

THE DIRECTOR OF LANDS, APPLICANT, VS. TIMOTEO ABARCA ET AL., CLAIMANTS. DATU BUALAN ET AL. (BAGOBOS), JUAN A. SARENAS AND DOMINGO BRAGANZA, APPELLANTS*G. R. No. 38581. December 18, 1934*

Ponente: ABAD SANTOS, J.

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This appeal concerns lot No. 700 of cadastral No. 1 of the Court of First Instance of Davao. This lot was claimed by Datu Bualan and a number of other Bagobos, on the one side, and, on the other, by Juan A. Sarenas and Domingo Braganza. The facts and circumstances which gave rise to the conflicting claims of the parties may be stated briefly as follows: About fourteen years ago in civil case No. 346 of the court below, the lot now in question was the subject of litigation between Datu Bualan and his co-claimants, on the one hand, and Ciriaco Lizada, on the other. Juan A. Sarenas and Domingo Braganza were the attorneys for Datu Bualan and his co-claimants in that suit, wherein a judgment was rendered declaring Datu Bualan and his co-claimants the owners of the land involved in the litigation. Subsequently, a controversy arose between the Bagobos and their attorneys as to the amount of fees due the latter, whereupon the attorneys took possession of the property now in question. Action was brought by the Bagobos against their former attorneys for the recovery of the land. In this action (civil case No. 607) judgment was rendered ordering the attorneys to return the property seized by them, and requiring the Bagobos to pay their former attorneys the sum of P6,000 as fees. As a result of this judgment Datu Bualan and his co-claimants paid Sarenas and Braganza the sum of P5,126.13. They also paid to the municipal treasurer of Davao in the name of Sarenas and Braganza, for taxes and penalties due on the property in the year 1926, while the same was in the possession of the latter, the sum of P1,035.87. The Bagobos assumed that, by these payments which amounted in all to P6,162, the judgment rendered against them for P6,000 together with interests due thereon, was fully satisfied.

Claiming that the sum paid to the municipal treasurer of Davao should not be credited on the amount of the judgment obtained by them, Sarenas and Braganza caused the clerk of the court to issue a writ of execution on the said judgment. By reason of the writ of execution so issued, the sheriff levied on the property here in question and sold it to Sarenas and Braganza for the sum of P877.25. Upon the failure of the Bagobos to redeem the property, they filed their claim in the present cadastral case, alleging that they were the absolute owners of lot No. 700.

In view of the evidence presented by the parties, the lower court dismissed the claim of Sarenas and Braganza, and ordered the registration of the lot now in question in the names of Datu Bualan and his co-claimants, subject, however, to a lien in favor of Sarenas and Braganza for the sum of P877.25, with interest at the rate of 12 per cent per annum from April 27, 1927. From this order both parties appealed, Sarenas and Braganza contending in substance that the court erred in dismissing their claim; and Datu Bualan and his co-claimants claiming that the court below erred in subjecting the property sought to be registered to a lien in favor of Sarenas and Braganza for the stated amount.

In dismissing the claim of Sarenas and Braganza, the lower court held that the sale by the sheriff of the property in question in favor of said claimants was null and void, because it was not made in accordance with the requirements of the law, and also because the amount of P877.25 paid by Sarenas and Braganza was absolutely inadequate. In deciding this appeal we do not deem it necessary to discuss all the questions raised by the parties in their briefs. We believe that the lower court was right in declaring the sheriff's sale null and void on the ground of the inadequacy of the price paid. It appears that in 1927 the assessed value of the contested property was more than P60,000. A judicial sale of real property will be set aside when the price is so inadequate as to shock the conscience of the court. (*National Bank vs. Gonzalez*, 45 Phil., 693.)

In the instant case there is another important consideration. In fairness and equity, which after all are the true aims of the law, the amount paid by Datu Bualan and his co-claimants for taxes and penalties due on the contested property should be credited on the judgment obtained by Sarenas and Braganza in civil case No. 607. Such taxes and penalties accrued while the property was in their possession under a claim of ownership. It follows that the error assigned by Datu Bualan and his co-claimants against the judgment below, to the effect that the lower court erred in subjecting the property sought to be registered to a lien in favor of Sarenas and Braganza for P877.25 with interests, must be sustained.

The order appealed from is affirmed in so far as it decrees the registration of the property in question in the names of Datu Bualan and his co-claimants, and reversed in so far as it requires the notation of a lien in favor of Braganza and Sarenas. Costs will be taxed against Sarenas and Braganza. So ordered.

Street, Butte, Goddard, and Diaz, JJ., concur.

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