

The Fine Print in Public Sales

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The focus of the Article is on the risk that buyers take in purchasing lands through public auctions. The risk involved is one that may result to loss of property already acquire and is normally in fine prints that does not necessarily have to appear in the deed of sale itself.

As an introduction, the Authors make reference to *Cortez v. Ateneo de Manila*. In this case, the Court of Appeals declared the public sale of land in favor of Cortez null and void for failure to comply with the requisites for a valid tax sale.

The Article makes an analysis of the reasons given by the Court of Appeals in ruling against Cortez. The reasons given by the Court of Appeals are: first, the power to sell land for unpaid taxes is purely statutory and must be expressly conferred; second, when said power is granted, it must exercised exclusively under its terms; third, of the requisites required by the Revised Administrative Code, the posting of the notice of sale is the most important; and fourth, it is the duty of the purchaser in the tax sale to prove that the requisites have been complied with.

For its conclusion, the Article talks about the buyers in tax sales not being protected by the rule granted to bona fide purchasers and being expected to have knowledge of all the defects that records disclose.