

**OLIMPIA BASA, ARSENIO BASA, NEMESIO BASA, RICARDO BASA,
ATANACIA BASA, JULIANA BASA, AND FELICIANO BASA,
PETITIONERS, VS. HON. ANDRES C. AGUILAR, JUDGE PRESIDING
BRANCH II OF TH...**

G.R. No. L-30994. September 30, 1982

Ponente: VASQUEZ, J.

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VASQUEZ, J.:

This is an appeal by certiorari from the decision of the Court of First Instance of Pampanga in Civil Case No. 2513, entitled " Olimpia Basa, et al., Plaintiffs, versus Genaro Puyat, et al., Defendants."

The seven (7) petitioners are owners co-pro- indiviso of an undivided ONE-HALF (1/2) share of a parcel of land located in Barrio San Mateo, Arayat, Pampanga, with an area of 32,383 square meters, more or less. Private respondents Genaro Puyat and Brigida Mesina were the owners of the other undivided half of the same parcel of land.

On March 6, 1964, Genaro Puyat, with the marital consent of Brigida Mesina, sold his ONE-HALF (1/2) share of the parcel of land in question for the price of ONE THOUSAND (P1 ,000.00) PESOS in favor of private respondents Primo Tiongson and Macaria Puyat. Primo Tiongson is a son-in-law of Genaro Puyat who is married to Macaria Puyat, a daughter of Genaro Puyat.

Seven (7) days later, or on March 13, 1964, the herein petitioners filed Civil Case No. 2513, praying that they be allowed to exercise the right of redemption under Article 1620 of the Civil Code, for which purpose they deposited with the court the sum of ONE THOUSAND PESOS (P1,000.00) as redemption money.

The trial court rendered the judgment dismissing the case. It ruled that the petitioners are not entitled to exercise the right of redemption under Article 1620 of the Civil Code, reasoning out as follows:

"There is nothing repugnant, from the point of view of public policy, for parents to sell to their children. It could not, therefore, have been intended by the framers of the Civil Code of the Philippines to include within the purview of the term 'third person' the children of a co-owner of a thing. For after all, these children have an inchoate right of succession to the same property. To hold otherwise, is to stretch the meaning of the law into ludicrous (sic) situations."

The logic of His Honor, the trial judge, carries more sentiment than law. It disregards the express letter of the law invoked by the petitioners and ignores the philosophy of the same. Article 1620 of the Civil Code reads:

"ART. 1620. A co-owner of a thing may exercise the right of redemption in case the shares of all the other co-owners or of any of them, are sold to a third person. If the price of the alienation is grossly excessive, the redemptioner shall pay only a reasonable one.

Should two or more co-owners desire to exercise the right of redemption, they may only do so in proportion to the

share they may respectively have in the thing owned in common."

Legal redemption is in the nature of a privilege created by law partly for reasons of public policy and partly for the benefit and convenience of the redemptioner, to afford him a way out of what might be a disagreeable or inconvenient association into which he has been thrust. (10 Manresa, 4th Ed., 317.) It is intended to minimize co-ownership. The law grants a co-owner the exercise of the said right of redemption when the shares of the other owners are sold to "a third person." A third person, within the meaning of this Article, is anyone who is not a co-owner. (Sentencia of February 7, 1944 as cited in Tolentino, Comments on the Civil Code, Vol. V, p. 160.)

Private respondent Primo Tiongson is definitely not a co-owner of the land in question. He is not even an heir of private respondents Genaro Puyat and Brigida Mesina, nor included in the "family relations" of the said spouses as defined in Article 217 of the Civil Code. The circumstance that he is married to Macaria Puyat, a daughter of Genaro Puyat and Brigida Mesina, is of no moment. The conveyance to the Tiongson spouses was by onerous title, made during the lifetime of Genaro Puyat and Brigida Mesina. The alleged inchoate right of succession from Genaro Puyat and Brigida Mesina, which pertained only to Macaria Puyat, is thus out of the question. To deny to the petitioners the right of redemption recognized in Article 1620 of the Civil Code is to defeat the purpose of minimizing co-ownership and to contravene the public policy in this regard. Moreover, it would result in disallowing the petitioners a way out of what, in the words of Manresa, "might be a disagreeable or inconvenient association into which they have been thrust."

WHEREFORE, the judgment appealed from is hereby REVERSED, and in lieu thereof, a new one is rendered declaring the petitioners to be entitled to exercise the right of legal redemption under Article 1620 of the Civil Code with respect to the ONE-HALF (1/2) share sold by private respondents Genaro Puyat and Brigida Mesina in favor of their co-respondents Primo Tiongson and Macaria Puyat. The private respondents shall pay the costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Plana, Relova, and Gutierrez, Jr., JJ., concur.

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