

PATERNO SANTOS, ET AL., PETITIONERS, LEONILA POLICARPIO, PETITIONER-APPELLANT, VS. REGISTER OF DEEDS OF MANILA AND PABLO LUCAS, RESPONDENTS-APPELLEES.

G.R. No. L-26752. March 19, 1971

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e1526c19c3dd/>

CONCEPCION, C.J.:

Appeal, taken by Leonila Policarpio, from a resolution of the Land Registration Commission.

The pertinent facts are not disputed. In the language of the resolution appealed from:

"The facts on record are as follows: It appears that on March 7, 1959, Natividad Sanchez and Pablo Lucas bought from Imelda Reyes and Maria Consuelo Mendoza a parcel of land together with its improvements, situated in the City of Manila and covered by TCT No. 34200, with assumption of an P8, 000 real estate mortgage in favor of the Monte de Piedad and Savings Bank. By virtue of the said sale TCT No. 57134 was issued in the name of the above-mentioned vendee. In view, however, of the violation of some terms in the mortgage contract by the mortgagors, the mortgagee-bank initiated fore-closure proceedings and in the public auction sale Leonila Policarpio was adjudged the highest bidder. On September 2, 1963 Policarpio filed the Sheriff's Certificate of Sale for registration in the office of the respondent Register of Deeds and the same was entered under Primary Entry No. 3118/V-37. However, due to the fact that there were some defects in the documents as pointed out by the said Register of Deeds, the registrant withdrew the same on the following day, September 3, 1963, and they were not re-entered for registration until almost a year after -- on August 26, 1964.

"On July 7, 1965, Policarpio assigned all her rights and interests in the certificate of sale in favor of Mr. Paterno Santos who in turn had it registered on July 19, 1965. On August 17, 1965, one of the herein mortgagors exercised his right to redeem the property subject of the auction sale by paying to the Sheriff of Manila the amount of P8,519.07 representing the purchase price and interests due thereon, and so was issued a certificate of redemption, dated August 21, 1965. The redemptioner presented the said certificate of redemption for registration in the office of the Manila Registry but was withheld pending submission of the owner's duplicate certificate of title. On the other hand, the Monte de Piedad and Savings Bank, as attorney-in-fact of the vendee in the auction sale, probably not knowing that the property was already redeemed, executed on September 6, 1965 a Deed of Absolute Sale in favor of Leonila Policarpio, who, in turn, confirmed her assignment of rights in favor of Paterno Santos on September 8, 1965. The Deed of Confirmation of Assignment as well as the affidavit of consolidation previously executed by Santos were annotated on TCT No. 57134, on September 10, 1965, but then, it was discovered that the certificate of redemption which was earlier presented was still pending registration." [1]

In view of the issue that had thus arisen, as to whether the certificate of redemption executed in favor of Pablo Lucas should have preference over the deed of confirmation of assignment in favor of Paterno Santos and the affidavit of consolidation previously executed by him, the Register of Deeds of Manila - although "inclined to believe" that the issue should be resolved in the affirmative - submitted the matter for consultation to the

Commissioner of Land Registration who, after due hearing, issued a resolution, the dispositive part of which reads:

"All the foregoing considered, this Commission believes and so orders that the certificate of redemption should be given preference in registration to the affidavit of consolidation; hence the registration of the certificate of redemption may be given due course once the owner's duplicate certificate of title is presented and the corresponding fees are duly paid. Let the Register of Deeds therefore, be guided accordingly."

A reconsideration of this resolution having been denied, Leonila Policarpio interposed the present appeal. The same hinges on the question whether the redemption period of "one year from and after the date of the sale," prescribed in section 6 of Act No. 3135, as amended by Act No. 4118, for the redemption of property sold in extrajudicial foreclosure proceedings, should be computed from the date of the auction sale, in September 1963, as contended by appellant, or from August 26, 1964, when the Sheriff's Certificate of Sale was registered with the Office of the Register of Deeds of Manila, as held by the Commissioner of Land Registration in his appealed resolution.

This issue has long been settled in favor of the ruling made in the contested resolution. As early as June 30, 1959, We have held that the period of redemption "begins to run not from the date of sale but from the time of registration of the sale in the Office of the Register of Deeds." This view, expressed in *Garcia v. Ocampo, et al.*,¹ was reiterated in *Agbulos v. Alberto*.² Although these cases referred to execution sales, the rule therein laid down was applied to foreclosure cases in *Salazar, et al. v. Meneses, et al.*,³ *Reyes v. Noblejas, et al.*,⁴ *Rosario, et al. v. Tayug Rural Bank, Inc.*,⁵ *Campillo v. Philippine National Bank*,⁶ and *Reyes v. Manas, et al.*⁷ In *Reyes v. Noblejas, et al.*,¹ this Court even held:

"But it is further argued by the petitioner that the rule should not be applied to this case where there are no third parties involved. He cites a number of authorities, to the effect that as between the parties, registration is not necessary to bind the immediate parties to a transaction involving registered land. He would then conclude that since the only purpose of registration is to protect the buyer from third party claims, it stands to reason that when, as in this case, there are no third party claimants to the land, registration is not necessary and the sale between the parties should be made to take effect from the date of the auction sale. We are not impressed by the argument. Apparently, herein petitioner failed to see the 'other side of the coin' and over-looked the doctrine, also well settled, that the registration required by Section 50 of the Land Registration Law is intended primarily for the protection of innocent third persons, i.e., persons who, without knowledge of the sale and in good faith, have acquired rights to the property. The same protection to third parties is obviously one of the objects of Section 27, Rule 39 of the Revised Rules of Court in requiring that the certificate of sale issued by the sheriff in an auction sale be registered in the office of the register of deeds, for the purpose of the legislature in providing for our present system of registration is to afford some means of publicity so that persons dealing with real property may reach the records and thereby acquire security against instruments the execution of which has not been revealed. Redemption is not the concern merely of the auction-vendee and the mortgagor, but also of the latter's successors in interest or any judicial creditor or judgment creditor of said mortgagor, or any person having a lien on the property subsequent to the mortgage under which the property has been sold. It is precisely for this reason that the certificate of sale should be registered, for only upon such registration may it legally be said that proper notice, though constructive, has been served unto possible redemptioners contemplated in the law. We have to conclude, therefore, that the date of sale mentioned in Section 6 of Act 3135, as amended, should be construed to mean the date of registration of the certificate of sale in the office of the register of deeds concerned. Only after the lapse of the twelve-month redemption period from the date of registration of the certificate of sale and in the absence of any redemptioner within the said period, may the deed of final sale be executed in favor of the purchaser who may then consolidate the title of the property in his favor. Consequently, We have to declare that the Land Registration Commissioner was right in ordering the Register of Deeds of Rizal to deny the registration of the Deed of Sale and the Affidavit of

Consolidation of Owner-ship, the simultaneous registration of which documents was sought by herein petitioner even before the certificate of sale issued by the sheriff was registered."

WHEREFORE, the resolution appealed from is hereby affirmed, with costs against appellant Leonila Policarpio.

IT IS SO ORDERED.

Reyes, Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Record on Appeal, pp. 6-8.

1 105 Phil. 1102, 1108. Underscoring supplied.

2 L-17483, July 31, 1962.

3 L-15378, July 31, 1963.

4 L-23691, November 25, 1967.

5 L-26538, March 21, 1968.

6 L-19890, May 21, 1969.

7 L-27755, October 4, 1969.

1 Supra.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.