

MARCOS ROQUE ET AL., PLAINTIFFS AND APPELLEES, VS. LEONCIA SONGCO ET AL., DEFENDANTS AND APPELLANTS.

CA-No. 793. June 09, 1949

Ponente: PERFECTO, J.

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PERFECTO, J.:

The present litigation concerns a parcel of land in Guagua, Pampanga, with an area of seven hectares and four centiares known as plantation No. 1084 of the Pampanga Sugar Mills, with a quota of 238,126 metric tons of sugar cane.

On September 23, 1926, Marcos Roque and his co-owners sold the land to Esteban Pecson and Leoncia Songco, reserving for themselves the right to repurchase it within six years, in consideration of the sum of P1,977.65.

On July 27, 1927, Esteban Pecson died, leaving six children.

On September 20, 1932, three days before the vendors' right to repurchase should have expired, Leoncia Songco, the surviving wife of Esteban Pecson, executed a document granting the vendors an extension of ten years within which to repurchase the land.

The vendors seek to exercise the right to repurchase the parcel of land by virtue of the extension granted them by Leoncia Songco, by tendering payment.

Leoncia Songco is willing to reconvey her interest in the land, but the heirs of Esteban Pecson claim that they are already the absolute owners of the other half of the land. Plaintiffs sued and on August 27, 1940, the day they filed their complaint, they deposited with the trial court the sum of P1,977.65, for the repurchase of the land.

The trial court rendered judgment for the plaintiffs and ordered that the sum deposited by plaintiffs be delivered to defendants.

The whole controversy in this appeal is whether or not the defendants, the children and heirs of Esteban Pecson, are bound by the extension of repurchase granted by Leoncia Songco, without their intervention whatsoever.

There is no question that the heirs and children of Esteban Pecson are not signatories in the document of extension executed by Leoncia Songco, who had no legal authority to represent said heirs and children. The extension granted by her to the vendors could and can only affect one-half of the property, her share thereof.

The trial court's judgment is modified in the sense that plaintiffs can repurchase within the extension given by Leoncia Songco one-half of the property, the remaining one-half thereof having become the absolute property of the defendants who are children and heirs of the deceased Esteban Pecson and, therefore, the complaint is dismissed with respect to them.

Moran, C. J., Feria, Pablo, Bengzon, Briones, Tuason, Montemayor, and Reyes, JJ., concur.

Paras, J., concurs in the result.

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