BENJAMIN SUBIDO, FOR AND IN BEHALF OF THE HEIRS OF THE LATE ABELARDO SUBIDO, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 152149. April 25, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

Before the Court is this petition for review under Rule 45 of the Rules of Court to annul and set aside the decision[1] dated March 23, 2001 of the Court of Appeals (CA) in CA-G.R. CV No. 55982 entitled "Romeo N. Gorgod vs. Republic of the Philippines," and its resolution[2] dated January 30, 2002, denying petitioner's motion for reconsideration.

The assailed CA decision nullified and set aside the June 17, 1997 Decision[3] of the Regional Trial Court (RTC) of Quezon City, Branch 82, in LRC Case No. Q-8151 (96), a petition for the reconstitution and issuance of a second owner's duplicate copy of Transfer Certificate of Title (TCT) No. 99582 of the Registry of Deeds of Quezon City, filed by Romeo N. Gorgod on behalf of the heirs of Abelardo Subido.

The decision under review recites the factual backdrop, as follows:

> On March 26, 1996," ROMEO N. GORGOD filed with the trial court a petition for reconstitution and issuance of the owners (sic) duplicate copy as well as Transfer Certificate of Title (TCT) No. 95582 in the name of [Abelardo] Subido, covering a " lot in Diliman, Quezon City. The petition alleged among other things that the said TCT was among those burned during the fire that raged the Quezon City Hall sometime on June 11, 1988; that the owner's duplicate copy of the subject title was also lost sometime in November 1989 - that the lot is occupied by the heirs of Subido but leased to Pearlie's Restaurant.
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> During the July 25, 1996 hearing for the establishment of jurisdictional facts, ", [Gorgod] was allowed to amend his petition to include among others, an allegation that the lot plan from the records of [the] Land Registration Authority (LRA) and the certified technical description taken from a prior certificate of title covering the same property are submitted as sources or bases for the reconstitution of TCT No. 95582. The said amended petition was admitted by the Court in its Order dated September 12, 1996.
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> In a manifestation dated November 21, 1996, the LRA disclosed to the court that it cannot accomplish the report required under [SC] Circular No. 7-96 because [Gorgod] has not submitted the following:
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> (a) The original with two duplicated copies and xerox copy of the original of the technical description of the parcel of land covered by the lost/destroyed certificate of title, "
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> (b) The tracing cloth plan with two (2) copies of the subject parcel of land prepared by a duly license(d) Geodetic Engineer who shall certify thereon that its preparation was made on the basis of a certified technical description.
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> On December 12, 1996, the Republic manifested that based on the report of LRA, it is reserving its right to file a formal opposition to the petition. xxx. Consequently, the scheduled hearing was reset "

> On January 28, 1997, [Gorgod] filed an urgent motion for postponement manifesting that his request to have the technical description of the lot be certified by the officials - of the LRA was denied, and praying that - the LRA be directed to submit a report on the basis of microfilm copy of approved plan (LRC) Psd 52016 in the name of Subido'" which is existing at the Micrographic Division of the same office.
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> On January 29, 1997, the trial court ordered:
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> xxx the [LRA] to submit the required LRA Report on the subject property including the certified technical description thereof on the basis of the existing records available thereat within ten (10) days from receipt of this Order. The petitioner is hereby likewise ordered to submit the documents required by the [LRA] in its Letters dated May 20, 1996 and May 28, 1996.
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> xxx xxx xxx

On February 13, 1997, LRA informed the court that they cannot accomplish the required report because the technical description submitted by [Gorgod] was not verified as required by regulations. -.

On February 17, 1997, [Gorgod] filed a manifestation and motion to reiterate the contents of an earlier motion dated January 27, 1997, alleging:

"5. That the people at the Land Registration Division insist that there is no record of (LRC) PSD-45150. If that is the case, then they can issue a report based on plan (L.R.C.) 52016 which is the plan covered under T.C.T. No. 95582 which is registered under the name of ABELARDO SUBIDO ;

6. That plan (LRC) PSD-45150 refers to the subdivision of the original 20,000 square meters, segregating the road lot from the main lot. -. The actual segregation of these two lots was not push (sic) through by the late Commissioner Abelardo Subido;

7. That we reiterate before this Honorable Court that the Reconstitution division of the [LRA] be ORDERED TO PREPARE AND SUBMIT - THE REQUIRED L.R.A. REPORT USING PLAN (L.R.C.) PSD 52016; If Engineer Artemio Legazpi Chief Subdivision and Consolidation refuses to issue a report he should be cited in contempt of court.

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On March 14, 1997, the LRA filed its manifestation and opposition to the motion - on the ground that on February 12, 1997, - their verification section [had certified] to the effect that the original of the subdivision plan (LRC) Psd-45150 together with all the survey records pertaining thereto, is not available in their vault section. However, in its Order dated April 01, 1997, the [trial] court ruled that even if there was no record of (LRC) Psd-45150 available in LRA, [Gorgod] was able to secure a certified microfilm copy of plan (LRC) Psd-52016 which appears to be a subdivision survey of plan of (LRC) Psd-45150, a plan covered by TCT No. 95582 subject of the reconstitution. The LRA, according to the court, can prepare and submit the required report based on (LRC) Psd-52016.

In its Supplementary Report dated April 10, 1997, LRA alleged among other things:

"(4) In the 2nd Indorsement dated April 4, 1997 of Engr. Alberto H. Lingayo, Acting Chief, Ordinary and Cadastral Decree Division, this Authority, the following information relative to the above-stated petition and its enclosures were found to wit:

(1) "It appears in the xerox copy of TCT No.95582 (Annex "B"), that the subject parcel of land, Lot D-10-C-5,

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(LRC) Psd-45150, is a portion of Lot D-10-C, (LRC) Psd-43992, LRC Rec. No. 7984, both plans (LRC) Psd-45150 and (LRC) Psd-43992, however, are not available in the Micrographics Computer Division, this Authority.

(2) Lot D-10-C-5, (LRC) Psd-45150 appears to have been subsequently subdivided under plan (LRC) Psd-52016, copy of which is available in the Micrographics & Computer Division, this Authority;

(3) The technical description of lot D-10-C-5, (LRC) Psd-45150, subdivided under (LRC) Psd-52016, when plotted in our Municipal Index Sheet, falls inside Lot R.P. 3-B-3-A-1, Psd 10532, GLRO Rec. No. 7681, as surveyed for People's Homesite and Housing Corporation."'

On April 27, 1997, the Republic called the attention of the [trial] court on the supplementary report submitted by LRA, and - asked for twenty (20) days within which to file a formal opposition to the petition. Hence, the hearing of the jurisdictional facts was reset to May 27, 1997.

On May 27, 1997, the Republic failed to appear and submit its formal opposition to the petition. Accordingly, [Gorgod] was allowed to establish jurisdictional facts. Immediately also, [Gorgod] was presented as the sole and only witness to justify the granting of the petition.

On May 28, 1997, the Republic submitted its formal opposition to the petition, attaching the Second Supplementary Report of LRA dated May 09, 1997, a copy of the Decision of the [CA] Special Ninth Division in CA G-R. CV Nos. 00705 and 00706 entitled, Heirs of Eulalio Ragua et al., petitioners-appellees, versus, Republic of the Philippines, et. al. The Second Supplementary Report which was formally submitted by LRA on May 29, 1997, pertinently reads:

"x x x x x x x x x

3. In the 3rd Indorsement dated April 28, 1997 of Engr. Alberto H. Lingayo, Acting Chief, Ordinary and Cadastral Decree Division, this Authority, the following additional information, relative to the above-entitled petition and its enclosure were found to wit:

1. Perusal of TCT No. 95582 (Annex "B") shows that it is a derivative of OCT No. 632, -. the same OCT No. 632 which was the subject of Case No. C-119 (GLRO Rec. No. 7984) in consolidation with Civil Case No. Q-8559, Branch XVIII of the Court of First Instance of Quezon City. On 24 March 1980, the court a quo rendered its decision, the dispositive portion of which reads:

"WHEREFORE, premises considered, the Court renders judgment "

1. In Civil Case No. 119, the Quezon City Register of Deeds is ordered to reconstitute in the name of Eulalia Ragua Original Certificate of Title No. 632, ".;

2. In Civil Case No. Q-8559 declaring null and void, and canceling the administratively reconstituted OCT 632 (8802) and Transfer Certificate of Title derived therefrom including TCT 88082, ", and all (or) any [TCT] derived therefrom.

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SO ORDERED."

That portion of the decision referring to Civil Case No. C-119 was appealed, and its decision promulgated on May 30, 1989, the Special Ninth Division of the [CA] reversed the judgment of the lower court, to quote:

"WHEREFORE, the judgment appealed from is reversed insofar as it orders the reconstitution of OCT 632 in the

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name of Eulalio Ragua.

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2. From the foregoing, it is clear that TCT No. 95582, being a derivative of OCT No. 632, is null and void, hence, cannot be the subject of reconstitution.

> [Gorgod], on June 03, 1997, filed a motion to strike off the May 28,1997, Opposition and Reply Ad Cautelam. The Republic was required to file a rejoinder but failed. (Words in bracket and underscoring added).

On the basis of the foregoing factual considerations, the trial court, in its decisions of June 17, 1997, rendered judgment striking from the records the opposition of the Republic and disposing as follows:

> WHEREFORE, premises considered, this Court finds that the evidence is sufficient and proper to warrant the reconstitution of lost and destroyed [TCT] No. 95582 and [Romeo N. Gorgod] in behalf of the heirs of the registered owner, has legal and equitable right and interest over the parcel of land subject of this Petition. Accordingly, this Court hereby declares the aforesaid TCT No. 95582 lost and/or destroyed and is no longer of any value, force and effect. Let this Order of Reconstitution of Title issue for TCT No. 95582, ordering the Clerk of Court to forward to the Register of Deeds of Quezon City a copy of this Order and all the documents which are to be used as the basis of reconstitution thereof. Thereafter, the said Register of Deeds shall issue the corresponding owner's duplicate of title for the parcel of land, subject of this Petition, with the corresponding areas in the name of ABELARDO SUBIDO.
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> The issuance of the Certificate of Title shall be conditioned upon payment of the required fees for the initial issuance thereof and provided further that no Certificate of Title of whatever nature covering the said parcel of land exists in the office of the Register of Deeds concerned which may be adversely affected thereby.[4] (Words in bracket added.)

Therefrom, the Republic appealed to the CA in CA-G.R. No. 55982 on the issue of jurisdiction and on the ground of insufficiency of evidence to justify the decreed reconstitution of title.

As stated at the outset hereof, the appellate court, in its decision dated March 23, 2001,[5] nullified and set aside the trial court's decision. In time, petitioner moved for a reconsideration but his motion was denied by the CA in a resolution dated January 30, 2002.[6]

Unsatisfied with the decision of the CA, Benjamin Subido, vice Romeo N. Gorgod who had meanwhile passed away, has, for the heirs of the late Abelardo Subido, interposed the instant petition for review contending that "

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> CONTRARY TO THE [CA's] FINDINGS AS REGARDS JURISDICTION, MR. SUBIDO'S HEIRS DULY SERVED THE NOTICE OF HEARING TO THE ACTUAL OCCUPANT OF THE SAID PROPERTY, WHICH WAS THEIR LESSEE, PEARLIE'S RESTAURANT, BY POSTING A COPY THEREOF AT THE PLACE WHERE TCT NO. 95582 IS SITUATED. HENCE, THE TRIAL COURT DULY ACQUIRED JURISDICTION OVER LRC NO. Q-8151.
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> II
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> MOREOVER, LRC NO. Q-8151, - IS CONCERNED ONLY WITH THE RESTORATION AND/OR REISSUANCE OF THE ORIGINAL AND OWNER'S DUPLICATE COPY OF TCT NO. 95582 TO ITS ORIGINAL FORM AND CONDITION WHICH PETITIONER-APPELLANT HAS DULY ESTABLISHED TO HAVE BEEN LOST OR DESTROYED. THE MATTER OF TCT NO. 95582'S VALIDITY IS NOT A RELEVANT ISSUE IN THE RECONSTITUTION PROCEEDING. CLEARLY, THE [CA] COMMITTED GRAVE ABUSE OF DISCRETION IN CITING THE EXTRANEOUS ISSUE OF THE ALLEGED

INFERIORITY OF TCT NO. 95582 TO OCT 735 AS A GROUND IN DENYING RECONSTITUTION.[7]

It is petitioner's basic posture that the CA erred in holding that a fatal jurisdictional defect tainted the reconstitution proceedings in view of petitioner's alleged failure to duly notify occupant/lessee "PEARLIE'S Restaurant," of the petition for reconstitution. As petitioner would point out, said occupant/lessee was duly notified, as shown by the "Certificate of Posting and Service"[8] dated December 9, 1996. Petitioner contends that the certification complies with both the "posting" and "service of notice" requirements under Section 12 of Republic Act (RA) No. 26.

The contention is devoid of merit. Sections 12 and 13 of R.A. No. 26 prescribe the jurisdictional and procedural requirements of petitions for reconstitution of titles filed on the basis of documents other than the owner's duplicate certificate of title.[9] The provisions are pertinently quoted hereunder:

> "SEC 12. Petitions for reconstitution from sources enumerated in sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the proper [RTC], by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; ...; (e) the name and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property; xxx.
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> "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 municipality or city in which the land is situated, at the provincial building and of the municipal building 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 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, ..., 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. (Underscoring added)

As may be noted, Section 13 of R.A. No. 26 specifically enumerates the manner of notifying interested parties of the petition for reconstitution, namely: (a) publication in the Official Gazette; (b) posting on the main entrance of the provincial capitol building and of the municipal building of the municipality or city in which the land is situated; and (c) by registered mail or otherwise, to every person named in the notice. The notification process being mandatory, non-compliance with publication and posting requirements would be fatal to the jurisdiction of the reconstituting trial court and invalidates the whole reconstitution proceedings.[10] So would failure to notify, in the manner specifically prescribed in said Section 13, interested persons of the initial hearing date.[11] Contextually, Section 13 particularly requires that the notice of the hearing be sent to the property occupant or other persons interested, by registered mail or otherwise. The term "otherwise" could only contemplate a notifying mode other than publication, posting, or thru the mail. That other mode could only refer to service of notice by hand or other similar mode of delivery.

It cannot be over-emphasized that R.A. No. 26 specifically provides the special requirements and procedures that must be followed before the court can properly act, assume and acquire jurisdiction over the petition and grant the reconstitution prayed for.[12] These requirements, as the Court has repeatedly declared, are mandatory. Publication of notice in the Official Gazette and the posting thereof in provincial capitol and city/municipal buildings would not be sufficient. The service of the notice of hearing to parties affected by the petition for reconstitution, notably actual occupant/s of the land, either by registered mail or hand delivery must also be

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made.[13] In the case at bar, the "posting of the notice at the place where TCT No. 95585 is situated" is not, as urged by petitioner, tantamount to compliance with the mandatory requirement that notice by registered mail or otherwise be sent to the person named in the notice.

In view of what amounts to a failure to properly notify parties affected by the petition for reconstitution of the date of the initial hearing thereof, the appellate court correctly held that the trial court indeed lacked jurisdiction to take cognizance of such petition. And needless to stress, barring the application in appropriate cases of the estoppel principle, a judgment rendered by a court without jurisdiction to take cognizance of the case is void, ergo, without binding legal effect for any purpose.[14]

In the light of the foregoing perspective, the other ground petitioner raises in this recourse which, at bottom, turns on the question of whether or not the CA erred in finding petitioner as having failed to present competent evidence or basis for reconstitution, need no extended belaboring. Suffice it to state that the appellate court rightly gave due consideration to the LRA's second Supplementary Report that disclosed the existence of a conflicting OCT No. 735 in the name of One Severo Tuazon, which has been held to be superior to OCT No. 632 whence petitioner's TCT No. 95582 descended from. And lest it be overlooked, the nullity of OCT No. 632 has been peremptorily affirmed by this Court in Ragua.[15] In net effect, the purported source/s of the title to be reconstituted is/are dubious, to say the least. And this reality should have prompted the trial court to give a more circumspect look on the evidence of the heirs of Subido to support the desired reconstitution. While perhaps not on all fours, the pronouncements in Alabang Development Corp. vs. Valenzuela,[16] as reiterated in Ortigas & Co. Ltd. Vs. Velasco,[17] should have guided the trial court. There, we said that courts must exercise the greatest caution in entertaining petitions for reconstitution of destroyed or lost certificates of title in order to help avoid litigations as well as discordant supervening events that may be spawned by a hasty grant of reconstitution. Alabang and Ortigas must have been in the appellate court's mind when it made the following apt observations in its assailed decision:

> First, a closer scrutiny of its photocopy, TCT No. 95582 is indeed derivative of OCT No. 632. Second, the attention of the trial court has been called not only once but twice, initially on the first Supplementary Report of LRA dated April 10, 1997, and on the Second Supplementary Report together with the decision of this Court in Ragua case, both of which were attached in the Opposition filed by the Republic of the Philippines. Verily, the trial court should have not granted precipitately the reconstitution of TCT No. 95582 by striking off from the records the Republic's Opposition on the grounds that it was filed out of time, and not relevant to the instant case. Therein, lies the flaw in the decision. In Ramos vs. Rodriguez[18], reiterated in Laburada vs. LRA[19], the Court ruled that LRA is mandated to refer to the trial court any doubt it may have in regard to the preparation and issuance of decree of registration. In this respect, LRA officials act not only as administrative officials, but as officers of said court, and their act is the act of the court. By the same vein, LRA is mandated also to refer to the court any doubt existing on the petition for reconstitution of certificate of title.
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> Equally untenable also is the position of the [petitioner] that the allegation of the said void OCT No. 632, the mother title of TCT No. 95582, has no place in the reconstitution proceedings, inasmuch as the purpose of reconstitution is to have TCT No. 95582 reproduced in the same form and exactly as it was at the time it was lost or destroyed. The [petitioner], to our mind, has either misapprehended or read out of context the aforementioned rule in reconstitution. This should not be taken literally to the extent of prejudicing the cause espoused by the opposing party, the State, in this particular case. Firstly, the above rule is based on the assumption that the mother title of [petitioner's] TCT is valid and subsisting. Second, to accept the argument of the [petitioner] is to wreak havoc in the stability of our Torrens System, ... It is our belief that the ruling in Ragua and Regalado cases is clear enough to leave no room for any convoluted logic to support a distinction between the said cases and the instant case, and an implausible interpretation of jurisprudence on the matter.

> TCT No. 95582, stands exactly in the same shoes of OCT No. 632, and the [petitioner's] title is bound by the judgment or decision rendered against OCT No. 632.[20] (Words in bracket added).

WHEREFORE, the petition is DENIED and the assailed decision and resolution of the Court of Appeals dated March 23, 2001 and January 30, 2002, respectively, are AFFIRMED.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.
Puno, (Chairperson), J., on leave.

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[1] Penned by Associate Justice Perlita J. Tria Tirona (Ret), with Associate Justices Eugenio S. Labitoria (Ret), and Eloy R. Bello, Jr. (Ret.), concurring; Rollo, pp. 12-26.

[2] Id. at 29

[3] Id. at 225-231.

[4] Id. at 12-19.

[5] Id.at 19.

[6] Id. at 29.

[7] Id., at. 56-57.

[8] Id. at 174.

[9] Heirs of Eulalio Rague v. Court of Appeals, et al., G.R. Nos. 88521-22, Jan. 31, 2000; 324 SCRA 7 (2000).

[10] Republic v. Marasigan, 198 SCRA 219 (1993); Republic v. CA, 218 SCRA 773 (1993), and other cases.

[11] Allama v. Republic, 206 SCRA 600 (1992), citing Tahanan Development Corp. v. CA, 118 SCRA 273 (1982).

[12] Ibid.

[13] Id.; Manila Railroad Co. v. Hon. Jose M. Moya, 14 SCRA 358 (1965).

[14] MWSS v. Sison, 124, SCRA 394 (1983).

[15] See Note #9, supra.

[16] 116 SCRA 261 (1982).

[17] 277 SCRA 342 (1997).

[18] G.R. No. L-94033, May 29, 1995, 244 SCRA 418.

[19] G.R. No. 101387, March 11, 1998, 287 SCRA 333.

[20] Supra note 1, at 25-26.

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