

**REMEDIOS C. LEDESMA, PETITIONER, VS. COURT OF APPEALS AND
POLICARPIO MAMON, RESPONDENTS.***G.R. No. 21577. December 26, 1967*

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-21577/>**DIZON, J.:**

Appeal interposed by Remedios C. Ledesma from the decision of the Court of Appeals in G.R. L-30048-R modifying the one rendered by the Court of First Instance of Iloilo in Civil Case No. 4562 by declaring that she and Policarpo Mamon are the owners pro-indiviso of a 1/6 portion each of Lot No. 9403 of the Cadastral Survey of Pototan, Iloilo, described in Transfer Certificate of Title No. T-7958 issued in the names of Felix Labrador, married to Expectacion Palma, 1/3 share; Jose Labrador, a widower, 1/3 share; and the spouses Benigno Labrador and Marcelina Justiniani, 1/3 share.

On August 18, 1951, Benigno Labrador sold his and that of his wife's share, interest and participation in the aforementioned property to Policarpo Mamon (Exh. "1"), reserving for themselves, however, the right to repurchase it within two years after the expiration of three years from the date of the deed of sale. Said deed was not signed by Benigno's wife, nor was it registered in the Office of the Register of Deeds of Iloilo. However, Mamon immediately took possession of the property and cultivated it until the middle part of 1959.

On August 23, 1951, Marcelina J. Labrador - Benigno Labrador's wife - executed in Manila a power of attorney authorizing her husband to encumber her share in the same property to secure a loan. Her husband, on the other hand, failed to exercise his right to repurchase within the period stipulated.

The record further discloses that in Civil Case No. 2932, entitled "Remedios C. Ledesma, plaintiff, vs. Marcelina J. Labrador, accompanied by her husband, Benigno Labrador, etc.", the Municipal Court of Iloilo City, on February 19, 1955, rendered judgment as follows:

"WHEREFORE, this Court renders decision in favor of the plaintiff, ordering the defendant Marcelina J. Labrador to pay to the herein plaintiff the sum of EIGHT HUNDRED SEVENTY (P870.00) pesos, with legal rate of interest from October 26, 1954 (date of the filing of the complaint) until fully paid; TWO HUNDRED (P200.00) pesos for damages; ONE HUNDRED (P100.00) for attorney's fees and the costs of this suit."

The above decision was amended six days later to reduce the money claim to P585.47 and to eliminate the sum of P200.00 awarded as damages. Re-amended subsequently, the decision restored the principal money claim to P870.00, awarded P100.00 attorney's fees and eliminated the P200.00 damages.

After the decision had become executory, the corresponding writ of execution was issued and the sheriff levied upon and sold at public auction on April 9, 1956, 1/3 of Lot No. 9403 to the herein petitioner, as the highest bidder. Upon failure of the spouses to redeem their property within one year from the auction sale, the corresponding final certificate of sale was executed in favor of the purchaser, the pertinent portion of which reads as follows:

"WHEREFORE, I, Cipriano Cabaluna, Ex-Officio Provincial Sheriff of Iloilo, by virtue of the provisions of the law in this case made and provided and in consideration of the abovementioned amount of P1,446.00, do hereby sell, cede and transfer definitely and forever all rights, interests and participations of Marcelina J. Labrador consisting of 1/3 share over the above described property unto Remedios C. Ledesma, of legal age, widow, Filipino and resident of Jaro, Iloilo City, Philippines."

The provisional as well as the final certificates of sale were duly registered in the Office of the Register of Deeds of Iloilo. Thereafter, Ledesma repaired to the land to take possession thereof, but found Mamon cultivating it. Demands on the latter were made for him to vacate and surrender the land to petitioner, but said demands were not heeded. Thereupon, petitioner instituted the present action (Civil Case No. 4562) against Jose Labrador, Magdalena Labrador and Policarpo Mamon, praying that (1) she and the defendants Jose Labrador, and Magdaleno Labrador (heir of deceased Felix Labrador), assisted by her husband Florentino Gonzales, be declared as co-owners of the aforesaid property; (2) said lot be partitioned among themselves, or 1/3 each; and that (3) Mamon be ordered to: (a) deliver to her the possession of the 1/3 portion of the land following its partition, and (2) to pay her an annual damage of 91 cavans of palay, or its money value at the rate of P10.00 per cavan from the filing of this suit until complete pos-session is delivered to her.

In their answer to the complaint Jose Labrador and Magdalena Labrador denied that a big portion of the property was riceland and, as special defense, further alleged that it was already subdivided for taxation purposes into three equal parts of 26,750 square meters each between them and Mamon as lawful owners, pursuant to a subdivision plan duly approved by the Director of Lands on December 15, 1952, and as a counterclaim prayed for P3,000.00 as moral damages and attorney's fees of P500.00.

In his separate answer Mamon made a general denial of the facts alleged in the complaint and, as special defense, invoked possession and ownership of 1/3 of said realty since 1951, which portion had already been segregated from that of the two other owners. Upon his counterclaim he prayed for payment of moral damages and attorney's fees in the sum of P11,000.00.

On June 24, 1959, through the intervention of the Provincial Sheriff of Iloilo, Mamon eventually surrendered possession of the property to Ledesma who, since then has been in possession thereof.

After due trial, the lower court on June 21, 1961 rendered judgment as follows:

"IN VIEW OF THE FOREGOING, judgment is hereby rendered in favor of plaintiff Remedios C. Ledesma by declaring her as absolute owner of 1/3 of Lot No. 9403 of the cadastral survey of Pototan, Iloilo, described under Transfer Certificate of Title No. T-7953, with costs against defendant Policarpo Mamon.

The plaintiff Remedios C. Ledesma and defendants Jose Labrador, Magdalena Labrador, accompanied by her husband Florentino Gonzales, are hereby ordered to submit to this Court an extra-judicial physical partition of Lot No. 9403 in accordance with their ownership as shown in the certificate of title within a period of thirty (30) days, and should they fail to do so, this Court will be constrained to appoint Commissioners for the physical partition of the property. This is without costs against defendants Jose Labrador, Magdalena Labrador, accompanied by her husband Florentino Gonzales."

From the above decision only Mamon appealed to the Court of Appeals where, after proper proceedings, the appealed judgment was rendered.

As grounds for a reversal of the appealed decision petitioner relies upon the following: that the Court of Appeals exceeded its appellate jurisdiction (a) when it decided the validity of the public auction sale in which petitioner was the highest bidder, said question not having been raised in the trial court, and (b) when it declared respondent Mamon owner of 1/6 undivided share in Lot No. 9403 of the Cadastral Survey of Pototan, inspite of the fact that

he had not pleaded any counterclaim in relation thereto and the pacto de retro sale executed in his favor had never been registered; and lastly, that said court erred in modifying the decision of the trial court.

To be borne in mind in this case is the fact that the present action is for partition (see p. 7, record on appeal) where respondent Mamon alleged in his answer that he was the exclusive owner of 1/3 portion of Lot No. 9403 also claimed by petitioner. The action, therefore, necessarily involved the question of whether or not it was petitioner or it was respondent Mamon who was a co-owner of the land sought to be partitioned. Such being the case, it can not be denied that the auction sale made pursuant to the writ of execution issued in Civil Case No. 2932 of the Municipal Court of Iloilo in which petitioner was the purchaser of the alleged 1/3 share of Marcelina J. Labrador in the property covered by T.C.T. No. 7958, was directly and necessarily involved in the action.

On the other hand, it is obvious from the answers to the complaint filed separately, on the one hand by Jose and Magdalena Labrador, and, on the other, by Policarpo Mamon that, aside from denying the material averments of the complaint, they alleged that the property covered by the certificate of title mentioned above was their common property; that, in fact, it had already been partitioned amongst them; that Mamon had acquired 1/3 portion of the whole property from the spouses Benigno Labrador and Marcelina J. Labrador; that since the year 1951 when these vendors a retro failed to exercise their right of repurchase, Mamon had taken possession of their 1/3 share, cultivated it and paid all land taxes due thereon.

The foregoing, in our opinion, makes it clearer still that the validity of the public auction sale mentioned heretofore was an issue in the trial court, it being undeniable that any right of ownership petitioner could claim over 1/3 of the property must necessarily be based upon and spring from the execution sale made in her favor. Consequently, the Court of Appeals did not err in ruling upon its validity.

It is likewise clear from the averments made in the answers filed by the defendants in Civil Case No. 2932 - both defensive and in the nature of a counterclaim - that it was their common contention that respondent Mamon was the owner of 1/3 undivided share of Lot No. 9403 of the Cadastral Survey of Pototan. As a matter of fact, the answer of Jose and Magdalena Labrador, besides alleging that each of them (Jose and Magdalena Labrador, and Porfirio Mamon) had obtained his 1/3 share with an area of 26,750 square meters in said property by virtue of a subdivision plan duly approved by the Bureau of Lands since December 15, 1952, it alleged specifically that each portion, as subdivided, was declared in the name of the respective owner for taxation purposes and was in their respective possession. Consequently, We deem it clear that respondent Mamon's answer to the complaint, although not as specific and definite as was desirable, involved a claim that he should be declared the owner of one-third (1/3) share of the totality of the titled parcel of land. As a matter of fact, even if Mamon's claim of co-ownership was interposed merely as a defense, there was sufficient justification, considering the nature of the action and the result of the evidence, for the declaration made in the appealed decision that 1/6 portion of the property belonged to him and that the averments made therein could not have possibly misled petitioner - and she makes no claim to this effect - in the conduct of her case.

Considering what has been said heretofore, We deem it unnecessary to decide the last assignment of error submitted in petitioner's brief.

WHEREFORE, finding the appealed decision to be in accordance with law and the evidence, the same is hereby affirmed, with costs.

Concepcion, C.J., Reyes, JBL, Makalintal, Bengzon, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

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.