

IN RE: PETITION FOR RECONSTITUTION AND ISSUANCE OF SECOND OWNER'S DUPLICATE COPY TCT NO. T-49224, CONSOLACION PAGUIA (LIANG, MALOLOS, BULACAN 3000) REP. BY HER ATTY-IN-FACT, BEN...

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GALAPATE-LAGUILLES, J:

This is an appeal from the Decision[1] dated May 24, 2010 of the Regional Trial Court (RTC), Branch 85, Malolos City, Bulacan granting the petition for reconstitution of title and issuance of second owner's duplicate copy of Transfer Certificate of Title (TCT) No. T-49224 covering Lot 3 Psu-129855, situated in Barrio San Isidro, Municipality of Paombong, Bulacan with an area of thirty-two thousand eight hundred sixty three (32,863) square meters.

The facts of the case as culled from the records are as follows:

On March 16, 2007, petitioner-appellee Consolacion Paguia represented by Benedicto Magsakay filed a petition for reconstitution and issuance of second owner's duplicate copy of Transfer Certificate of Title (TCT) No. T-49224 covering Lot 3 Psu-129855, situated in Barrio San Isidro, Municipality of Paombong, Bulacan with an area of thirty-two thousand and eight hundred sixty three (32,863) square meters docketed as Case No. P-109-2007[2] before the Regional Trial Court, Branch 85, of Malolos City, Bulacan.

In her Petition, petitioner-appellee alleged that she is a co-owner of the subject parcel of land; that the original copy of TCT No. T-49224 with the Registry of Deeds of Bulacan was lost or destroyed due to a fire that razed the said Office on March 7, 1987; that the owner's duplicate copy of said TCT was also lost while in her possession; that she made earnest efforts to locate the same but she was unsuccessful; that the boundary owners of the subject property are as follows: Leocadia Nicolas, Lazaro Galang, Julita Galang, Andres Enriquez, Remedios Adriano Pili, Elena Ronquillo, Celso Marasigan, Gina Borlongan, Sebastian Enriquez, Isidro Enriquez, Pascual Dela Cruz, Rodrigo Cabantog, Dennis Marasigan, Primo Enriquez, Magno Sumera, Bienvenido Enriquez, Reynaldo Enriquez, Ernesto Garcia, Leonora Jumaquio, Roberto Handugan, Felix Sagun, Neriza Marasigan, Benjamin Calixtro, Cornelio Marasigan, Macaria Tiglao, Juliana Pangilinan, Cely Bautista, Angelino Salamat, Moises Nicolas, Joaquin Dela Cruz, Alejo Pangilinan, Marissa Salamat, Rosario Castro and Pascual Pangilinan; hence, the instant petition for reconstitution.

In support of her Petition, petitioner-appellee presented the following pieces of documentary evidence: (1) Certified True Copy of Decree No. N-32247[3]; (2) Affidavit of Consolacion Paguia dated December 11, 2006[4]; (3) Certification dated February 28, 2007 from the Registry of Deeds of Bulacan[5]; (4) Tax Declaration and Receipts[6]; and (5) Plan and Technical Descriptions of said Lot[7].

On April 11, 2007, the court a quo issued an Order[8] setting the initial hearing of the Petition on September 12, 2007 at 9 o'clock in the morning, at which date, time and place, all persons who may have an interest in the petition may appear and show cause why said Petition should not be granted. Likewise, the Order contained a directive that at least thirty (30) days prior to the date of hearing, copies of the same must be: (a) published twice

in the successive issues of the Official Gazette; (b) posted in the main entrance of the Provincial Capitol Building of Malolos, Bulacan and at the bulletin board of the City Hall of Paombong, Bulacan; and (c) furnished the adjoining owners, the petitioner and her counsel, the Register of Deeds of Bulacan, the Land Registration Authority (LRA) and the Solicitor General.

On September 3, 2007, the court a quo received the Notice of Appearance[9] filed by the Office of the Solicitor General.

During the initial hearing of the case on the date aforementioned, the Petition was called both inside and outside the courtroom but no oppositor appeared. Prosecutrix Rita M. Gammad entered her appearance on behalf of the State. Thereafter, petitioner was allowed to present evidence in compliance with the jurisdictional requirements of the Petition and these were the following:

- Exhibit A - Petition
- B - Order
- B - 1 - Return - Leonora Jumaquio
- B - 2 - Return - Magno Sumera
- B - 3 - Return - Pascual Pangilinan
- B - 4 - Return - Santa Sablan
- B - 5 - Return - Dennis Marasigan
- B - 6 - Return - Isidro Enriquez
- C - Letter for LRA
- C - 1 - Letter for RD
- C - 2 - Letter for OSG
- D - Certificate of Posting
- E - 1 - Issue of Official Official Gazette dated 6/18/2007
- E - 1 - A - Page 3914 to 3915
- E - 2 Issue of Official Gazette dated 6/25/2007
- E - 2 - A - Page 4053 to 4054

The above Exhibits were thereafter admitted by the court a quo. Consequently, the petitioner, represented by Benedicto Masakay, testified to prove the material allegations in the Petition. In the course of his testimony, the following Exhibits were marked and formally offered and admitted by the court a quo; to wit:

- Exhibit F - Special Power of Attorney (reserved)
- G - Certification from Register of Deeds
- H - Affidavit of Loss
- H - 1 - Stamp mark – Register of Deeds
- I - Plan
- J - Technical Description
- K to K-3 - Decree N-32247
- K-1-a to K-2-a - Technical Description as contained in the Decree
- L - Tax Declaration of Real Property with Property Index No. 020-17-01-015
- M - Official Receipt No. 1448153

On June 29, 2009, the court a quo received a copy of the LRA Report[10] dated May 25, 2009 issued by Jose Mamerto B. Cabatu, Reconstituting Officer and Chief, Reconstitution Division. The said Report states that:

“(1) The present petition seeks the reconstitution of Transfer Certificate of Title No. T-49224, allegedly lost or destroyed and supposedly covering Lot 3, Plan Psu-129855, situated in the Barrio of San Isidro, Municipality of Paombong, Province of Bulacan.

(2) The plan and technical description of Lot 3, Plan Psu-129855 were verified correct by this Authority to represent the aforesaid lot and the same have been approved under (LRA) PR-09-01839-R pursuant to the provisions of Section 12 of Republic Act No. 26.”

On May 24, 2010, the court a quo rendered its Decision[11], the dispositive portion of which reads:

“WHEREFORE, after this order has attained finality and upon payment by petitioner of the lawful fees, the Register of Deeds of Bulacan is ordered to RECONSTITUTE the destroyed original of Transfer Certificate of Title No. T-T-49224 based on the decree, tax declaration, technical description and sketch plan as approved by the Land Registration Authority provided that the reconstituted title should be made subject to such encumbrances as may be subsisting and provided further that no other original certificate of title covering the same parcel of land exist in the Registry of Deeds of Bulacan; and thereafter, issue new owner's duplicate certificate of title which shall in all respects be entitled to like faith and credit as the original duplicate and shall, thereafter, be regarded as such for all legal intents and purposes.

SO ORDERED.”

The Republic of the Philippines, represented by the Office of the Solicitor General, appealed the aforesaid Decision arguing that the trial court should have denied appellee's Petition for reconstitution because she has not presented sufficient evidence to warrant the grant thereof.[12]

The Republic in its Brief[13] argues that no proof was ever presented establishing that TCT No. T-49224 was ever issued by the proper government agency; that petitioner-appellee failed to present any evidence that would verify that an Original Certificate of Title (OCT) existed and thereafter the subject TCT was indeed issued by virtue of a government decree; that the Certification dated February 28, 2007 proffered by petitioner-appellee proves nothing except for the fact that the Register of Deeds does not have a copy of the said TCT within its files and it does not categorically declare that TCT No. T-49224 is one of those titles that were destroyed when the said Office was burned down on March 7, 1987; that Decree No. N-32247 cannot be relied upon by the petitioner-appellee because it is not a direct source of TCT No. T-49224; that petitioner-appellee failed to submit adequate evidence which would entitle her to the relief sought for.

Petitioner-appellee, on the other hand, argues that it is not correct for the Republic to state that the evidence that she presented is insufficient to entitle her to the relief sought for because she was able to present to the court a quo the certified true copy of Decree No. N-32247 which shows that she is one of the co-owners of the subject property. She further claims that the subject lot has been declared for taxation purposes in her name; that real estate taxes have been paid and that the subject lot is covered by TCT No. T-49224 as shown in the Assessment of Real Property; and that said Decree shows that it had been issued under L.R. Case No. N-592, L.R.C. Record No. N-9007 after being duly heard.[14]

We grant the appeal.

The nature of the proceeding for reconstitution of a certificate of title under R.A. No. 26 denotes a restoration of the instrument, which is supposed to have been lost or destroyed, in its original form and condition. The purpose

of such a proceeding is merely to have the certificate of title reproduced, after proper proceedings, in the same form it was in when its loss or destruction occurred. The same R.A. No. 26 specifies the requisites to be met for the trial court to acquire jurisdiction over a petition for reconstitution of a certificate of title. Failure to comply with any of these jurisdictional requirements for a petition for reconstitution renders the proceedings null and void.[15]

The governing law for judicial reconstitution of titles is R.A. No. 26. Sections 2 and 3 of RA 26 enumerate the sources upon which reconstitution should issue. Section 2 refers to source documents for reconstitution of the original certificate of title while Section 3 refers to sources for reconstitution of transfer certificates of title. The requirements of Sections 2 and 3 are almost identical, referring to documents from official sources which recognize the ownership of the owner and his predecessors-in-interest.[16]

Section 3, R.A. No. 26 shall be the one applicable in the instant case as this refers to sources for reconstitution of transfer certificates of title, to wit:

“Section 3. Transfer certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- (a) The owner's duplicate of the certificate of title;
- (b) The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) The deed of transfer or other document, on file in the registry of deeds, containing the description of the property, or an authenticated copy thereof, showing that its original had been registered, and pursuant to which the lost or destroyed transfer certificate of title was issued;
- (e) A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- (f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.”(Emphasis supplied)

Petitioner-appellee, in particular, anchored her Petition on the aforequoted Section 3 (f) of R.A. No. 26. Relying on this, she submitted the following documents: (1) Certified True Copy of Decree No. N- 32247[17]; (2) Affidavit dated December 11, 2006[18]; (3) Certification dated February 28, 2007 from the Registry of Deeds of Bulacan[19]; (4) Tax Declaration and Receipts[20]; and (5) Plan and Technical Descriptions of said Lot[21].

In the case of *Republic v. Tuastumban*[22] citing *Republic v. Intermediate Appellate Court*,[23] however, the Supreme Court ruled that the phrase "any other document" in Sections 2(f) and 3(f) of RA 26 refers to documents similar to those previously enumerated therein, that is, those mentioned in Sections (a), (b), (c), (d) and (e). Under the principle of *ejusdem generis*, where general words follow an enumeration of persons or things by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same kind or class as those specifically mentioned.[24] Unfortunately, the aforesaid documents presented by the petitioner do not fall in the same class as those enumerated in paragraphs (a) to (e) of Section 3, R.A. 26.

We agree with the Republic's contention that no proof was ever presented establishing that TCT No. T-49224 was issued by the proper government agency nor was any document presented that would prove that an Original Certificate of Title (OCT) existed from where the subject TCT was thereafter issued pursuant to a deed of transfer or any other document which can be considered by the court as sufficient and proper as basis for reconstitution.

The petitioner-appellee likewise heavily relied on Decree No. N-32247 as their basis for reconstituting the subject TCT. Such document however, would not be sufficient to establish the issuance or existence of said TCT. As pointed out by the Republic, Decree No. N-32247 is not a direct source of TCT No. T-49224. The details of said TCT such as the name of the transferee owner, the updated technical description and other important particulars cannot be truly ascertained. The said Decree may be used if it is the OCT that is to be reconstituted as provided under Section 2 (d) of R.A. No. 26, to wit:

“Section 2. Original certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

xxx

(d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;

xxx.”

In the instant case, it is clear that the petitioner-appellee was asking for the reconstitution of a TCT and not an OCT. Likewise, at the risk of being repetitive, the said Decree cannot be considered to be that “any other document” which can be considered by the court as sufficient and proper basis for reconstituting the lost or destroyed certificate of title as provided under Section 3 (f) of R.A. No. 26 as it does not refer to similar documents previously enumerated therein. In the case of *Republic of the Philippines v. Spouses Lagramada*[25], the Supreme Court emphasized that:

“The requirements of Sections 2 and 3 are almost identical. We agree with petitioner that the enumerated requirements are documents from official sources which recognize the ownership of the owner and his predecessors-in-interest. We likewise agree that “any other document” in paragraph (f) of Sections 2 and 3 refers to documents similar to those enumerated. This issue is already a settled matter. (Emphasis supplied)

In *Republic v. Intermediate Appellate Court*, the Court ruled that “any other document” refers to documents similar to those enumerated. Thus:

Republic Act No. 26 entitled, “An Act Providing A Special Procedure For The Reconstitution Of Torrens

Certificates of Title Lost Or Destroyed,” enumerates the sources on which the reconstituted certificate of title may be based. It should be noted that both Sections 2 and 3 thereof list sources that evidence title or transactions affecting title to property. When Republic Act No. 26 [Sec. 2(f)] therefore speaks of “[a]ny other document,” it must refer to similar documents previously enumerated therein. The statutes relied upon by the private respondent, so we hold, are not ejusdem generis as the documents earlier referred to. Furthermore, they do not contain the specifics required by Section 12(a) and (b) of the title reconstitution law.”

Also, the Certification[26] dated February 28, 2007 from the Registry of Deeds of Bulacan cannot be considered by the court as sufficient basis for the reconstitution of said TCT as it did not categorically state that the original copy of TCT No. T-49224, which petitioner-appellee alleged to be on file with said Office, was among those destroyed by the fire that gutted the premises of said Office on March 7, 1987. The document only stated that “the Office of the Register of Deeds, Malolos, Bulacan, together with all the titles, documents and office equipments and supplies have been totally burned on March 7, 1987 except Transfer Certificate of Title Nos. T-305201 to T-305215, inclusive, T-305217, T-305219 to 305224, inclusive, T-305226, T-305228 to 305231, inclusive, T-305233, T-305235, T-305237 to 305253, inclusive, and T-305107 to T-305138, inclusive, T-199739-T-199740, inclusive, T-199743 to T-199747, inclusive, T-199753 to T-199760, inclusive”.

The survey plan and technical description are not competent and sufficient sources of reconstitution as well. They are mere additional documentary requirements. This is the clear import of the last sentence of Section 12, R.A. No. 26, to wit: “Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Sections 2(f) [and] 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Commissioner of Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property.”[27] In the case of Republic of the Philippines v. Heirs of Julia Ramos[28] citing Lee v. Republic of the Philippines[29], the Supreme Court emphasized that “where the trial court ordered reconstitution on the basis of the survey plan and technical description, the reconstitution is void for want of factual support.”

The LRA Report[30] dated May 25, 2009 also does not confirm the existence of the certificate of title but merely attests to the correctness of the plan and technical description which may subsequently be used as basis for the inscription of the technical description in the reconstituted title.[31]

Likewise, the tax declarations and receipts cannot be considered reliable sources of reconstitution of a certificate of title. For, a tax declaration can only be prima facie evidence of claim of ownership, which, however, is not the issue in a reconstitution proceeding. A reconstitution of title does not pass upon the ownership of land covered by the lost or destroyed title but merely determines whether a re-issuance of such title is proper.[32]

We cannot simply dismiss these noted defects as “technical.” Liberal construction of the Rules of Court does not apply to land registration cases. Indeed, to further underscore the mandatory character of these jurisdictional requirements, the Rules of Court do not apply to land registration cases. In all cases where the authority of the courts to proceed is conferred by a statute, and when the manner of obtaining jurisdiction is prescribed by a statute, the mode of proceeding is mandatory, and must be strictly complied with, or the proceeding will be utterly void. When the trial court lacks jurisdiction to take cognizance of a case, it lacks authority over the whole case and all its aspects. All the proceedings before the trial court, including its order granting the petition for reconstitution, are void for lack of jurisdiction.[33]

Further, We emphasize that courts must be cautious in granting reconstitution of lost or destroyed certificates of titles. It is the duty of the trial court to scrutinize and verify carefully all supporting documents, deeds, and

certifications. Each and every fact, circumstance, or incident which corroborates or relates to the existence and loss of the title should be examined.[34]

In the case of *Republic of the Philippines v. Spouses Sanchez*[35], the Supreme Court stressed that reconstitution must only be granted upon clear proof that the title sought to be restored was indeed issued to the petitioner and strict observance of this rule is vital, to wit:

“Reconstitution proceedings under RA 26 has for their purpose the restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land. Thus, reconstitution must be granted only upon clear proof that the title sought to be restored was indeed issued to the petitioner. Strict observance of this rule is vital to prevent parties from exploiting reconstitution proceedings as a quick but illegal way to obtain Torrens certificates of titles over parcels of land which turn out to be already covered by existing titles. The social and economic costs of such modus operandi cannot be underestimated. As we observed in *Director of Lands v. Court of Appeals*[36]:

The efficacy and integrity of the Torrens System must be protected and preserved to ensure the stability and security of land titles for otherwise land ownership in the country would be rendered erratic and restless and can certainly be a potent and veritable cause of social unrest and agrarian agitation. x x x The real purpose of the Torrens System which is to quiet title to the land must be upheld and defended, and once a title is registered, the owner may rest secure, without the necessity of waiting in the portals of the court or sitting in the mirador de su casa to avoid the possibility of losing his land.”

WHEREFORE, the appeal is GRANTED. The Decision dated May 24, 2010 of the Regional Trial Court, Branch 85, Malolos City, Bulacan in Civil Case No. P-109-2007 granting the petition for reconstitution of TCT No. T-49224 covering Lot 3 Psu-129855 is hereby NULLIFIED and SET ASIDE.

SO ORDERED.

Librea-Leagogo, (Chairperson), and Diamante, JJ., concurs.

[1] Rollo, pp. 50-52.

[2] Records, pp. 3-7.

[3] *Id.*, pp. 10-13.

[4] *Id.*, p. 16.

[5] *Id.*, p. 14.

[6] *Id.*, pp. 136-137.

[7] *Id.*, pp. 113-115.

[8] *Id.*, pp. 24-25.

[9] *Id.*, p. 51.

[10] *Id.*, p. 112.

[11] *Supra* note at 1.

- [12] Rollo, p. 27.
- [13] Id., pp. 28-30.
- [14] Id., pp. 65, 67, 69.
- [15] Republic of the Philippines v. Camacho, G.R. No. 185604, June 13, 2013.
- [16] Republic of the Philippines v. Tuastumban, G.R. No. 173210, April 24, 2009.
- [17] Supra note at 3.
- [18] Supra note at 4.
- [19] Supra note at 5.
- [20] Supra note at 6.
- [21] Supra note at 7.
- [22] Supra note at 16.
- [23] No. L-68303, January 15, 1988, 157 SCRA 62.
- [24] Republic of the Philippines v. Heirs of Julia Ramos, et al., G.R. No. 169481, February 22, 2010.
- [25] G.R. No. 150741, June 12, 2008.
- [26] Records, p. 14.
- [27] Supra note at 24.
- [28] Ibid.
- [29] G.R. No. 128195, 3 October 2001, 366 SCRA 524.
- [30] Supra note at 10.
- [31] Supra note at 16.
- [32] Supra note at 24 citing Republic of the Philippines v. Santua, G.R. No. 155703, September 8, 2008 .
- [33] Castillo v. Republic of the Philippines, G.R. 182980, June 22, 2011.
- [34] Pascua v. Republic of the Philippines, G.R. No. 162097, February 13, 2008.
- [35] G.R. No. 146081, July 17, 2006.
- [36] No. L-45168, January 27, 1981, 102 SCRA 370, 451.

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