

**RAYMUNDO A. CRYSTAL, PETITIONER, VS. COURT OF APPEALS AND
PELAGIA OCANG, PACITA, TEODULO, FELICISIMO, PABLO, LYDIA,
DIOSCORA AND RODRIGO, ALL SURNAMED DE GRACIA,
RES-PONDENTS.**

G.R. No. L-35767. June 18, 1976

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f8547a922646/>

BARREDO, J.:

Motion for reconsideration of the decision of this Court in this case promulgated on February 25, 1975 affirming the decision of the Court of Appeals in favor of private respondents which held that petitioner's redemption of the property acquired by said respondents in an execution sale pursuant to a final judgment of the trial court in Civil Case No. R-1666, Court of First Instance of Cebu, was invalid inasmuch as the check which petitioner had used in paying the redemption price had been either dishonored or had become stale, hence its value was never realized, thus upholding in the process the jurisdiction of the trial court to rule on the question of validity of the redemption in question notwithstanding that by order of that same court, said matter had been made the subject of a separate suit, Civil Case No. 62-T also of the Court of First Instance of Cebu, filed on August 9, 1960.

In his motion for reconsideration, petitioner insists that it was an act in excess of jurisdiction on the part of the trial court in R-1666, to issue on May 31, 1971 the writ of possession sought by private respondents, thru Pelagia Ocang, in her motion of August 15, 1970, considering that the court had previously pointedly observed in its order of March 24, 1960 that "the question as to whether or not the redemption allegedly made by Mr. Crystal by paying the amount to Mrs. Pelagia Ocang without using the said P11,200 deposited with the sheriff is legal and effective" has to be decided in "another proper case" and, furthermore, in its order of June 4, 1960 in the same case, the same court had more definitely ruled that "the question of ownership of Mr. Raymundo Crystal, the redemptioner, is not a proper matter to be decided in this case but in another case where the legality or validity of the alleged deed of redemption executed in favor of Mr. Crystal will be amply raised and threshed out" and, accordingly, in attention to such observations and ruling, petitioner did file Civil Case No. 62-T, which is still pending trial.

While, as already explained in Our decision, such pose of petitioner has its merits, We deem it inadvisable at this point to modify Our ruling that there is really no issue of jurisdiction involved here and that it is preferable, under the peculiar circumstances obtaining in this particular case, that the root of the controversy between the parties be inquired into and determined in the incident already taken cognizance of by the trial court in Civil Case No. R-1666 regarding the right of possession over the property in dispute. In this connection, it is to be noted that even after he had filed Civil Case No. 62-T, evidently in reliance of what he must have considered as his right as redemptioner of the property sold in execution under a judgment in Civil Case No. R-1666, petitioner regained possession of the four (4) parcels of land in question without the aid of the court, taking the same from Pelagia Ocang who had previously taken it away from him also extrajudicially, claiming that she had legally acquired the same precisely in that same execution and that petitioner's redemption, was null and void because the check he

used to pay the redemption price had been dishonored for lack of sufficient funds. In other words, both petitioner and Ocan, predicated their respective claims to rightful possession on the same sale on execution in the same case, Civil Case No. R-1666, had alternately taken the law in their hands to obtain possession of the lands in question in disregard of the proper procedure for the complete satisfaction of the judgment of the court in that case. In the light of these peculiar circumstances, it does appear to be more appropriate that, since it was the court in that Civil Case No. R-1666 that rendered the judgment and subsequently ordered the execution sale from which the disputed redemption was made, it should be the one to settle the whole controversy among all the interested parties, including even the judgment debtors, the heirs of Nicolas Rafols themselves, who, according to the records, have claims of their own relative to the same redemption, which might just as well be inquired into in said case, rather than in Case No. 62-T in which they are not parties. Otherwise stated, in issuing the impugned writ of possession, the court took the bull by the horns, so to speak, thereby overturning its own previous stand on the matter announced in its orders of March 24 and June 4, 1960 aforementioned. Consequently, We overrule the argument of jurisdiction or even abuse of discretion raised by petitioner and reiterate what We have said in regard thereto in Our decision.

This is not to say that the procedure followed by Ocan and sanctioned by the trial court of resorting to the issuance of a writ of possession is not open to question, since a writ of possession is not always available in all controversies concerning possession of real estate. But We see no need to resolve that point here. More importantly, what impresses Us in the motion for reconsideration is the possible injustice that might result from Our unqualified reliance in Our decision on the finding of the Court of Appeals that the check for P11,200 paid by petitioner for the redemption in dispute had been dishonored, in the face of the other finding in the same decision of the Court of Appeals indicating that instead of having been dishonored, the said check had only become stale, albeit it was being replaced with new ones from time to time. Surely, for a check to be dishonored upon presentment, on the one hand, and to be stale for not being presented at all in time, on the other, are incompatible developments that naturally have variant legal consequences. Thus, if indeed the check in question had been dishonored, then there can be no doubt that petitioner's redemption was null and void. On the other hand, if it had only become stale, then it becomes imperative that the circumstances that caused its non-presentment be determined, for if this was not due to the fault of the petitioner, then it would be unfair to deprive him of the rights he had acquired as redemptioner, particularly, if, after all, the value of the check has otherwise been received or realized by the party concerned. From the motion for reconsideration and its annexes, We gather that petitioner has ready evidence showing that when Pelagia Ocan secured the writ of possession in question, she had already been paid the full amount of the check in dispute. What is more, there are a number of circumstances pointed out in said motion, apparently supported by corresponding evidence, tending to show that a compromise had already been agreed upon by the parties, although not yet approved by the court, or, at least, that Ocan has made admissions which indicate that the issue regarding the supposed dishonoring or becoming stale of the repeatedly mentioned check is no longer of any legal significance and, for that matter, the observations We made in Our decision in regard to the duties of the sheriff in the premises have been rendered academic.

Needless to say, the Supreme Court should not allow any of its decisions to become final when it is properly made to appear in a motion for reconsideration based on relevant facts and circumstances not previously brought to its attention, although demonstrable from the records, that even if the technical consideration on which it is based is well taken, substantial justice might be sacrificed, if further proceedings are not ordered to be held to verify undeniable facts which might have escaped the eyes of the Court of Appeals. In the instant case, We took it as proven, per statements of fact in the decision of the Court of Appeals, that the check with which petitioner redeemed the property in dispute had been dishonored. On that premise and seeing that even if We upheld the technical point of jurisdiction raised by petitioner, the final outcome of the controversy between the parties would

not be different, We opted to put aside the procedural aspect of the dispute, and proceeded to decide the merits of the respective substantive claims of the parties. We felt that in view of the findings of fact of the Court of Appeals, equity demanded that the case be earlier terminated by ignoring not only whatever flaw there was in the procedure adopted by the court below but also the seemingly unusual departure by the Court of Appeals from the orthodox rule requiring courts to confine its scrutiny in certiorari cases only to the specific point of jurisdiction complained of.

Now, however, there is a strong showing in the motion for reconsideration, premised on no less than other portions of the very decision of the intermediate court and other apparently credible evidence, that not only was said check not dishonored, although it became stale, but that respondent Pelagia Ocang had actually been paid already the full value thereof. And in this connection, it is notable that in the comment of respondents on petitioner's motion for reconsideration, there is no clear and categorical denial of these important and decisive facts.

One more point. In Our decision, We assumed that the findings of fact of the Court of Appeals were the result of an exhaustive consideration of evidence presented in due course by the parties. It turns out now, that inasmuch as the trial court itself had previously ruled that the validity of the redemption in controversy should be the subject of a separate action and that, in fact, such separate action had already been filed by petitioner, it was in this other case that petitioner was to present the corresponding evidence. Hence, whatever evidence was before the trial court in Case No. R-1666 when it issued the subject writ of possession could not have been complete, much less incontrovertible.

With these substantial considerations in view, We find no just alternative than to reconsider Our decision in so far as the matter of validity or invalidity of petitioner's redemption is concerned. It being shown that the pivotal finding of the Court of Appeals regarding the check in question might actually be belied in a more appropriate proceeding, the foundation of Our own decision has been shaken. Indeed, We are now convinced that it is but fair and just that the trial court should be allowed to receive all relevant and competent evidence the parties may wish to present relative to the issue of whether or not respondent Pelagia Ocang has already received in one form or another, directly or indirectly, the full amount of P11,200 as redemption price of the four (4) parcels of land in dispute, as well as to all other facts which might affect the validity of the redemption here in controversy. Withal, should it be found by the trial court that the redemption was invalid because the redemption price has not been fully paid, it should further determine who made the improvements found on said lands, in order that if it should turn out that they were introduced by petitioner, possession may not be awarded to respondents unless said improvements are first properly and fully reimbursed to petitioner. It goes without saying that the proceedings herein contemplated are to be held in Civil Case No. R-1666. Correspondingly, Civil Case No. 62-T and the other case reviewing the same should be deemed academic.

WHEREFORE, the decision of this Court of February 25, 1975 is hereby reconsidered and modified in line with the foregoing opinion and this case is remanded to the trial court for further proceedings as therein indicated.

Antonio, Esguerra, Aquino, and Martin, JJ., concur.

Fernando, J., did not take part.

Concepcion, Jr., J., is on leave.

Esguerra and Martin, JJ., were designated to sit in the Second Division.

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.