

****Title:** Carlos Alonzo and Casimira Alonzo vs. Intermediate Appellate Court and Tecla Padua******

****Facts:****

1. Five siblings, including Celestino and Eustaquia Padua, inherited equal shares of a parcel of land in Tarlac registered under OCT No. 10977.
2. March 15, 1963: Celestino Padua sold his undivided share to Carlos and Casimira Alonzo for P550.00.
3. April 22, 1964: Eustaquia Padua sold her share to the same spouses in a pacto de retro sale for P440.00.
4. Post-sale, the Alonzo spouses occupied two-fifths of the lot and enclosed the area.
5. In 1975, Eduardo Alonzo (son) and his wife, with consent, built a house on the enclosed land.
6. February 25, 1976: Mariano Padua, another heir, attempted to redeem the land but was barred as he was an American citizen.
7. May 27, 1977: Tecla Padua filed to redeem the area under Article 1088 of the Civil Code, asserting her right of redemption.
8. Trial court dismissed Tecla's complaint due to actual notice of the sales and lapse of the redemption period, even without written notice.
9. Tecla appealed and the Intermediate Appellate Court reversed the trial court, stating the need for written notice as per Article 1088.
10. The case reached the Supreme Court challenging the appellate court's reliance on written notice requirement.

****Issues:****

1. Whether Article 1088's requirement of written notice for the right of redemption to begin can be supplanted by actual notice.
2. Whether the 30-day redemption period had expired due to the lapse of time given actual notice of the sales.

****Court's Decision:****

- The Supreme Court reversed the Intermediate Appellate Court's decision, reinstating the trial court's dismissal of Tecla Padua's complaint.

1. **Article 1088 Notice Requirement:**

- Article 1088 requires heirs to provide written notice to other co-heirs for the redemption period to begin.

- The law's intent is to ensure proper and clear notification to prevent disputes over time lapses.

- However, in practical application, justice over mere formality was considered paramount.

2. **Actual vs. Written Notice:**

- Given the small size of the lot, occupancy changes, and close familial and social relationships, the co-heirs including Tecla had actual notice.

- The presence of a semi-concrete house by the Alonzos indicated ownership, not a mortgage.

- The Court interpreted that despite the requirement of written notice, actual knowledge over such a long period (13-14 years) sufficed to start the redemption period.

3. **Lapse of Redemption Period:**

- Even without formal written notices, the circumstances indicated the co-heirs had prolonged actual notice far exceeding the 30-day period for redemption.

- The Court held that actual notice in this specific context satisfied the law's intent, and thus, Tecla Padua's 1977 redemption attempt was untimely.

Doctrine:

1. The principle that justice is paramount in law application. While Article 1088 specifies written notice, actual notice over an extended period may suffice under peculiar circumstances.

2. Article 1088 and Article 1623 of the Civil Code intended to ensure redemptioners are informed but writeship typifies clarity, not formality overriding substantial justice.

Class Notes:

- **Elements of Redemption Under Article 1088:**

- Sale of hereditary rights to a stranger before partition.

- Written notice to the co-heirs.

- 30 days to redeem upon written notice.

- **Relevant Statutes:**

- Civil Code Article 1088: Co-heirs' right to redeem.
- Civil Code Article 1623: Analogous provisions for pre-emption or redemption.
- ****Application:****
 - Actual notice, despite the statutory written requirement, was deemed sufficient given extensive and clear knowledge over time.
 - Intent of the law prevails against rigid formality when applying the law would lead to manifest injustice.

****Historical Background:****

- The case highlights the Philippine judiciary balancing strict statutory adherence with equitable justice.
- Reflects the tendency to favor substantive justice over procedural technicalities in long-standing disputes among closely-connected parties. The decision aligns with a broader judicial sentiment recognizing the spirit and intent of laws within the cultural context of familial and property relationships in the Philippines.