IN RE: PETITION FOR THE RECONSTITUTION OF TRANSFER CERTIFICATE OF TITLE NO. T-145389. SOLAR RESOURCES, INC., REPRESENTED BY ATTY. LANEE S. CUI-DAVID, PETITIONER-APPELLEE, VS. NA...

Ponente: CORALES, J.

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CORALES, J.:

This is an appeal[1] by the National Housing Authority (NHA) from the January 20, 2009 Decision[2] of the Regional Trial Court (RTC), Branch 80, Quezon City in LRC Case No. Q-21020(06) granting Solar Resources Inc.'s (Solar) petition for reconstitution of Transfer Certificate of Title (TCT) No. 145389.

The Antecedents

On April 5, 2006, Solar filed an amended petition[3] for reconstitution alleging that it is the registered owner of a 8,843-square meter (sq.m.) land in Barangay Matandang Balara District, Capitol, Quezon City covered by TCT No. 145389.[4] It averred that the owner's duplicate copy of title is in its possession but the original thereof could not be located in the files of the Register of Deeds (RD) of Quezon City and may reasonably be considered damaged or lost; there is no deed or instrument affecting the property or that is pending registration with the RD; however, there are illegal structures in the property which are subject of the order for demolition issued by the RTC, Branch 220, Quezon City in Civil Case No. 94-19971. It also enumerated the names and addresses of the adjoining owners of TCT No. 145389.

The RTC set the case for initial hearing on September 5, 2006 and directed the posting and publication of the notice as well as its service to the concerned government agencies.[5]

On December 5, 2006, NHA filed its Opposition[6] and informed the RTC of the pending complaint for quieting of title with recovery of possession it had filed against A.P. Far Eastern Realty Development & Builders Corporation (AP Realty), the original owner of the subject property.[7] Allegedly, the technical description of AP Realty's TCT No. 86932 overlapped the properties owned by the Republic of the Philippines (Republic) which is registered under TCT No. RT-34893. It also claimed that there are irregularities in AP Realty's TCT No. 86932 which are carried over Solar's TCT No. T-145389 as shown by the June 16, 2006 report of the Department of Environment and National Resources (DENR).

During the presentation of evidence, Solar's legal counsel, Atty. Lanee S. Cui-David (Atty. Cui-David), and her secretary, Maricel Arandia (Arandia), testified to support the allegations in the petition. Atty. Cui-David alleged that the subject property was a portion of the parcel of land previously covered by TCT No. 78211. By virtue of the petition for reconstitution filed by AP Realty's predecessor-in-interest, Aurelia Areola,[8] TCT No. 78211 was replaced by TCT No. RT-57528.[9] Areola partitioned the property into several lots including that covered by TCT No. 63467[10] from which AP Realty's TCT Nos. 86929 and 86932 were derived.[11] Thereafter, AP Realty sold its properties to Solar and Grand Pin Development Corporation (Grand Pin) and caused the transfer of title to their respective names, i.e., Grand Pin's TCT No. 220939[12] derived from TCT No. 86929 while Solar's TCT

No. 145389 was from TCT No. 86932.[13] Illegal settlers occupied Solar's property prompting it to file a civil case with the RTC, Branch 220, Quezon City which eventually issued an order of demolition. However, when Arandia tried to secure a certified copy of Solar's TCT No. 145389, she was told that the title could not be located in the RD's file. According to Arandia,[14] the RD informed her that it has no record of any document predating the issuance of TCT No. 145389 and the same was not among the titles administratively reconstituted due to the June 11, 1988 fire.[15] They identified the April 5, 2006 certification[16] issued by the RD stating that TCT No. 145389 could not be located in its files despite diligent efforts.

Pacita Aquino (Aquino), the RD's judicial custodian, also testified to identify the various signature in TCT No. 145389. She claimed that TCT No. 145389 has actually been issued to Solar because it has her “secret counter-signature” but she declined to divulged any information as to this alleged counter-signature.[17] Aquino likewise identified a certified true copy of a page in the RD's record book reflecting the issuance of TCT No. 145389 and averred that the original document with Serial No. 3990978 had been “spoiled”; TCT No. 145389 had been reissued on December 3, 1996 with Serial No. 4459761[18] and the RD no longer had records of TCT No. 145389 or of any pertinent transactions or documents pertaining thereto[19] although she was “very sure” that the loss was not due to the June 11, 1988 fire. The sale of the subject property from AP Realty to Solar was entered in the RD's record book[20] but Aquino denied making such entries. She further averred that the absence of the original copy of TCT No. 86932 in the RD's files is suggestive of an unfinished transaction.[21]

Solar also offered in evidence a certification[22] from the Land Registration Authority (LRA) confirming the issuance to and use by the RD of a blank certificate of title with Serial No. 4459761. Nestor Dimaano of the LRA's Property and Supply Station identified this certification.[23]

On May 10, 2007, the LRA's Reconstitution Division submitted a report[24] which reads:

xxx

> When the technical description of Lot 1 of the subdivision plan Psd-18008, appearing on the reproduction of Transfer Certificate of Title No. N-145389 was plotted on the Municipal Sheet No. 2754-D, thru its tie line, it overlaps the following properties listed below:

xxx

> all of the consolidation-subdivision plan (LRC) Pcs-16631.
>
> (3) As per our record, Decree No. 75124 (which is indicated on the face of TCT No. N-145389) was issued for a parcel of land situated in the Barrio of Sto. Domingo, Municipality of Cainta, Province of Rizal.
>
> (4) Furthermore, TCT No. 86932 from where subject TCT No. 145389 was purportedly derived is presently the subject of an investigation by Task Force Titulong Malinis under TFTM Case No. 01-0033. (Emphasis supplied)

NHA offered the foregoing certification in support of its opposition.[25] It also presented the LRA Reconstitution Division Chief, Jose Mamerto B. Cabatu (Cabatu), who affirmed the contents of the certification.[26]

Upon motion of NHA, the court a quo issued a subpoena to Atty. Guillermo P. Comayas (Atty. Comayas) of

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LRA's Inspection and Investigation Division. Atty. Comayas was not able to testify but he eventually submitted a report[27] which stated, among others, that the precise location of Solar and the Republic's properties with respect to each other could not be determined on site; the RD had certified on July 4, 2007 that Solar's TCT No. 145389 was not recorded in its registry but despite request, it did not issue any certification as to the availability of Areola's TCT No. RT-57528; there was no record in the LRA's Plan Examination Section of Plan Psu-14723 which supposedly included the land covered by TCT No. 145389; the technical description in Solar's TCT No. 145389 overlapped several other properties titled to other persons; and Original Certificate of Title (OCT) No. 2535 under Decree No. 75124 which was the alleged source of Solar's TCT No. 145389 actually pertained to distinct properties situated in Cainta, Rizal while Record No. 11277 referred to a property in Capiz. Atty. Comayas concluded that AP Realty's TCT Nos. 86929 and 86932 were of dubious validity. The report also contained a handwritten annotation of Ronald A. Ortile, Over-All Head of the LRA's Task Force Titulong Malinis, recommending the filing of a case for annulment of titles.

The Ruling of the RTC

In its January 20, 2009 Decision,[28] the RTC held that Solar had adequately established its ownership of the property based on its owner's duplicate copy of TCT No. 145389. It did not give credence to NHA's opposition and ruled that publication and posting are the only jurisdictional requirements when the basis of the reconstitution is the owner's duplicate copy of title as held in the case of Puzon v. Sta. Lucia Realty and Development, Inc.[29] The court a quo also decreed that the issue of overlapping technical descriptions should be threshed out in a separate action and not in a petition for reconstitution.

The dispositive portion of the RTC's Decision reads:

> WHEREFORE, premises considered, the petition is hereby GRANTED. Accordingly, the Register of Deeds of Quezon City is ordered to reconstitute the original copy of Transfer Certificate of Title No. 145389 from and on the basis of the owner's duplicate copy of the title in possession of the petitioner after payment of the prescribed legal fees.
>
> SO ORDERED.

Undeterred, NHA interposed the instant appeal with the following assignment of errors:[30]

I

> THE COURT A QUO ERRED WHEN IT GRANTED APPELLEE'S PETITION AS THE REQUIREMENTS FOR JURISDICTIONAL FACTS HAVE NOT BEEN COMPLIED WITH.

II

> THE COURT A QUO ERRED WHEN IT ORDERED THE REGISTRY OF DEEDS OF QUEZON CITY TO RECONSTITUTE THE SUBJECT TCT WHEN THE SAME AND ITS ANTECEDENT TITLES ARE OF DUBIOUS AND QUESTIONABLE VALIDITY

NHA claims that the subject land forms part of the Republic's property registered under TCT No. RT-34893 while

the demolished structures therein belonged to qualified beneficiaries of the NHA's National Government Center Housing Project (NGCHP). It invokes the findings of the DENR, the LRA, and the Quezon City Engineering Office that there are anomalies in AP Realty's title which was the source of Solar's TCT No. 145389 and argues that Solar should have proven that TCT No. 145389 was in force and effect at the time it was lost or destroyed. NHA harps on the supposed overlapping in the technical description contained in Solar's TCT No. 145389 and the other properties covered by 31 existing and valid titles as stated in the LRA's report. It also calls the attention of this Court to the complaint for declaration of nullity of TCT No. 86929 filed by Grand Pin against AP Realty sometime in 2004. Lastly, NHA insists that Solar failed to meet the jurisdictional requirements under Sections 5, 12, and 13[31] of Republic Act No. 26 (R.A. No. 26).[32]

On the other hand, Solar maintains that it has satisfied the pertinent jurisdictional requirements under Section 10 of R.A. No. 26[33] and that NHA's opposition was a prohibited collateral attack on its Torrens title. It also avers that the 2006 demolition on the subject property was ordered as early as 1994 in Sp. Civil Case No. 94-19971 entitled “Luzviminda Homeowners Association, Inc., et al. v. Hon. Ismael Mathay, Jr., in his capacity as Mayor of Quezon City” which was affirmed by this Court in a May 14, 1996 Decision in CA-G.R. SP No. 38389. In May 2006, the NHA in turn assailed the validity of the demolition through a petition with this Court docketed as CA-G.R. SP No. 94478, entitled “NHA v. Hon. Judge Jose B. Paneda, et al.”, but it withdrew the case in September 2006. Solar also claims that the DENR Land Management Services approved the technical description of the subject parcel of land appearing on its title as early as November 3, 1996.[34]

This Court's Ruling

The appeal is meritorious.

The reconstitution of a certificate of title denotes restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land. Its purpose is to have, after observing the procedures prescribed by law, the title reproduced in exactly the same way it has been when the loss or destruction occurred.[35] However, some of our fellowmen use this remedy as a quick yet illegal way of obtaining Torrens title over properties that are in fact already covered by other existing title. To avoid such unscrupulous practice, our case law has been firm in saying that reconstitution should be granted only upon clear proof that the title sought to be restored was indeed issued to the petitioner or his predecessor-in-interest and was in force at the time of the loss or destruction. Thus, the petitioner must establish the following facts as required under R.A. No. 26:[36] (1) the certificate of title was lost or destroyed; (2) the documents he has presented are sufficient and proper to warrant reconstitution of the lost or destroyed certificate of title; (3) the petitioner is the registered owner of the property, or had an interest therein; (4) the certificate of title was in force at the time it was lost or destroyed; and (5) the description, area, and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title.[37] He is also required to present any of the documents enumerated in Section 3 of R.A. No. 26 which are considered as valid and sufficient bases for reconstitution of a transfer certificate of title, viz.:[38]

> 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

The procedure to be observed in reconstitution depends on the sources of title presented by the petitioner. In the Puzon case,[39] the Supreme Court clarified that publication in the Official Gazette and posting are the only jurisdictional requirements for petitions based on the sources enumerated in Section 3(a) and 3(b), i.e., the owner's or the co-owner's, mortgagee's, or lessee's duplicate certificate of title. If the petition is based on Section 3(c), 3(d), 3(e), and 3(f), the petitioner must also cause the service of notice of the petition to the occupants of the property, owners of the adjoining properties, and all persons who may have any interest in the property. However, in the more recent case of Republic v. Sanchez,[40] it has been clarified that the actual notice requirement under Section 13 in relation to Section 12 of R.A. No. 26 applies when a government agency challenges the authenticity and validity of the owner's duplicate of title, thus:

> However, contrary to respondents' claim, Puzon finds no application here. No report from a pertinent government agency challenging the authenticity of Puzon's duplicate certificates of title was presented in Puzon. Thus, when Branch 80 granted reconstitution, Puzon's duplicate transfer certificates of title remained unchallenged.
>
> In contrast, the trial court in the present case was misled into treating LRC Case No. Q-96-8296 as having been filed under Section 3(a) based on Marina's purported duplicate title. Thus, the trial court followed Section 10 in connection with Section 9 of RA 26 to publicize LRC Case No. Q-96-8296. Relying on the First Report's finding that TCT No. 252708 "do[es] not appear to overlap previously plotted/decreed properties in the area," the trial court granted reconstitution. However, petitioner later informed the trial court of the First Report's spuriousness, the serious doubts on TCT No. 252708's authenticity, and the existence of two other titles that overlapped Lot No. 1. After hearing the parties, the trial court dismissed LRC Case No. Q-96-8296 for lack of jurisdiction as all interested parties were not actually notified of the petition as required under Section 13 in relation to Section 12 of RA 26.
>
> We hold that the trial court did not commit grave abuse of discretion.
>
> We were faced with substantially the same situation in Director of Lands v. Court of Appeals. In that case, the petition for reconstitution, as in the present case, was filed under Section 3(a) of RA 26 based on an alleged owner's duplicate certificate of title. However, the Director of Lands, in an adverse Report, challenged the authenticity of the purported duplicate certificate of title. The trial court denied reconstitution but the Court of Appeals reversed the trial court's ruling. Upon further review, we reversed the Court of Appeals and dismissed the reconstitution petition. We held that with the Director of Lands' Report, the petition for reconstitution "falls squarely" under Section 3(f) of RA 26, thus:
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> In the instant case, the change in the number of the certificate of title sought to be reconstituted from T-12/79 to TCT No. 42449 rendered at once the authenticity or genuineness of respondent's certificate of title under suspicion or cloud of doubt. And since respondent alleges that the technical descriptions under both certificates of title are identical and the same, x x x, We hold that the instant petition for judicial reconstitution falls squarely under Section 3(f), Republic Act No. 26, because the Director of Lands claims that the respondent's

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> duplicate of the Certificate of Title No. T-12/79 or TCT No. 42449 are [sic] both fake and fictitious.

Consequently, we applied Sections 12 and 13 of RA 26 and held that for non-compliance with these provisions, the trial court did not acquire jurisdiction over the petition for reconstitution.

Contrary to the Court of Appeals' finding, the Second Report is not a "collateral attack" on TCT No. 252708. Circular No. 35 requires the submission of an LRA Report in all proceedings to judicially reconstitute lost or destroyed Torrens certificates of title. Indeed, to "x x x prevent duplication of titles, x x x and [the] irregular reconstitution of lost or destroyed land certificates of title based on unauthorized sources," this Court issued Administrative Circular No. 7-96 ("Circular 7-96") on 15 July 1996 reminding trial court judges and clerks of courts "under pain of disciplinary sanctions, x x x to comply strictly" with, among others, Circular No. 35. Trial courts hearing reconstitution petitions under RA 26 are thus duty-bound to take into account the LRA's Report. When the trial court considered the authentic Second Report in issuing the 17 July 1998 Resolution, it merely complied with Circular 7-96.

xxx

> Consequently, it is Section 13 in relation to Section 12 of RA 26 which applies to LRC Case No. Q-96-8296. Hence, in addition to its posting and publication, the notice of hearing of LRC Case No. Q-96-8296 should also have been served through mail on the owners of the adjoining properties and all persons who may have any interest in the property. xxx (Emphasis appears in the original text of the decision; underscoring supplied)

Similarly, the DENR and the LRA reports create a serious doubt on the authenticity of Solar's owner's duplicate copy of title. Both agencies found that the technical description in Solar's TCT No. 145389 overlapped with other properties covered by existing titles. The LRA Reconstitution Division as well as its Inspection and Investigation Division observed some anomalies in the documentary bases of TCT No. 145389, particularly its supposed mother title, OCT No. 2535 and Decree No. 75124 that pertained to a property in Cainta, Rizal. The concerned agency also reported that Plan Psu-14723 which was used as a tie line of the technical description in TCT No. 145389 is inexistent in LRA's Plan Examination Section. The RTC is duty-bound to consider these reports[41] and should have proceeded with the utmost caution after having been apprised of the overlapping of properties.[42]

Accordingly, the serious doubts cast on the authenticity of TCT No. 145389 and its predecessor titles removed Solar's petition from the ambit of Sections 3(a) of R.A. No. 26. The petition is now anchored on the sources of reconstitution under Sections 3(f) which requires mailing of notice to adjoining owners of the properties in addition to publication and posting. Therefore, the non-compliance with this mandatory jurisdictional requirements divested the RTC of the jurisdiction to act on the petition.[43]

This Court does not also find merit on Solar's contention that NHA's opposition to its petition is a collateral attack on the validity of TCT No. 145389. An action or proceeding is deemed an attack on a title when its objective is to nullify the title, thereby challenging the judgment pursuant to which the title was decreed. It is indirect or collateral if the attack on the judgment was made as an incident of an action to obtain a different relief.[44] NHA's opposition did not challenge the judgment pursuant to which TCT No. 145389 was decreed. It merely informed the RTC of the pending actions and reports concerning the technical descriptions contained in TCT No. 145389. In fact, these irregularities have also been brought to the attention of the court a quo by the LRA reports.

The Court also notes Solar's failure to discharge its burden of proving that TCT No. 145389 was in force and effect at the time it was lost in the RD. It only submitted a certification from the RD stating that TCT No. 145389 could not be located in its files despite diligent efforts. This certification falls short of the requirement under paragraph 12 of Circular 35 requiring the RD to submit a written findings on the status of the title sought to be

reconstituted.[45] The testimony of Solar's witnesses did not also establish the existence of TCT No. 145389. Arandia and Atty. Cui-David merely reiterated the averments on the face of Areola's purported TCT No. RT-57528, but obviously, the same proceeds from the anomalous documents set forth in TCT No. 145389: LRC (GLRO) Record No. 11277, OCT No. 2535, Decree No. 75124, and Plan Psu-14723. On the other hand, Aquino's claim as to the authenticity of Solar's purported owner's duplicate certificate of title could not be accorded full credence by this Court because she inexplicably refused to disclose how she was able to recognize Solar's TCT No. 145389. Her testimony is also far outweighed by the LRA's unrebutted official findings to the contrary.

Furthermore, Solar did not adduce any evidence to rebut the findings of the DENR and the various divisions of the LRA as to the overlapping technical descriptions in its title and the dubious entries therein. It belatedly submitted to this Court a subdivision plan whereby the DENR allegedly approved the technical description in TCT No. 145389 but the same was not offered in evidence before the RTC. Pursuant to Section 34, Rules 132 of the Rules of Court,[46] We are not not bound to consider evidence which has not been formally offered. Worse, such subdivision plan was not even a certified true copy.

In sum, the foregoing pieces of evidence do not only raise doubt as to the authenticity and genuineness of the owner's duplicate of TCT No. 145389 but are also not persuasive as to warrant the reconstitution of Solar's title.

WHEREFORE, the appeal is GRANTED. Accordingly, the January 20, 2009 Decision of the Regional Trial Court, Branch 80, Quezon City in LRC Case No. Q-21020(06) is hereby REVERSED AND SET ASIDE and the petition for reconstitution of title filed by Solar Resources, Inc. is DISMISSED.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Macalino and Corales, JJ., concur.

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[1] See Notice of Appeal in relation to the February 27, 2009 Order of the RTC giving due course to said appeal, records, pages 472-474 and 476, respectively.

[2] Penned by Presiding Judge Charito B. Gonzales, rollo, pages 73-78.

[3] See Amended Petition, records, pages 14-18.

[4] See Exhibit “H” and series, ibid., pages 52-53.

[5] See Order dated June 28, 2006 , ibid., pages 15-16.

[6] See Opposition, ibid., pages 66-70.

[7] See Amended Complaint for Quieting of Title with Recovery of Possession, Damages and Prayer for Issuance of a Temporary Restraining Order and Preliminary Injunction, ibid., pages 71-83.

[8] Also referred to in the records as “Arriola” or “Arreola”.

[9] See TCT No. RT-57528, Exhibit “Q” and series, ibid., pages 161-162.

[10] Ibid., page 163.

[11] See TCT No. 86929, Exhibit “S” and series, ibid., pages 164-167.

[12] See TCT No. 220939, Exhibit “P” and series, ibid., page 160.

[13] TSN, Lanee David, October 11, 2006.

[14] See also Maricel Arandia's January 12, 2005 Affidavit, Exhibit “J” and series, records, page 144.

[15] See TSN, Maricel Arandia, October 2, 2006 and October 11, 2006.

[16] See Exhibit “K” and series, records, page 56.

[17] “Atty. Carino:

Q

Do you have any proof, do you have any evidence to prove that this judicial form under the name of Solar Resources, Inc. with TCT No. 145389 is actually the judicial form that you have issued?

A

I have my secret counter-sign.

Q

Do you have evidence to show that this is the one?

A

Yes, but I cannot give you any information. It is confidential.” (TSN, Pacita Aquino, November 8, 2006, page 3.)

[18] See Exhibits “T” and “U” and their series, records, pages 167 and 168-169, respectively.

[19] See November 8, 2006 Certification by Atty. Carlo V. Alcantara, Exhibit “V”, ibid., page 170.

[20] See Exhibit “2” and series, ibid., pages 283-284.

[21] See TSN, Pacita Aquino, November 8, 2006, February 6, 2007, and March 6, 2007.

[22] Records, page 174.

[23] See TSN, Nestor Dimaano, February 6, 2007. See also February 5, 2007 Assignment Order, Exhibit “W”, records, page 171.

[24] Ibid., pages 209-210.

[25] See NHA's Formal Offer of Evidence, ibid., pages 276-278.

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[26] See TSN, Jose M. B. Cabatu, July 13, 2007 and March 26, 2008.

[27] See Compliance and attached letter and Report, records, pages 340-347.

[28] Supra, at note 2.

[29] G.R. No. 139518. March 6, 2001.

[30] Page 9 of Appellant's Brief, rollo, page 61.

[31] Sec. 5. Petitions for reconstitution from sources enumerated in Sections 2(a), 2(b), 3(a), and 3(b) of this Act may be filed with the Register of Deeds concerned by the registered owner, his assigns, or other person, both natural and juridical, having an interest in the property. The petition shall be accompanied with the necessary sources for reconstitution and with an affidavit of the registered owner stating, among other things:

> (1) That no deed or other instrument affecting the property had been presented for registration, or, if there by any, the nature thereof, the date of its presentation, as well as the names of the parties, and whether the registration of such deed or instrument is still pending accomplishment;
>
> (2) That the owner's duplicate certificate or co-owner's duplicate is in due form without any apparent intentional alterations or erasures;
>
> (3) That the certificate of title is not the subject of litigation or investigation, administrative or judicial, regarding its genuineness or due execution or issuance;
>
> (4) That the certificate of title was in full force and effect at the time it was lost or destroyed;
>
> (5) That the certificate of title is covered by a tax declaration regularly issued by the Assessor's Office; and
>
> (6) That real estate taxes have been fully paid up to at least two (2) years prior to the filing of the petition for reconstitution.

If the reconstitution is to be made from any of the sources enumerated in Section 2(b) or 3(b), the affidavit should further state that the owner's duplicate has been lost or destroyed and the circumstances under which it was lost or destroyed. Thereupon, the Register of Deeds shall, no valid reason to the contrary existing, reconstitute the certificate of title as provided in this Act.

Sec. 12. Petitions for reconstitution from sources enumerated in sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e) and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in section 2(f) of 3(f) of this Act, the petition shall be further be accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken

from a prior certificate of title covering the same property.

Sec. 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court.

[32] See Appellant's Brief, rollo, pages 38-71.

[33] Rep. Act No. 26, Section 10. Nothing hereinbefore provided shall prevent any registered owner or person in interest from filing the petition mentioned in section five of this Act directly with the proper Court of First Instance, based on sources enumerated in sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act: Provided, however, That the court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section nine hereof: And provided, further, That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in section seven of this Act.

[34] See Appellee's Brief, rollo, pages 114-144.

[35] Republic v. Vergel de Dios, G.R. No.170459. February 9, 2011 citing Republic v. Tuastumban, G.R. No.173210. April 24, 2009.

[36] Section 15. If the court, after hearing, finds that the documents presented, as supported by parol evidence or otherwise, are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title, and that the petitioner is the registered owner of the property or has an interest therein, that the said certificate of title was in force at the time it was lost or destroyed, and that the description, area and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title, an order of reconstitution shall be issued. xxx If the court finds that there is no sufficient evidence or basis to justify the reconstitution, the petition shall be dismissed xxx

[37] See Republic v. Tuastumban, G.R. No. 173210. April 24, 2009.

[38] Republic v. Santua, G.R. No. 155703. September 8, 2008.

[39] Supra, at note 29.

[40] G.R. No. 146081. July 17, 2006.

[41] See June 13, 1983 LRA Circular No. 35 in relation to July 15, 1996 Administrative Circular No. 7-96.

[42] See Republic of the Philippines v. de Asis, Jr., G.R. No. 193874. July 24, 2013.

[43] See Republic v. Sanchez, supra, at note 40.

[44] See Oño v. Lim, G.R. No. 154270. March 9, 2010.

[45] See Republic v. Sanchez, supra, at note 40.

[46] Sec. 34. Offer of Evidence. - The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.

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