

**ROSENDA FERNANDEZ, ET AL., PLAINTIFFS AND APPELLANTS, VS.
CATALINO V. FERNANDEZ, DEFENDANT AND APPELLEE.***G.R. No. 15178. October 31, 1960*

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15178/>**REYES, J.B.L., J.:**

Appeal by plaintiffs Rosenda Fernandez, et al. from the decision of the Court of First Instance of Pangasinan in Civil Case No. 13797 dismissing their complaint.

It appears that on October 10, 1932, Patricio Fernandez, predecessor-in-interest of plaintiffs, executed a sale con pacto de retro in favor of Catalino Fernandez over a parcel of fishpond land located in barrio Caloocan Sur, Municipality of Binmaley, Pangasinan, for the price of P160, redeemable within four years.

As Patricio Fernandez never redeemed the aforesaid land, the buyer Catalino Fernandez, on November 14, 1953, filed an application for the registration thereof in his name (Land Registration Case No. N-1494, L.R.C. Record No. N-6167). The application was opposed by the heirs of the vendor Patricio Fernandez, who also filed Civil Case No. 12419 against Catalino Fernandez to quiet their supposed title over the land in question, claiming that the contract between their predecessor Patricio Fernandez and defendant was merely an equitable mortgage and not a real pacto de retro sale. After a joint trial of the two cases, the Court below declared the contract in question to be only an equitable mortgage. On appeal by defendant Catalino Fernandez, however, the Court of Appeals reversed the judgment of the trial court, found the contract between Patricio Fernandez and defendant to be a true sale with the right to repurchase, declared defendant to be the absolute owner thereof, and ordered its registration in his name (C.A. G.R. Nos. 21421-R and 21422-R). This judgment became final on September 25, 1958.

Shortly afterwards, or on October 24, 1958, the heirs of Patricio Fernandez filed the present complaint against Catalino Fernandez, alleging that they had the right to repurchase the land in question from defendant under the provisions of the last paragraph of Article 1606 of the New Civil Code, and that they had offered to redeem said land from defendant since September 26, 1958 but had only met with refusal. Defendant moved to dismiss the action on the ground that the same was barred by the prior judgment of the Court of Appeals in Civil Case No. 12419 and Land Registration Case No. N-1494, L.R.C. Record No. N-6167, declaring him to be owner of the land in dispute and ordering its registration in his name, and that furthermore, his ownership thereto had become vested in him before the New Civil Code took effect. On November 18, 1958, the lower court sustained the motion and dismissed the complaint. From this judgment, plaintiffs, as earlier stated, appealed, insisting on their right to repurchase under the last paragraph of Article 1606, New Civil Code.

There is no merit in the appeal. It is already settled that where the right to repurchase had expired before the effectivity of the New Civil Code, Article 1606 thereof providing that "the vendor may still exercise the right to repurchase within thirty days from the time final judgment was rendered in a civil action on the basis that the contract was a true sale with right to repurchase," can no longer be applied, as it would be an impairment of a right that had already become vested in the vendee under the provisions of the old Code (*Siopongco vs. Castro*, G.

R. No. L-12167, April 29, 1959; *De la Cruz vs. Muyot, et al.*, 102 Phil., 318). Full ownership over the land in question having become consolidated and vested in defendant-appellee since 1936, his right thereto can no longer be impaired by allowing plaintiffs now to sue for the exercise of the right of redemption given by Article 1606 of the New Code. It must have also been for this reason that, as pointed out by the Court below the Court of Appeals (in C.A. G. R. Nos. 21421-R and 21422-R) did not reserve any right of redemption under Article 1606 in favor of plaintiffs-appellants, and instead ordered the registration of the land in question in defendant's name. The decision of the Court of Appeals merely confirmed that the appellee had become the owner of the disputed land long before, when the period of redemption expired.

It is not amiss to note here also that the right of action to question the nature of the original transaction as well as any action to recover the land, if any such rights ever existed, were extinguished by prescription ten years after the appellee consolidated his ownership in 1936.

The order appealed from is affirmed, with costs against plaintiffs-appellants.

Paras, C.J., Bengzon, Padilla, Bautisia Angelo, Labrador, Barrera, Gutierrez David, and Paredes, JJ., concur..

Judgment affirmed.

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.