

LEONORA MANAOIS, ET AL., PETITIONERS, VS. JOSE ZAMORA, ET AL., RESPONDENTS.*G.R. No. L-6251. January 31, 1956*

Ponente: PARAS, C.J.

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As this is an appeal by certiorari, we are hereby adopting the following narration of facts contained in the decision of the Court of Appeals:

Plaintiffs Leonora Manaois, Gregorio Manaois, Juliana Manaois and Inocencia Manaois and defendant Florencio Manaois are brothers and sisters and, together with a niece, one Francisca de Guzman, who is not a party to this action, were formerly owners pro-indiviso and in common of the parcel of land described in the complaint. This parcel of land, which is situated in the barrio of Lomboy, municipality of Binmaley, Province of Pangasinan, and contains an area of 18,975 square meters, more or less, is rural, and it was one of three lots which the above named persons inherited from Cenon Manaois, father of the first five and grandfather of the last.

"On January 10, 1943, the properties left by Cenon Manaois were partitioned among his heirs. In that partition, which recorded in a public deed (Exhibit "1"), the lot described in complaint was adjudicated as follows: one-fourth, towards its southeastern side to Gregorio Manaois; one-fourth, towards its southwestern side, to Florencio Manaois; one-eighth, towards its northern side to Francisca de Guzman; one-eighth, towards its northeastern side, to Leonora Manaois, and one-eighth, towards its northwest side to Inocencia Manaois. After the execution of this deed, the parties thereto entered into the possession of the portions of land respectively adjudicated to them.

"On April 2, 1943, Florencio Manaois, in consideration of the sum of P500, paid to him by defendant Jose Zamora, sold and conveyed to the latter his one-fourth share in the above-mentioned lot, and executed for the purpose of a public deed of conveyance (Exhibit "2"). On the same date, after the execution of this deed of sale, Jose Zamora constituted himself in the land conveyed to him and took possession thereof in the presence and with the acquiescence of Gregorio Manaois, and the latter's brothers-in-law Miguel Fabia and Crescencio Rosario, husbands of Leonora Manaois and Inocencia Manaois, respectively, whom he found in the place.

"On April 30, 1943, Zamora went to the law firm De la Peña Cruz, Arboleda and Pefia, in Lingayen, Pangasinan, get the certificate of title covering the property acquired which, he was told, was in the possession of said law firm. Attorney Arboleda of the firm told Zamora that if he wanted to have the certificate of title he had to bring at least one of the children of the deceased Cenon Manaois and pay the amount of P45 which said deceased owed their firm. Thus advised, Zamora went back to Binmaley and in succession asked Inocencia, Juliana Leonora Manaois to accompany him to the office of Attorney Arboleda, but these sisters refused and referred him to their brother Gregorio Manaois. The latter agreed, and on May 1, 1943, he accompanied Zamora to the office of Attorney Arboleda, who upon being paid the sum of P45, immediately executed the necessary deed of release and told Zamora and Gregorio Manaois to record the same in the office of the register of deeds, from which they could get the certificate of title of the property of Cenon Manaois. Zamora and Gregorio Manaois presented this deed of release in the office of the register of deeds on May 3, 1943, and,

after paying the necessary fees, they were given the owner's duplicate of two certificates of title. Kamora retained the title which covered his property (owner's duplicate of certificate of title No. 52914) and gave the other to Gregorio Manaois.

"Once in the possession of the duplicate of certificate of title No. 52914, Zamora presented the deed of conveyance of the property in the office of the register of deeds. He was, however, advised that said deed cannot be recorded unless a copy of the deed of partition of the lot among the heirs of Cenon Manaois be also presented for record. Due to the difficulties encountered by Zamora to secure a copy of the deed of partition, he did not insist on the registration of the deed of conveyance above referred to.

"However, on July 22, 1940, Zamora went back to the office of the register of deeds for Pangasinan and once more presented the deed of conveyance above-refered to for record, advising said office why he could not file the deed of partition. The register of deeds, upon being advised of the situation, accepted the deed and entered it in the entry book of his office. On the same date, July 22, 1946, the plaintiffs commenced this action."

The action instituted by the plaintiffs (herein petitioners) was for legal redemption under Articles 1523 and 1524 of the old Civil Code. The petitioners lost both in the Court of First Instance of Pangasinan and in the Court of Appeals, and the case is now before us on review by certiorari.

The Court of Appeals ruled that the deed conveying the land in question to respondent Jose Zamora was registered on July 22, 1946, when the present action was commenced. It also found that the evidence "clearly shows that the plaintiffs (herein petitioners) had knowledge of the sale in question since its execution on April 2, 1943."

The petitioners admit that the law involved is Article 1524 of the old Civil Code providing that "the right of legal redemption can be exercised only within nine days, counted from, the inscription in the registry, and in the absence thereof from the time the redemptioner shall have had knowledge of the sale," and that the only question to be decided is whether the nine-day period should start from July 22, 1946 (date of registration), or from April 2, 1943 (when petitioners had actual knowledge). The Court of Appeals sustained the view that the starting point is the latter date.

We agree. The Supreme Court of Spain, in its decisions of December 14, 1905 and June 30, 1910, had already held that the date of registration was intended to be applied to all cases where the date of actual knowledge is unknown, the idea being that knowledge of the sale may be presumed from its mere registration; and not to cases where the date of prior knowledge is determined, otherwise a legal presumption would be given more importance than a real fact. The following is the commentary of Manresa: "ElCodigo, dice la sentencia de 14 de Diciembre de 1905, no quiere establecer para todos los casos de titulos sujetos a inscripcion, un plazo uniforme de nueve dias a contar desde ella para ejercitar el retracto, sino solo para el easo de no poder acreditarse si el, retrayente tuvo o no conocimiento anterior de la venta, caso en el que establece una presuncion juris et de jure, basada en la publicidad de registro. Si el retrayente conocia la venta, el plazo ha de contarse desde ese conocimiento: lo mismo viene a afirmar, en el fondo, la sentencia de 30 de Junio de 1910. (10 Manresa, 340, 4th ed.)"

We can think of no valid justification for departing from the rule laid down by the Supreme Court of Spain. It is desirable that purchasers of real property should not be left guessing or in suspense as to the status of their title, so as to allow or enable them to decide without delay on what to do with said property. It is true that, as intimated by counsel for the petitioners, the matter of registering a sale is within the power of the purchaser who should be blamed for any delayed registration. But there may be instances where, as in the case at bar, early registration cannot be effected due to the legitimate causes beyond the control of the purchaser. Upon the other hand, a redemptioner who has actual knowledge is afforded the same, if not more, opportunity to exercise his right, as a redemptioner charged with knowledge of the sale merely in virtue of a registration.

Wherefore, the appealed decision is affirmed, and it is so ordered with costs against the petitioners.

Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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