

ENGRACIO DE ASIS, APPELLANT, VS. MANILA TRADING & SUPPLY CO., APPELLEE.*G.R. No. 44388. September 22, 1938*

Ponente: LAUREL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-44388/>**LAUREL, J.:**

By virtue of a writ of execution issued in civil case No. 31749 of the Court of First Instance of Manila, the provincial sheriff of Nueva Ecija, on March 30, 1929, sold to the herein appellee, Manila Trading and Supply Co., the property described in transfer certificate of title No. 1434. The sheriff's deed of sale was recorded in the office of the register of deeds on June 7, 1929, and the final certificate of sale was also recorded on October 5, 1931. Previous to the levy and sale and the recording thereof, however, or on August 28, 1926, the same property had been sold with pacto de retracto by Ramon H. Severino, defendant in civil case No. 31749, to Engracio de Asis, the herein appellant, which sale was duly recorded and noted on the certificate of title No. 1434. On May 3, 1935, appellee filed a petition in the Court of First Instance of Nueva Ecija for the cancellation of transfer certificate of title No. 1434 and the issuance, in lieu thereof, of a new certificate of title in its favor. On June 6, 1935, appellant also filed a motion for the issuance of a copy of certificate of title No. 1434 because of the loss of the owner's duplicate certificate. This motion of appellant appears to have been denied by the lower court on June 14, 1935. The appellant filed a motion for reconsideration but the motion was denied on June 21, 1935. Appellee's petition of May 3, 1935, was granted in an order of August 9, 1935, in which order appellant's motion for reconsideration of June 21, 1935, was also denied.

Of the three errors assigned by the appellant in his brief only the second need be considered. This error raises the question of preference in favor of the appellant, in view of the prior registration of the sale with pacto de retracto aforesaid.

A sale with pacto de retracto transfers the legal title to the vendee, subject to a resolutory condition. If the vendor does not at the expiration of the term for repurchase exercise his right, the purchaser acquires irrevocable ownership of the thing sold. In the present case, the title of the appellant, Engracio de Asis, was consolidated approximately two years before the sale by the sheriff and the recording thereof in the office of the register of deeds. It is true that no notation was made of the consolidation of title in the appellant De Asis. Proper notation, however, of the contract of sale with pacto de retracto is notice to all those dealing with the property of the character of the agreement entered into and duly recorded and, therefore, of the resolutory condition which implies the consolidation of ownership in the purchaser if the vendor a retro does not comply with the provisions of article 1518 of the Civil Code within the time stipulated or prescribed. (Articles 1508, 1509, Civil Code; Manresa, Vol. 10, p. 305.) It follows that the sale by the sheriff and the registration thereof could not affect the ownership of the appellant over the property.

The judgment of the lower court is accordingly reversed, with costs against the appellee. So ordered.

Avanceña, C. J., Villa-Real, Abad Santos, Imperial, Diaz, and Concepcion, 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.