

JOY VANESSA M. SEBASTIAN, PETITIONERS, VS. HON. LORETO S. ALOG, JR., PRESIDING JUDGE, REGIONAL TRIAL COURT, LINGAYEN, PANGASINAN, BRANCH 69, SPS. NELSON C. CRUZ & CRISTINA P. CR...

Ponente: LANTION, J.A.C., J.

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LANTION, J.A.C., J.:

On 31 July 2014, Petitioner Joy Vanessa M. Sebastian (Petitioner) filed a Petition for Annulment of Judgment[1] before this Court to annul the 27 March 2014 Decision of the Regional Trial Court of Lingayen, Pangasinan, Branch 69 (court a quo) in LRC Case No. 421.

Petitioner alleged in her Petition that: 1) Private Respondents Spouses Nelson C. Cruz and Cristina P. Cruz (Private Respondents) are the registered owners of the lot covered by OCT No. P-41566 (subject lot) located at Mangatarem, Pangasinan; 2) on 9 November 2009, she purchased the subject lot from Lamberto Cruz - father of Private Respondent Nelson C. Cruz; 3) that by virtue of the said sale, the original copy of OCT No. P-41566 was surrendered to her (Petitioner) by Lamberto Cruz; 4) on 9 October 2013, Private Respondents filed before the court a quo a Petition for the Issuance of a Second Owner's Copy of OCT No. P-41566; 5) the Petition was docketed as LRC Case No. 421; 6) on 27 March 2014, the court a quo granted the Petition and issued a second owner's copy of OCT No. P-41566 in favor of Private Respondents.

Petitioner contends that the 27 March 2014 Decision of the court a quo should be annulled on the ground of extrinsic fraud and lack of jurisdiction, as she (Petitioner) was not notified of the filing of the Petition and served with copies of the Orders and Decision of the court a quo.

The Petition lacks merit.

In granting a petition for annulment of judgment, the court is tasked to ascertain the existence of extrinsic fraud or lack of jurisdiction. Fraud is extrinsic where a party never had any knowledge of the suit by reason of some artifice, deceit or device employed by the prevailing party.[2] On the other hand, lack of jurisdiction as a ground for annulment of judgment refers to either lack of jurisdiction over the person of the defending party or over the subject matter of the claim.[3]

In this case, Petitioner alleges that on account of Private Respondents' deceitful acts, she became unaware of the filing and of the proceedings of the Petition for the Issuance of a Second Owner's Copy of OCT No. P-41566. To elucidate, actions for a judicial reconstitution of title or for the issuance of a second owner's copy of title is an action in rem.[4] In actions of such kind, publication of the petition and posting of the notice of hearing is necessary to clothe the court with jurisdiction to hear and decide the case.[5]

Moreover, in petitions for reconstitution or the issuance of a second owner's copy of title, the requirement of publication constitutes constructive notice to the whole world of the said petition. It is the said publication that brings in the whole world as a party in the case.[6] In the case of Ignacio vs. Basillo[7], the Supreme Court held

that in actions in rem, it is the publication of notice of the petition and hearing which serves to apprise the whole world that such action has been filed. For this reason, it is not anymore necessary to give personal notice to the other claimants of the subject property, as they are already informed to come forward to the court and show why an application concerning the res (real property) should not be granted.[8]

Here, as records disclose and aptly found by the court a quo, Private Respondents have complied with the jurisdictional requirement of publication of the subject Petition and the Notice of Hearing. The court a quo held, viz:

“The petition being sufficient in form and substance, the Court set the same for initial hearing on November 21, 2013 pursuant to the Order October 17, 2013. In the said Order, the petitioners (herein referred to as Private Respondents) were also directed that copies thereof together with the petition be posted in the bulletin boards of the Provincial Capitol building of the Municipal Hall of Mangatarem, of the barangay hall of Bogtong-Bolo, Mangatarem, of the Registry of Deeds, Lingayen, and of the Provincial Prosecutors Office at Lingayen, all of Pangasinan.”

Considering that herein Private Respondents had complied with the jurisdictional requirement of publication of the Petition and of the Notice of Hearing, the court a quo, undoubtedly, attained jurisdiction to hear and decide the said Petition. Moreover, such compliance effectively charged Petitioner with constructive knowledge of the filing of the Petition for the Issuance of a Second Owner's Copy of OCT No. P-41566 before the court a quo. Thus, conformably with *Ignacio vs. Basillo*, supra, it is no longer necessary to give personal notice to Petitioner regarding the filing of the same. Clearly, no extrinsic fraud attended the filing and the proceedings of the said Petition. Having failed to prove the existence of extrinsic fraud or that the court a quo did not acquire jurisdiction over the subject matter of the action a quo, this Court cannot give due course to the instant Petition for Annulment of Judgment.

WHEREFORE, the Petition for Annulment of Judgment is hereby DISMISSED.

SO ORDERED.

De Leon, M.M., Chairperson and Antonio-Valenzuela, N.G., JJ., concur.

[1] Under Rule 47 of the Rules of Court.

[2] *Gochan, Et Al. Vs. Mancao*, G.R. No. 182314, November 13, 2013.

[3] *Spouses Crisanto Alcazar And Susana Villamayor vs. Evelyn Arante*, G.R. No. 177042, December 10, 2012.

[4] *Republic Of The Philippines vs. Castro, et al.*, G.R. No. 172848, December 10, 2008.

[5] Republic Act No. 26 entitled "An act providing a special procedure for the reconstitution of Torrens Certificates of Title lost or destroyed" approved on September 25, 1946 confers jurisdiction or authority to the Court of First Instance to hear and decide petitions for judicial reconstitution. The Act specifically provides the special requirements and mode of procedure that must be followed before the court can properly act, assume and acquire jurisdiction or authority over the petition and grant the reconstitution prayed for. These requirements and procedure are mandatory. The Petition for Reconstitution must allege certain specific jurisdictional facts; the notice of hearing must be published in the Official Gazette and posted in particular places and the same sent or notified to specified persons. Section 12 29 and 13 30 of the Act provide specifically the mandatory requirements and procedure to be followed.

[6] Supra, No. 4.

[7] G.R. No. 122824. September 26, 2001.

[8] Republic vs. Bacas, G.R. No. 182913, November 20, 2013.

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