitted to the trial court the following agreed statement of facts:

“1. That the property described in paragraph 1 of the complaint is covered by Transfer Certificate of Title No. 41201, City of Manila, registered in the name of Cirila Ortega, Filipina, of lawful age, single;

“2. That the said Cirila Ortega died intestate in the City of Manila on May 13, 1945, without intestate proceedings having been instituted in court up to the present time;

“3. That the said property was delinquent in the payment of real estate taxes due to the City of Manila for the second semester of the year 1946 and for the years 1946 and 1947;

“4. That, due to the said delinquent in the payment of real estate taxes, the said property was sold at public auction by the City Treasurer of Manila on December 29, 1947, according to the records of that office;

“5. That

the defendant bought in the said auction a portion of the property in question consisting of 94 square meters, according to the records of the City Treasurer of Manila;

“6. That, on September 29, 1949, the City Treasurer of Manila executed a ‘Deed of Sale’ of the said portion of 94 square meters of the property in question in favor of the defendant, which was duly registered in the Office of the Register of Deeds of the City of Manila on October 14, 1949, under Primary Entry No. 542/T-17, and duly annotated on the Original Transfer Certificate of Title No. 41201;

“7. That, according to Mr. Rosendo O. Subido, a member of the Manila Realty Board, the price of land in the locality of the property in question in the year 1947 was P15 per square meter and is still the same price;

“8. That, on August 29, 1948, the City Treasurer of Manila addressed a letter to Cirila Ortega at 422 M. Ocampo Street, Manila, and on October 9, 1948 another letter was addressed to Cirila Ortega at No. 422 Quezon Boulevard, Manila, advising her of the sale of the property in question at public auction due to the delinquency in the payment of taxes and reminding her to repurchase the same before the expiration of one year from the date of the sale, but both letters were returned to the City Treasurer by the Manila Post Office with the notation ‘Return to Sender’;

“9. That Martin Ocampo street has been eliminated and absorbed by the Quezon Boulevard some fifteen (15) years ago;

“10. That, on October 13, 1949, the plaintiffs deposited with the Clerk of Court the sum of P12.06, as per official receipt No. 2338130, to cover the delinquent taxes including interests thereon.

“WHEREFORE, it is prayed that the foregoing be admitted as part of the evidence in the present action”.

It appears that the procedure followed by the City Treasurer in selling the property at public auction was perfectly regular and in accordance with law. The death of the predecessor-in-interest of the plaintiffs did not affect such procedure, as her heirs could have taken care of the property. A similar case has been decided by this Court in *Valbuena, et al. vs. Aurelio Torres, et al.*,^[*] 47 Off. Gaz., p. 1209, in March, 1951, in which it was held that the death of the real estate owner, who, for that reason, could not personally receive the notice of delinquency and of the sale at public auction did not affect the validity of the proceedings for the reason that his heirs or successors-in-interest could act in his stead.

The point urged by the appellant is that the land was sold for the unconsciounably low price of P10.19 for ninety-four square meters. With regard to this point, Justice Dionisio de Leon, with the concurrence of Justices Roberto Conception and Arsenio P. Dizon, of the Court of Appeals, says:

“* * * Considering that the lot is only 210 square meters, the price of P10.19 for 94 square meters thereof ceases to be unconsciounable, as it is hard to believe that a much smaller portion could have been sold at the same amount.

“Moreover, the plaintiffs have no one to blame but themselves for the loss of a portion of the property in question. As aptly observed by the trial court, they have shown themselves to have been careless, negligent and guilty of laches in not doing what their predecessor, Cirila Ortega, could and should have done had she been living. Plaintiff Pedro Casimiro was more than 50 years old when Cirila Ortega died in 1945. According to the court below, this witness was not lacking in education, judging from his appearance and manner of testifying before the said court. While this plaintiff testified that he never lived with, or interfered in the affairs of, his alleged mother, Cirila Ortega, he admitted, however, that his sisters, his co-plaintiffs, lived with Cirila Ortega since they were born and until the death of

their alleged mother. During all those years, it is hard to believe that Pedro's sister's who, according to the court below, also appeared to be advanced in years, were ignorant of the business affairs and worldly possessions of their alleged mother. Another proof of their carelessness and negligence is the circumstance that, as divulged in their reply, dated October 14, 1949, to defendant-appellee's amended answer, it would tend to show that all the papers of the deceased Cirila Ortega, including the owner's duplicate of transfer certificate of title No. 41201 and realty tax receipts for said property in the name of the deceased, were all the time in the custody of the plaintiffs".

We find no error of law in the decision of the Court of Appeals, nor any other justifiable reason for reversing or modifying it.

In view of the foregoing the petition is denied, without costs. It is so ordered.

Paras, C. J., Pablo, Bengzon, Montemayor, Reyes, Bautista Angelo, and Labrador, JJ., concur.

^[*] 84 Phil., 676
