

**JOSE AGBULOS, PLAINTIFF AND APPELLANT, VS. JOSE C. ALBERTO
DEFENDANT AND APPELLEE.***G. R. No. L-17483. July 31, 1962*

Ponente: DIZON, J.

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By virtue of a writ of execution issued by the Court of First Instance of Manila on March 16, 1959 in Civil Case No. 18644 entitled Jose Agbulos, plaintiff, vs. Jose C Alberto, defendant, the rights, interests and participation of the latter in a parcel of land covered by Transfer Certificate of Title No. 24643 of the land records of Manila were levied upon. After due proceedings the corresponding execution sale thereof was had on June 15, 1959, with herein appellant Agbulos (judgment creditor in the case) as the highest bidder. The officer who made the sale issued the certificate of sale on July 8, 1959 and the same provided that "The redemption of the above described property from the purchaser may be made at any time within twelve (12) months after the sale." The same was registered in the Office of the Register of Deeds of Manila on July 18, of the same year. The entry or annotation made on the back of the title of the property reads as follows:

"Entry No. 9221/T24653—Certificate of sale—In favor of JOSE AGBULOS—Affecting the rights interest and participation of Jose C. Alberto in the property herein described for the sum of P6,000.00 by the sale having been made at public auction by the Sheriff of Manila, pursuant to the Notice of Levy inscribed hereon under Entry No. 5324/E03701 subject to redemption within one (1) year from registration hereof.

"Date of instrument—July 8, 1959

"Date of inscription—July 18, 1959 at 3:40 pm,"

On June 23, 1960, appellee herein (judgment debtor in the case) paid the Sheriff of Manila the total sum of P6,670.00 for the redemption of the property and said officer executed in his favor on the same date the corresponding certificate of redemption.

It appears that on the same date (June 23, 1960) appellant filed with the Sheriff of Manila a verified request for the execution and delivery to him of the final deed of sale upon the ground that the judgment debtor had not redeemed the property within the period of one year after the sale. On June 29 of the same year the Sheriff replied that he could not accede to the request, giving the following as his reasons for the denial: (a) that the certificate of sale in favor of appellant was registered only on July 18, 1959, for which reason the period of redemption commenced to run only from such date, and (b) that the judgment debtor had deposited on June 23, 1960, that is, before the expiration of the one-year period of redemption, the total sum of P6,670.00 in full redemption of his property.

In view of the action taken by the Sheriff, on July, 5, 1960 appellant filed a motion in Civil Case No. 18644 praying for an order annulling the certificate of redemption issued by the Sheriff of Manila in favor of appellee and directing said officer to issue the corresponding certificate of absolute sale in his favor. Appellee opposed the motion, and on July 22, 1960 the lower court denied the same. Hence this appeal taken by Agbulos who claims

that the lower court erred in ruling that the one-year period of redemption commenced to run only from the date of the registration of the certificate of sale and, consequently, erred likewise in denying his motion of July 5, 1960.

Section 26, Rule 39 of the Rules of Court provides that "the judgment debtor, or redemptioner, may redeem the property from the purchaser, at any time within twelve months after the sale" (*Italics supplied*) without specifying whether the period should start from (1) the date when the execution sale was made, or (2) from the date when the certificate of sale was executed by the sheriff who made the sale, or (3) from the date when said certificate of sale was registered in the office of the corresponding register of deeds.

The property involved in the present case is registered land. It is the law in this jurisdiction that when property brought under the operation of the Land Registration Act is sold, the operative act is the registration of the deed of conveyance. The deed of sale does not "take effect as a conveyance, or bind the land" until it is registered (Section 50, Act No. 496; *Tuason vs. Raymundo*, 24 Phil. 635; *Sikatuna vs. Guevara*, 43 Phil., 371; *Worcester vs. Ocampo*, 34 Phil., 646). Undoubtedly, to be in consonance with this well settled rule, Section 24, Rule 39 of the Rules of Court, provides that a duplicate of the certificate of sale given by the sheriff who made the auction sale to the purchaser must be filed (registered) in the office of the register of deeds of the province where the property is situated.

In *Garcia vs. Ocampo*, 100 Phil., 1102; 57 Off. Gaz., [40] 7137; we held that the twelve months period of redemption provided for in Sec. 26, Rule 39 of the Rules of Court "begins to run not from the date of the sale, but from the time of registration of the sale in the office of the register of deeds." The entry or annotation made on the back of the certificate of title of the property in question on July 18, 1959 (*supra*) was in accordance with the ruling when it provided that the execution sale was subject to redemption within one (1) year from registration hereof."

A case similar to the present is that of *Gonzalez, et al. vs. Philippine National Bank et al.*, 48 Phil., 824, where we held that the provision of Section 32, Act 2938 (Charter of the Philippine National Bank) providing for a right of redemption in favor of the bank's mortgagor "within one year after the sale of the real estate as a result of the foreclosure" should be construed to mean one year after the confirmation of the foreclosure sale, because the sale becomes valid only after confirmation. Along the same line we may say in this case, that the period of one year after the sale must likewise start only from the date of registration of the certificate of sale, because it is only then that the certificate takes "effect as a conveyance" in accordance with Act 496.

Aside from what has been said heretofore, appellant is now estopped from claiming that the one-year period of redemption started earlier than the date when the certificate of sale was registered, for the reason that he failed timely to question the entry or annotation made on the back of the certificate of title of the property he had purchased, to the effect that the sale thereof in his favor was subject to redemption within one year from the registration of said certificate of sale.

Wherefore, the decision appealed from is affirmed, with costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Regala Makalintal, JJ., concur.

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