

Title:

Adalia B. Francisco vs. Zenaida F. Boiser: A Case of Legal Redemption and Notification in Co-Owned Property

Facts:

Adalia B. Francisco and her sisters co-owned four parcels of land in Caloocan City, where the Ten Commandments Building stood. One-fifth of their share was sold to their mother, Adela Blas, in 1979. Without the other co-owners' knowledge, Adela sold this share to Zenaida Boiser in 1986. Francisco discovered this sale in 1992 when she received a summon for a lawsuit filed by Boiser demanding her share of the rental income.

Francisco immediately expressed her intention to exercise her legal right to redeem the sold share and deposited the amount with the Clerk of Court. This redemption attempt was made as a counterclaim in the lawsuit but was dismissed along with the case. In 1995, Francisco filed a case (Civil Case No. C-17055) asserting that the sale's notification requirement was not met, hence her redemption period did not start. Boiser contended that Francisco was aware of the sale since 1992, showing evidence of correspondence between them regarding rental payments.

The Regional Trial Court ruled against Francisco, finding that being informed of the sale by Boiser, albeit not through a formal notice from the seller, complied with the legal requirement for the redemption notification. The Court of Appeals upheld this decision.

Issues:

1. Whether the letter sent by Boiser to Francisco, informing her of the sale, satisfies the requirement of Art. 1623 of the Civil Code for the lawful exercise of the right to legal redemption.

Court's Decision:

The Supreme Court granted Francisco's petition, reversing the Court of Appeals' decision, emphasizing that notice of the sale must come exclusively from the vendor to meet the Art. 1623 Civil Code requirements. It ruled that while the notification by the buyer (Boiser) narratively informed Francisco of the sale, it did not officially start the redemption period because the law specifies the notice should be from the seller. However, the Court also considered that Francisco's knowledge obtained through the summons in the 1992 lawsuit constituted actual knowledge, starting the 30-day redemption period from that point. Since Francisco attempted to redeem the property shortly after acquiring actual knowledge, her

redemption was deemed timely and should be recognized.

Doctrine:

This case reinforces the doctrine that the notice required under Art. 1623 of the Civil Code, for a co-owner to exercise their right of redemption, must be given by the seller (vendor) or prospective seller of the shared property, not any other party.

Class Notes:

- **Legal Redemption:** A co-owner's right to redeem, or buy back, a share sold to a third party within a specified period, under Art. 1623 of the Civil Code of the Philippines.
- **Art. 1623:** Specifies that notice of sale which activates the right of legal redemption must come from the seller, highlighting the importance of how and from whom the co-owners are informed about the sale.
- **Notification Requirements:** The Supreme Court's interpretation stresses that actual knowledge of the sale should trigger the start of the redemption period, but underscores that ideally, this knowledge must come through formal notification by the seller to fulfill the legal requirements precisely.
- **Case Implication:** In scenarios where formal notice from the seller is absent, other forms of actual knowledge can instigate the redemption period, aligning with the principle of substantial compliance and the intention to avoid sacrificing substance for technicality.

Historical Background:

This case situates itself within the complex dynamics of property law in the Philippines, particularly the importance of the co-ownership rights and the procedural nuances that dictate the exercise of such rights. The reversal of the Court of Appeals' ruling by the Supreme Court underscores the judicial emphasis on strict adherence to legal provisions regarding notification in co-ownership transactions and highlights evolving interpretations of property law doctrines.