

FIRST DIVISION

[G.R. No. 109972, April 29, 1996]

ZOSIMA VERDAD, PETITIONER, VS. THE HON. COURT OF APPEALS, SOCORRO C. ROSALES, AURORA ROSALES, NAPOLEON ROSALES, ANTONIO ROSALES, FLORENDA ROSALES, ELENA ROSALES AND VIRGINIA ROSALES, RESPONDENTS.

D E C I S I O N

VITUG, J.:

The petitioner, Zosima Verdad, is the purchaser of a 248-square meter residential lot (identified to be Lot No. 529, Ts-65 of the Butuan Cadastre, located along Magallanes Street, now Marcos M. Calo St., Butuan City). Private respondent, Socorro Cordero Vda. de Rosales, seeks to exercise a right of legal redemption over the subject property and traces her title to the late Macaria Atega, her mother-in-law, who died intestate on 08 March 1956.

During her lifetime, Macaria contracted two marriages: the first with Angel Burdeos and the second, following the latter's death, with Canuto Rosales. At the time of her own death, Macaria was survived by her son Ramon A. Burdeos and her grandchild (by her daughter Felicidad A. Burdeos) Estela Lozada of the first marriage and her children of the second marriage, namely, David Rosales, Justo Rosales, Romulo Rosales, and Aurora Rosales.

Socorro Rosales is the widow of David Rosales who himself, some time after Macaria's death, died intestate without an issue.

In an instrument, dated 14 June 1982, the heirs of Ramon Burdeos, namely, his widow Manuela Legaspi Burdeos and children Felicidad and Ramon, Jr., sold to petitioner Zosima Verdad (their interest on) the disputed lot supposedly for the price of P55,460.00. In a duly notarized deed of sale, dated 14 November 1982, it would appear, however, that the lot was sold for only P23,000.00. Petitioner explained that the second deed was intended merely to save on the tax on capital gains.

Socorro discovered the sale on 30 March 1987 while she was at the City Treasurer's Office. On 31 March 1987, she sought the intervention of the Lupong Tagapayapa of Barangay 9, Princess Urduja, for the redemption of the property. She tendered the sum of P23,000.00 to Zosima. The latter refused to accept the amount for being much less than the lot's current value of P80,000.00. No settlement having been reached before the Lupong Tagapayapa, private respondents, on 16 October 1987, initiated against petitioner an action for "Legal Redemption with Preliminary Injunction" before the Regional Trial Court of Butuan City.

On 29 June 1990, following the reception of evidence, the trial court handed down its decision holding, in fine, that private respondents' right to redeem the property

had already lapsed.

An appeal to the Court of Appeals was interposed by private respondents. the appellate court, in its decision of 22 April 1993, reversed the court *a quo*; thus:

"WHEREFORE, premises considered, the judgment appealed from is hereby REVERSED, and a new one is accordingly entered declaring plaintiff-appellant, Socorro C. Rosales, entitled to redeem the inheritance rights (Art. 1088, NCC) or pro indiviso share (Art. 1620, NCC) of the Heirs of Ramon Burdeos, Sr. in Lot 529, Ts-65 of the Butuan Cadastre, within the remaining ELEVEN (11) DAYS from finality hereon, unless written notice of the sale and its terms are received in the interim, under the same terms and conditions appearing under Exhibit 'J' and after returning the purchase price of P23,000.00 within the foregoing period. No cost."^[1]

In her recourse to this Court, petitioner assigned the following "errors:" That -

"The Honorable Court of Appeals erred in declaring Socorro C. Rosales is entitled to redeem the inheritance rights (Article 1088, NCC) or pro-indiviso share (Article 1620, NCC) of the heirs of Ramon Burdeos, Sr. in Lot 529, Ts-65 of the Butuan Cadastre, for being contrary to law and evidence.

"The Honorable Court of Appeals erred in ignoring the peculiar circumstance, in that, the respondents' actual knowledge, as a factor in the delay constitutes laches.

"The Honorable Court of Appeals erred in concluding that Socorro C. Rosales, in effect, timely exercised the right of legal redemption when referral to Barangay by respondent signifies bonafide intention to redeem and; that, redemption is properly made even if there is no offer of redemption in legal tender.

"The Honorable Court of Appeals erred in ruling that the running of the statutory redemption period is stayed upon commencement of Barangay proceedings."^[2]

Still, the thrust of the petition before us is the alleged incapacity of private respondent Socorro C. Rosales to redeem the property, she being merely the spouse of David Rosales, a son of Macaria, and not being a co-heir herself in the intestate estate of Macaria.

We rule that Socorro can. It is true that Socorro, a daughter-in-law (or, for that matter, a mere relative by affinity), is not an intestate heir of her parents-in-law;^[3] however, Socorro's right to the property is not because she rightfully can claim heirship in Macaria's estate but that she is a legal heir of her husband, David Rosales, part of whose estate is a share in his mother's inheritance.