

VALERIANO A. ABEJERO, ET.AL. PLAINTIFFS-APPELLEES, VS. HEIRS OF JULIAN MELITON, REP. BY MARIA FE MELITON, ESPINOSA, ET.AL., DEFENDANTS, REGISTER OF DEEDS OF NAGA CITY, DEFENDANT...

Ponente: CARANDANG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bf6476cb5523/>

CARANDANG, J.:

The instant appeal was interposed by the Register of Deeds of Naga City, through the Office of the Solicitor General, to impugn the Order dated May 24, 2001 of the Regional Trial Court, Branch 23, of Naga City in Civil Case No. 96-3526, the full text of which is reproduced hereunder verbatim, thus:

Finding the allegations in the ex-parte manifestation and motion filed by the plaintiffs through counsel dated April 30, 2001 to be well-taken, the same is hereby granted.

Plaintiffs are hereby allowed to adopt all the evidence previously submitted and offered as against the defendants Heirs of Julian Meliton, represented by Maria Fe Meliton-Espinosa, both oral and documentary, including the documentary exhibits, as well as all the purposes of their offer in evidence as against the nominal defendant Register of Deeds of Naga City.

The same adopted oral and documentary exhibits, including the purposes for which they were offered which were previously admitted by the court are hereby made applicable to nominal defendant Register of Deeds of Naga City.

Furthermore, the decision rendered by the court dated July 17, 1998 is also made applicable to said nominal defendant Register of Deeds of Naga City, the pertinent provision of which is quoted hereinbelow:

“Wherefore, judgment is hereby rendered GRANTING the petition. Consequently, upon the finality of the Decision, Ma. Fe Meliton-Espinosa, the administratrix of the private respondents or any of the private respondents or person withholding the owner’s duplicate copy of Transfer Certificate of Title No. 8027, Naga Registry, is hereby ordered to surrender the owner’s duplicate copy of TCT No. 8027 to the Register of Deeds of Naga City and upon such surrender, the Registrar of said Registry is hereby directed to enter upon TCT No. 8027 the respective deeds of sale in favor of the petitioners and issue corresponding certificates of title in their names, after compliance with all the requirements of law for such registration.

Should Ma. Fe Meliton-Espinosa or any of the private respondents or person in custody of TCT No. 8027 fail or refuse to surrender the same to the Register of Deeds, within fifteen (15) days after the finality of this Decision, said TCT No. 8027 is hereby declared null and void and the Register of Deeds of Naga City is hereby ordered to issue a new certificate of title in lieu thereof. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of TCT No. 8027. After the issuance of a new certificate of title, the Registrar is hereby directed to enter upon the new certificate of title the respective deeds of sale in favor of the petitioners and issue corresponding certificates of title in their names, after compliance with all the requirements of law for such registration.”

SO ORDERED. (Rollo pp. 59-60)

The facts:

Julian Meliton is the absolute and registered owner of Lot No. 1095-C, a tract of land with an area comprising of 227,270 square meters, located at Barrio Concepcion Pequeño, Naga City, and which is more specifically described under and covered by TCT No. 8027 (Exhibit “F”, Folder of Exhibits). On separate dates covering the period from March 1974 to October 1983, each of the herein 67 individual plaintiffs-appellees (Abejero, et al., for brevity) purchased different and varying sizes of smaller lots that form part and parcel of Lot No. 1095-C. After Julian Meliton shall have executed the pertinent contracts of absolute sale, Abejero, et al., took actual possession of their respective lots, built their houses therein, declared the lots in their names for taxation purposes, and paid the corresponding realty taxes due thereon. Evidently, Julian Meliton, in spite of demand, failed or refused to lend and surrender TCT No. 8027 to Abejero et al., in order for the latter to register their respective Deeds of Absolute Sale corresponding to the parcels of land that they purchased. Abejero et al., then discovered that the original owner’s duplicate copy of TCT No. 8027 is in the possession and custody Maria Fe Meliton-Espinosa, who, after Julian Meliton’s death was duly appointed as the administratrix of the latter’s estate.

On March 20, 1996, Abejero, et al., instituted a Petition before the RTC of Naga City against the Register of Deeds of the province and Maria Fe Meliton-Espinosa, in her capacity as the administratrix of the estate and representative of the Heirs of the late Julian Meliton. Lodged pursuant to the provisions of Section 107 of Presidential Decree No. 1529, the Petition sought to compel the surrender of the owner’s duplicate copy of TCT No. 8027, or to cause the annulment of said certificate of land transfer and the issuance of a new title in its stead (Record, pp. 1-6).

The records show that the RTC was unable to serve the pertinent summons to Meliton-Espinosa considering that the process servers of the court failed to find her at her given addresses. Consequently, upon order of the RTC, summons was served upon Meliton-Espinosa by means of publication in the Philippine Times Journal (Record pp. 16 and 19). In spite of being impleaded as party-respondent, however, no summons was served upon the Register of Deeds of Naga City. Failing to file a responsive pleading within the 70-day period allowed by the Court, the RTC, upon motion of Abejero et al., declared the Heirs of Julian Meliton in default, and accordingly, Abejero, et al., were allowed to present their evidence ex-parte (Record p. 20). After a review of the documents adduced in evidence, the duly appointed Commissioner of the RTC prepared and submitted a Report on September 1, 1997 recommending that Abejero et al., be declared entitled to the relief sought for (Record pp. 21-47).

Guided by the findings and recommendation stated in the September 1, 1997 Commissioner’s Report, the RTC on July 17, 1998 promulgated a Decision in favor of Abejero et al., disposing as follows:

“Wherefore, judgment is hereby rendered GRANTING the petition. Consequently, upon the finality of the Decision, Ma. Fe Meliton-Espinosa, the administratrix of the private respondents or any of the private respondents or person withholding the owner’s duplicate copy of Transfer Certificate of Title No. 8027, Naga Registry, is hereby ordered to surrender the owner’s duplicate copy of TCT No. 8027 to the Register of Deeds of Naga City and upon such surrender, the Registrar of said Registry is hereby directed to enter upon TCT No. 8027 the respective deeds of sale in favor of the petitioners and issue corresponding certificates of title in their names, after compliance with all the requirements of law for such registration. Should Ma. Fe Meliton-Espinosa or any of the private respondents or person in custody of TCT No. 8027 fail or refuse to surrender the same to the Register of Deeds, within fifteen (15) days after the finality of this Decision, said TCT No. 8027 is hereby declared null and void and the Register of Deeds of Naga City is hereby ordered to issue a new certificate of title in lieu thereof. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of TCT No. 8027. After the issuance of a new certificate of title, the Registrar is hereby directed to enter upon the new certificate of title the respective deeds of sale in favor of the petitioners and issue

corresponding certificates of title in their names, after compliance with all the requirements of law for such registration. Considering that the summons was served by publication and the defendants failed to appear in the action, let a copy of this Decision be published once in a newspaper of national circulation, at the expense of the prevailing party, pursuant to Section 9, Rule 13 of the 1997 Rules of Civil Procedure.

SO ORDERED.”

Accordingly, the Decision was published at the Philippines Times Journal on August 19, 1998 (Record p. 95). After the July 17, 1998 Decision became final and executory, Abejero et al., immediately filed a motion for its execution. The Register of Deeds of Naga City, through then incumbent Registrar Greta Filio-Paraiso, filed a Manifestation to register an opposition against the motion for execution predicated upon the argument that since summons was never served on her office, the court did not acquire jurisdiction thereby rendering its judgment in the action null and void (Record p. 104). The Register of Deeds thereafter lodged a Motion to declare the proceedings had in the case null and void on jurisdictional grounds (Record pp. 110-112). The Register of Deeds then referred the matter to the OSG, which filed a Comment to the move of Abejero et al., for the implementation of the July 17, 1998 Decision (Record pp. 143-148).

Impelled by the continuous oppositions raised by the Register of Deeds citing want of jurisdiction, Abejero et al., on February 1, 1999 filed a Motion to re-open the case in order to effect the service of summons to the Register of Deeds of Naga City (Record pp. 131-132). On August 2, 1999, the RTC ordered the re-opening of the case purposely to give ample opportunity for service of summons through personal service to the Register of Deeds of Naga City (Record p. 194). Accordingly, summons was personally served on the Register of Deeds of Naga City on August 4, 1999 (Record p. 196). In behalf of the Register of Deeds, the OSG filed a Motion for Reconsideration arguing that service of summons must be effected at the inception of the action, and not in such a time when there is already a judgment in the suit. The OSG likewise argued that there is nothing in the Rules that sanctions and allows service of summons at such belated stage of the proceedings (Record pp. 205-211). The RTC denied this motion via an Order issued on January 4, 2000 (Record p. 224).

Aggrieved, the Register of Deeds instituted a Petition for Certiorari and Prohibition before this Court to assail the August 2, 1999 and January 4, 2000 Orders of the RTC. Said Petition was docketed before Us as CA-G.R. SP No. 57327. On January 15, 2001, the Fourth Division of this Court promulgated a Decision denying the Petition for Certiorari and Prohibition instituted by the Register of Deeds of Naga City. Ratiocinating, We pronounced that the jurisdictional infirmity that attended the proceedings at its inception was cured and rectified when the RTC ordered the re-opening of the case in order to serve the Register of Deeds with summons through personal service (Rollo pp. 82-91). The Register of Deeds of Naga City then lodged a subsequent Motion for Reconsideration, but the same was denied by this Court in an Order issued March 28, 2001 (Rollo p. 328).

The records show that the Register of Deeds failed to file a responsive pleading within the reglementary period after it was served with summons on August 4, 1999. Consequently, Abejero et al., filed a Motion to declare the Register of Deeds in default on January 26, 2000 (Record pp. 229-231). On February 22, 2000, the RTC issued an Order declaring the Register of Deeds in default for omitting to file an Answer within the prescribed period after service of summons (Record p. 233).

On April 30, 2001, Abejero et al., filed an ex-parte Manifestation and Motion before the RTC, praying that they be allowed to adopt all the testimonial and documentary evidence that they have already adduced as applicable and binding to the Register of Deeds of Naga City. On May 24, 2001, the RTC issued the herein appealed Order adopting all the evidence marked and adduced by Abejero et al., including its July 17, 1998 Decision, as applicable and binding to the Register of Deeds of Naga City (Rollo pp. 59-60). The subsequent Motion for Reconsideration of the Register of Deeds was denied by the RTC in its Order dated July 26, 2001 (Record p. 348).

In disagreement with the ruling of the RTC, the Register of Deeds of Naga City interposed the present appeal, assigning as sole error that-

The lower court gravely erred in not affording the Register of Deeds to adduce her evidence in the proceedings below (sic).

The appeal is devoid of merit.

The main thrust of the arguments posited by the Register of Deeds of Naga City is that its right to due process of law was supposedly trampled upon when the RTC adopted in toto the evidence of Abejero et al., including its July 17, 1998 Decision, as applicable and binding to the Register of Deeds without however giving the latter the chance to cross-examine the witnesses or to submit countervailing evidence. The Register of Deeds, thus, argues that the action must be remanded to the RTC for the conduct of further proceedings, with the end in view of affording it with ample opportunity to adduce evidence in its behalf.

We are not persuaded.

In essence, the constitutional and jurisprudential postulate of due process of law simply requires that each and every party-litigant in all and every judicial proceedings must be given an opportunity to be heard, and therefore so long as a party is afforded a fair and reasonable opportunity to ventilate his side of the judicial dispute, the requirement of due process of law is sufficiently complied with. Corollarilly, what is repugnant to due process requirement is the total denial or complete want of opportunity to be heard (*Roxas vs. Vasquez*, 382 SCRA 396; *Padilla vs. Sto. Tomas*, 243 SCRA 155; *Escleo vs. Dorado*, 385 SCRA 544).

In the case at bench, the Register of Deeds of Naga City may neither feign nor successfully invoke violation of due process in view of the fact that it was actually served with summons through personal service on August 4, 1999, and perforce it was given adequate opportunity to defend and ventilate whatever interest it may possibly have in the case in due course, at least through the filing of appropriate pleadings. But what is apparent, nonetheless, is the fact that it opted to ignore and disregard the proceedings a quo by deliberately failing to file a responsive pleading within the reglementary period allowed under the Rules. Verily, the service of summons constituted sufficient notice, and through it the Register of Deeds was afforded adequate opportunity to be heard by way of pleadings, which, as the High Court pronounced, is sufficient for purposes of complying with the requirement of due process (*Rivera vs. Corral*, 384 SCRA 1).

Viewed in the same light, the plea of the Register of Deeds of Naga City that it was deprived of the right to cross-examine the witnesses, and was denied of the chance to adduce evidence in its behalf, is likewise unavailing. It bears stressing that the Register of Deeds failed to file an Answer within the prescribed period, and hence it was properly declared in default by the trial court in an Order issued on February 22, 2000. Under the circumstances, loss of standing in court is the legal consequence of an order of default, and resultantly the Register of Deeds is considered virtually out of court, and it can neither appear therein and adduce evidence, nor is it entitled to be heard and to take part in the trial of the action. Being in default, the Register of Deeds loses its right to present its defense (whatever such defense might be, this Court dare not venture to speculate), control the proceedings, and examine the witnesses presented by the other party (Rule 9, Section 3 [a]; *Cavile vs. Florendo*, 154 SCRA 610). It must be remembered that in CA-G.R. SP No. 57327, the Fourth Division of this Court affirmed the trial court's August 2, 1999 Order allowing the service of summons to the Register of Deeds. Be that as it may, after personal receipt of summons, the Register of Deeds still stood adamant in its firm refusal to file a responsive pleading, and this to the mind of this Court shows the propensity of the Register of Deeds to disregard judicial processes, for which all it has is itself to blame for having lost its standing in court.

Moreover, the litigation of an application praying for the “surrender of withheld duplicate certificates” in accordance with Section 107 of P.D. No. 1529, otherwise known as the Property Registration Decree, basically pertains solely to Abejero et al., who, as purchasers of the subject lots, have the burden of proving that the certificate of title covering the realty is being withheld from them. Thus, We quote for guidance the pertinent portion of the ruling of the Fourth Division of this Court in CA-G.R. SP No. 57327 that – “Rightly so because only the petitioner (Abejero et al.,) under Section 107 of P.D. 1529 has a real interest and the court therefore must hear the petitioner alone to determine the validity of his claim (Decision, page 8, Rollo p. 89). Indeed, the Register of Deeds is a necessary party in the action, such that the principal participation of which is circumscribed merely on the enforcement of the judgment for the surrender of the subject certificate of land title, or its issuance as the case may be, but it does not have any material or real interest in the subject matter of the controversy. It being so, the Register of Deeds is not in possession of any contentious claim or interest adverse to the application of Abejero et al., thus rendering its intention to present rebuttal evidence improper in the first place. The Register of Deeds is likewise apprehensive that it may not be legally proper to effect the issuance of certificates of land title in the names of Abejero et. al., on grounds of lack of subdivision or partition agreement between and among the heirs of Julian Meliton; want of a detailed description of the individual lots purchased by Abejero et. al.; and non-presentation of proof to show that the realty taxes and other fees corresponding to each lot were duly paid. In actuality, however, there is no reason for the Register of Deeds to entertain such concern and apprehension. Under the circumstances, the trial court has provided for adequate safeguards to allay the fears of the Register of Deeds by categorically stating in the dispositive portion of its ruling that the issuance of the corresponding land titles in the names of Abejero et.al., shall only be made “after compliance with all the requirements of law for such registration.” Quite clearly, the judgment of the trial court is not immediately executory in character for there is still a necessity for Abejero et.al., to comply with the legal requirements by submitting the documents that the Register of Deeds would seem to require, to effect the issuance of the separate Certificates of Title to Abejero, et.al.

Finally, on the propriety of the judgment on the merits, there is overwhelming documentary evidence to show that Abejero et al., have acquired for value on separate occasions several small lots forming part of Julian Meliton’s Lot No. 1095-C. On the other hand, it is undisputed that Julian Meliton, during his lifetime, and at present the administratrix Meliton-Espinosa, have failed and refused to deliver TCT No. 8027 in order for Abejero et al., to facilitate the transfer of the subject lots in their respective names. Predicated upon these facts, the application for the surrender of TCT No. 8027 under Section 107 of P.D. No. 1529 was correctly granted by the trial court.

WHEREFORE, premises considered, the present appeal is DENIED, and accordingly the assailed May 24, 2001 Order of the trial court is hereby AFFIRMED.

SO ORDERED.

Dacudao, (Chairman) and Arevalo-Zenarosa, JJ., concur.

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.