

**EL HOGAR FILIPINO, MUTUAL BUILDING AND LOAN ASSOCIATION,
PLAINTIFF AND APPELLEE, VS. A. P. SEVA, JUDICIAL
ADMINISTRATOR OF THE ESTATE OF THE DECEASED LEONOR G. DE
SEVA, DEFENDAN...**

G. R. No. 36627. November 19, 1932

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36627/>

VILLA-REAL, J.:

This is an appeal taken by A. P. Seva, as judicial administrator of the estate of Leonor G. de Seva, from the order of the Court of First Instance of Manila dated August 3, 1931, confirming the sale made by the sheriff of said court, of a parcel of residential property with the improvements thereon situate in the City of Manila, and mortgaged to the plaintiff, El Hogar Filipino, the highest bidder being Victor Buencamino for P12,550, and ordering the issuance of another writ of execution for the rest of the sentence under execution.

In support of his appeal, the appellant assigns seven alleged errors as committed by the court a quo in the aforesaid order, which we shall take up in the course of this decision.

The first question to decide in this appeal, and that raised in the first assignment of error, is whether or not the property herein litigated was sold extra judicially by the sheriff of Manila. The appellant himself answers this question in his brief recital of the facts, wherein he states that by virtue of a writ of execution dated June 29, 1931, issued by the Court of First Instance of Manila in the foreclosure proceedings instituted by El Hogar Filipino against A. P. Seva, as administrator of the estate of the late Leonor G. de Seva, the sheriff of Manila sold the property at public auction. Inasmuch as a competent court has ordered the public auction sale of the real property, and this order has been carried out, the sale cannot be called extra judicial.

As for the other assignments of error referring to the insufficiency of the price at which the property was sold at public auction, this court laid down the following doctrine in the case of Bank of the Philippine Islands vs. Green (52 Phil., 491) :

"MORTGAGE; SALE OF REALTY UNDER EXECUTION.—Inasmuch as the opposition to the confirmation of the sale made by the sheriff pursuant to the execution only alleged as a ground that the price for which the mortgaged property was sold was absolutely inadequate and unreasonable, and whereas it has heretofore been held by this court that a smaller price, for which the same property was sold at the first auction, notwithstanding that it was inadequate, was not sufficient by itself alone to annul the order confirming the sale (which was annulled for a different reason); therefore, the fact that the opponent was not given an opportunity to present evidence in support of the allegations of his opposition does not constitute a prejudicial error which would nullify the order confirming the sale made by the sheriff."

In the present case the appellant has not shown, either in the lower court or in this court, that there was anybody who offered, or was willing to offer, a higher price for the property in question, if the sale made by the sheriff to Victor Buencamino would be set aside, and another auction sale held.

With reference to the question whether or not the Court of First Instance of Manila that took cognizance of the foreclosure proceedings here mentioned, has jurisdiction to order the public auction sale of the mortgaged property situate in Occidental Negros, this court laid down the following doctrine in the case of Manila Railroad Co. vs. Attorney-General (20 Phil., 523):

"5. ID.; ID.; ID.; ID.; EFFECT OF SECTION 377, CODE OF CIVIL PROCEDURE.—Section 377 of the Code of Civil Procedure, providing that actions affecting real property shall be brought in the province where the land involved in the suit, or some part thereof, is located, does not affect the jurisdiction of Courts of First Instance over the land itself but relates simply to the personal rights of the parties as to the place of trial.

* * * * *

"7. ID. ; ID. ; ID. ; ID. ; VENUE NOT CONNECTED WITH JURISDICTION ; WAIVER BY PARTIES.—Venue is not connected with jurisdiction over the subject matter; and the defendants rights in respect thereto, as they are conferred by section 377 above referred to, may be waived expressly or by implication. Act No. 136 before referred to having conferred the fullest and completest jurisdiction possible upon Courts of First Instance relative to the real estate of the Islands, section 377 referred to will not be held or construed to restrict or limit that jurisdiction, it not containing express provisions to that end." (See also Central Azucarera de Tarlac vs. De Leon and Fernandez, 56 Phil, 169; Cerf vs. Medel, 33 Phil., 37; Katigbak vs. Tai Hing Co., 52 Phil., 622; Marquez Lim Cay vs. Del Rosario, 55 Phil., 962.)

In volume 42, page 31, section 1528, of Corpus Juris, there is the following statement:

"PROPERTY IN SEVERAL COUNTIES.—Although there is contrary authority, where tracts of land situated in different counties are embraced in one mortgage, the proper court of either county has jurisdiction to foreclose the mortgage and order the sale of all the land. Several mortgages securing an entire debt are in effect one and may be foreclosed in any county in which part of the land lies, * * *."

It has already been held, therefore, that when various parcels of land or real property situate in different provinces, are included in one mortgage contract, the Court of First Instance of the province wherein they are situated or a part thereof is situated, has jurisdiction to take cognizance of an action for the foreclosure of said mortgage, and the judgment therein rendered may be executed in all the other provinces wherever the mortgaged real property may be found.

By virtue whereof, finding no error in the order appealed from, it is hereby affirmed in its entirety, with costs against the appellant. So ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Ostrand, Abad Santos, Vickers, Imperial, and Butte, 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.