

INOCENTE MARTINEZ, PLAINTIFF AND APPELLEE, VS. G. E. CAMPBELL ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4322. March 26, 1908

Ponente: TORRES, J.

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TORRES, J.:

The debtor, Inocente Martinez, whose property was sold at public auction by virtue of the judgment entered by the judge of First Instance of La Laguna, attempted to exercise his right of redemption within the term fixed by section 465 of the Code of Civil Procedure, and on the 29th of March, 1907, offered, to that end, the sum of P479 for the repurchase of the three parcels of land sold, but the sheriff declined to receive the money because it did not agree with the amount named and the instructions given by the purchaser, G. E. Campbell.

The latter, by himself and in the name of the sheriff, admitted the greater part of the allegations contained in the complaint but denied that the sum offered was the said amount, and added as a special defense that the 29th day of March was an official holiday.

The court below found that, under the agreement entered into between the parties, the term for redemption expired on the 31st of March, 1907; that the offer made on the 29th was repeated on the 30th of said month, although the sheriff unlawfully refused to accept it, notwithstanding the fact that the right of redemption might validly have been exercised up to the 30th day of the said month.

No motion for a new trial having been presented, the conclusions contained in the judgment appealed from must be accepted, as the law does not permit a review thereof.

Taking into consideration that the decision of the court below is in accordance with the law, and that no legal reason or ground has been adduced for its reversal, and that it is not proper that the person having the right of redemption should pay interest after the 30th day of March, 1907, the judgment appealed from is hereby affirmed with the costs against the appellant. It is the duty of the court below to appoint a reasonable term within which the plaintiff shall pay in the amount due, with interest thereon up to the 30th day of March, 1907, only. So ordered.

Arellano, C. J., Mapa, Carson, Willard, and Tracey, JJ., concur.
Johnson, J., disqualified.

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