

GREGORIA R. DE MESA, PLAINTIFF AND APPELLANT, VS. CIPRIANO V. DE GALICIA, ANDRES IMPERIAL AND THE PROVINCIAL SHERIFF OF TAYABAS, DEFENDANTS AND APPELLEES.*G.R. No. 47626. April 25, 1941*

Ponente: MORAN, J.

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The agreed facts are as follows:

Oil February 6, 1936, the land in question, covered by original certificate of title No. 1987 and owned by Andres Imperial, was sold in an execution sale by the provincial sheriff of Tayabas to Ambrosio de la Cruz. On December 26, 1936, that is, within the one-year period of redemption provided by law, appellant Gregoria R. de Mesa bought this right of legal redemption pertaining to Andres Imperial, with the stipulation that if she redeemed the property, the latter may in turn redeem the same from her up to March 26, 1937. Cipriano V. de Galicia signed the deed of purchase (Exhibit A) as an attesting witness, and the provincial sheriff was notified thereof on January 13, 1937. On January 18, 1937, Cipriano V. de Galicia bought the same right of legal redemption from Andres Imperial, and on the following day, January 19, exercising the legal redemption he had thus acquired, he repurchased the property from the provincial sheriff. Both deeds (Exhibits 1 and 2) were duly registered. Later, the register of deeds cancelled the original certificate of title No. 1987 in the name of Andres Imperial and issued transfer certificate of title No. 11086 in the name of Cipriano V. de Galicia. On February 6, 1937, the last day of the legal redemption period, plaintiff Gregoria R. de Mesa offered to repurchase the property from the provincial sheriff, but the offer was rejected as the property had already been repurchased by Cipriano V. de Galicia. On March 29, 1937, Cipriano V. de Galicia offered in turn to the apoderado of Gregoria R. de Mesa the amount of P150, less P10, as expenses for securing title No. 1987, but the offer was similarly rejected and the money delivered to one Corcordia Cantillana, wife of Andres Imperial.

Upon these facts, the trial court rendered judgment in favor of appellee Cipriano V. de Galicia, on the theory that, according to article 1473 of the Civil Code, as the property had been sold twice, it shall belong to the purchaser who first recorded it in the register of deeds.

It is a settled rule that the inscription in the registry, to be effective, must be made in good faith (*Palanca v. Director of Lands*, 43 Phil., 149; *Fernandez v. Mercader*, 43 Phil., 581). Cipriano V. de Galicia knew, before purchasing the right of legal redemption from Andres Imperial, that the same had already been sold to Gregoria R. de Mesa, he having signed as an attesting witness the deed of sale, Exhibit A, executed in favor of Gregoria R. de Mesa. The registration, therefore, of his deed of purchase, by which he acquired the same legal right of redemption from Andres Imperial, has been made in bad faith.

We have once held that when one purchases property with full knowledge that his vendor has previously sold the property to another person, he acquires only the right, if any, which the vendor then had (*Ramos et al. v. Dueno et al.*, 50 Phil., 786). Accordingly, the only right which Cipriano V. de Galicia has acquired from Andres Imperial,

was the latter's right to redeem the property from Gregoria R. de Mesa up to March 26, 1937. As he offered to repurchase the property from Gregoria R. de Mesa, only on March 29, 1937, or three days after the expiration of the period agreed upon in Exhibit A, Cipriano V. de Galicia lost the only right he had acquired from Andres Imperial, and it is an error to give him the transfer certificate of title No. 11086.

We, therefore, hold that Gregoria R. de Mesa acquired validly the legal redemption pertaining to Andres Imperial, and, consequently, when she offered to repurchase the property on the last day of the redemption period, the provincial sheriff should have allowed such repurchase and should have executed the corresponding deed.

Judgment is reversed, and let another be entered ordering that, upon payment by appellant Gregoria R. de Mesa of the sum of P154.93 to the provincial sheriff, the latter should execute in her favor a deed of repurchase and that certificate of title No. 11086 in the name of Cipriano V. de Galicia be cancelled and a new one issued in favor of Gregoria R. de Mesa, with costs against appellees.

Imperial, Diaz, and Laurel, JJ., concur.

Judgment reversed.

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