

FRANCISCO BANTA ET AL., PLAINTIFFS AND APPELLANTS, VS. GERONIMO PACHECO, AND EULOGIO SEVILLE, DEFENDANTS AND APPELLEES.

G.R. No. 48133, December 31, 1942

Ponente: BOCOBO, J.

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BOCOBO, J.:

PUBLIC EXTRAJUDICIAL SALE; PUBLICATION OF NOTICE IN NEWSPAPER.—Section 3 of Act No. 3135 merely requires that the notice be published "in a newspaper of general circulation." The newspaper need not have the largest circulation, so long as it is of general circulation. It is presumed that the requisites of the law regarding publication in a newspaper of general circulation have been complied with, which presumption has not been successfully rebutted by appellee. Held: That the publication of the notice of sale in the newspaper La Opinion, together with the posting of the notice at the municipal building, the public market and the cockpit, was a sufficient compliance with the law. By such publication and posting, a reasonable publicity had been made so that those interested might attend the public sale.

APPEAL from two judgments of the Court of First Instance of Rizal. Platon, J.

Decision penned by Associate Justice Jorge C. Bocobo.

Francisco Dalupan and Pedro A. Revilla for appellants.

Alfredo B. Calupitan for appellees.

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