

**CRISOSTOMO SUCALDITO AND THE HEIRS OF FELISA DE GUZMAN,
PETITIONERS, VS. THE HON. JUAN MONTEJO, PRESIDING JUDGE OF
THE REGIONAL TRIAL COURT OF DAVAO DEL SUR, BRANCH XX,
BLAS B. ...**

G.R. No. 75080. February 06, 1991

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for review on certiorari seeking to annul and set aside the resolutions of the RTC, Davao del Sur, Branch XX, dated 8 October 1984, 19 August 1985 and 14 May 1986, and to allow petitioners to repurchase the lots in question and vest upon them ownership thereof.

Petitioners Crisostomo Sucaldito and Felisa de Guzman, spouses, were grantees, by way of free patent, of two (2) parcels of public agricultural land identified as Lot No. 1, F-20-9368 with an area of 162,309 square meters and Lot No. 2, F-20-9368 with an area of 15,166 square meters. Both lots are situated in Barrio Ponpong, Municipality of Sta. Maria (formerly Malalag), Province of Davao del Sur (formerly Davao). An Original Certificate of Title, No. P-18659, covering the two (2) lots was issued in favor of said petitioners.

On 14 March 1972, in the City of Davao, petitioner Crisostomo Sucaldito and his spouse Felisa de Guzman (herein represented by her heirs) sold to the private respondents Blas Labad and Paciencia Labad the above-mentioned lots together with their improvements for the amount of P65,000.00, as evidenced by a Deed of Absolute Sale.

After the sale, respondents took possession of the lots. They fenced the area, planted trees thereon, harrowed the soil, and cultivated the lands.

On 20 June 1975, petitioners wrote the respondents informing the latter that they desired to repurchase the lots and that they had the necessary amount representing the repurchase price. A reply from respondents within five (5) days from their receipt of the letter was requested by petitioners, for otherwise, they would be constrained to file a court action for reconveyance.

Respondents sent a reply dated 2 July 1975. The reply letter, however, was not received by petitioners. Thus, on 10 July 1975, petitioner-spouses brought an action for reconveyance before the RTC of Davao del Sur, docketed as Civil Case No. 952 entitled "Crisostomo Sucaldito and Felisa de Guzman v. Blas Labad and Paciencia Labad" seeking the repurchase and reconveyance of the two (2) above-mentioned parcels of land.

On 14 October 1976, the trial court rendered a decision in favor of petitioners and against the respondents. Petitioners were declared to have the right to repurchase the two (2) parcels of land within thirty (30) days from the date the decision becomes final, provided that the petitioners paid to the respondents the amount of P73,103.79.

Respondents appealed the trial court's decision to the Court of Appeals in CA-G.R. No. 61298-R entitled "Crisostomo Sucaldito, et al. vs. Blas Labad, et al." On 14 May 1981, the Court of Appeals rendered decision reversing and setting aside the decision of the court a quo and dismissing the complaint of the petitioners for lack of offer to repurchase.

A motion to reconsider the decision of the Court of Appeals was filed by petitioners. On 26 February 1982, the Court of Appeals issued a resolution granting the motion for reconsideration, thus setting aside its 14 May 1981 decision and entering another one which affirmed the trial court's decision of 14 October 1976. Respondents filed a motion for reconsideration of the resolution of the Court of Appeals dated 26 February 1982. The motion was denied.

Thereafter, respondents filed a petition for certiorari with this Court, docketed as G.R. No. 61286, entitled "Blas Labad, et al. v. Crisostomo Sucaldito, et al.". On 4 October 1982, this Court issued a resolution dismissing the petition. A motion for reconsideration was filed by respondents. On 8 December 1982, the motion was denied with finality.

On 20 April 1983, petitioners filed with the Court of Appeals an Omnibus Motion asking for a copy of the Supreme Court's Entry of Judgment in G.R. No. 61286 and a copy of the Court of Appeals Resolution dated 26 February 1982, in order to furnish the trial court with copy each thereof. On 10 May 1983, the Court of Appeals granted the motion and resolved to furnish the petitioners the aforesaid Supreme Court Entry of Judgment and the Clerk of Court of the RTC a copy of the Court of Appeals Resolution of 26 February 1982.

On 13 July 1983, petitioners again wrote the respondents of their desire to repurchase the aforesaid lands. On 14 July 1983, respondents answered stating that the petitioners' right of repurchase had terminated on 19 September 1982 and, at the latest, on 7 January 1983.

On 5 August 1983, the petitioners filed with the court a quo an Omnibus Motion asking that they be allowed to deposit the repurchase price in any reputable bank in Digos, Davao del Sur.

On 8 October 1984, the regional trial court issued a resolution dismissing the petitioners' Omnibus Motion for having failed to pay, tender payment, or consign the amount of P73,103.79 within thirty (30) days from the date the Supreme Court decision dated 8 December 1982 in G.R. No. 61286 became final, which was on 26 March 1983.[1]

Petitioners filed a motion for reconsideration of the Resolution dated 8 October 1984. On 9 November 1984, petitioners also filed a manifestation with the regional trial court informing it of the consignment in court of the repurchase price of P73,103.79, evidenced by the corresponding official receipt. On 19 August 1985, the regional trial court denied the motion for reconsideration. A second motion for reconsideration was filed by petitioners which was denied on 14 May 1986.

Hence, the petitioners' present recourse.

The issue raised is whether or not the regional trial court committed a reversible error when:

a)

it ruled that the period to be followed for the petitioners to exercise their right of redemption is the period specified in the decision of the trial court and not the period provided in Sec. 119 of CA 141, as amended; and

b)

it did not rule that there was a valid tender of payment made by petitioners within the period provided for under Sec. 119 of CA 141, as amended.

Sec. 119. Commonwealth Act No. 141 (the Public Land Act) provides:

"Sec. 119. Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow or legal heirs, within a period of five years from the date of the conveyance."

Under the above section, the five (5) year period for legal redemption starts from the date of the execution of the deed of sale, even if full payment of the purchase price is not made on said date, unless there is a stipulation in the deed that ownership shall not vest in the vendee until full payment of the price.[2] On 14 March 1972, petitioners sold to the respondents the two (2) parcels of land in question, which had been acquired by said petitioners under Commonwealth Act No. 141, by way of free patent. The sale was evidenced by a deed of absolute sale.

Petitioners informed the respondents of their desire to repurchase the above-mentioned lands on 20 June 1975. As no reply was received by petitioners regarding their offer to repurchase, they were prompted to file an action for reconveyance on 10 July 1975.

It appears that petitioners have sufficiently complied with the requirements thus qualifying them to avail of the rule that land acquired by free or homestead patent under Commonwealth Act No. 141 and later sold, may be repurchased within five (5) years from the date of conveyance. Sec. 119, Commonwealth Act No. 141 clearly grants them the right to repurchase the subject property covered by a free patent within five (5) years from the date of its conveyance.[3]

It has been repeatedly declared by this Court that where the law speaks in clear and categorical language, there is no room for interpretation. There is only room for application.[4] The RTC in its 14 October 1976 decision, erred in ruling that petitioners had the right to repurchase the two (2) parcels of land but only within thirty (30) days from the date the aforesaid decision became final. The right to repurchase being granted by law (Sec. 119, Commonwealth Act No. 141), no other legal restriction could be added thereto. To hold otherwise would sanction judicial legislation.[5] Stated differently, the RTC amended what is expressly provided for in the law. And, while the law speaks of five (5) years from the date of conveyance within which to exercise the right to repurchase, we regard the filing by petitioners of the action for reconveyance on 10 July 1975 as having suspended the running of the redemption period and to have kept them within the protective mantle of Sec. 119 of Commonwealth Act No. 141.

In an action to enforce the right to repurchase public land covered by free patent or a homestead within five (5) years from the sale thereof, it is of no consequence what exactly might be the motive of the plaintiff, and it is unnecessary for the court to inquire beforehand into his financial capacity to make the repurchase. The reason is that such question will resolve itself should he fail to make the corresponding tender of payment within the prescribed period.[6]

On 14 March 1972, petitioners sold to respondents the parcels of land in dispute. On 10 July 1975, they filed the action for reconveyance to be declared to have the right to repurchase the lands, in the face of respondents' refusal to reconvey. From such date of conveyance (14 March 1972) to the date of the filing of the action for reconveyance (10 July 1975), only three (3) years and one hundred eighteen (118) days had lapsed out of the five-year repurchase period granted petitioners by law. The filing by petitioners of the action for reconveyance had the effect of suspending the running of the period to repurchase. This period commenced to run again only on 26 March 1983 when the Supreme Court resolution in G.R. No. 61286 denying respondents' motion for reconsideration with finality, had itself become final.

On 9 November 1984, petitioners deposited with the Clerk of Court of the RTC the repurchase price of P73,103.79. From the date the Supreme Court decision in G.R. No. 61286 became final (26 March 1983) to the date when petitioners deposited the repurchase price with the court a quo (9 November 1984), a total of one (1) year and two hundred twenty eight (228) days had lapsed. It is, therefore, clear that the repurchase price was paid within a cumulated period of four (4) years and three hundred forty six (346) days. Verily, the 9 November 1984 deposit with the court a quo by petitioners was a valid payment of the repurchase price within the five (5) year period provided for under Sec. 119 of Commonwealth Act No. 141.

WHEREFORE, the present petition is GRANTED. The RTC resolutions dated 8 October 1984, 19 August 1985 and 14 May 1986 are SET ASIDE. The respondents are directed to execute the deed of reconveyance in favor of petitioners within ten (10) days from the finality of this decision simultaneously with their withdrawal from the RTC of the amount deposited therein by petitioners. In case of failure of respondents to execute such deed of reconveyance within the aforesaid ten (10) day period, the Clerk of Court is directed to do so, upon a simultaneous delivery by him of the said deposited amount to the respondents. No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

[1] Rollo, p. 64

[2] *Abuan v. Garcia*, G.R. No. L-20091, July 30, 1965, 14 SCRA 759

[3] *Rivera v. Curamen*, G.R. No. L-23245, July 31, 1968, 24 SCRA 448

[4] *Cebu Portland Cement Company v. Municipality of Naga*, G.R. Nos. L-24116-17, August 22, 1968, 24 SCRA 708

[5] *Lorenzo, et al. v. PNB (Davao Branch), et al.*, Vol. 51, No. 11 OG 5658, No. 9555-R, May 11, 1955

[6] *Hernaez v. Mamalio*, G.R. No. L-28251, July 13, 1973, 52 SCRA 83

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