

MAGDALENO GOMEZ, PLAINTIFF AND APPELLANT, VS. “LA GERMINAL” AND JUAN TUASON, DEFENDANTS AND APPELLANTS.

G.R. No. 11845. February 18, 1918

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11845/>

JOHNSON, J.:

The only question presented by this appeal is whether or not the plaintiff is the owner of the equity of redemption of the property in question and is entitled to a conveyance of the same by the defendants to him.

This action bears a close relation to R. G. No. 11905 of "La Germinal" vs. Vicente Torres.[1] The facts out of which the present action arose may be stated as follows: (1) That sometime prior to the 10th day of October, 1914, "La Germinal" obtained a judgment in the Court of First Instance of the city of Manila against Vicente Torres for a sum of money. (2) That upon said judgment an execution was issued in favor of the plaintiff and against the defendant and the property in question was sold at public auction to the plaintiff for the sum of P2,000 on the 10th day of October, 1914; and a sheriff's deed was issued to the plaintiff expressly stipulating that the defendant, Vicente Torres, had the right of redemption in said property within a period of 12 months. "La Germinal" took immediate possession of the property. (3) That on the 28th day of September, 1915, the said Vicente Torres sold and transferred to Magdaleno Gomez all of his right, title, and interest in his equity of redemption of said property; that on the 29th day of September, 1915, Magdaleno Gomez gave due and formal notice to "La Germinal" of the fact that he had purchased Vicente Torres' equity of redemption and offered to pay "La Germinal" the said P2,000, together with interest and costs, etc., less the amount of rents which the latter had received during its occupation of the property, which offer was refused by "La Germinal." (4) Upon the refusal of "La Germinal" to accept said amount, and upon its refusal to convey the property in question to the plaintiff herein, the present action was commenced and the sum due was deposited in court.

That Vicente Torres had a right to redeem the property in question within a year from the 10th day of October, 1914, is not denied. That he had a right to sell his equity of redemption is supported by the law. (Sec. 464, Act No. 190.) The defendants, however, insist that the sale of the equity of redemption by Vicente Torres to Magdaleno Gomez was a feigned sale, that it was made for the purpose of defrauding creditors. An examination of the evidence, however, fails to support that contention. The lower court found that the sale was a valid sale; that Magdaleno Gomez paid a valid consideration for the said equity of redemption and was, therefore, the owner of the same. Magdaleno Gomez being the successor in interest of Vicente Torres, he had a perfect right to exercise the equity of redemption which belonged to his vendor. That right Magdaleno Gomez attempted to exercise before the expiration of the 12 months from the 10th day of October, 1914, by offering to pay to "La Germinal" the amount it paid for the property (P12,000), together with legal interest and costs, less the sum of P496, the amount of rent which "La Germinal" had received from the use and occupation of the property after said sheriff's sale (10th day of October, 1914).

The person exercising the right of equity of redemption must pay the full amount of the sale at public auction, plus the interest and costs, etc. (Art. 465, Act. No. 190.) Said amount may be reduced by whatever amount the purchaser received from rents during his occupation of the property. (Art. 469, Act No. 190; *De la Rosa vs. Revita Santos*, 10 Phil. Rep., 148; *Aldecoa & Co. vs. Navarro*, 23 Phil. Rep., 203.)

In the present case the defendant purchased the property in question at P2,000. The interest, taxes, etc., paid by the defendant amounted to P260.55. The amount, therefore, which the owner of the equity of redemption must pay in order to redeem would be P2,260.55. It appears, however, that the defendant, after its purchase of the property in question, received P496.07 as rent. The said sum of P2,260.55 must be reduced, therefore, by said sum of P496.07, leaving a balance due the defendant in the sum of P1,764.48. The record shows that that amount, at the commencement of the present action, was deposited in court by the plaintiff for the benefit of the defendant. When the plaintiff paid or tendered to the defendant that sum or deposited the same in court he was entitled to have the property reconveyed to him.

Upon the foregoing facts and considerations, we are of the opinion that the judgment of the lower court should be and is hereby affirmed, with costs. So ordered.

Arellano, C. J., Torres, Carson, Araullo, Street, Malcolm, Avanceña, and Fisher, JJ., concur.

[1] Decided February 18, 1918, not published.

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.