

FLORENTINO PASCUAL, PLAINTIFF AND APPELLEE, VS. JOSE TALENS, DEFENDANT AND APPELLANT.

G.R. No. L-348. April 30, 1948

Ponente: BENGZON, J.

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BENGZON, J.:

This litigation calls for application or interpretation of section 117 of Act No. 2874, which for convenience is herein quoted:

"Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, for a period of five years from the date of the conveyance."

When a legal heir of the homesteader acquires title to the homestead, and subsequently sells it, may the said heir invoke the above section to establish his right to repurchase such homestead? That is the question squarely raised in this expediente.

The facts are these: (1) Under the provisions of Act No. 2874, Sinforoso Pascua obtained ownership of a homestead of about twenty-two hectares in Bongabon, Nueva Ecija by Patent No. 32910 dated June 3, 1935, duly registered in the provincial register of deeds as original certificate of title No. 2736. (2) On March 23, 1936, Florentino Pascua acquired said homestead by inheritance, a transfer certificate of title No. 11253 having been issued to him. (3) On August 2, 1940, Florentino Pascua (herein plaintiff) sold the above-mentioned land to Jose Talens (the defendant) for the sum of P1,180.00. (4) In 1943, plaintiff demanded reconveyance of the land pursuant to section 117 of Act No. 2874. The defendant having refused, this action was interposed in the Court of First Instance of Nueva Ecija. (5) That court found for the plaintiff and rendered appropriate orders. Hence this appeal by defendant, who has all the time maintained that section 117 is not applicable to the situation.

We are not advised of any previous ruling of this Court on the matter. However, the solution of the question is not hard to seek, if the section is carefully analyzed in the light of the purposes of the Public Land Act.

It is well-known that the homestead laws were designed to distribute disposable agricultural lots of the State to land-destitute citizens for their home and cultivation. Pursuant to such benevolent intention the State prohibits the sale or encumbrance of the homestead (Section 116) within five years after the grant of the patent. After that five-year period the law impliedly permits alienation of the homestead; but in line with the primordial purpose to favor the homesteader and his family the statute provides that such alienation or conveyance (Section 117), shall be subject to the right of repurchase by the homesteader, his widow or heirs within five years. This section 117 is undoubtedly a complement of section 116. It aims to preserve and keep in the family of the homesteader that portion of public land which the State had gratuitously given to him. It would, therefore, be in keeping with this fundamental idea to hold, as we hold, that the right to repurchase exists not only when the original homesteader makes the conveyance, but also when it is made by his widow or heirs. This construction is clearly deducible from the terms of the statute.

Wherefore, the appealed decision will be affirmed, with costs against the appellant. So ordered.

Feria, Pablo, Perfecto, and Tuason, JJ., concur.

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