

EMILE H. JOHNSON, PLAINTIFF AND APPELLEE, VS. SANCHEZ BALANTACBO, DEFENDANT AND APPELLANT.

G.R. No. 4188. January 18, 1908

Ponente: TRACEY, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4188/>

TRACEY, J.:

The defendant bought the three parcels of land in question at a sale under an execution on a judgment in his favor against Perfecto and Buenaventura Dimaguila, in January, 1906. The plaintiff brought this action to recover possession of them as having been his property at the time of the execution sale, and it is proved that on April 8, 1905, he bought the land from the two Dimaguilas with a pacto de retro that the vendors might redeem the property within seven months, on the payment of the purchase price of P3,015.47. The redemption period having expired, the vendors and the vendee signed a memorandum on the 17th of November, 1905, recognizing the possession of the vendee as final, but leaving the administration of the land to the vendors as his agents, and they were in occupation as such agents at the time of the levy under the execution.

In his judgment the judge of First Instance says that the only point made before him by the defendant was that the land had not been sufficiently identified and in overruling this point we think he committed no error.

Upon this appeal counsel for the defendant has presented an ingenious argument, contending that by having omitted to present his claim to the sheriff at the time of the sale, plaintiff lost his right to assert it, or, in other words, is estopped by his omission. This argument mistakes the purpose of the publication of the sheriff's notice of sale, which is not made in order to induce adverse claimants to assert their title, but rather to attract bidders to the sale. There are circumstances under which the acquiescence or participation of a claimant to property, present at a sale and in that manner encouraging a bidder or purchaser, may estop him on the ground of bad faith, but none such exist in the present case.

The judgment is affirmed with the costs of this instance. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Willard, 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.