

Title: Gosiengfiao Heirs vs. Court of Appeals and Mariano (Right of Legal Redemption Timeliness)

Facts:

This case revolves around the exercise of the right of legal redemption concerning a residential lot in Ugac Sur, Tuguegarao, Cagayan, initially owned by Francisco Gosiengfiao, who mortgaged the property to the Rural Bank of Tuguegarao. Following Gosiengfiao's death, his heirs (petitioners) sought to redeem the property after it was foreclosed and sold. The procedural journey to the Supreme Court began with the heirs discovering in 1982 that the property had been sold to Leonardo Mariano without their knowledge. Acting on this, they initiated a lawsuit for "recovery of possession and legal redemption with damages" against the Marianos, asserting their co-ownership and right to redeem their shares.

The Trial Court initially ruled in favor of the Marianos, asserting that since Amparo Gosiengfiao-Ibarra (one of the heirs) redeemed the property using her funds, the petitioner-heirs had lost all their rights over the property. This was overturned by the Court of Appeals, which recognized the heirs' rights as co-owners eligible to redeem their shares. Subsequently, the Supreme Court affirmed this, explicitly stating that the heirs could exercise their right of redemption, given there was no written notification of the sale. This determination by the Supreme Court was made final and executory.

Despite this, confusion arose on how the redemption period should be counted - from the notice of sale or from the finality of the Supreme Court's judgment. This led to a contentious implementation of the redemption process, with the heirs filing for execution of the decision, tendering the redemption price, and various motions filed by both parties influencing the course of action in the lower court. The Regional Trial Court's handling of these motions ultimately led to an appeal before the Court of Appeals, which ruled that the heirs lost their right to redeem as they did not act within the 30-day period reckoned from the date of the Supreme Court's finality of judgment.

Issues:

1. Whether the Supreme Court's decision constitutes written notice of sale, triggering the start of the 30-day redemption period.
2. Whether the petitioner-heirs timely exercised their right of legal redemption.

Court's Decision:

The Supreme Court granted the petition, thereby reversing and setting aside the decision of

the Court of Appeals. The Court held that the 30-day redemption period did not commence from the finality of its decision since what was crucial was the lack of written notice of sale by the vendor as indicated in its earlier ruling (*Mariano v. CA*). The Court confirmed that subsequent actions by petitioner-heirs sought to comply with the procedural requirements for executing the final decision were in a timely and proper manner, hence validating the exercise of their right of redemption.

Doctrine:

The “right of legal redemption” under Article 1623 of the Civil Code requires a written notice of sale by the vendor for the 30-day redemption period to commence. The Supreme Court’s decision in a case does not constitute such notice.

Class Notes:

1. **Legal Redemption**: Co-owners’ right to redeem a sold share within 30 days upon written notice by the vendor, as per Article 1623 of the Civil Code.
2. **Notice Requirement**: Vital for the countdown of the redemption period; must be in writing and come from the vendor.
3. **Execution of Judgments**: A motion for execution of a decision can be filed within five years from the date of its entry (Rule 39, Section 6 of the Rules of Court).

Historical Background:

This case underscores the procedural challenges and the interpretation of legal redemption rights within the Philippine co-ownership context. It highlights the critical role of written notice in triggering the redemption period and reinforces the principle that judicial decisions serve to recognise rights rather than act as notices that activate legal procedures or periods.