

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. COURT OF APPEALS AND NORMA VARGAS CONJARES REPRESENTED BY ESTER TAMAYO, RESPONDENTS.

G.R. No. 104372. September 26, 1994

Ponente: VITUG, J.

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VITUG, J.:

This petition for review on certiorari, instituted by the Republic of the Philippines, assails the decision, dated 24 February 1992, of respondent appellate court, affirming that of the court a quo, which orders the reconstitution of a Transfer Certificate of Title ("TCT") in favor of private respondent.

On 21 August 1989, private respondent Norma Vargas Conjares, through her attorney-in-fact Ester Tamayo, filed a petition with the Regional Trial Court ("RTC"), Fourth Judicial Region, Branch 17, of Cavite City, for reconstitution of the original and owner's duplicate of TCT No. T-6583 of the Register of Deeds for the province of Cavite.

The late Benita Soriano and Juan Vargas were the alleged registered owners of a parcel of land (Lot 1139-B of the subdivision plan Psd-37865), situated in Tanza, Cavite, with an area of twenty five thousand four hundred sixty five (25,465) square meters, covered by TCT No. T-6583 of the Registry of Deeds for the province of Cavite. Private Respondent Norma Vargas Conjares acquired, on 02 November 1982, the property by virtue of a Deed of Extrajudicial Partition executed among the heirs of Benita Soriano. The owner's duplicate copy of TCT No. T-6583 was said to have been lost in the course of the transfer of Conjares and her family from their former residence to their new address at Tandang Sora, Quezon City. All efforts to find the TCT proved to be futile. Tamayo's inquiries with the Office of the Register of Deeds regarding the status of the original file copy of TCT No. T-6583 likewise produced negative results. Presumably, the title was among the records destroyed when the Old Provincial Capitol Building, which then housed the Office of the Register of Deeds, was razed by fire on 07 June 1959. Private respondent submitted, among other papers, a copy of the subdivision plan Psd-37865, with the corresponding technical description of Lot 1139-B, shown to have been approved by the Director of Lands on 04 June 1953. The subject parcel appeared to have been declared for taxation purposes in the name of Benita Soriano.

After trial, the RTC granted the petition. It accordingly adjudged, as follows:

"WHEREFORE, finding the petition to be well-taken, the Court hereby grants the same and orders the Register of Deeds of Cavite Province, after petitioner's payment of the prescribed legal fees, to reconstitute the original of TCT No. T-6583 in the name of Benita Soriano on the basis of plan Psd-37865 and the corresponding technical description of Lot 1139-B (Exh. F and I) duly approved by the Land Registration Authority; and to issue in favor of the petitioner a corresponding new owner's duplicate copy of TCT No. T-6583, hereby declaring as null and void the missing original file copy and the old owner's duplicate copy lost by the petitioner. The reconstituted original and duplicate copies shall be given like faith and credit as the ones lost and shall be regarded as such for all legal intents and purposes.

"SO ORDERED."[1]

The Solicitor General, representing the Republic of the Philippines, herein petitioner, appealed the decision to the Court of Appeals mainly on the thesis that since the required publication for the initial hearing on the petition had not been met, the RTC could not be said to have acquired jurisdiction over the case. Petitioner observed that private respondent merely submitted to the court a certificate of publication issued by the National Printing Press. The two issues (30 October 1989 and 06 November 1989) of the Official Gazette, however, where the notices supposedly appeared, were not presented in Court. In any case, petitioner averred, the certificate of publication indicated that the 06 November 1989 issue of the Official Gazette was released for circulation only on 14 November 1989, or merely twenty-one (21) days prior to the initial hearing on 06 December 1989.

On 24 February 1992, respondent appellate court decided thusly:

"The Certificate of Publication issued by the Director of the National Printing Press Office, stated that the order of the court a quo, dated August 22, 1989, was published in Volume 85 Nos. 44 and 45, October 30, and November 6, 1989 issues of the Official Gazette.

"The November 6, 1989 issue was released for circulation on November 14, 1989, and although the second issue was released for circulation on November 14, 1989, 22 days prior to the scheduled date of initial hearing on December 6, 1989, short of the 30 day requirement of publication, there is substantial compliance with the law. The first issue dated October 30, 1989 was released for publication 30 days prior to the initial hearing.

"It must be noted that the purpose of the publication of the notice of the petition for reconstitution in the Official Gazette, is to apprise the whole world that such petition has been filed. The publication of the second notice of initial hearing 22 days prior to the date of the scheduled hearing is sufficient compliance, in order to notify the parties interested thereto, that such petition for reconstitution of title has been filed.

"x x x x x x x x

"Petitioner, having substantially complied with the requirements of Section 13 of R. A. 26, no reversible error was committed by the court a quo in granting the petition.

"WHEREFORE, in view of the foregoing, the Order appealed from is hereby AFFIRMED. No pronouncement as to costs.

"IT IS SO ORDERED."[2]

Hence, the instant petition.

We rule for the Republic.

Section 13, Republic Act No. 26[3] provides:

"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 he 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."

In a number of cases,[4] this Court has already laid down the rule that the requirements of Republic Act No. 26 are indispensable and must be strictly complied with. In *Register of Deeds of Malabon vs. Regional Trial Court*,[5] we held that the publication of the notice of hearing in the Official Gazette at least thirty (30) days prior to the initial hearing of a petition for reconstitution is essential to confer jurisdiction upon the court. The rule was reiterated in the recent case of *Republic of the Philippines vs. Court of Appeals and the Philippine National Bank*,[6] where this Court, in denying a similar petition for reconstitution of title, said:

"The jurisdictional requirement of publication of a petition for reconstitution of title, refers to the actual publication of the notice of initial hearing of the petition in two successive issues of the Official Gazette (with the required posting and notice by registered mail or otherwise to specified persons) and its release for circulation at least thirty (30) days before the scheduled hearing (*Zuniga vs. Hon. Vicencio*, 153 SCRA 720). The purpose of such publication is to apprise the whole world that such a petition has been filed and that whoever is minded to oppose it for good cause may do so within thirty (30) days before the date set by the court for hearing the petition. It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it (*Register of Deeds of Malabon vs. RTC of Malabon, M.M., Branch 170*, 181 SCRA 788).

"The Certificate of Publication revealed that the August 28, 1989 Supplement issue of the Official Gazette was released for circulation on October 13, 1989, which was only seventeen (17) days before the scheduled hearing set by the court on October 30, 1989. Clearly, the jurisdictional requirement of publication in accordance with law had not been met for the law specifically requires that the 'court shall cause a notice of the petition to be published at the expense of the petitioner x x x at least thirty days prior to the date of hearing x x x.' (Sec. 13, R.A. No. 26.)

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To the same effect is our most recent pronouncement in *Republic vs. Court of Appeals and Delfina Dolor*, G.R. No. 100995, 14 September 1994.

Accordingly, we have no other recourse than to grant in this case at bench the Republic's opposition and to similarly set aside, for want of jurisdiction, the decision of the court a quo and that of the appellate court which affirmed it.

WHEREFORE, the decision of respondent Court of Appeals, dated 24 February 1992, and the order of reconstitution, dated 07 March 1990, of the Regional Trial Court of Cavite (Branch 17), are hereby SET ASIDE. Costs against private respondent.

SO ORDERED.

Feliciano, (Chairman), Romero and Melo, JJ., concur.
Bidin, J., on leave.

[1] Rollo, pp. 39-40.

[2] Rollo, pp. 35-36.

[3] An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed.

[4] *Republic vs. Court of Appeals*, 218 SCRA 778; *Director of Lands vs. Court of Appeals, et al.*, 102 SCRA 370; *Caltex, et al. vs. CIR, et al.*, 23 SCRA 492.

[5] 181 SCRA 788.

[6] 218 SCRA 773, 779-780.

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