

MAURA LUMANLAN, ET AL., PETITIONERS IS THE HONORABLE BERNABE DE AQUINO, ET AL., RESPONDENTS.

G.R. No. L-9893. April 13, 1956

Ponente: JUGO, J.

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JUGO, J.:

On August 28, 1950, the Court of First Instance of Tarlac rendered the following judgment:

"In view of all the foregoing, the Court renders judgment to the, following effect:

"a. Dismissing plaintiff's action for specific performance against defendants, as well as 'his action for money claims against defendant Basilio Yalung.

"b. Dismissing intervenors' claim for indemnity and damages against plaintiff.

"c. Declaring, plaintiff absolute owner of the whole of the land in question by virtue of the constructive repurchase of the said land in question from the intervenors.

"d. Ordering the Register of Deeds of Tarlac to rancel Transfer Certificate of Title No. 19408, and issue in lieu theivuf a transfer certificate of Title in the names of the plaintiff Primo Aramtralo and his spouse Loreta Sevilla de Arambulo, the property here in question having been acquired by the said spouses as conjugal property.

The intervenors, petitioners herein, appealed to the Court of Appeals, which, court rendered the following judgment:

"In view of the foregoing, the decision appealed from is modified and plaintiff-appellee is given thirty (30) days from the time final judgment is entered, to pay the appellants P3,200 in legal tender; whereupon, appellants shall execute a proper deed of reconveyance of the land in question to the appellee. Without costs in this instance'

From said decision of the Court of Appeals, the intervenors appealed by way of certiorari to the Supreme Court in G. R. Nos. L-6501 and L-6599. The Supreme Court affirmed in toto said decision of the Court of Appeals.

To redeem the above property, Primo Arambulo, the respondent herein, deposited with the Clerk of Court of First Instance of Tarlac the sum of P3.200 on September 29, 1955. This was within the term of thirty days fixed by the Court of Appeals, for the reason that said term should be counted not from the date that Arambulo received from the Supreme Court notice of its decision, but from the date that he received notice from the Court of First Instance of Tarlac that the decision of the Supreme Court had been received there, because it was the Court of First Instance of Tarlac which had the duty to execute its judgment as affirmed by the Court of Appeals and the Supreme Court.

The Court of First Instance of Tarlac issued the following order:

* * * The intervenors may now collect from the clerk of Court the amount of P3,200 deposited to their account

by appellee Primo Arambulo, but at the same time said intervenors must execute in favor of Primo Arambulo the deed of reconveyance ordered by the Court of Appeals for them to execute in favor of the appellee

Inasmuch, as said order is in accordance with the decisions of the Court of Appeals and this Court, the petition asking for the annulment of said order is denied, with costs against petitioners. So ordered.

Parás, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B, L., and Endencia, JJ., concur.

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