

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, APPLICANT, VS. EUSTAQUIA ABALLE ET AL., CLAIMANTS. LEVY HERMANOS, INC., PETITIONER AND APPELLEE, ANTONIO ALEGATO AND CHIONG BONCO, OPPO...

G. R. No. 41342. November 28, 1934

Ponente: AVANCEÑA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-41342/>

AVANCEÑA, C.J.:

By virtue of the execution issued by the Court of First Instance of Iloilo in civil case No. 8491, wherein Gervasio Ignalaga was one of the defendants, the provincial sheriff of Occidental Negros levied upon and sold to Levy Hermanos, Inc., all the rights, interest and participation of Gervasio Ignalaga in lots Nos. 419, 762 and 763 of Cadastral Record No. 27, G. L. R. O. Record No. 284. These lots were originally adjudicated in the name of the spouses Gervasio Ignalaga and Petra Maderazo.

On March 7, 1933, Levy Hermanos, Inc., filed a petition praying that the register of deeds be ordered to cancel the certificates of title to these lots in the name of Gervasio Ignalaga and Petra Maderazo and to issue the corresponding transfer certificate of title in the name of Levy Hermanos, Inc., for the reason that the legal period for redemption has expired with nobody having exercised this right. To this petition opposition was filed by Antonio Alegato with respect to lots Nos. 762 and 419, claiming to be the owner thereof for having bought them from their original owners, and by Chiong Bonco, with respect to lot No. 763, claiming that he held a mortgage credit on this lot. The court, overruling all these oppositions, ordered the register of deeds of the Province of Occidental Negros to cancel the certificates of title covering lots Nos. 419, 762 and 763 of this cadastral record and issue the transfer certificate of title, free from all liens and encumbrances, in favor of Levy Hermanos, Inc.

The attachment of these lots in case No. 8491 of the Court of First Instance of Iloilo was presented and noted in the books of the registry of deeds on November 14, 1930. This notice of attachment was likewise noted on the original certificate of title covering lot No. 419, but, through an involuntary oversight on the part of the register of deeds, was not noted on the original certificate of title covering lot No. 762.

By virtue of a deed of sale executed by the spouses Gervasio Ignalaga and Petra Maderazo in favor of Antonio Alegato, covering lots Nos. 419 and 762, which was presented in the registry of deeds on December 6, 1930, both original certificates of title were cancelled and the corresponding transfer certificates of title in the name of Antonio Alegato were issued, with a notation of the notice of attachment on that covering lot No. 419, and without this notation on that covering lot No. 762. Thereafter, the register of deeds, becoming aware of the omission of the notice of attachment on the original as well as on the transfer certificate of title covering lot No. 762, asked permission of the court, which was granted him, to make the annotation thus omitted.

As to lot No. 419, there is no doubt that the opposition of Antonio Alegato is entirely unfounded. It appearing in the books of the registry of deeds and on his transfer certificate of title that his right to this lot is subject to the attachment levied against Gervasio Ignalaga, his vendor, he cannot now oppose the effects of said attachment

(Buzon vs. Licauco, 13 Phil., 354).

Neither is his opposition with respect to lot No. 762 founded, notwithstanding the fact that the notice of attachment had not been noted on the original certificate of title to this lot in the name of Gervasio Ignalaga and Petra Maderazo or on the transfer certificate of title which was later issued in his name, inasmuch as this notice of attachment was duly inscribed in the books of the registry of deeds. According to section 51 of Act No. 496, the registration of the instrument in the books of the registry of deeds is notice to all as regards such document. It does not provide that it is the notation thereof on the certificate of title. And section 56 of the same Act, in prescribing the form in which the registers of deeds should keep their entry books and directing the entry therein, in the order of their reception, of all deeds and other voluntary instruments and all copies of writs and other process filed with them relating to registered land, noting therein the year, month, day, hour and minute when they received them, provides that inscription or registration shall be regarded as made from the time so noted. According to this, the notation of the attachment of this lot in the entry book of the register of deeds produces all the effects which the law gives to its registration or inscription.

It is also alleged that, at all events, the levy and sale made by the provincial sheriff in favor of Levy Hermanos, Inc., should affect only one-half of each of these lots, which represents Ignalaga's share in the conjugal property, it not appearing that the execution entered in case No. 8491 was for an indebtedness contracted during the marriage. However, there is no evidence to the contrary and, on the other hand, the circumstance that execution was issued during the marriage authorizes the conclusion that said indebtedness was contracted during the same. At any rate, inasmuch as the sale of these lots to Levy Hermanos, Inc. was made with the legal formalities, it is incumbent upon those who seek to annul it to prove the facts justifying their claim.

The order appealed from is affirmed, with costs against the appellants. So ordered.

Street, Abad Santos, Hull, and Vickers, 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.