

REPUBLIC OF THE PHILIPPINES, APPELLEE, VS. SPOUSES EDGARDO AND MA. TERESA BONDOC, APPELLANTS.

G.R. No. 157826. November 12, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari arising from the decision[1] of the Court of Appeals (CA) dated March 31, 2003 in CA-G.R. CV No. 65907. The decision affirms the Order[2] of the Regional Trial Court (RTC) of Lucena City, Branch 58, dated January 7, 1999 which granted a petition for judicial reconstitution of title.

As stated by the CA, the antecedent facts are as follows:

Records reveal that on January 21, 1997, spouses Edgardo and Ma. Teresa Bondoc filed with the RTC of Lucena City, the verified petition a quo for reconstitution of the original copy of OCT Nos. 1733 (394) and 1767 (406), of the Register of Deeds of Lucena City, covering Lot Nos. 819 and 823, respectively, of the Cadastral Survey of Lucena, with an area of 38,282 and 5,279 square meters, respectively. The case was docketed as Misc. Case No. 97-11.

Finding the petition to be sufficient in form and substance, the trial court set the initial hearing of the petition on May 28, 1997, at 8:30 in the morning. Upon motion of the Bondoc spouses, said initial hearing was moved to August 27, 1997. Considering, however, that the publication of the notice of initial hearing in the Official Gazette was not met due to time constraints, the initial hearing was again moved to November 27, 1997.

However, in view of the fact that the adjoining owners were not properly served of the August 13, 1997 Order resetting the initial hearing of the case to November 27, 1997, the trial court issued an Order for the continuation of the initial hearing to January 19, 1998.

During the January 19, 1998 initial hearing, petitioner proceeded to prove the jurisdictional facts. Thereafter, the trial court, after ascertaining that nobody appeared to oppose the petition, allowed the Bondoc spouses to present their evidence ex parte.

Thereafter, or on January 7, 1999, the trial court issued the questioned Order granting the petition. The dispositive portion of the said Order reads:

“WHEREFORE, the Register of Deeds of Lucena City is hereby ordered to reconstitute, upon payment of the required legal fees, Original Certificates of Title Nos. 1767 (406) and 1733 (394), both in the name of Julio Abellanosa, married to Teodula Mendieta, on the basis of its second owner’s copy and third owner’s copy thereof, respectively.

Let a copy of this Order together with the certified Xerox copy of the second owner’s copy of Original Certificate of Title No. 1767 (406) (Exh. ‘L’) and the third owner’s copy of Original Certificate of Title No. 1733 (394) (Exh. ‘M’) be furnished the Register of Deeds of Lucena City.

SO ORDERED.”

The Republic through the Office of the Solicitor General (OSG) filed a motion for reconsideration of the above

order on the ground that the notice of initial hearing was fatally defective because it failed to state the names and addresses of the adjoining owners. However, in an order dated June 24, 1999, the trial court denied the motion.

Hence, OSG appealed alleging that the trial court erred in proceeding with the case despite its failure to acquire jurisdiction over the case.[3]

On appeal to the CA, the RTC decision was affirmed, and the CA stated:

The above provision of law requires that the notice of initial hearing issued by the trial court shall state among others, the names of the owners of the adjoining properties as well as their respective addresses. A perusal of the records of the case would show that while the notice of initial hearing did not mention specifically the names of the adjoining owners, however, the said records would reveal that the adjoining owners were actually notified of the date of initial hearing.

It must be emphasized that the purpose of the law for requiring [that] the names of the adjoining owners be mentioned in the notice of initial hearing is to avoid their deprivation of their day in court (See *Manila Railroad Company vs. Moya*, 14 SCRA 358). In the case at bar, all the adjoining owners named in the petition were personally notified of the date of the initial hearing, as evidenced by the Process Server's Return of Service (Exhibits "F" to "F-11"). The requirement of due process was therefore satisfied. The trial court was thus correct in concluding that there was substantial compliance of the law, and it could rightfully proceed to hear the petition because it has acquired jurisdiction over the case. [4]

This Court is called upon to resolve the sole issue of whether or not the RTC erred in proceeding with the case despite its alleged failure to acquire jurisdiction over the case.

It is the position of the Office of the Solicitor General (OSG), representing the petitioner Republic of the Philippines, that the CA gravely erred when it considered valid the proceedings conducted by the RTC despite failure of the notice to strictly comply with the requirements under Section 13 of the Republic Act No. 26. Petitioner contends that nothing but strict compliance will do, and failure to strictly comply with the law prevents the RTC from acquiring jurisdiction and consequently voids the whole proceedings.[5] Petitioner cites[6] the cases of *Alabang Development Corporation v. Valenzuela*,[7] *Tahanan Development Corporation v. Court of Appeals*[8] and *Zuñiga v. Vivencio*. [9]

For their part, respondent spouses Bondoc maintain that although the letter of the law is to be applied to serve the ends of justice, still, if circumstances show that a party has substantially complied with the law, has actually accomplished the objective or purpose of the law, thereby upholding its spirit, then the ends of justice would have been served. In addition, respondents allege that no party has been prejudiced or will thereafter be prejudiced, not even the Republic.[10]

Upon close scrutiny of the records, as well as the evidence adduced in this case, this Court finds that the petition for reconstitution filed with the RTC is governed by Section 10 in relation to Section 9 of Republic Act No. 26 and not by Sections 12 and 13 of the same Act, as argued by the parties.

Paragraph 8 of the petition for reconstitution states:

- Petitioners desire that the burned original[s] of the aforecited certificates of title on file in the Office of the Register of Deeds of Lucena City be judicially reconstituted and for this purpose, it is respectfully requested that the 3[rd] owner's duplicate certificate[] copy of Original Certificate of Title No. 1733 (394) and 2[nd] owner's duplicate certificate copy of Original Certificate of Title No. 1767 (406), respectively, which are under the possession and custody of herein petitioners, be made sources thereof, photo copies of the aforementioned owner's duplicate copies of said titles are attached hereto as Annexes "D" and "E", respectively.[11]

Pursuant to *Puzon v. Sta. Lucia Realty and Development, Inc.*,^[12] and *Republic v. Planes*,^[13] since the source of the petition for reconstitution are the owner's duplicate copy of OCT No. 1733 (394) and OCT No. 1767 (406), the procedure and requirements for the trial court to validly acquire jurisdiction over the case, are governed by Section 10 in relation to Section 9 of Republic Act No. 26, which provisions state:

Section 9.^[14] x x x Thereupon, the court shall cause a notice of the petition 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 provincial building and of the municipal building of the municipality or city in which the land lies, at least thirty days prior to the date of hearing, and after hearing shall determine the petition and render such judgment as justice and equity may require. The notice shall specify, among other things, the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have. x x x

Sec. 10. Nothing hereinabove provided shall prevent any registered owner or person in interest from filing the petition mentioned in section Five of this Act directly with the proper Court of First Instance, based on sources enumerated in Sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act: Provided, however, That the Court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section Nine hereof: And provided, further, That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in Section Seven of this Act.

In sum, for the trial court to validly acquire jurisdiction to hear and decide a petition for reconstitution filed under Section 10, in relation to Section 9 of Republic Act No. 26, it is required that thirty days before the date of hearing, (1) a notice be published in two successive issues of the Official Gazette at the expense of the petitioner, and that (2) such notice be posted at the main entrances of the provincial building and of the municipal hall where the property is located. The notice shall state the following: (1) the number of the certificate of title, (2) the name of the registered owner, (3) the names of the interested parties appearing in the reconstituted certificate of title, (4) the location of the property, and (5) the date on which all persons having an interest in the property must appear and file such claim as they may have.^[15]

From the records, it is evident that all the above requirements have been complied with.

It appears that the initial hearing of the petition was set for November 27, 1997. The Order of the RTC dated August 14, 1997, states:

ORDER

This is a verified petition filed by spouses Edgardo M. Bondoc and Ma. Teresa L. Principe-Bondoc for the reconstitution of the originals of Original Certificates of Title Nos. 1733 (394) and 1767 (406) on file in the Office of the Register of Deeds of Lucena City, registered in the name of Julio Abellanos, covering two (2) parcels of land, more particularly described as follows:

ORIGINAL CERTIFICATE OF TITLE

No. 1733 (394)

"A parcel of land (Lot No. 819 of the Cadastral Survey of Lucena), with the improvements thereon, situated in the Municipality of Lucena. Bounded on the NE., by Lots Nos. 4652 and 4653; on the SE., by Lots Nos. 888 and 818; on the SW., by the Big Pula Creek; and on the NW., by Lots Nos. 4659 and 4652. x x x Containing an area of THIRTY EIGHT THOUSAND TWO HUNDRED AND EIGHTY TWO (38, 282) SQUARE METERS, more or less."

ORIGINAL CERTIFICATE OF TITLE

No. 1767 (406)

“A parcel of land (Lot No. 823 of the Cadastral Survey of Lucena), with the improvements thereon, situated in the Municipality of Lucena. Bounded on the NE., by the Pula Creek; on the SE., by Lots Nos. 4651, 4652 and 4650; on the SW., by Lots Nos. 4650 and 4649; on the NW., by Lot No. 824. x x x Containing an area of FIVE THOUSAND TWO HUNDRED AND SEVENTY NINE (5, 279) SQUARE METERS, more or less.”

which were destroyed by fire that razed the City Hall Building of Lucena City on August 30, 1983.

The petition being sufficient in form and substance, let the same be set for hearing on NOVEMBER 27, 1997 at 8:30 o'clock in the morning, before Branch 58 of this court at Lucena City and notice is hereby given that anyone who has objection to the petition may file his opposition thereto on or before the scheduled date of hearing.

Let a copy of this Order be published at the expense of the petitioners in two successive issues of the Official Gazette as required in Sec. 13, Republic Act No. 26 and posted at the bulletin board of this Court, of the Provincial Capitol of Quezon, Lucena City, and of the City Hall Building (old and annex buildings), Lucena City, at least thirty (30) days prior to the date of hearing and let a copy of this Order be sent by registered mail to the Hon. Administrator, Land Registration Authority, Quezon City; the Director of Lands, Manila; the Hon. Solicitor General, 134 Amorsolo Street, Legaspi Village, Makati City; the City Prosecutor, Lucena City; the Register of Deeds, Lucena City; to all persons named in the petition, and personally to the adjoining owners and actual occupants of the subject properties by the Process Server of this Court, at the expense of the petitioners.

SO ORDERED.[16]

The foregoing Order of the RTC was thereafter published in the Official Gazette[17] on October 13, 1997 and October 20, 1997, per Certificate of Publication issued by the National Printing Office.[18]

In compliance with the posting requirement, the process server of Branch 58 certified that a copy of the Order was posted at (a) the Justice Hall, RTC Building, (b) the Provincial Capitol Building, Lucena City, and (c) the City Hall Building, Lucena City.[19]

Copies of the same Order were served upon (a) the City Prosecutor, (b) the Register of Deeds, Lucena City, (c) the petitioner, Mr. Edgardo M. Bondoc, and (d) Atty. Eulogio Alzaga, counsel for petitioner. Copies of the Order were also sent by mail to (a) the Solicitor General, (b) the Land Registration Authority, and (c) the National Printing Office.[20]

While it is true, as pointed out by the OSG, that the Order of the RTC that was published, posted and sent to the interested parties, does not specify the names of the adjoining owners, and it was shown that the notices to the adjoining owners were not served thirty days prior to the initial hearing, said omission does not affect the jurisdiction of the RTC over the case, for the simple reason that the same is not required by the law governing the instant reconstitution proceedings. Nothing in Section 10 in relation to Section 9 of Republic Act No. 26 requires that notices be sent to owners of adjoining lots.[21]

In the light of the foregoing discussion and in view of the compliance with all the mandatory and jurisdictional requirements, this Court finds that the RTC validly acquired jurisdiction over the petition for reconstitution. The CA, therefore, did right in affirming its decision.

WHEREFORE, the petition is hereby DISMISSED for lack of merit. No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Carpio, JJ., concur.

[1] Rollo, pp. 21-25.

[2] Records, pp. 116-121.

[3] Rollo, pp. 22-23.

[4] Id. at 24.

[5] Rollo, pp. 16-17.

[6] Id. at 15-17.

[7] 116 SCRA 261 (1982).

[8] 118 SCRA 273 (1982).

[9] 153 SCRA 720 (1987).

[10] Rollo, pp. 32-33.

[11] Records, p. 3; Underscoring supplied.

[12] 353 SCRA 699, 707 (2001).

[13] 381 SCRA 215, 232 (2002).

[14] With regard to the publication requirement.

[15] Republic v. Planes, *supra*, note 13 at 233.

[16] Records, pp. 45-46.

[17] Volume 93, Nos. 41 and 42.

[18] Records, p. 49.

[19] Records, p. 48, per Process Server's Return of Service.

[20] Ibid.

[21] Puzon v. Sta. Lucia Realty and Development, Inc., *supra*, note 12 at 708.

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