

REPUBLIC OF THE PHILIPPINES V.S. PETITIONER, LOURDES F. ALONTE,PROMULGATED: RESPONDENT.

G.R. No. 162787. June 13, 2008

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

This resolves the Petition for Review on Certiorari under Rule 45 of the Rules of Court, praying that the Decision[1] of the Court of Appeals (CA) dated February 26, 2004 which affirmed the Decision of the Regional Trial Court of Quezon City, Branch 82 (RTC) granting respondent's petition for reconstitution, be reversed and set aside.

The CA accurately summarized the facts as culled from the records, thus:

On August 10, 2001, the petitioner-appellee [herein respondent] Lourdes F. Alonte filed a Petition for the Reconstitution of the Original of Transfer Certificate of Title No. 335986 and Issuance of the Corresponding Owner's Duplicate thereof supposedly over lot 18-B of the subd. Plan (LRC) Psd-328326 containing an area of Eighty Square Meters and Ninety Five Square Decimeters (80.95) situated in the Municipality of Caloocan (now Quezon City).

The petitioner-appellee alleged in its [sic] petition that she is the owner in fee simple of a parcel of land with its improvement situated in Quezon City, bounded and described as follows:

x x x x

It is further alleged that the original copy of the aforesaid title which used to be kept in the Office of the Register of Deeds of Quezon City was among those declared either destroyed or burned during the fire which razed the said office on June 11, 1988 (Annex "E", Certification From the Register of Deeds, Records, p. 9).

Likewise, the petitioner-appellee alleged that the owner's Duplicate copy thereof was lost and an affidavit to that effect was executed and accordingly filed in the Office of the Registry of Deeds for Quezon City (Annex "F").

At the ex-parte hearing conducted on January 4, 2002, the petitioner-appellee was represented by her attorney-in-fact, Editha Alonte as evidenced by a Special Power of Attorney (Exh. "H"). The petitioner-appellee is presently in the United States and the witness and her family together with her sisters-in-law are the ones presently occupying the house erected thereon.

The following documents were presented to prove the jurisdictional facts:

â—? Exhibit "A" - copy of the Petition dated July 27, 2001.

â—? Exhibit "B" - Order dated August 29, 2001.

â—? Exhibit "C", "C-1" to "C-5" - the proof of service of the said Order to the City Prosecutor's Office, the Registry of Deeds of Quezon City, the Quezon City Legal Department, the Land Registration Authority, the Office of the Solicitor General, and the Land Management Bureau of the DENR;

â—? Exhibit "D" - Certificate of Publication dated October 26, 2001 issued by the National Printing Office;

â—? Exhibit "E" - Volume 97 No. 43, October 22, 2001 issue of the Official Gazette;

â—? Exhibit "E-1" - Volume 97 No. 44, October 29, 2001 issue of the Official Gazette;

â—? Exhibit "F" - Certificate of Posting and Service dated November 19, 2001 by the Deputy Sheriff of this Court.

In addition to the abovementioned documents, the petitioner-appellee presented the following:

â—? Annex "A" - Photocopy of TCT No. 335986;

â—? Annex "B" - Tax Declaration No. D-074-00504 for 1996;

â—? Annex "C" - Tax Declaration No. D-074-00921 for 1997;

â—? Annex "D" - Certification from the Office of the City Treasurer dated July 25, 2001;

â—? Annex "E" - Certification from the Register of Deeds of Quezon City dated February 4, 2000;

â—? Annex "F" - Affidavit of Loss dated July 9, 2001;

â—? Annex "G" - Technical Description;

â—? Annex "H" - Certification from the Office of the City Assessor dated August 1, 2001 (Records, pp. 5-12).[2]

The CA further adopted the following factual findings of the RTC, to wit:

The adjoining owners of the subject property were also furnished with copies of the Order dated August 29, 2001 by registered mail, as evidenced by the registry return cards (Exhibits "G", "G-1" and "G-2") attached to the records. There being no opposition thereto, the petitioner was allowed to present her evidence ex-parte before a Hearing Officer designated by the Court.

x x x x

In its Report dated August 2, 2002, the Land Registration Authority submitted its findings as follows:

(1) The present petition seeks the reconstitution of Transfer Certificate of Title No. 335986, allegedly lost or destroyed and supposedly covering Lot 18-B of the subdivision plan (LRC) Psd-328326, situated in the Municipality of Caloocan (now Quezon City).

(2) The plan and technical description of Lot 18-B of the subdivision plan (LRC) Psd - 328326, were verified correct by this Authority to represent the aforesaid lot and the same have been approved under (LRA) PR-19193 pursuant to the provision of Section 12 of Republic Act No. 26.[3](Emphasis supplied)

On August 13, 2002, the RTC promulgated its Decision, the dispositive portion of which reads as follows:

WHEREFORE, the Petition dated July 27, 2001 is hereby GRANTED and the Register of Deeds of Quezon City is hereby directed to reconstitute in the files of his Office the original copy of TCT No. 335986 based on the corresponding technical description and survey plan of the property in question in the name of petitioner Lourdes F. Alonte.

The owner's duplicate copy of TCT No. 335986 which was lost is hereby declared null and void and the Register of Deeds of Quezon City is hereby directed to issue a new owner's duplicate copy of the reconstituted title to the petitioner, after payment of the prescribed fees and after their Order shall have become final.

SO ORDERED.[4]

Thereafter, the RTC Branch Clerk of Court issued a Certificate of Finality dated September 3, 2002.[5]

However, on September 10, 2002, the RTC issued an Order reading as follows:

It appearing from the records that the Notice of Appeal filed by the Office of the Solicitor General thru registered mail on August 29, 2002 and received by this Court on September 4, 2002, was within the reglementary period, the Certificate of Finality earlier issued on September 3, 2002 is hereby REVOKED and/or otherwise RECALLED

ACCORDINGLY, the Notice of Appeal is hereby given due course. Let, therefore, the records hereof be elevated to the Court of Appeals for appropriate proceedings and disposition.

SO ORDERED.[6]

On February 26, 2004, the CA then issued the assailed Decision affirming the RTC judgment. The CA held that the RTC did not err in ordering the reconstitution of the original copy of Transfer Certificate of Title (TCT) No. 335986 based on a photocopy because the court applied Section 3(f) of Republic Act (R.A.) No. 26, entitled "An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed", which took effect on September 26, 1946. Said provision states that "transfer certificates of title shall be reconstituted from x x x any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title."

Hence, the present petition for review on certiorari on the following grounds:

I

The Court of Appeals erred in finding that there is sufficient and proper basis for reconstitution of TCT No. 335986.

II

The Court of Appeals erred in affirming the lower court's decision granting the petition for reconstitution despite respondent's failure to comply with the mandatory requirements prescribed under Republic Act No. 26.[7]

Petitioner alleges that the trial court did not acquire jurisdiction to hear the petition for respondent's failure to allege the following mandatory and jurisdictional facts in her petition:

- the names 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;
- a detailed description of the encumbrance appearing on the title; and
- the restrictions and liabilities allegedly appearing on the subject title as referred to in paragraph 8 of the Petition.[8]

Petitioner also pointed out other supposed defects in the petition, i.e., it was not accompanied by a plan and technical description of the property duly approved by the Chief of the General Land Registration Office (now Land Registration Authority [LRA]) or by a certified copy of the description taken from a prior certificate of title covering the same property as prescribed under the last condition under Section 12 of R.A. No. 26; there was no tracing cloth plan attached to the petition as prescribed by Section 5 (a) of LRC Circular No. 35; and there is no showing that the Affidavit of Loss executed on July 9, 2001 by the petitioner stating the alleged fact of loss of the owner's duplicate copy of TCT No. T-335986 had been sent or registered with the Office of the Registry of Deeds

of Quezon City.[9]

The petition is unmeritorious.

The Court emphasizes its ruling in *Republic of the Philippines v. Casimiro*,[10] to wit:

The findings of fact of the RTC, affirmed by the Court of Appeals, cannot be disturbed by this Court, since -

As a rule, only questions of law may be appealed to the Court by certiorari. The Court is not a trier of facts, its jurisdiction being limited to errors of law. Moreover, where as in this case the Court of Appeals affirms the factual findings of the trial court, such findings generally become conclusive and binding upon the Court. The Court will not disturb the factual findings of the trial and appellate courts unless there are compelling or exceptional reasons, and there is none in the instant petition.

Petitioner failed to present before this Court any compelling or exceptional argument or evidence that would justify a departure from the foregoing general rule. This Court defers to the findings of both the RTC and the Court of Appeals as to the weight accorded to respondent's evidence and the sufficiency thereof to substantiate his right to a reconstitution of the original copy of TCT No. 305917.[11] (Emphasis supplied)

In the present case, the RTC declared the petition to be sufficient in form and substance in its Order[12] dated August 29, 2001. Both the RTC and the CA found the evidence presented by petitioner as adequate to order the reconstitution of TCT No. 335986. Akin to *Casimiro*,[13] herein petitioner also failed to convince the Court that there are compelling reasons for it to deviate from the general rule that the findings of fact of the RTC, affirmed by the CA, are binding on this Court.

A thorough examination of the record reveals that there is no factual basis for petitioner's claim that respondent failed to comply with the requirements for a petition for reconstitution as enumerated in Sections 12 and 13 of R.A. No. 26, to wit:

Section 12. Petitions for reconstitution from sources enumerated in Section x x x 3(f) of this Act, shall be filed with the proper Court of First Instance, 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; (b) that no co-owner's, mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names 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; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Sections 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.

Section 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 provincial building and of the municipal building of the municipality or city in which the land is situated, 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, if 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, the location, area and boundaries of the property, 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.

The petition for reconstitution alleged that respondent is in possession of the subject lot and it listed the names and addresses of adjoining owners enumerated in the Certification from the Office of the City Assessor dated August 1, 2001; it stated that the title is free from any and all liens and encumbrances; and it stated that a copy of TCT No. 335986 is attached to the petition and made an integral part of the petition, hence, the restrictions and liabilities appearing at the back of the copy of the TCT are deemed part of the petition for reconstitution. Said petition was also accompanied by a technical description of the property approved by the Commissioner of the National Land Titles and Deeds Registration Administration, the predecessor of the LRA, as prescribed under the last condition of Section 12 of R.A. No. 26. Thus, the petition clearly complied with the requirements of Section 12, R.A. No. 26.

The fact that Editha Alonte, respondent's attorney-in-fact, testified that it is she and her family who are residing on the subject lot does not negate the statement in the petition for reconstitution that it is respondent who is in possession of the lot. After all, Article 524 of the New Civil Code provides that possession may be exercised in one's own name or in that of another. Obviously, Editha Alonte was exercising possession over the land in the name of respondent Lourdes Alonte. This is supported by the Certification^[14] from the Office of the City Treasurer of Quezon City which states that the real property taxes on said property, declared in the name of Lourdes Alonte, had been paid.

Furthermore, as stated above, the LRA submitted to the trial court a Report^[15] dated August 2, 2002 stating that "[t]he plan and technical description of Lot 18-B of the subdivision plan (LRC) Psd-328326, were verified correct by this Authority to represent the aforesaid lot and the same have been approved under (LRA) PR-19193 pursuant to the provisions of Section 12 of R.A. No. 26." Attached to said Report were the print copy of plan (LRA) PR-19193^[16] and the corresponding technical description.^[17] Since the LRA issued a Report that is highly favorable to respondent, and considering further the presumption that official duty has been regularly performed,^[18] the only conclusion would be that respondent has fully complied with the requirements of LRC Circular No. 35.

It also appears that the Affidavit of Loss dated July 9, 2001 executed by respondent has indeed been submitted to the Register of Deeds as the photocopy of TCT No. 335986 bears an inscription at the back regarding the submission of such document to the Register of Deeds.

In fine, petitioner miserably failed to present any matter that would warrant the reversal or modification of the factual findings of the RTC, as affirmed by the CA.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals is AFFIRMED.

No costs.

SO ORDERED.

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

* In lieu of Justice Antonio Eduardo B. Nachura, per Special Order No. 507 dated May 28, 2008.

- [1] Penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Conrado M. Vasquez, Jr., and Arsenio J. Magpale, concurring; rollo, pp. 35-43.
- [2] Rollo, pp. 35-38.
- [3] RTC Decision, records, pp. 48-49.
- [4] *Id.* at 49.
- [5] Records, p. 50.
- [6] *Id.* at 61.
- [7] Rollo, p. 21.
- [8] Rollo, pp. 28-29.
- [9] *Id.* at 29-30.
- [10] G.R. No. 166139, June 20, 2006, 491 SCRA 499.
- [11] *Id.* at 523.
- [12] Records, pp. 13-14
- [13] *Supra* note 10.
- [14] Records, p. 8
- [15] *Id.* at 52.
- [16] *Id.* at 55.
- [17] *Id.* at 54.
- [18] Rules of Court, Rule 131, Sec. 3.

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