

IN RE: PETITION FOR THE CORRECTION OF THE TECHNICAL DESCRIPTION OF T.C.T. NO. C-391185 OF THE REGISTRY OF DEEDS OF CALOOCAN CITY,

Ponente: ANTONIO-VALENZUELA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4c1029d0fb8b/>

ANTONIO-VALENZUELA, J.:

This is the appeal filed by the Godi Realty Corporation (“petitioner-appellant Godi Realty”), assailing the Decision dated 26 September 2011,[1] (“assailed Decision”) issued by the Regional Trial Court, Branch 129, Caloocan City (“RTC”), in LRC Case No. C-5628, entitled “In Re: Petition for the Correction of the Technical Description of T.C.T No. C-391185 of the Registry of Deeds of Caloocan City.”

THE FACTS

Petitioner-appellant Godi Realty filed the Petition[2] for the correction of the technical description of Transfer Certificate Title (TCT) No. C-391185 (“subject TCT”) before the RTC.

The Petition alleged: petitioner-appellant Godi Realty is the registered owner of the parcel of land located in Caloocan City (“subject property”) covered by the subject TCT; the subject TCT contained typographical errors in the technical description[3] (i.e.: the technical description has only six points and hence when plotted, the figure would not close; the Register of Deeds, Caloocan City changed “69 deg” to “59 deg,” and omitted “10 deg. 12'E., 19.10 m. to point 7; thence S. 76 deg. 59'W., 5.22 m. to point 8; thence”).

The Petition prayed for: the correction of the technical description of the subject TCT: a) on line no. 9 of the technical description (front page of TCT No. C-391185), correct “59 deg” to “69 deg;” and b) on line no. 2 of the technical description (dorsal page of TCT No. C-391185) re-insert - “10 deg. 12'E., 19.10 m. to point 7; thence S. 76 deg. 59'W., 5.22 m. to point 8; thence.”

The RTC issued the Order dated 8 November 2010[4] and ordered petitioner-appellant Godi Realty: to cause the posting of the Petition and its annexes, and the Order dated 8 November 2010; to serve copies of the Petition and its annexes, and the Order dated 8 November 2010, to the Register of Deeds of Caloocan City, the Land Registration Authority (LRA), the Office of the Solicitor General (OSG), and the owner of the subject property.

The OSG filed the Notice of Appearance[5] as counsel for oppositor-appellee Republic of the Philippines, and then authorized the Office of the City Prosecutor of Caloocan to appear in the hearings on the Petition.

In support of the Petition, petitioner-appellant Godi Realty presented the following documentary exhibits: 1) Petition dated 28 September 2010;[6] 2) Order dated 8 November 2010;[7] 3) Registry Return Cards addressed to the Register of Deeds of Caloocan City, OSG, LRA, Office of the City Prosecutor's of Caloocan, and petitioner-appellant Godi Realty's legal counsel; 4) Certificate of Posting;[8] 5) Secretary's Certificate;[9] 6) TCT No. C-391185;[10] 7) Plotting of TCT No. C-391185 based on the technical description;[11] 8) TCT No. 159545;[12] 9) TCT No. C-23044;[13] 10) TCT No. 55324;[14] 11) LRA Plotting of TCT No. 55324;[15] 12) Tax Declarations on the land and improvements;[16] and 13) Real Property Tax Receipt.[17]

Michael Ang, as corporate secretary, testified for petitioner-appellant Godi Realty.[18]

The evidence for petitioner-appellant Godi Realty is summarized thus: petitioner-appellant Godi Realty is the registered owner of the subject property; the subject TCT contained typographical errors in the technical description (i.e.: the technical description has six points, and when these points are plotted, the figure would not close; the errors in the technical description of the subject TCT originated from TCT No. 23044; the Register of Deeds, Caloocan City committed typographical errors [(i.e., in line no. 9 of the technical description, “59 deg” (erroneous) to “69 deg” (correct); in line no. 2 of technical description, “10 deg. 12'E., 19.10 m. to point 7; thence S. 76 deg. 59'W., 5.22 m. to point 8: thence” has been omitted] in copying the technical description; thus there was a need to rectify the technical description in the subject TCT; petitioner-appellant Godi Realty paid the real property taxes of the subject property, and petitioner-appellant Godi Realty complied with the posting, notice, and publication requirements.

On 26 September 2011, the RTC issued the assailed Decision which denied the Petition.[19] The RTC held that a summary proceeding for the correction of the title was not the proper remedy because the alleged errors in the subject TCT were not merely clerical.

Petitioner-appellant Godi Realty filed the Petitioner's Motion for Reconsideration (Re: Decision dated September 26, 2011).[20]

On 11 November 2011, the RTC issued the Order[21] denying petitioner-appellant Godi Realty's motion for reconsideration.

Thus, this appeal by petitioner-appellant Godi Realty, identifying the following issues:

I.

WHETHER OR NOT TYPOGRAPHICAL ERRORS WERE COMMITTED IN COPYING THE TECHNICAL DESCRIPTION FROM TCT NO. 55324 TO 23044 BY INADVERTENTLY DOING THE FOLLOWING:

A. CHANGING THE SAME TO “69 DEG” TO “59 DEG.”; AND

B. OMITTING “10 DEG. 12'E., 19.10 M. TO POINT 7; THENCE S. 76 DEG. 59'W., 5.22 M. TO POINT 8; THENCE” FROM THE TECHNICAL DESCRIPTION.

II.

WHETHER OR NOT THE QUESTIONED DECISION DATED SEPTEMBER 26, 2011 ERRED IN DENYING THIS PETITION FINDING THAT “WHAT ARE SOUGHT TO BE CORRECTED ARE NOT CLERICAL BY THEMSELVES”

The pivotal issue is whether the RTC erred in denying petitioner-appellant Godi Realty's Petition for the correction of the technical description in the subject TCT.

THE PETITIONER-APPELLANT'S ARGUMENTS

Petitioner-appellant Godi Realty answers in the affirmative. The RTC erred in denying petitioner-appellant Godi Realty's Petition for the correction of the technical description in the subject TCT.

The Appellant Godi Realty Corporation's Brief[22] thrusts: the Register of Deeds, Caloocan City committed mere typographical errors in the subject TCT; the correction of the subject TCT would not impair the title or interests of the owner petitioner-appellant Godi Realty, and that of third persons, because the area of the subject property (i.e., 6,438 square meters) would be the same even after the correction of the technical description contained in the subject TCT.

THE OPPOSITOR-APPELLEE'S ARGUMENTS

Oppositor-appellee Republic of the Philippines answers in the negative. The RTC did not err in denying petitioner-appellant Godi Realty's Petition for the correction of the technical description in the subject TCT.

The Appellee's Brief[23] parries: pursuant to Section 108 of the Presidential Decree (PD) No. 1529 (The Property Registration Decree), one of the indispensable elements for the erasure, alteration, or amendment on a certificate of title is notice given to all interested parties; petitioner-appellant Godi Realty failed to comply with the notice requirement to all interested parties, because petitioner-appellant Godi Realty did not notify the occupants and/or the owners of the adjacent lots who may be affected by the correction of the technical description in the title; the alleged errors in the subject TCT were not merely typographical errors because they refer to the identification of the subject property and its boundaries, thus plaintiff-appellant Godi Realty should have notified the owners of the adjacent lot because they were interested parties, and they may be adversely affected by the correction of the technical description in the subject TCT.

THE PETITIONER-APPELLANT'S REPLY

Petitioner-appellant Godi Realty filed the Appellant Godi Realty Corporation's Reply Brief[24] and added: Section 108 of PD No. 1529 does not indicate specifically who are the parties in interest, unlike in petitions for reconstitution of lost or destroyed titles, where Section 110 of PD No. 1529[25] and Republic Act No. 26[26] require notice to the occupants or persons in possession of the property, owners of the adjoining properties, and all persons who may have any interest in the property; considering that Section 108 of PD No. 1529 did not indicate that notice should be given to the owners of the adjoining properties, unlike in Section 110 of P.D. No. 1529, there was no basis to require notice to the owners of the adjoining properties, and petitioner-appellant Godi Realty complied with the requirements under Section 108 of P.D. No. 1529.

THE COURT'S RULING

The appeal has no merit.

Applicable is Section 108 of PD No. 1529, which reads:

Section 108. Amendment and Alteration of Certificates. — No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having an interest in registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interests of any description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that new interest not appearing upon the certificate have arisen or been created; or that an omission or error was made in entering a certificate or any memorandum thereon, or on any duplicate certificate; or that the same or any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interests of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; Provided, however, That this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs and assigns, without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding

section.

All petitions or motions filed under this Section as well as under any other provision of this Decree after original registration shall be filed and entitled in the original case in which the decree or registration was entered.

As above-quoted, the requisites for amendment and alteration of certificate of title under Section 108 of PD 1529 are: 1) the petition must be filed by the registered owner or other person having interest in registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration; 2) the petition must be based on any of the enumerated seven grounds ([a] when registered interests of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; [b] when new interests have arisen or been created which do not appear upon the certificate; [c] when any error, omission or mistake was made in entering a certificate or any memorandum thereon or on any duplicate certificate; [d] when the name of any person on the certificate has been changed; [e] when the registered owner has been married, or, registered as married, the marriage has been terminated and no right or interest of heirs or creditors will thereby be affected; [f] when a corporation, which owned registered land and has been dissolved, has not conveyed the same within three years after its dissolution; and [g] when there is reasonable ground for the amendment or alteration of title);[27] 3) notice must be given to all parties in interest; 4) the petition shall be filed and entitled in the original case in which the decree of registration was entered.

The first requisite was present. It was the registered owner of the land, petitioner-appellant Godi Realty, that filed the Petition.

The second requisite was absent. The Petition was not based on any of the grounds enumerated in Section 108, P.D. 1529.

The enumerated instances for amendment or alteration of a certificate of title under Section 108 are those that are non-controversial in nature. They are limited to issues so patently insubstantial as not to be genuine issues. The proceedings thereunder are summary in nature, contemplating insertions of mistakes which are only clerical, but certainly not controversial issues.[28]

Petitioner-appellant Godi Realty failed to prove that the alleged errors in the subject TCT were mere clerical errors.

Clerical errors are those plainly due to inadvertence or negligence. In *Lorenzana Food Corporation et al., v. Court of Appeals, et al.*,[29] the Supreme Court held that errors that relate to the lots' mother title, their technical descriptions, and their locations, cannot be dismissed as clerical and harmless in character.

As clearly alleged in the Petition, petitioner-appellant Godi Realty sought to correct the allegedly erroneous technical description in the subject TCT. As ruled by the Supreme Court, errors relating to technical description are not clerical errors. Thus, the RTC did not err when it dismissed the Petition.

The errors alleged in the Petition concerned the technical description, pertaining to the delineation of the metes and bounds of the subject property. Petitioner-appellant Godi Realty failed to adduce evidence that errors alleged in the Petition were merely clerical. Petitioner-appellant Godi Realty argues that the correction of the technical description in the subject TCT would not affect the identity and the area of the subject property. Petitioner-appellant Godi Realty presented the previous TCTs (i.e., TCT Nos. 159545, 23044, and 55324) of the subject property to show that the Register of Deeds copied erroneously, the technical description from TCT No. 55324 to TCT No. 23044. Petitioner-appellant Godi Realty compared the Vicinity Plan and Lot Plan[30] (per technical description contained in the subject TCT) and the Plan of Subdivision Survey[31] (per technical

description contained in TCT No. 26556) to show that plotting the figure of the subject property based on the technical description contained in the subject TCT would not close the sides of the figure because it only has 6 points (where what is required to close the figure is 8 points).

We are not convinced.

We cannot give credence to petitioner-appellant Godi Realty's Vicinity Plan and Lot Plan because it was not authenticated by public authorities specializing in land concerns. Only petitioner-appellant Godi Realty prepared the Vicinity Plan and Lot Plan. Thus petitioner-appellant Godi Realty's evidence was self-serving. Petitioner-appellant Godi Realty's evidence did not show that the correction of the technical description in the subject TCT would not affect the rights and interests of third persons. We rule that the correction of the technical description in the subject TCT posed a controversial issue, and was not merely a clerical error.

The third requisite was absent. Petitioner-appellant Godi Realty did not notify all interested parties.

In this case, petitioner-appellant Godi Realty did not notify the owners of the adjoining lots. The owners of the adjoining lots were interested parties because they may be affected by the correction of the subject TCT. For failure to comply with the notice requirements under Section 108 of P.D. No. 1529, the Petition was dismissible outright.

The fourth requisite was absent. Petitioner-appellant Godi Realty's Petition was not filed and entitled in the original case in which the decree of registration was entered.

Section 108 of P.D. No. 1529 provides that the petition for correction shall be filed and entitled in the original case in which the decree of registration was entered. This rule aims to prevent confusion and to avoid difficulty in tracing the origin of entries in the registry.[32]

In this case, petitioner-appellant Godi Realty failed to show that the RTC was the land registration court in which the decree of registration of the subject property was entered.

We DISMISS the appeal.

IT IS SO ORDERED.

De Leon, M.M., Chairperson and Lantion, J.A.C., JJ., concur.

[1] Records, p. 80.

[2] Records, p. 2.

[3] "A parcel of land (Lot A of the subd. plan (LRC) Psd-203018, being a portion of the land described on Psu-3933, LRC Rec. No. 1801) , situated in the City of Caloocan, Island of Luzon. Bounded on the NE., points 4 to 7 by property of Segrada Mitra; on the S.E., points 7 to 8 and 8 to 1 by Property of Roman Sanchez; on the SW., points 1 to 2 by Lot B of the Property of Demetrio Buzon. Beginning at a point marked "1" on plan, being S. 79 deg. 06'W., 339.71 m. from BBLM No. 1, Caloocan City; thence N. 76 deg. 57'E., 45.00 m. to point 3; thence N. 59 deg. 59'E., 3.80 m. to point 4 thence S. 12 deg. 38'E., 100.68 m. to point 5; thence N. 66 deg. 22'E., 16.68 m. to point 6; thence S. 76 deg. 59'W., 61.78 m. to the point of beginning; containing an Area of SIX THOUSAND FOUR HUNDRED THIRTY EIGHT (6,438) SQUARE METERS, more or less. All points referred to are indicated on the plan and are marked on the ground as follows: by PS cyl. conc. mons. 15 x 60 cm., bearings true; date of original survey, Dec. 7, 1913; and that of the subd. survey, executed by Jose Sumulong, Geodetic Engineer, on November 01, 1973."

[4] Records, p. 23.

[5] Records, p. 29.

[6] Supra, note 2.

[7] Supra, note 4.

[8] Records, p. 26.

[9] Records, p. 39.

[10] Records, p. 41.

[11] Records, p. 42.

[12] Records, p. 43.

[13] Records, p. 44.

[14] Records, p. 45.

[15] Records, p. 47.

[16] Records, p. 48.

[17] Records, p. 50.

[18] TSN, 10 June 2011.

[19] Supra, note 1.

[20] Records, p. 84.

[21] Records, p. 93.

[22] C.A. Rollo, p. 17.

[23] C.A. Rollo, p. 57.

[24] C.A. Rollo, p. 69.

[25] Section 110. Reconstitution of Lost or Destroyed Original of Torrens Title. — Original copies of certificates of title lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. The procedure relative to administrative reconstitution of lost or destroyed certificate prescribed in said Act may be availed of only in case of substantial loss or destruction of land titles due to fire, flood or other force majeure as determined by the Administrator of the Land Registration Authority: Provided, That the number of certificates of titles lost or damaged should be at least ten percent (10%) of the total number in the possession of the Office of the Register of Deeds: Provided, further, That in no case shall the number of certificates of titles lost or damaged be less than five hundred (500).

Notice of all hearings of the petition for judicial reconstitution shall be furnished the Register of Deeds of the place where the land is situated and to the Administrator of the Land Registration Authority. No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of fifteen (15) days from receipt by the Register of Deeds and by the Administrator of the Land Registration Authority of a notice of such order or judgment without any appeal having been filed by any such officials.

[26] An Act Providing a Special Procedure for the Reconstitution of Torrense Certificates of Title Lost or Destroyed.

[27] Bagayas v. Bagayas et al., G.R. Nos. 187308 & 187517, 18 September 2013 citing Paz v. Republic, G.R. No. 157367, November 23, 2011, 661 SCRA 74, 81.

[28] Philippine Woman's Christian Temperance Union, Inc. v. Yangco et al., G.R. No. 199595, 2 April 2014.

[29] G.R. No. 105027, 22 April 1994.

[30] Supra, note 11.

[31] Supra, note 15.

[32] Life Homes Realty Corporation v. Court of Appeals, et al., G.R. No. 120827, 15 February 2007 citing Noblejas, Registration of Land Titles and Deeds, 1986 ed., p. 190.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.