# REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. COURT OF APPEALS AND VICENTE L. YUPANGCO, JR., RESPONDENTS.

*G.R. No. 128531. October 26, 1999*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-128531/

**MENDOZA, J.:**

The question for decision in this case is whether in a proceeding for the issuance of an owner's duplicate certificate of title, the Solicitor General is required to be notified, such that failure to give such notice would render the proceedings void. Both the Regional Trial Court and the Court of Appeals ruled in the negative. Hence, this petition for review on certiorari.

The facts are as follows:

Private respondent Vicente Yupangco is the owner of a unit in a condominium building in Legaspi Street, Makati City, as evidenced by Certificate of Title No. 7648. Because his aforesaid certificate could not be located, he filed, on January 28, 1994, in the Regional Trial Court, Branch 136, Makati, a petition for the issuance of a new duplicate certificate of title in lieu of his lost copy, pursuant to §109 of P.D. No. 1529 (Property Registration Decree). The trial court ordered the Register of Deeds of Makati to comment on the petition and thereafter set the case for initial hearing.

On February 11, 1994, the Registrar of Deeds of Makati filed a manifestation that she had no objection to the petition. After hearing private respondent's evidence, the trial court rendered, on December 15, 1995, its decision granting the petition, declaring as invalid the missing copy of the certificate of title, and ordering the Registrar of Deeds of Makati to issue a new owner's duplicate certificate of title in the name of private respondent. A copy of this decision was furnished the Solicitor General.

On February 5, 1996, the Solicitor General moved for reconsideration of the trial court's decision on the ground that no copy of private respondent's petition or notice thereof had been given to him. His motion was, however, denied. The Office of the Solicitor General then elevated the case to the Court of Appeals, which, in a decision[1] dated March 5, 1997, affirmed the order of the trial court. Hence, this petition.

Private respondent's petition before the trial court was anchored on §109 of P.D. No. 1529 (Property Registration Decree) which provides:

> SEC. 109. Notice and replacement of lost duplicate certificate. — In case of lost or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the facts of such loss or destruction may be filed by the registered owner or other person in interest and registered.
>
> Upon the petition of the registered owner or other person in interest, the court may, after notice and due

> hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree.[2] (Emphasis added)

Nothing in the law, however, requires that the Office of the Solicitor General be notified and heard in proceeding for the issuance of an owner's duplicate certificate of title. In contrast, §23 of the same law, involving original registration proceedings, specifically mentions the Solicitor General as among those who must be notified of the petition. Similarly, §36 provides that the petition for registration in cadastral proceedings must be filed by the Solicitor General, in behalf of the Director of Lands.

The Solicitor General, on the other hand, invokes §35(5), Chapter 12, Title III, Book IV of the 1987 Administrative Code which provides:

> SEC. 35. Powers and Functions. — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers. When authorized by the President or head of the office concerned, it shall also represent government owned or controlled corporations. The Office of the Solicitor General shall discharge duties requiring the services of lawyers. It shall have the following specific powers and functions:
>
> . . . .
>
> (5) Represent the Government in all land registration and related proceedings. . .

He contends that, in view of this provision, it was mandatory for the trial court to notify him of private respondent's petition and that its failure to do so rendered the proceedings before it null and void.[3]

The contention has no merit. The provision of the Administrative Code relied upon by the Solicitor General is not new. It is simply a codification of §1(e) of P.D. No. 478 (Defining the Powers and Functions of the Office of the Solicitor General) which similarly provided:

> SECTION 1. Powers and Functions.— (1) The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the Office concerned, it shall also represent government owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:
>
> . . . .
>
> e. Represent the Government in all land registration and related proceedings. . . .

It is only now that the Solicitor General is claiming the right to be notified of proceedings for the issuance of the owner's duplicate certificate of title. Indeed, the only basis for such claim is that the Office of the Solicitor General represents the government in land registration and related proceedings. Even so, however, the request for representation should have come from the Registrar of Deeds of Makati who was the proper party to the case. Here, there is no dispute that the Registrar of Deeds of Makati was notified of private respondent's petition, but she manifested that her office had no objection thereto. The Solicitor General does not question the propriety of the action and manifestation of the Registrar of Deeds, nor does he give any reason why private respondent's petition for the issuance of a new owner's duplicate certificate of title should be denied. Instead, he claims that the fact that he was given a copy of the decision is an admission that he is entitled to be notified of all incidents


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

relating to the proceedings.

This is not correct. Considering that the law does not impose such notice requirement in proceedings for the issuance of a new owner's duplicate certificate of title, the lack of notice to the Solicitor General, as counsel for the Registrar of Deeds, was at most only a formal and not a jurisdictional defect.

This case should be distinguished from our rulings in cadastral registration cases[4] and original land registration proceedings[5] which require that the Solicitor General be notified of decisions and hold as decisive, for the purpose of determining the timeliness of the appeal filed by the government, the date of his receipt of the decisions therein and not that of the Director of Lands or of his other representatives.[6] The issue and the applicable laws in those cases are different.

The important role of the Office of the solicitor General as the government's law office cannot be overemphasized. Its powers and functions, however, should not be rigidly applied in such a manner that innocuous omissions, as in the case at bar, should be visited with so grave a consequence as the nullification of proceedings. After all, no prejudice to the government has been shown.

WHEREFORE, the decision of the Court of Appeals is AFFIRMED.

**SO ORDERED.**

Buena, and De Leon, Jr., JJ., concur.

Bellosillo, (Chairman), and Quisumbing, JJ., on official leave.

---

[1] Per Justice Alicia-Austria Martinez and concurred in by Justices Gloria C. Paras and Bernardo LL. Salas.

[2] This provision is taken from §109 of Act. No. 496 (Land Registration Act) which similarly provided:

> If a duplicate certificate is lost or destroyed, or cannot be produced by a grantee, heir, devisee, assignee, or other person applying for the entry of a new certificate to him or for the registration of any instrument, a suggestion of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered. The Court may thereupon, upon the petition of the registered owner or other person in interest, after notice and hearing, direct the issue of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as the original duplicate for all the purposes of this Act. (Emphasis added)

[3] Petition, pp. 8-10; Rollo, pp. 13-16.

[4] Republic v. Court of Appeals, 148 SCRA 480 (1987).

[5] Republic v. Mendoza, 210 Phil. 445 (1983); Republic v. Polo, 89 SCRA 33 (1979).

[6] Supra.


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