

INTESTATE ESTATE OF THE LATE JANUARIA GONZALEZ. SISENANDO ABARRO, CLAIMANT AND APPELLANT, VS. TOMASA DE GUIA, HEIR AND APPELLEE.

G.R. No. 47317. June 10, 1941

Ponente: MORAN, J.

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MORAN, J.:

In the summary settlement of the estate of the deceased, Januaria Gonzalez, the court below ordered the heirs to pay the creditor of the estate, Sisenando Abarro, the amount of P800, with legal interest. No payment having been made, lot No. 1157, the only property left by the deceased, was ordered sold at public auction and awarded to the creditor himself as the highest bidder thereat. The sheriff's deed of sale contained a proviso to the effect that the property was subject to redemption, as provided by law, within one year. Upon the expiration of such period with no redemption having been made by the heirs, the purchaser filed a motion in court praying that the sheriff be ordered to execute a final deed of sale in his behalf. Tomasa de Guia, heir of the deceased, opposed the motion, alleging that she had delivered to the sheriff the amount of P1,056.40 for the redemption of the property. This allegation was found by the court to be true and, accordingly, the motion filed by the purchaser was overruled. Hence, his appeal.

The validity of the sheriff's sale is not questioned, and brushing aside considerations on other questions not duly raised, we hold that Tomasa de Guia has no right to redeem and that the sale made in favor of Sisenando Abarro is final. In the administration and liquidation of the estate of a deceased person, sales ordered by the probate court for payment of debts are final and are not subject, to legal redemption. Unlike in ordinary execution sales, there is no legal provision allowing redemption in the sale of property for payment of debts of a deceased person. In the intestate proceedings of Josef a Jimenez (G. R. No. 45165, April 12, 1939), we made the following observations:

"La cuestion principal de derecho a determinar en la presente apelacion es la de si Gregoria Jimenez, como una de los herederos de la finada Josefa Jimenez, tiene derecho a rescatar la finca de esta, vendida en piiblica subasta para pagar una deuda suya.

"Ni el articulo 597 delCodigo de Procedimiento Civil, tal como ha sido enmendado por la Ley No. 3370, ni los articulos 714 y 722 del propio Codigo autorizan el rescate de fincas vendidas en publica subasta de bienes relictos por difuntos para el pago de sus deudas. En primer lugar, porque los procedimientos en que tienen lugar tales ventas son especiales, previstos por disposiciones legales tambien especiales, y no por las generales que regulan las actuaciones ordinarias en que se provee el rescate de bienes raices vendidos en publica subasta en virtud de mandamiento de ejecucion de sentencia.

"Ademas, el articulo 598 del propio codigo procesal civil da de entender que la distribution sumaria de los bienes relictos por un difunto, decretada por el Juzgado competente es final y definitiva, a menos que dentro de los dos afios siguientes a la distribution sumaria resultase que hay deudas por pagar o que un heredero u otra persona ha sido indebidamente privado de su participation legal en la he- rencia, en cuyo caso cualquier acreedor, heredero o persona interesada puede obligar a que se haga judicialmente la distribution y partition de

los citados bienes en la forma ordinaria. Si se permitiese el rescate que la administradora-apelante pretende, quedarian frustrados los fines de la ley al proveer la distribucion sumaria de los bienes de poca monta relictos por un difunto; puesto que no se podria cerrar la testamentaria o intestado, cuyos bienes han sido distribuidos sumariamente, sino despues de haber transcurrido el ano del rescate."

From the outset, the purchaser acted undoubtedly under the erroneous impression that legal redemption, as noted by the sheriff on the deed, was valid, accepting thus the deed without any objection whatsoever. But, as a general rule, and under the circumstances of the case, no estoppel attaches to validate a contract or any part thereof that in itself is contrary to law.

With the declaration that the sale made in favor of Sisenando Abarro is final, judgment is reversed, with costs in both instances against appellant.

Avanceña, C. J., Diaz, Laurel and Horrilleno, JJ., concur.

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