HEIRS OF MARCIANO SANGLE, PETITIONERS, VS. THE COURT OF APPEALS, DIRECTOR OF LANDS, DIONISIO PUNO, AND ISIDRA MESDE, RESPONDENTS.

G.R. No. 109024. November 25, 1999

Ponente: PURISIMA, J.

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PURISIMA, J.:

This is a petition for review on certiorari seeking reversal of the decision of the Court of Appeals, dated February 18, 1993, which affirmed the Order of the Regional Trial Court of Cabanatuan City, dated October 8, 1991, denying petitioners' Motion for Reconstitution of Burned Records of Land Registration Case (LRC) No. 733.

The facts are undisputed:

On May 3, 1967, Marciano Sangle filed an application for registration of two (2) parcels of land, Lots 2 and 3 of Psu-46856 of the Aliaga Cadastre, docketed as LRC Case No. N-733, before the then Court of First Instance (now the Regional Trial Court of Nueva Ecija in Cabanatuan City). Subject parcels of land containing approximate areas of 52,831 square meters and 48,333 square meters, respectively, are situated in San Carlos, Aliaga, Nueva Ecija. (Annex "D") Sangle claimed ownership by purchase from the previous owners-possessors, spouses Mariano Castro and Maria Macalla.

Upon issuance of a certificate of publication by the Land Registration Commissioner, the Land Registration Court issued the order of general default against the whole world, except the Director of Lands, Director of Forestry and spouses Dionisio Puno and Isidra Mesde (respondents-spouses). The Director of Lands, through the Solicitor General, opposed the application on the ground that subject parcels of land form part of the public domain belonging to the government. Dionisio Puno, on the other hand, a lessee on said parcels of land, opposed the application insofar as Lot 3, with an area of 4.834 hectares, was concerned; claiming that the same was sold to him by the same spouses, Mariano Castro and Maria Macalla. (Annex C)

After trial, or on August 17, 1981, to be precise, the lower court rendered judgment; disposing thus:

> "WHEREFORE, confirming the title of applicant Marciano Sangle, the Court hereby adjudicates and orders the registration of lots 2 and 3 of Plan Psu-46856, with their respective descriptions, both situated in the barrio of San Carlos, Municipality of Aliaga, Province of Nueva Ecija, in favor of Marciano Sangle, married to Gorgonia Tanchoco, of legal age, Filipino Citizen and a resident of 686 Evangelista Street, Sta. Cruz, Manila.
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> Once this decision becomes final, let the corresponding order for the issuance of the respective decrees issue therefor.
>
> SO ORDERED." (Rollo, p. 10)

On October 16, 1981, the Solicitor General presented a notice of appeal from the decision of the lower court to the Court of Appeals, together with a motion for extension of time to submit a record on appeal.

On September 24, 1981, the other oppositors, respondents-spouses, filed their notice of appeal to the Court of Appeals, together with their cash appeal bond and record on appeal.

Meanwhile, on May 23, 1981, the applicant, Marciano Sangle, died. Accordingly, counsel sent in a motion for substitution of party applicant, and upon Order of the lower court, dated March 16, 1982, approval of the record on appeal was held in abeyance pending substitution of the deceased Marciano Sangle.

On June 14, 1987, fire gutted the building housing the lower court, destroying completely all court records. Notice of destruction of the court records of the Regional Trial Court of Nueva Ecija in Cabanatuan City was published on August 17, 1987, for four (4) consecutive weeks.

After the lapse of almost four (4) years or on February 1, 1991, to be exact, the heirs of applicant Marciano Sangle (the petitioners here), through another counsel, filed a motion for the issuance of decrees of registration, substituting them as registered owners of subject parcels of land, in lieu of Marciano Sangle. Petitioners contended that the lower court's decision in LRC Case No. 733, adjudicating subject parcels of land in favor of Marciano Sangle, has become final and executory.

Finding that at bar is a private case involving ricelands where the government appears to have no public interest to protect, the Office of the Solicitor General presented a Manifestation and Motion to Withdraw its appeal for the Director of Lands.

On the other hand, the respondents-spouses opposed the issuance of the decrees of registration over subject parcels of land in petitioners' favor, because they (respondents-spouses) have appealed from the decision of the lower court dated, August 17, 1981, and the Court of Appeals has not acted on their appeal.

After hearing, the lower court denied petitioners' motion without prejudice to the filing of a new application for land registration.

On September 6, 1991, instead of filing a new application, the petitioners presented a motion for reconstitution of the burned records in LRC Case No. N-733. In its Order, dated October 8, 1991, the lower court denied petitioners' motion on the ground that the right of petitioners to seek reconstitution had lapsed by prescription; ratiocinating thus :

> "Acting on the Motion for the Reconstitution of Burned Records filed by the counsel for the heirs of the applicant in the above-entitled case, and it appearing that the aforesaid Motion was filed beyond six (6) months next following August 17, 1987, the date on which the general notice to lawyers, the officers mentioned in Section 1 of Act 3110, and to such other persons as might be interested, advising them of the destruction of the records, was published in a newspaper, once a week pursuant to Sections 2 and 29 of Act No. 3110, said Motion for Reconstitution is DENIED. " (Rollo, p. 12)"

Aggrieved by the aforesaid disposition below, petitioners appealed the same to the Court of Appeals. Docketed as CA-G.R. No. 35508, the appellate court affirmed the Order appealed from ; ruling as follows:

> "The appeal is patently without merit.
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> Appellant does not deny that as stated in the order of the lower court dated October 8, 1991, the general notice to all litigants, lawyers, the officials designated by Act No. 3110, and all other interested persons, of the destruction of the records of the Regional Trial Court of Cabanatuan City as a result of the fire on June 14, 1987 that razed the court house to the ground, was published for four (4) consecutive weeks in August, 1987, so that under Sec. 29 of said Act appellant should have petitioned for the reconstitution of the records of Land Registration Case No. 733 within six (6) months from the completion of said publication. This she failed to do,

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> and it was only almost four years later, or on September 6, 1991, that she asked for the reconstitution of the destroyed records of said case. The law, therefore, must be applied; i.e., as provided by the same Sec. 29 of Act 3110, appellant is deemed to have waived said reconstitution and should file the land registration case in question anew. The lower court, therefore, committed no error in denying appellant's motion for the reconstitution of said records `without prejudice to the filing of a new application.' x x x" (Rollo, p. 14)

Undaunted, petitioners brought the present petition, contending that:

> I
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> THE COURT OF APPEALS ERRED OR COMMITTED GRAVE ABUSE OF DISCRETION IN DENYING THE RECONSTITUTION OF BURNED RECORDS OF LRC CASE NO. N-733;
>
> II
>
> THE DECISION OF THE COURT OF APPEALS IN THIS CASE IS NOT IN ACCORD WITH LAW AND THE APPLICABLE RULINGS OF THIS HONORABLE COURT.

The petition is visited by merit.

The basis of the assailed ruling of the lower court and the Court of Appeals is Section 29 of Act No. 3110, otherwise known as "An Act to provide an adequate procedure for the reconstitution of the records of pending judicial proceedings and books, documents and files of the office of the register of deeds, destroyed by fire or other public calamities and for other purposes", which provides:

> "SEC. 29 In case the parties interested in a destroyed record fail to petition for the reconstitution thereof within the six months next following the date on which they were given notice in accordance with section two hereof, they shall be understood to have waived the reconstitution and may file their respective actions anew without being entitled to claim the benefits of section thirty-one hereof."

The previous ruling of this Court in Villlegas vs. Fernando (27 SCRA 1119 [1969]) and other cases citing Ambat vs. Director of Lands (92 Phil 567 [1953]) that upon failure to reconstitute destroyed judicial records within the period prescribed by law, "the parties are deemed to have waived the effects of the decision rendered in their favor and their only alternative is to file an action anew for the registration in their names of the lots in question" was modified in the case of Nacua vs. de Beltran (93 Phil. 595 [1953], cited in the case of Realty Sales Enterprise, Inc. vs. Intermediate Appellate Court, 154 SCRA 341[1987]), where it was held:

> "We are inclined to modify the ruling (in the Ambat case) in the sense that Section 29 of Act No. 3110 should be applied only where the records in the Court of First Instance as well as in the appellate court were destroyed or lost and were not reconstituted, but not where the records of the Court of First Instance are intact and complete, and only the records in the appellate court were lost or destroyed, and were not reconstituted . x x x
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> The whole theory of reconstitution is to reproduce or replace records lost or destroyed so that said records may be complete and court proceedings may continue from the point or stage where said proceedings stopped due to the loss of the records. The law contemplates different stages for purposes of reconstitution . . .
>
> Section 4 covers the stage where a civil case was pending trial in the Court of First Instance at the time the record was destroyed or lost ; section 6 evidently refers to the stage where the case had been tried and decided but was still pending in the Court of First Instance at the time the record was destroyed or lost ; section 6 covers the stage where the case was pending in the Supreme Court (or Court of Appeals) at the time the record was destroyed or lost.
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> If the records up to a certain point or stage are lost and they are not reconstituted, the parties and the court should go back to the next preceding stage where records are available, but not beyond that; otherwise, to

> ignore and go beyond the stage next preceding would be voiding and unnecessarily ignoring proceedings which are duly recorded and documented, to the great prejudice not only of the parties and their witnesses but also of the court which must again perforce admit pleadings, rule upon them and the try the case and decide it anew, - all of these, when the records up to said point or stage are intact and complete, and uncontroverted.
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> x x x x x x x x x
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> To require the parties to file their action anew and incur the expenses and (suffer) the annoyance and vexation incident to the filing of pleadings and the conduct of hearings, aside from the possibility that some of the witnesses may have died or left the jurisdiction, and also to require the court to again rule on the pleadings and hear the witnesses and then decide the case, when all along and all the time the record of the former pleadings of the trial and evidence and decision are there and are not disputed, all this would appear to be not exactly logical or reasonable, or fair and just to the parties, including the trial court which has not committed any negligence or fault at all."
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> x x x x x x x x x
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> The ruling in Nacua is more in keeping with the spirit and intention of the reconstitution law. As stated therein, "Act 3110 was not promulgated to penalize people for failure to observe or invoke its provisions. It contains no penal sanction . It was enacted rather to aid and benefit litigants, so that when court records are destroyed at any stage of judicial proceedings, instead of instituting a new case and starting all over again, they may reconstitute the records lost and continue the case. If they fail to ask for reconstitution, the worst that can happen to them is that they lose the advantages provided by the reconstitution law (e.g. having the case at the stage when the records were destroyed)." (Realty Sales Enterprise, Inc. vs. Intermediate Appellate Court, supra.)

Applying the doctrine in the Nacua decision to LRC Case No. N-733 , the parties do not have to commence a new action but need only to go back to the preceding stage where records are available. The lower court had rendered a Decision, dated August 17, 1981, directing the issuance of a decree of registration for subject parcels of land in favor of the applicant, Marciano Sangle. The oppositors appealed from said decision but the records of the case were destroyed at such stage, when the lower court held in abeyance approval of their record on appeal pending substitution of Marciano Sangle (who died during the pendency of the case).

Respondents-spouses lament that when petitioners first filed their motion for reconstitution of burned records below, no record of the case as required by law, was attached thereto, except the registration court's Decision dated August 17, 1981. Petitioners merely stated in their motion "they have in their possession complete records of the instant decided case as well as the records on appeal filed by the oppositors for transmittal to the Court of Appeals" .

The objection to the reconstitution is flimsy, considering petitioners' assurance that they have proof of the destroyed records of LRC Case No. 733, which was filed by Marciano Sangle thirty-two (32) years ago and was decided by the lower court, after conducting trial for more than ten (10) years. In fact, petitioners attached to their pleadings, certified copies of the decision of the registration court, transcripts of stenographic notes and records on appeal of the oppositors, the authenticity of which was never questioned by respondents-spouses as they claim to have furnished the court with some copies of the same. (Rollo, p. 90)

At a time when docket congestion remains a problem of the judiciary, multiplicity of suits should be avoided as much as possible.

WHEREFORE, the petition is GRANTED; the decision of the appellate court affirming the disposition of the lower court is Set Aside; and the Regional Trial Court of Nueva Ecija in Cabanatuan City is directed to give due

course to the Motion for Reconstitution of subject burned and destroyed records of LRC Case No. 733. No pronouncement as to costs.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

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