

ANNA MARIE C. BICHARA, PETITIONER-APPELLEE, VS. REPUBLIC OF THE PHILIPPINES, OPPOSITOR-APPELLANT.

Ponente: DICDICAN, J.

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DICDICAN, J.:

The petitioner-appellee seeks a reconsideration of the decision promulgated in this case on September 9, 2013 reversing and setting aside the decision rendered by the Presiding Judge of the RTC of the 5[th] Judicial Region stationed in Iriga City on March 13, 2012 in Special Proceeding No. IR-2584 which granted the petitioner-appellee's petition for reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City. Acting on the said motion for reconsideration and upon meticulously reviewing the evidence adduced by the petitioner-appellee and the applicable law and jurisprudence, this Court has arrived at an amended decision. Under the premises, there is no harm in this Court's acknowledging that its original decision needs to be reconsidered for, as always, what is important and paramount is that this Court be ultimately right in its judgment. Significantly, the appellant Republic of the Philippines, represented by the Office of the Solicitor General, interposed no opposition to the petitioner-appellee's motion for reconsideration.

As it may not be amiss to recall, in the decision of this Court promulgated on September 9, 2013, we ruled that no sufficient basis exists for the reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City, and so, the court a quo committed a reversible error in granting the petitioner-appellee's petition for reconstitution of the said transfer certificate of title. Among others, we held that the Deed of Sale of Real Property executed by Solomon Lee Wee Hong on June 5, 1967 in favor of Emelina G. del Castillo can not serve as proof that Transfer Certificate of Title No. T-14027 was registered by the vendee in her name or that Transfer Certificate of Title No. T-14027 really existed. We further ruled that the said deed of sale of real property does not adequately show that its original copy had been duly registered in the Registry of Deeds and, pursuant to which, the lost or destroyed transfer certificate of title was issued.

In her motion for reconsideration, the petitioner-appellee tenaciously contended and argued that the Deed of Sale of Real Property executed by Solomon Lee Wee Hong on June 5, 1967 in favor of Emelina G. del Castillo is sufficient basis for the reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City. We made a second judicious and meticulous scrutiny of the said Deed of Sale of Real Property which had been adduced in evidence by the petitioner-appellee as Exhibit "L". It is found on pages 64 and 65 of the record of Special Proceeding No. IR-2584. We have come up with the following observations:

1. On the upper right corner of said document, there is a stamped acknowledgment of receipt thereof by the Office of the Register of Deeds of Iriga City, although not so clearly legible, showing that it was received by the said office on February 2, 1972.
2. On the lower portion of page 1 of the said Deed of Sale of Real Property, there appears the not so legible entry: "Registered in the Registry of Deeds on Feb. 2, 1972, at 9:00 a.m. as Entry No. 59571, Vol. 8, under Act No. 496". Below said entry appears the signature of a certain P. de la Torre as Entry Clerk of the Office of the Register of Deeds of Iriga City.

3. On the lowest portion of page 2 of the aforementioned Deed of Sale of Real Property appears the not so legible entries: "It is hereby certified that this instrument filed as Entry No. 59571 on T-7234 has been registered. Transfer Certificate of Title No. T-7234 is cancelled and Transfer Certificate of Title No. T-14027 of Registry Book No. 141 is issued". Below these entries is a signature of the Register of Deeds of Iriga City.

Thus, this Court is now convinced that the original copy of the aforementioned Deed of Sale was presented to the Register of Deeds of Iriga City for registration, that it was indeed registered as Entry No. 59571, that the then Transfer Certificate of Title No. T-7234 in the name of Solomon Lee Wee Hong covering the land was cancelled and that, in lieu thereof, Transfer Certificate of Title No. T-14027 in the name of Emelina G. del Castillo was issued.

Consequently, there appears sufficient basis for the reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City which is the aforementioned Deed of Sale of Real Property. Section 3(d) and (f) of Republic Act No. 26 provides that transfer certificate of title may be reconstituted from the following sources:

(a) x x x x:

(b) x x x x;

(c) x x x x;

(d) The deed of transfer or other document, on file in the registry of deeds, containing a 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) x x x x; and

(f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed transfer certificate of title.

Accordingly, there appears no reversible error committed by the lower court in rendering the decision appealed from

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by this Court RECONSIDERING its original decision promulgated in this case on September 9, 2013, SETTING ASIDE such decision and AFFIRMING the decision rendered by the court a quo on March 13, 2012 in Special Proceeding No. IR- 2584.

SO ORDERED.

[*]Antonio-Valenzuela, and [**]Corales, JJ., concur.

[*] Acting Senior Member per Office Order No. 461-14-ABR dated Nov. 3, 2014

[**] Acting Junior Member vice J. Elbinias per Office Order No. 461-14-ABR dtd. Nov. 3, 2014

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