

THE REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. DOMINADOR SANTUA, RESPONDENT.

G.R. No. 155703. September 08, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

Should the courts grant a petition for reconstitution of a certificate of title on the basis of a tax declaration, survey plan and technical description? This is the question that confronts the Court in this petition for review of the Court of Appeals (CA) Decision[1] dated September 23, 2002.

The facts of the case are undisputed:

On February, 16, 1999, respondent Dominador Santua filed with the Regional Trial Court (RTC) of Calapan, Oriental Mindoro, a petition for judicial reconstitution of Transfer Certificate of Title (TCT) No. T-22868. Respondent alleged that he is the registered owner of certain parcels of land with an area of 3,306 square meters, situated in Poblacion, Victoria, Oriental Mindoro, and covered by TCT No. T-22868; the original copy of TCT No. T-22868 was among those destroyed by the fire that completely razed the Capitol Building then housing the Office of the Register of Deeds of Oriental Mindoro on August 12, 1977; the owner's duplicate copy was lost while in respondent's possession and all efforts exerted to locate the same proved futile; there are no co-owner's, mortgagee's, or lessee's duplicate of said certificate of title; there are no buildings or improvements existing on said land which do not belong to respondent; respondent and his family are in actual possession of the property and have been paying taxes thereon; and there exists no deeds or instrument affecting the property which have been presented for and pending registration in the Office of the Register of Deeds. The names and addresses of the adjoining property owners were enumerated in the petition. Attached to the petition were a tax declaration, survey plan, and technical description of each lot.[2]

On February 25, 1999, the RTC issued an Order[3] setting the initial hearing of the case. It also directed the publication of the order in the Official Gazette, its posting at the main entrance of the Capitol Building and in the Municipal Building of Victoria, Calapan City, and sending of copies thereof to all adjoining owners mentioned in the petition, the Register of Deeds, Provincial Prosecutor, Director of Lands, Solicitor General and the Administrator of the Land Registration Authority.

Respondent complied with the jurisdictional requirements. The court thus commissioned the Clerk of Court to receive the respondent's evidence and submit his findings to the court. Aside from the documents that delved into the jurisdictional aspect of the petition, respondent offered the following documents in support of his petition:

Exh. "C"

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Tax Declaration No. 15003-816 indicating the name of Dominador Santua as owner of the lots covered by TCT No. 22868;

Exh. "D"

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Technical description of Lot 5358-A-3-0-8-B, (LRC) PSD-257136;

Exh. "E"

Technical description of Lot 5358-A-3-0-8-C, (LRC) PSD-257136;

Exh. "F"

Technical description of Lot 5358-A-3-0-8-D, (LRC) PSD-257136;

Exh. "G"

Technical description of Lot 5358-A-3-0-8-E, (LRC) PSD-257136;

Exh. "H"

Technical description of Lot 5358-A-3-0-8-F, (LRC) PSD-257136;

Exh. "I"

Blue print plan of Lot 5358-A-3-0-8, (LRC) PSD-251540 as surveyed for Dominador Santua, et al.

Exh. "J"

Certification dated September 24, 1982 issued by the Acting Register of Deeds of this province, certifying to the effect that all original certificates of title on file with the Registry were destroyed by reason of the fire that hit the Capitol Building housing the Office of the Register of Deeds on August 12, 1977.

Respondent testified that he is the registered owner of certain parcels of land known as Lot No. 5358-A-3-0-8-B, with an area of 730 square meters; Lot No. 5358-A-3-0-8-C, with an area of 731 square meters; Lot No. 5358-A-3-0-8-D, with an area of 731 square meters; Lot No. 5358-A-3-0-8-E, with an area of 731 square meters, and Lot No. 5358-A-3-0-8-F, with an area of 383 square meters, or a total area of 3,306 square meters, situated in Poblacion, Victoria, Mindoro. The original copy of this title was among the documents destroyed on August 12, 1977 when fire razed the entire Capitol Building then housing the Office of the Register of Deeds, while the owner's duplicate copy in the respondent's possession was lost when their house was destroyed by the Intensity 7 earthquake that hit the province on November 15, 1994. There is no co-owner's, mortgagee's or lessee's duplicate copy of said title previously issued by the Register of Deeds. There exist no deeds of instruments affecting the property, which have been presented to, or pending registration with, the Office of the Register of Deeds. It has never been offered as a bail bond or as collateral to secure a loan with any banking institution or any person. It has not been declared as null and void by any court or competent authority. It is not a subject of attachment.

The Provincial Assessor, Mr. Onesimo Naling, testified that the tax declaration submitted in evidence is a true and genuine tax declaration issued by their office. Mrs. Flordeliza Villao, Records Officer III of the Register of Deeds, testified that the Certification issued by her office is a true and genuine certification.

The adjoining property owners were notified of the hearing of the petition but no one interposed any objection thereto.

On December 15, 2000, the RTC granted the petition, thus:

ACCORDINGLY, finding the instant petition to be well-taken and there being no opposition thereto, same is hereby granted. The Register of Deeds of this province is hereby directed to reconstitute the original and the

owner's duplicate copies of Transfer Certificate of Title No. T-22868 in the name of "DOMINADOR SANTUA, married to Natividad Paner, of legal age, Filipino citizen and a resident of Poblacion, Victoria, Oriental Mindoro" on the basis of the tax declaration, technical descriptions and plan of Lot No. 5358-A-3-0-8-B, Lot No. 5358-A-3-0-8-C, Lot No. 5358-A-3-0-8-D, Lot No. 5358-A-3-0-8-E, and Lot No. 5358-A-3-0-8-F, (LRC) Psd 257136, thirty (30) days after receipt of this Order by the Register of Deeds of this province and the Land Registration Authority.

SO ORDERED.[4]

On January 16, 2001, the Office of the Solicitor General filed a Notice of Appeal, which was given due course by the RTC.

On September 23, 2002, the CA affirmed the RTC Decision.[5] Petitioner filed this petition for review raising the sole issue --

WHETHER OR NOT TAX DECLARATIONS, TECHNICAL DESCRIPTION AND LOT PLANS ARE SUFFICIENT BASES FOR THE RECONSTITUTION OF LOST OR DESTROYED CERTIFICATES OF TITLE[6]

In a Comment/Manifestation[7] dated September 11, 2003, respondent's counsel manifested that respondent is submitting the petition for review for resolution without any comment from him.

Respondent's waiver of the filing of a comment is unfortunate considering that we find the petition meritorious.

The reconstitution of a certificate of title denotes restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land.[8] It partakes of a land registration proceeding.[9] Thus, it must be granted only upon clear proof that the title sought to be restored was indeed issued to the petitioner.[10] In this regard, Section 3 of Republic Act (RA) No. 26 enumerates the documents regarded as valid and sufficient bases for reconstitution of a transfer 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 transfer 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 documents, 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 instant petition for reconstitution is anchored on Section 3(f) of RA No. 26, with respondent proffering three significant documents -- a tax declaration, survey plan and technical descriptions of each lot.

The Court has already settled in a number of cases that, following the principle of ejusdem generis in statutory

construction, "any document" mentioned in Section 3 should be interpreted to refer to documents similar to those previously enumerated therein.[11] As aptly observed by the petitioner, the documents enumerated in Section 3(a), (b), (c), (d) and (e) are documents that had been issued or are on file with the Register of Deeds, thus, highly credible.

Moreover, they are documents from which the particulars of the certificate of title or the circumstances which brought about its issuance could readily be ascertained. After all, the purpose of reconstitution proceedings under RA No. 26 is the restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land.[12] Consequently, a petitioner's documentary evidence should be able to establish that the lost or destroyed certificate of title has, in fact, been issued to the petitioner or his predecessor-in-interest and such title was in force at the time it was lost or destroyed.[13]

The tax declaration obviously does not serve as a valid basis for reconstitution. For one, we cannot safely rely on Tax Declaration No. 15003-816 as evidence of the subject property being covered by TCT No. T-22868 in the name of respondent because a tax declaration is executed for taxation purposes only and is actually prepared by the alleged owner himself.[14] In fact, in *Heirs of Eulalio Ragua v. Court of Appeals*,[15] the Court pronounced that a tax declaration is not a reliable source for the reconstitution of a certificate of title.

At most, the tax declaration can only be prima facie evidence of possession or a claim of ownership, which however is not the issue in a reconstitution proceeding. A reconstitution of title does not pass upon the ownership of the land covered by the lost or destroyed title[16] but merely determines whether a re-issuance of such title is proper.

As for the survey plan and technical descriptions, the Court has previously dismissed the same as not the documents referred to in Section 3(f) but merely additional documents that should accompany the petition for reconstitution as required under Section 12 of RA 26 and Land Registration Commission Circular No. 35.[17] Moreover, a survey plan or technical description prepared at the instance of a party cannot be considered in his favor, the same being self-serving.[18] Further, in *Lee v. Republic*,[19] the Court declared the reconstitution based on a survey plan and technical descriptions void for lack of factual support.

Once again, we caution the courts against the hasty and reckless grant of petitions for reconstitution. Strict observance of the rules is vital to prevent parties from exploiting reconstitution proceedings as a quick but illegal way to obtain Torrens certificate of titles over parcels of land which turn out to be already covered by existing titles.[20] Courts should bear in mind that should the petition for reconstitution be denied for lack of sufficient basis, the petitioner is not left without a remedy. He may still file an application for confirmation of his title under the provisions of the Land Registration Act, if he is in fact the lawful owner.[21]

WHEREFORE, premises considered, the petition is GRANTED. The Decision of the Court of Appeals dated September 23, 2002 is REVERSED and SET ASIDE. The petition for reconstitution is DENIED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, and Reyes, JJ., concur.

[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Conrado M. Vasquez, Jr. (now Presiding Justice) and Regalado E. Maambong, concurring; rollo, pp. 51-60.

[2] Rollo, pp. 61-62.

[3] Id. at 73.

[4] Id. at 100.

[5] Id. at 51-60.

[6] Id. at 38.

[7] Id. at 138-139.

[8] Lee v. Republic, 418 Phil. 793, 803 (2001).

[9] Republic v. Intermediate Appellate Court, G.R. No. L-68303, January 15, 1988, 157 SCRA 62, 66.

[10] Republic v. Sanchez, G.R. No. 146081, July 17, 2006, 495 SCRA 248, 274.

[11] Republic v. Holazo, G.R. No. 146846, August 31, 2004, 437 SCRA 345; Heirs of Dizon v. Discaya, 362 Phil. 536, 544 (1999); Republic v. Intermediate Appellate Court, supra note 9.

[12] Republic v. Sanchez, supra note 10.

[13] Section 15 of RA 26 states:

SEC. 15. If the court, after hearing, finds that the documents presented, as supported by parole evidence or otherwise, are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title, and that the petitioner is the registered owner of the property or has an interest therein, that the said certificate of title was in force at the time it was lost or destroyed, and that the description, area and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title, an order of reconstitution shall be issued. The clerk of court shall forward to the register of deeds a certified copy of said order and all the documents, which pursuant to said order, are to be used as the basis of the reconstitution. If the court finds that there is no sufficient evidence or basis to justify the reconstitution, the petition shall be dismissed, but each dismissal shall not preclude the right of the party or parties entitled thereto to file an application for confirmation of his or their title under the provisions of the Land Registration Act. (Emphasis supplied.)

[14] See Section 202, Chapter II, Local Government Code.

[15] 381 Phil. 7 (2000).

[16] Amoroso v. Alegre, Jr., G.R. No. 142766, June 15, 2007, 524 SCRA 641, 653.

[17] Heirs of Dizon v. Discaya, supra note 11, at 545.

[18] Rizal Cement Co., Inc. v. Villareal, No. L-30272, February 28, 1985, 135 SCRA 15, 23, reiterated in Republic v. El Gobierno de las Islas Filipinas, 459 SCRA 533, 547 (2005).

[19] Supra note 8.

[20] Republic v. Sanchez, supra note 10.

[21] Section 15, RA No. 26, supra note 13.

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