

OBLICON SAMPLE PROBLEMS WITH ANSWERS (PART 1)

1. S sold his cabinet to B for P5, 000. The parties gave their consent freely to the contract before its perfection. After delivery of the cabinet to B and his payment of the price to S, B was informed by N, his neighbor that B paid too much for the cabinet since he (N), knew of a similar item that is sold for a lower amount. B now wants to set aside the contract because he believed he got a bad bargain. Decide.

B may not set aside the contract based on the principle of Mutuality of Contract.

2. A and B entered into a joint venture contract whereby B agreed to put up a restaurant on the lot of A. N, A's neighbor who owned a lot across A's lot, learned of the transaction between A and B. Anticipating that many customers would patronize the restaurant, N decided to improve his vacant lot for parking. He incurred P20, 000 for guardhouse and other improvements which he had not yet paid to his contractor. Later, however, A and B mutually cancelled their earlier contract and entered into a new one whereby B agreed to put up the restaurant on another lot belonging to A which was located about 100 meters from the original area. N learned of the cancellation of the contract and decided that he would sue A and B for damages he allegedly sustained by reason thereof. Decide.

A is not entitled to sue A and B for the damages he sustained. This is not a case of a stipulation pour autrui, where the parties in a contract deliberately conferred upon a third person a favor or benefit. The benefit that would have been received by N from the contract between A and B was only incidental and did not give him the right to recover damages.

3. D obtained a loan from C amounting to P200, 000. To secure the loan, D mortgaged his lot. C registered the mortgage with the Register of Deeds. Later, D sold the lot to X who was not aware that the lot was mortgaged. On the due date of the loan, C demanded payment but D could not pay. Accordingly, C decided to foreclose the mortgage on the lot. X, however opposed the foreclosure claiming that he was not bound by the mortgage since he was not a party thereto. Decide.

X was bound by the mortgage. Subsequent purchaser is bound by the mortgage registered in the Register of Deeds even if he is not aware of it. The contract herein is one which creates real rights therefore third

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Christian Drosten



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