

RODOLFO GERONIMO, PLAINTIFF VS. MUNICIPALITY OF CABA, LA UNION, DEFENDANT AND APPELLEE. FELIPE MANGASER, PURCHASER-PETITIONER AND APPELLANT.

G.R. No. 16221. April 29, 1961

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

By virtue of a writ of execution issued by the Court of First Instance of La Union in Civil Case No. 1002 entitled Rodolfo Geronimo, plaintiff, versus Municipality of Caba, La Unión, defendant, the sheriff sold at public auction on July 16, 1957 to Dr. Felipe Mangaser a parcel of land situated in the same province for the sum of P1,011.81. The property was subject of redemption within one year from said date. Exactly one year from said date, or on July 16, 1958, the municipality of Caba, through its mayor, redeemed the property by depositing the purchase price, including interest, with the office of the provincial sheriff. Thereupon, the sheriff issued a certificate of redemption on the same date which was duly registered in the office of the register of deeds.

On September 13, 1958, the purchaser filed with the court in the same case a petition to require the sheriff to execute a final deed of sale in his favor contending that the municipality of Caba, owner of the property, has failed to redeem it within the period of one year. In support of his petition, petitioner filed a memorandum on October 4, 1958, to which an answer was filed in behalf of the municipality, praying that an order be issued declaring the redemption valid and restoring the ownership of the property to the municipality.

After the parties had filed memoranda in support of this respective contentions, the court issued an order from which we quote:

"By affirmation in the certificate of redemption acknowledged by the Provincial Sheriff and registered with the Office of the Register of Deeds on July 16, 1958, it appears that the defendant municipality through its mayor redeemed the property depositing with the Provincial Sheriff the amount of the redemption money. Said document being in due form and substance and executed within the one year period provided by the Rules of Court, this Court does not need to inquire from the judgment debtor'duly represented, by its Municipal Mayor as to where the money used to redeem the property came from. The actuation of the Municipal Mayor in securing the amount used to redeem, the said property for the defendant municipality cannot be inquired into in this proceeding as the Mayor just complied with his official duty to protect the interest of the municipality. If the Mayor secured the money illegally as insinuated by petitioner-purchaser, then the real aggrieved parties who own the money and who may be prejudiced by the acts of the Mayor, may bring the corresponding appropriate action before the competent court to protect their rights.

"IN VIEW THEREOF, it appearing that the defendant municipality has already redeemed the property, the herein petition to compel the sheriff to execute a final certificate of sale is hereby denied and the purchaser shall have the right to withdraw the money deposited with the Provincial Sheriff for the redemption of said property. The Municipality of Caba shall be restored to the possession of the property which it has already redeemed in accordance with law and the Rules of Court."

Petitioner has appealed and the case is now before us on questions of law by virtue of the certification made by the Court of Appeals.

It is contended that Mayor Manuel Fonbuena cannot redeem the property in behalf of the municipality of Caba, La Unión, without first obtaining the consent or authority of the municipal council, and having done so without authority the redemption is invalid. It is likewise contended that even if the redemption was made with the authority of said body, the redemption would still not be valid because the money with which it was effected did not come from the municipality but from the Parents-Teachers Association of Caba, of which Mayor Fonbuena was the president. It is finally contended that the redemption should be invalidated because the municipal council in a resolution passed subsequent thereto declared that the mayor has acted in excess of his power and authority in making the redemption because he misrepresented that the redemption was being made by the municipality when in fact and in truth the latter was not financially able to do so for lack of funds even if the money was taken from the Parents-Teachers Association.

There is no merit in this contention. There is no dispute that the person who effected the redemption is Mayor Fonbuena of the municipality of Caba and that when he tendered the redemption money to the sheriff he acted in his capacity as such, otherwise the sheriff would not have allowed the redemption considering that the property belonged to the municipality. The fact that the redemption money did not come from the coffers of the municipality but from the Parents-Teachers Association of Caba which, upon the request of its President, Mayor Fonbuena, agreed to lend its own money in order that the redemption may be effected and the property restored to the municipality, cannot taint the transaction with invalidity it being a mere accommodation or help that said association deemed it wise to extend to the municipality. The money for the redemption of the property could have even come from a philanthropist, or a civic organization, and yet no one would dare dispute its propriety, for the same is intended for a worthy cause.

It is true that when the redemption was made the Mayor was not authorized by any resolution of the municipal council nor was there any appropriation by said council of the money needed for the redemption, but the lack of such resolution would not also taint with invalidity the redemption for the mayor, as chief executive, was in duty bound to take such step as may be necessary to protect the interest of his municipality. It should be noted that the property belongs to the municipality and it was his bounden duty to redeem it in order that it may not be lost.

In this connection, we find correct the following comment of the lower court: "The actuation of the Municipal Mayor in securing the amount used to redeem the said property for the defendant municipality cannot be inquired into in this proceeding as the Mayor just complied with his official duty to protect the interest of said municipality. If the Mayor secured the money illegally as insinuated by the petitioner-purchaser, then the real aggrieved parties who owned the money and who may be prejudiced by the acts of the Mayor, may bring the corresponding appropriate action before the competent court to protect their rights.

The order appealed from is affirmed, with costs against appellant.

Bengzon, C.J., Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

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