

JOSE DENOGA, APPLICANT AND APPELLANT, VS. THE INSULAR GOVERNMENT, OPPONENT AND APPELLEE.

G.R. No. 5776. April 01, 1911

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

Jose Denoga applied to the Court of Land Registration for the inscription in the new registry of a parcel of land situated in the municipality of Moncada, Province of Tarlac, with an area of 3,053.70 square meters, bounded on the north by a road leading to a station of the Manila and Dagupan Railway, on the east by land belonging to this railway, on the south by a lot owned by Ernest Heald or by Smith, Bell & Co., and on the west by the General McArthur Highway.

The applicant declared that he had lived on the said land since 1894 and prior thereto; that in 1900 the municipality of Moncada deemed itself the proprietor of this land, and he was paying it 95 centavos a month as rent; that when the Land Tax Law went into effect, a caretaker of one named Fleming presented a sworn declaration for the purposes of the land tax; that the said Fleming failed to pay such tax and the provincial treasurer of Tarlac sold the land at public auction; that the applicant bought the land so sold at public auction, and that one year afterwards, no redemption thereof having been effected, the said treasurer issued to him the proper certificate of title, which he presented with his application, for its inscription, to the Court of Land Registration.

The preceding facts are those that he declared and proved, and he offered to present three witnesses for further proof, but did not, because the court considered it unnecessary to do so, as no opposition had been made; in fact none was made either by the municipality of Moncada, the Insular Government, or by any person whatever, either after the notices had been duly published or after the general default prescribed by law had become effective on the expiration of the term allowed for filing adverse claims.

It was proven that, since fourteen years prior to the date of his application, March 17, 1903, the applicant had been holding the land with a manifest appearance of possession, his dwelling house being erected thereon; that he was disposed to believe that the municipality had a right to collect a rental from him; but the municipality did not fortify and make good this belief, nor did it claim any right whatever in the land possessed by the applicant; that the latter saw that another party declared the land as his own for the purposes of the land tax, but such other party did not appear as an adverse claimant against his application.

Administrative action was afterwards taken to enforce the payment of the said tax, and, as the delinquent taxpayer was found not to have any personal property that could be attached, the assessed land was put up for sale at public auction. The applicant, like any other individual, and omitting consideration of any right that he might have had, attended the auction and bid in the land without opposition of any kind. The year for the legal redemption elapsed and no one exercised this right. In compliance with the law the provincial treasurer, who had sold the land, issued the property title in consequence of the sale.

A sale is a contract transferring dominion and other real rights in the thing sold. An administrative authority, the

same as a judicial, who sells a property belonging to a judgment debtor, because of the latter's delinquency or noncompliance with his obligation to pay, subrogates himself in place of the judgment debtor and perfectly authorizes the sale in the quality of owner, the same as if such debtor had voluntarily done so outside of a case of execution of judgment. The sale so effected is valid and efficacious as authorized and prescribed by law.

If the sale is impugned by one who has a right so to do, as the debtor who appeared as the proprietor of the thing sold or another who presents himself as the true and legitimate owner thereof, it may cease to be valid and efficacious.

In the case at bar, neither when the provincial treasurer announced the public auction, nor after the same was effected, nor subsequent to the lapse of the legal term for the redemption, nor, finally, during the trial that was originated by the application for the inscription in the registry of property, did the said Fleming, or the municipality of Murcia, or the Insular Government, or anyone else who might have an interest in the land, put in an appearance to impugn the sale; and, in view of the effects of the general default, the applicant is the sole, true, and legitimate owner of the land whose registration is sought.

The conclusions reached in the decision of this court in the case of *Valencia vs. Jimenez and Fuster* (11 Phil. Rep., 492) are not applicable to the present case. In the case just cited, the proprietress of the land sold did appear and impugn the validity of the sale, made administratively by the collector and assessor of the city of Manila for the collection of taxes, and, for the purposes of her opposition, alleged irregularities in the proceedings had, which prejudiced the material rights of the taxpayer, within the meaning of sections 84 and 86 of the Municipal Code. In the present case this did not occur. Had it occurred, there would now be said what was said then: that the title of ownership issued by the provincial treasurer of Tarlac does not necessarily imply the presumption that there was no irregularity whatever; that the presentation of the said title is not sufficient to destroy the allegation of irregularities of proceedings made against the sale effected; that the purchaser at public auction can not rest on the idea of having realized the purchase in such solemn manner, starting with the supposition that all due process of law necessary to deprive a person of his right of property had been observed; but he must be careful to take all due precautions to insure his lawful acquisition (*caveat emptor*); that it rests upon the purchaser at such sale to prove the regularity of all the proceedings had therein and to show that proper legal procedure was observed. But without either petition or answer on a question of this nature, no means are available to require the proof which would be necessary, the absence of which would be felt in the event of opposition, and there is no issue. A property title derived from sale and purchase, either private or public, issued or awarded in due form, is a perfect, registerable *prima facie* title; but if it is impugned, for want of essential requisites or for irregularities in the required procedure, which would constitute a radical or essential vice, then it must be proved that those requisites have been complied with or that those found wanting are not essential, that irregularities were not committed or that those objected to are not such as to vitiate the proper procedure.

The property title presented by the applicant is that prescribed by law to support the positive acquisition of land sold at public auction; it is in printed form according to the models authorized by competent authority, and contains relation of the proceedings carried into effect for its proper issuance.

For the foregoing reasons, the judgment appealed from is reversed, and the trial court shall decree the adjudication and registration solicited. No special finding is made as to costs. So ordered.

Mapa, Moreland, and Trent, JJ., concur.

Carson, J., dissents.

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