MAXIMO UMALI AND LUNINGNING GALLARDO, APPLICANTS-APPELLEES, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: GUARIÑA III, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/8d5ebb52779a/

GUARIÑA III, J.:

At issue is the validity of a lower court decision canceling an already existing decree of registration and ordering the issuance of another decree in favor of the present applicants based on evidence that they possess sufficient title.

The spouses Maximo Umali and Luningning Gallardo filed an application for registration of land with the Municipal Trial Court in Cities (MTCC) of Lipa City in September 1998. The property is described as Lot 3528 of the Lipa cadastre and located at Cumba, Lipa City with an area of 16,000 square meters. They presented witnesses and documents to show that they purchased the property in August 1995 from one Leticia Litan who was in adverse possession since 1964 when it was donated to her by the previous owner Pablo Litan. There appears to be a Tax Declaration 84200 issued for the year beginning 1966 in the name of Leticia Litan canceling Tax Declaration 32510 in the name of Pablo Litan for the year 1955.[1] Pablo's grandnephew Rodolfo Litan testified that he was 9 years old in 1954 when he first came to know the property. It was already in the possession of Pablo. [2] A number of fruit trees grew on the land and were fruit-bearing when the Umalis took over. Immigrating to the United States in 1997, they left the property to the care of Maximo's brother Benedicto Umali. Benedicto lives near the land and visits it every day. [3]

The property has been certified by the DENR to be within the alienable and disposable block of the public domain. [4] For its part, the LRA [5] transmitted a report [6] that upon verification of its record book of cadastral lots, Lot 3528, Cad. 218, Lipa Cadastre was previously applied for original registration of title and issued a decree in cadastral case No. 20, GLRO Cadastral Record No.1293 under Decree No. 632593 issued on May 6, 1937. While disclosing that the decree was no longer among its salvaged records, it provided the following opinion :

> 4. It is undisputed that Decree No. 632593 was issued on May 7, 1937 for Lot 3528 Lipa Cadastre, pursuant to a decision rendered thereon. It cannot also be denied that said decree was forwarded to the Register of Deeds of Lipa for transcription in the registration book and issuance of the corresponding original certificate of title;
>
> 5. It is, therefore, presumed consistent with presumption established by law, that "official duty has been regularly performed" (Section 5, par. M. Rule 131 of the Rules of Court) that the corresponding original certificate of title was issued for the lot by the Register of Deeds of Lipa;
>
> 6. Consequently, the appropriate and proper procedure is for the party-in-interest to file a petition for reconstitution of the lost or destroyed original certificate of title, conformably to the provision of Republic Act No. 26;
>
> 7. On the other hand, if the non-issuance of the original certificate of title can convincingly be shown to overcome the legal presumption of regularity the cancellation of previously issued decree (Decree No. 632593)

> and issuance of a new one in the name of the same decreed owner may be feasible. However, considering the issuance, cancellation of decree of registration are part of judicial process, a court order is indispensable before this Authority may issue another decree.

From the Register of Deeds of Lipa City, a certification issued that as per its available records – Lot 3528 appears to be not covered by a title, whether judicial or patent, or subjected to CLOA under the Comprehensive Agrarian Reform Program. [7]

The trial court's first reaction was to deny the application. In a decision on July 31, 2000, [8] it relied on the portion of the LRA report that the property was already covered by Decree 632593 issued in1937 pursuant to a decision in a cadastral case and assumed in accordance with the legal precept of regularity in the performance of official duty that the decree was forwarded to the Register of Deeds of Lipa who transcribed it in his registration book and issued the original certificate of title. The court held that a second application may not be permitted under these circumstances in order to avoid duplication in the issuance of the decree for Lot 3528.

On a motion for reconsideration,[9] the court saw things in a different light. It followed the line of reasoning of the applicants that the certification of the Register of Deeds constitutes proof that no title was issued in relation to Decree 632593. Hence, there is a basis for the application of the last paragraph of the LRA report that if it can be shown that the original certificate of title was not issued, the previous decree may be cancelled and a new one ordered through a judicial proceeding. The suitable remedy is none other than an application or petition for ordinary registration of land. The court pleaded guilty to oversight in not recognizing this point. Having found from the evidence in the case that the applicants possess sufficient title, it cancelled Decree 632593 and ordered that another decree be issued in the name of the applicants over the lot in question. [10]

The Office of the Solicitor General, in its appeal, stands foursquare behind the results of the first decision. [11] It prays for the denial of the present application on the theory that since there is already a decree issued in a previous land registration case, the property must already be deemed registered and a court has no jurisdiction to decree its registration again in the name of the applicants. It has been held that the doctrine behind original registration is to register a parcel of land only once.

We may take note, however, that the cases from which the principle is drawn, Laburada vs Land Registration Authority, 287 SCRA 333, Metropolitan Waterworks and Sewerage Systems vs Court of Appeals 215 SCRA 783 and Pamintuan vs San Agustin 43 Phil 558, uniformly presuppose that the land for which a decree of registration was issued has, in fact, been registered through the receipt by the Register of Deeds of the decree from the LRA and transcription of the decree in his registration book and issuance of the original certificate of title.[12] As spelled out in a standard textbook, a property becomes registered land only upon the transcription of the decree in the original registration book of the Register of Deeds.[13] It follows that until the original certificate of title is issued by the Register of Deeds, the property undergoing land registration proceedings in not yet registered land.

The OSG's argument is anchored on a premise not thoroughly articulated in its brief – that the land was entered and registered in the records of the Register of Deeds. There is, however, no evidence of an actual transcription of the decree by the Register of Deeds, and the laundry list of records mentioned by the applicants [14] bear no reference to any title to the land. We agree that in the absence of evidence that the Register of Deeds received the decree from the LRA or any of its forerunners, we cannot say that the decree was entered in his records and the title issued.

The OSG is of the view that the existence of the title may be presumed from the fact that a decree of registration was issued. It is allegedly undeniable that the decree was forwarded to the Register of Deeds for transcription in the registration book and issuance of the corresponding certificate of title. The fact that the original certificate of

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

title was issued by the Register of Deeds is said to be consistent with the legal presumption that official duty has been regularly performed. [15]

The flaw in this reasoning is the artful use of a string of presumptions to arrive at the desired conclusion. While it may be correct to draw the presumption that the GLRO[16] transmitted the decree to the Register of Deeds, from the fact that it issued the decree, it takes another presumption to state that the Register of Deeds received the decree. On what is the second presumption based? On the first presumption, no more, no less. We believe that this will not do. A similar argument of a presumption based on a presumption was attempted without success in Cuaycong vs Rius 86 Phil 170. A party argued that since it was the duty of the clerk of court to deposit the check with the National Treasurer, it is presumed that he complied with the duty, and since it is the duty of the National Treasurer to present it for payment, it is also presumed that has presented the check for payment and collected it. The Supreme Court held that the argument was defective because a presumption cannot be made to rest upon another presumption but on facts proven in the case.

The only fact established in our case is that there was a decree issued by the GLRO. For us to conclude that the title was issued by the Register of Deeds, it must appear on record that the decree was received by him. Unfortunately, there is no evidence to this effect. Only the presumption that it was transmitted to him. Following the High Court's admonition, we cannot build on the presumption of receipt of a transmittal another presumption that the Register of Deeds transcribed the decree and issued the title

If it cannot be held on the bare existence of a decree that a certificate of title was issued, it follows that Lot 3528 cannot be considered registered land. The property indubitably remains part of the alienable and disposable portion of the public domain as certified to by the DENR. [17] The operative provision is now Section 14 (1) of PD 1529 [18] which provides that those who by themselves or through their predecessors-in-interest have been in adverse possession of alienable and disposable lands of the public domain since June 12, 1945 may file an application for registration of the land. There is merit in the observation of the OSG that the evidence does not prove that the possession of the applicants by themselves and their predecessors dates back to at least 1945. The testimonies of eyewitnesses have reckoned the possession only from 1954 [19] which is 9 years short of the required period. The possessory requirement has not been met.

To go around the argument, the applicants try to force the case under the next category of qualified applicants specified in Section 14 – those who have acquired ownership of private lands by prescription under the provisions of existing laws. They theorize that private land is subject only to a 30-year prescriptive period under the civil law, and that from 1954 to 1998, more than this number of years has passed. The contention will not hold water for the simple reason that, as we have already seen, the land is not private, but public.

In passing, We hold that while the land in question is amenable to an application for ordinary registration, the applicants failed to prove a sufficient title for registration. The appeal of the OSG is granted.

IN VIEW OF THE FOREGOING, the decision dated November 7, 2001 is REVERSED, and the application for registration is DISMISSED, without prejudice.

SO ORDERED.

Barrios, (Chairman) and Tagle, JJ., concur.

---

[1] Exh N, R, Q.

[2] Tsn September 28, 1999, at 4.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[3] Tsn August 9, 1999, at 8-13.

[4] Records, at 63. DENR stands for the Department of Environment and Natural Resources.

[5] The Land Registration Authority is formerly the National Land Titles and Deeds Registration Administration which was the name of the reorganized Land Registration Commission. Peña, Peña and Peña, Registration of Land Titles and Deeds, 1988, at 31.

[6] Records, at 276. The report is dated November 12, 1999.

[7] Exh. T.

[8] Records, at 357-363.

[9] Ibid., at 379-382.

[10] Ibid., at 452-458. The second decision was rendered on November 7, 2001.

[11] See note 8.

[12] See Section 39-40, PD 1529, otherwise known as the Property Registration Decree.

[13] Ponce, the Philippine Torrens System, 1964, at 205. The same rules apply under Section 41 and 42 of the previous Act 496.

[14] Rollo, at 63.

[15] Ibid., at 41. the presumption is set forth in Section 2 (m), Rule 131, Rules of Court

[16] The General Land Registration Office was the forerunner of the LRC. See Section 41, Act 496.

[17] See note 4.

[18] The Property Registration Decree.

[19] See note 2.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.