

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPS. VICENTE LAGRAMADA AND BONIFACIA LAGRAMADA, RESPONDENTS.

G.R. No. 150741. June 12, 2008

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] assailing the Decision[2] of the Court of Appeals promulgated on 7 November 2001 in CA-G.R. CV No. 59377. The Court of Appeals affirmed the Decision[3] dated 11 March 1998 of the Regional Trial Court of Quezon City, Branch 216 (trial court) in LRC Case No. 9178 (97).

The Antecedent Facts

Lot 8 of Subdivision Plan (LRC) Psd-28958, with an area of 500 square meters and located at Banlat, Tandang Sora, Quezon City, was allegedly covered by Transfer Certificate of Title (TCT) No. 118717 in the name of Reynaldo Pangilinan (Pangilinan). The original copy of TCT No. 118717 was allegedly destroyed when a fire razed the office of the Register of Deeds of Quezon City on 11 June 1988.

On 25 June 1996, Pangilinan sold Lot 8 to the spouses Vicente and Bonifacia Lagramada (respondents). Respondents paid all the taxes on the land from 1976 to 1997 under Tax Declaration No. C-122-01735. On 16 April 1997, respondents filed a petition for reconstitution of the original copy of TCT No. 118717 and for the issuance of a second owner's duplicate copy of the title. Pangilinan allegedly misplaced the owner's duplicate copy and it could no longer be found despite diligent efforts to find it.

After complying with the required publication and notice to all parties, the trial court heard the petition on 7 January 1998. No oppositors appeared. However, the trial court did not issue any default order. Bonifacia Lagramada appeared as the lone witness.

The following documents were submitted as evidentiary bases for the reconstitution:

- Certification from the Office of the Acting Deputy Register of Deeds of Quezon City respecting the destruction of TCT No. 118717;
- Affidavit of Loss of TCT No. 118717 executed by Pangilinan;
- Deed of Sale executed by Pangilinan in favor of respondents;
- Tax payment receipts from 1976 to 1997;
- Tax Declaration No. C-122-01735 in the name of Pangilinan; and
- Certified true copy of the technical description, verified and approved for the administrator by Apolinar R. Lucido of the Subdivision and Consolidation Division; and

- The plan prepared and verified as correct by Geodetic Engineer Eligio L. Cruz and approved for the Land Registration Authority (LRA).[4]

The Ruling of the Trial Court

In its 11 March 1998 Decision, the trial court found the petition meritorious and ruled in favor of respondents. The dispositive portion of the trial court's Decision reads:

WHEREFORE, judgment is hereby rendered declaring the original and owner's duplicate copies of Transfer Certificate of Title No. 118717 to have been burned, destroyed and/or lost. The Register of Deeds of this City is hereby directed, upon payment of the prescribed fees, to issue and reconstitute the original and duplicate copies of said Transfer Certificate of Title No. 118717 based on the technical description and survey plan, provided that no title covering the same parcel of land exists in the said registry; that the encumbrance subsisting shall be annotated on the reconstituted title and provided further that the fact of reconstitution shall be noted on the certificate of title.

SO ORDERED.[5]

Petitioner, through the Office of the Solicitor General, filed an appeal on the ground that respondents' pieces of evidence are not sufficient to warrant reconstitution of TCT No. 118717. Petitioner alleged that:

- The documents presented by respondents did not originate from official documents which recognize respondents' ownership of the land or that of their predecessors;
- The plan and technical description and the blue print do not indicate the ownership of the land described; and
- The unregistered deed of sale between Pangilinan and respondents may not be considered proof of ownership.

The Ruling of the Court of Appeals

In its 7 November 2001 Decision, the Court of Appeals affirmed the trial court's Decision.

The Court of Appeals ruled that respondents sought the reconstitution of TCT No. 118717 not in their capacity as owners but as persons who have an interest in the property. The Court of Appeals ruled that respondents were asking for reconstitution not in their names but in the name of Pangilinan.

The Court of Appeals ruled that nowhere in Republic Act No. 26[6] (RA 26) was it provided that the term "any other document" refers to similar documents enumerated under Sections 2(f) and 3(f). The Court of Appeals ruled that the only requirement was that the "other document" must be "in the judgment of the court" proper and sufficient, and accompanied with a plan and technical description of the property approved by the Commissioner of Land Registration. The Court of Appeals ruled that, in this case, the proofs presented by respondents were, "in the judgment of the court," proper and sufficient bases to support the application for reconstitution of TCT No. 118717.

Hence, the petition before the Court.

The Issue

The sole issue in this case is whether the documents presented by respondents are sufficient bases for the reconstitution of TCT No. 118717.

The Ruling of this Court

The petition has merit.

In this case, two certificates of title were allegedly lost - the original copy of the transfer certificate of title in the Register of Deeds of Quezon City which was destroyed in a fire, and the owner's duplicate copy of the certificate of title which Pangilinan misplaced. Hence, respondents were asking for the reconstitution of the original copy of the transfer certificate of title and the issuance of a second owner's duplicate copy of the certificate of title.

Meaning of "any other document" in Paragraph (f)

of Sections 2 and 3 of RA 26

Sections 2 and 3 of RA 26, as amended, provide:

Sec. 2. Original certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- (a) The owner's duplicate of the certificate of title;
- (b) The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;
- (e) A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- (f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.

Sec. 3. Transfer certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- (a) The owner's duplicate of the certificate of title;
- (b) The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) The deed of transfer or other document on file in the registry of deeds, containing the description of the property, or an authenticated copy thereof, showing that its original had been registered, and pursuant to which the lost or destroyed certificate of title was issued;
- (e) A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- (f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.

The requirements of Sections 2 and 3 are almost identical. We agree with petitioner that the enumerated requirements are documents from official sources which recognize the ownership of the owner and his predecessors-in-interest. We likewise agree that "any other document" in paragraph (f) of Sections 2 and 3 refers to documents similar to those enumerated. This issue is already a settled matter.

In *Republic v. Intermediate Appellate Court*,^[7] the Court ruled that "any other document" refers to documents similar to those enumerated. Thus:

Republic Act No. 26 entitled, "An Act Providing A Special Procedure For The Reconstitution Of Torrens Certificates of Title Lost Or Destroyed," enumerates the sources on which the reconstituted certificate of title may be based. It should be noted that both Sections 2 and 3 thereof list sources that evidence title or

transactions affecting title to property. When Republic Act No. 26 [Sec. 2(f)] therefore speaks of "[a]ny other document," it must refer to similar documents previously enumerated therein. The statutes relied upon by the private respondent, so we hold, are not ejusdem generis as the documents earlier referred to. Furthermore, they do not contain the specifics required by Section 12(a) and (b) of the title reconstitution law.[8]

The Court reiterated this ruling in *Heirs of Dizon v. Hon. Discaya*[9] where the Court declared that "when Section 2(f) of Republic Act No. 26 speaks of 'any other document,' the same must refer to similar documents previously enumerated therein, that is, those mentioned in Sections (a), (b), (c), and (d),"[10] and in *Republic v. El Gobierno de las Islas Filipinas*.[11]

Documents Submitted by Respondents are Not Sufficient Bases for Reconstitution

We find that the documents submitted by respondents are not sufficient bases for reconstitution.

Among the documents relied upon by the trial court was Tax Declaration No. D-122-13529 issued for the year beginning 1996.[12] Tax Declaration No. D-122-13529 was issued in the name of Pangilinan at the instance of respondents who paid the realty taxes from 1976 to 1996. It supposedly cancelled Tax Declaration No. C-122-01735. However, an annotation in Tax Declaration No. C-122-01735 indicated that it was already cancelled on 21 February 1993.[13] In addition, both Tax Declaration Nos. D-122-13529 and C-122-01735 do not even indicate the boundaries of the lot. A tax declaration by itself is not sufficient to prove ownership.[14]

The Certification[15] of the alleged loss of TCT No. 118717 due to fire, issued by the Register of Deeds of Quezon City on 28 February 1996 upon the request of respondents' counsel, was a form document where the name of Pangilinan and the TCT No. were typed on the blanks provided. The one-page deed of sale, denominated "Kasulatan ng Biling Lampasan ng Isang Lupang Residencial,"[16] where Pangilinan allegedly sold the 500-square meter lot to respondents for P15,000, did not even indicate the TCT No. of the lot sold. The tax payment receipts from 1976 to 1996 presented were all paid by respondents in 1995 in the name of Pangilinan. They likewise did not indicate the title of the lot covered.

The technical description and blue print plan, prepared at the instance of Vicente Lagramada, are additional requirements under Section 12 of RA 26 and are not on their own sufficient bases for reconstitution. Thus:

Sec. 12. x x x x: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Sections 2(f) [and] 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Commissioner of Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property. (Emphasis supplied)

The plan[17] was certified true and correct by Engineer Eligio L. Cruz, the Geodetic Engineer who prepared it for respondent Vicente Lagramada, based on the certified technical descriptions issued by the LRA. It was verified by Land Registration Examiner Emil S. Pugongan on 20 January 1998, after the filing of the petition, and approved under Section 12 of RA 26 "For the Administrator" by Acting Chief Alberto H. Lingayo of the Ordinary and Cadastral Division.[18] The technical description[19] was verified by someone who signed the document but did not indicate his full name or position and then approved "For The Administrator" by Apolinar R. Lucido, Engineer II of the Subdivision and Consolidation Division. The trial court should have been more circumspect in admitting the plan prepared for one of the respondents. The officials who verified and certified the plan were not presented as witnesses to confirm their action. Pangilinan, the alleged owner of the land, was also not presented as a witness. Only Bonifacia Lagramada testified and her testimony did not sufficiently establish Pangilinan's ownership of the lot.

We reiterate our admonition in *Tahanan Development Corp. v. Court of Appeals, et al.*: [20]

The courts must be cautious and careful in granting reconstitution of lost or destroyed certificates of title, both original and duplicate owner's, based on documents and decrees made to appear authentic from mere xerox copies and certifications of officials supposedly signed with seals of their office affixed thereon, considering the ease and facility with which documents are made to appear as official and authentic. It is the duty of the courts to scrutinize and verify carefully all supporting documents, deeds and certifications. Each and every fact, circumstance or incident which corroborates or relates to the existence and loss of the title should be examined.[21]

WHEREFORE, we SET ASIDE the 7 November 2001 Decision of the Court of Appeals in CA-G.R. CV No. 59377 and the 11 March 1998 Decision of the Regional Trial Court of Quezon City, Branch 216 in LRC Case No. 9178 (97). We DISMISS the petition for reconstitution filed by the spouses Vicente and Bonifacia Lagramada.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna and Leonardo-De Castro, JJ., concur.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 24-28. Penned by Associate Justice Rodrigo V. Cosico with Associate Justices Eubulo G. Verzola and Eliezer R. De los Santos, concurring.

[3] CA rollo, pp. 19-20. Penned by Judge Marciano L. Bacalla.

[4] Id. at 20.

[5] Id.

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

[7] No. L-68303, 15 January 1988, 157 SCRA 62.

[8] Id. at 67-69.

[9] 362 Phil. 536 (1999).

[10] Id. at 545.

[11] G.R. No. 142284, 8 June 2005, 459 SCRA 533.

[12] Records, p. 52.

[13] Id. at 45.

[14] See Republic v. Manna Properties, Inc., G.R. No. 146527, 31 January 2005, 450 SCRA 247.

[15] Records, p. 7.

[16] Id. at 6.

[17] Id. at 57.

[18] Id.

[19] Id. at 8.

[20] 203 Phil. 652 (1982).

[21] Id. at 691-692.

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