REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. PEDRO T. CASIMIRO, RESPONDENT.

G.R. NO. 166139. June 20, 2006

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-166139/

CHICO-NAZARIO, J.:

This is a Petition for Review on Certiorari of the Decision[1] of the Court of Appeals in CA-G.R. CV No. 78436, dated 18 November 2004, which affirmed the Decision,[2] of the Regional Trial Court (RTC), Quezon City, Branch 227, in LRC Case No. Q-11101 (99), dated 22 October 2001, granting the Petition for Reconstitution of the original copy of Transfer Certificate of Title (TCT) No. 305917.

Culled from the records are the following facts:

A Petition for the Reconstitution of the original copy of TCT No. 305917 of the Quezon City Registry of Deeds was filed by herein respondent Pedro T. Casimiro on 4 January 1999, which was docketed as LRC Case No. Q-11101 (99) before the RTC, Quezon City. According to the Petition, respondent is the registered owner and lawful possessor of Lots No. 2 and 3 of subdivision plan Psd-57312, situated in Barrio Payatas, Municipality of Montalban, now part of Quezon City, containing the areas of 31,537 and 13,078 square meters, respectively, more or less. Respondent allegedly purchased the subject lots from his father, Jose M. Casimiro, as evidenced by a Deed of Absolute Sale, dated 24 March 1979. By virtue of the said sale, TCT No. 35359, in the name of the seller, Jose M. Casimiro, was cancelled, and TCT No. 305917, in the name of the buyer and herein respondent, Pedro T. Casimiro, was issued. TCT No. 305917 was among the certificates of title lost and destroyed during the fire that razed the Quezon City Hall Building on 11 June 1988. The Petition in LRC Case No. Q-11101 (99) was subsequently amended on 20 November 2000 to include the Quezon City Register of Deeds as respondent. During the hearing for the purpose of establishing the jurisdictional requirements of the Petition, Solicitor Brigido Luna, from the Office of the Solicitor General (OSG) and on behalf of herein petitioner, Republic of the Philippines, appeared before the RTC, Quezon City, interposing his objection to the Petition.

After hearing, the RTC on 24 May 2001, rendered its Decision[3] denying the Petition for failure to comply with Section 3 of Republic Act (Rep. Act) No. 26,[4] the dispositive portion of which reads:

> WHEREFORE, premises considered, the instant petition for reconstitution of TCT No. 305917 is DENIED for failure to comply with Section 3 of Republic Act No.26. This dismissal, however, shall not preclude the right of the petitioner to file an application for confirmation of his or their title under the provisions of Land Registration Act if he is entitled thereto. As provided by RA No. 26; "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 provision of the Land Registration Act."

Respondent filed a Motion for Reconsideration of the aforequoted Decision of the RTC, and after hearing, the same court rendered a Decision,[5] dated 22 October 2001, granting the motion, and ruling thus:

> WHEREFORE, premises considered, petition is hereby GRANTED. The Register of Deeds of Quezon City is

> hereby DIRECTED TO ACKNOWLEDGE RECEIPT AND THEN VERIFY the authenticity of the attached "Owner's Duplicate Certificate" - which is the duplicate original - and if found authentic and issued regularly in due course, to RECONSTITUTE and issue a corresponding new "owner's duplicate copy" of the reconstituted title of TCT No. 305917 - provided however that there exists no other title or any "Owner's Duplicate Certificate" of the title in the Register of Deeds, encompassing the area covered by the above TCT No.305917, otherwise this decision shall ipso facto be without force and effect.

Subsequently, an Entry of Judgment was issued on 12 November 2001 in LRC Case No. Q-11101 (99).[6] However, on 20 November 2001, a Notice of Nullity of Entry of Judgment[7] was issued by the Clerk of Court of the RTC, considering that the herein petitioner, Republic of the Philippines, through the OSG, filed a Notice of Appeal via registered mail on 9 November 2001, which was received by the said court on 20 November 2001. During the hearing on the Notice of Appeal, Solicitor Brigido Luna manifested that instead of the Notice of Appeal, the same should be considered as an "Ad-Cautelum Notice of Appeal converted into a Motion for Reconsideration." The RTC, issued an Order,[8] dated 10 December 2001, granting the said "Ad-Cautelum Notice of Appeal converted into a Motion for Reconsideration" and ordered a re-hearing of the case for the purpose of verifying the authenticity of the Owner's Duplicate of TCT No. 305917.

In a Manifestation,[9] dated 19 December 2001, petitioner asserted, among other things, that it had received only on 11 December 2001 a copy of the Entry of Judgment declaring the Decision of the RTC, dated 22 October 2001, final and executory, and that said Entry of Judgment was premature given that it intended to appeal the assailed Decision. Petitioner further explained that it was the suggestion of the RTC to treat its Notice of Appeal as a Motion for Reconsideration; that in deference to such suggestion, it agreed to a re-hearing only for the purpose of verifying the owner's duplicate of TCT No. 305917 with the Quezon City Register of Deeds; and that it had not abandoned its Notice of Appeal by merely acquiescing that said Notice be treated as a Motion for Reconsideration, upon the suggestion of the RTC. In another Manifestation,[10] dated 7 January 2002, petitioner reiterated that with the perfection of its appeal upon the filing in due time of its Notice of Appeal, and with the expiration of respondent's time to appeal, RTC had already lost its jurisdiction over the case.

In the meantime, on 8 January 2002, the Quezon City Register of Deeds manifested[11] before the RTC that based on its Decision, dated 22 October 2001, the Quezon City Register of Deeds was directed to (a) verify the authenticity of the owner's duplicate of TCT No. 305917, and (b) ascertain whether or not there was another title covering the same parcel of land as that of the title sought to be reconstituted. In compliance with the said Decision, the Quezon City Register of Deeds indorsed the matter to the Land Registration Authority (LRA), which issued a report/findings,[12] dated 10 December 2001. The Quezon City Register of Deeds essentially adopted the findings of the LRA. The LRA declared the authenticity of the owner's duplicate of TCT No. 305917 as highly questionable, finding thus:

> Anent to Question No. 1, a verification of the records of the Property Section, this Authority, reveals that Judicial Form with Serial No. 3842367 was issued to the Registry of Deeds of Quezon City on September 21, 1982 while TCT No. 305917 under Judicial Form No. 3842367 shows that it was issued/entered by the Register of Deeds of Quezon City on November 20, 1979, hence, there exists a discrepancy on the dates of issuance of the Judicial Form and the issuance of TCT No. 305917.[13]

The LRA likewise pronounced that the lots covered by TCT No. 305917 overlapped another title duly issued to the National Government, categorically stating that:

> With respect to Question No. 2, Lots 2 and 3, both of the subdivision plan PSD-57312 covering TCT No. 305917 when plotted in our Municipal Index Sheet, it appears that the technical descriptions of both lots are open polygon, inside Government Center and Natl. Govt. Center.[14]

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Despite the fact that the Manifestation, dated 8 January 2002, of the Quezon City Register of Deeds, with the attached LRA report/findings, dated 10 December 2001, were actually favorable to its cause, petitioner still filed another Manifestation, dated 14 January 2002, insisting that the RTC had already lost jurisdiction over the present case due to the perfection of its appeal and the expiration of respondentï¿½s time to appeal, and that it would no longer participate in any proceeding before the said court.

On the other hand, in an attempt to address the adverse findings of the Quezon City Register of Deeds and the LRA, particularly on the discrepancy in the dates of issuance of Judicial Form No. 3842367 and of TCT No. 305917, respondent presented a Certification[15] issued by Edelmira N. Salazar, LRA Administrative Officer IV, OIC-Judicial Forms, on 20 December 2001, which reads:

> This is to certify that after due verification of the records on file in the Property Section, Land Registration Authority, it appears that Judicial Form No. 109-D (Revised 1977) with Serial No. 3842367 was issued to Registry of Deeds of Quezon City on November 17, 1979.

Over the objection of the petitioner, RTC rendered an Amended Decision,[16] dated 17 January 2002, the decretal portion of which states that:

> WHEREFORE, premises considered:
>
> (1) the "Motion for Reconsideration" of the October 22, 2001 Decision of the Solicitor General is hereby GRANTED;
>
> (2) and therefore, the October 22, 2001 Decision is hereby RECALLED, CANCELLED AND DECLARED NULL AND VOID AB INITIO AND WITHOUT EFFECT;
>
> (3) the instant petition for reconstitution of the original of TCT No. 305917 is hereby DENIED for failure to comply with Republic Act No. 26's jurisdictional requirements;
>
> (4) the Register of Deeds of Quezon City which found the "Owner's Duplicate Original" of TCT No. 305917 as irregularly issued is hereby DIRECTED to turn over its findings to the National Bureau of Investigation (NBI);
>
> (5) the National Bureau of Investigation (NBI) is hereby DIRECTED to investigate the alleged fraudulent issuance of TCT No. 305917 - and if warranted, to file the necessary civil and criminal charges relative to the fraudulent document involving TCT No. 305917.
>
> (6) the NBI is DIRECTED to render a report to this Court of its findings within six (6) months from receipt of this Amended Decision.

Once again, despite the fact that the aforequoted Amended Decision of the RTC, dated 17 January 2002, was apparently in its favor, the petitioner filed another Manifestation, dated 29 January 2002, asserting that, by virtue of its perfected appeal, the said court already lost its jurisdiction to render the Amended Decision, dated 17 January 2002, and that the same could not have any legal effect. Petitioner insisted that its Notice of Appeal must be given due course and the records of the case be elevated to the Court of Appeals.

Unyielding, the RTC issued a Resolution,[17] dated 6 February 2002, denying petitioner's Notice of Appeal. In the said Resolution, the RTC maintained that the said Notice of Appeal of its Decision, dated 22 October 2001, was premature since such Decision was not yet final and executory. The Decision of 22 October 2001 was conditional, and would become effective only if the conditions stated in its dispositive portion had been met, to wit:

> (1) that the "owner's duplicate original" must be verified by the Register of Deeds to be authentic and duly issued; thus the October 22, 2001 Amended Decision stated: "The Register of Deeds of Quezon City is hereby

> DIRECTED TO ACKNOWLEDGE RECEIPT AND THEN VERIFY the authenticity of the attached "Owner's Duplicate Certificate" - which is the duplicate original - and if found authentic and issued regularly in due course, to RECONSTITUTE and issue a corresponding new "owner's duplicate copy" of reconstituted title of TCT No. 305917.
>
> (2) that the Register of Deeds must verify that there is no other property with the same technical description as TCT No. 305917 or that any portion of the property is encompassed in another TCT technical description; thus the October 22, 2001 Amended Decision stated: "-provided however that there exists no other title or any "Owner's Duplicate Certificate" of the title in the Register of Deeds, encompassing the area covered by the above TCT No. 305917, otherwise this decision shall ipso facto be without force and effect."

The same Resolution provided that without compliance with the foregoing conditions, the Decision, dated 22 October 2001, shall ipso facto be without force and effect. Furthermore, the Quezon City Register of Deeds actually found that the given conditions were not met, and so reported to the court, thus, the Decision of 22 October 2001 never went into effect and TCT No. 305917 cannot be reconstituted by the Quezon City Register of Deeds pursuant thereto. Finally, the RTC barred petitioner from appealing the Resolution, dated 6 February 2002, invoking Section 1(d), Rule 41 of the Rules of Court which states that no appeal may be taken from "an order disallowing or dismissing an appeal."

In its Petition for Certiorari and Mandamus[18] filed before the Court of Appeals, docketed as CA-G.R. SP No. 70723, petitioner prayed for the following:

> WHEREFORE, it is respectfully prayed that:
>
> (1) A writ of preliminary mandatory injunction be issued directing the trial court to give due course to the appeal in LRC Case No. Q-11109-99 and to elevate the records of the case to this Honorable Court;
>
> (2) After due proceedings, the writ of preliminary mandatory injunction be made permanent; and
>
> (3) The entry of judgment dated November 12, 2001 and Resolution dated February 6, 2002 be nullified and set aside.
>
> Further just and equitable reliefs are also prayed for:

The Court of Appeals eventually rendered its Decision[19] in CA-G.R. SP No. 70723, on 17 March 2003, the salient portions of which read:

> Jurisdiction is vested by law and cannot be conferred or waived by the parties (Pangilinan vs. Court of Appeals, 321 SCRA 51). Thus, when the respondent court rendered the said original decision despite the presence of two (2) conditions, to be satisfied, the timely appeal thereof by the petitioner and the lapse of private respondent's period to appear, divested the respondent court the jurisdiction to continue hearing the case. Suffice it to state, petitioner loses the right to invoke the intervention of the trial court and so he cannot anymore file a motion for reconsideration or new trial in said court. Nonetheless, despite the loss of its jurisdiction as a result of the appeal, the court before the transmission of the original record may issue orders: a) the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal; b) approve compromises; c) permit of appeal of indigent litigants, and d) order execution pending appeal (Section 9, Rule 41, Rules of Court).
>
> Evidently, the assailed Amended Decision and Resolution which denied due course to petitioner's appeal and barring it from further taking an appeal, were not included in the exceptions and therefore, considered as null and void. Although, the respondent court had reversed and set aside the original decision dated 22 October 2001, by issuing an Amended Decision dated 17 January 2002, which in effect was favorable to the petitioner, the latter's fear that it cannot rest on its laurel, was more real than imaginary. Because the said Amended

> Decision may always be assailed on the ground of lack of jurisdiction.
>
> In the same breath, the issuance of the Entry of Judgment despite the non-finality of the decision dated 22 October 2001, was issued by the respondent court with grave abuse of discretion.
>
> The undisputed fact remains that when the respondent court issued the said Entry of Judgment on 12 November 2001, the petitioner has timely filed its notice of appeal on 09 November 2001. x x x
>
> x x x x
>
> Considering the timely notice of appeal interposed by the petition, the respondent court's Decision dated 22 October 2001 has not become final and executory. Hence, the Entry of Judgment dated 12 November 2001 was prematurely issued and perforce [is] considered null and void.
>
> x x x x
>
> WHEREFORE, in consideration of the foregoing disquisitions, the petition is perforce Granted. Accordingly, the Entry of Judgment dated 12 November 2001 and Resolution dated 02 February 2002 are hereby nullified and set aside. The respondent court is directed to give due course to the appeal in LRC Case No. Q-11109-99 and to elevate the records of the case to this Honorable Court.

In obedience to the Decision of the Court of Appeals in CA-G.R. SP No. 70723, dated 17 March 2003, the RTC issued an Order,[20] on 26 March 2003, approving the petitioner's appeal of the Decision, dated 22 October 2001, rendered by the same court, and directing that the records of LRC Case No. Q-11101 (99) be forwarded to the Court of Appeals.

Petitioner's appeal before the Court of Appeals of the Decision of the RTC in LRC Case No. Q-11101 (99), dated 22 October 2001, was docketed as CA-G.R. CV No. 78436. In its Brief for the Appellant,[21] petitioner made a lone assignment of error, that "THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR RECONSTITUTION OF TCT NO. 305917 DESPITE THE INSUFFICIENCY OF THE DOCUMENTS PRESENTED AS BASES THEREFOR." After considering the pleadings filed and arguments raised by both parties, the Court of Appeals promulgated its Decision[22] in CA-G.R. CV No. 78436, on 18 November 2004, ruling in favor of the respondent and affirming with modification the Decision, dated 22 October 2001, of the RTC ordering the reconstitution of TCT No. 305917. In the said Decision, the Court of Appeals found that respondent's exhibits substantially complied with the documentary requirements under Section 3(f) of Rep. Act No. 26 for the reconstitution of burnt or destroyed TCTs, and ruled thus:

> This Court believes that the above-described documents, taken together, readily fall under Section 3(f) of Republic Act No. 26. They are sufficient and proper bases for reconstituting the burned or destroyed original certificate of title, and the lower court correctly ordered the reconstitution. The duty is mandatory. The law does not give the court discretion to deny the reconstitution if all the basic requirements have been complied with. The tendency of the rules on evidence is towards substantial justice rather than strict adherence to technicalities.
>
> Anent appellant's objection on the copy of the owner's duplicate, i.e., that said document (TCT No. 305917 with Serial No. 3842367) appears to have been issued allegedly by the Register of Deeds of Quezon City at the time when no such form was yet issued by the LRC.
>
> Assuming the allegation to be true, appellee could not be faulted thereto. Appellee did not have a hand in the preparation of the certificate of title in question. All judicial forms are accountable forms and only authorized officials and personnel of the offices concerned (LRA and Register of Deeds) have access to them. Any infirmity in the judicial forms and serial numbers appearing therein, if any there be, is not known to the public because this knowledge is confined only to the authorized officials and personnel of both the LRA and

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Registers of Deeds.
>
> WHEREFORE, the petition for reconstitution is GRANTED and the Register of Deeds of Quezon City is ORDERED to reconstitute TCT No. 305917, and issue new owner's copy thereof. The Decision appealed from is MODIFIED, by deleting that portion which directed the Register of Deeds to verify the authenticity of the Ownerï¿½s Duplicate Certificate.

Aggrieved by the Decision of the Court of Appeals in CA-G.R. CV No. 78436, dated 18 November 2004, petitioner filed the instant Petition, arguing that the Court of Appeals erred in affirming the Decision of the RTC in LRC Case No. Q-11101 (99), dated 22 October 2001, which granted the Petition for Reconstitution of TCT No. 305917, despite the insufficiency of documents presented as bases therefor.

Section 110 of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, as amended by Rep. Act No. 6732 allows the reconstitution of lost or destroyed original Torrens title, by providing that:

> SEC. 110. Reconstitution of lost or destroyed original of Torrens title. - Original copies of certificates of title lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. The procedure relative to administrative reconstitution of lost or destroyed certificate prescribed in said Act may be availed of only in case of substantial loss or destruction of land titles due to fire, flood or other force majeure as determined by the Administrator of the Land Registration Authority: Provided, That the number of certificates of titles lost or damaged should be at least ten percent (10%) of the total number in the possession of the Office of the Register of Deeds: Provided, further, That in no case shall the number of certificates of titles lost or damaged be less than five hundred (500).

Depending on the attendant circumstances, reconstitution of a lost or destroyed certificate of title may be done judicially, in accordance with the special procedure laid down in Rep. Act No. 26, or administratively, in accordance with the provisions of Rep. Act No. 6732.

By filing his Petition for Reconstitution with the RTC, docketed as LRC Case No. Q-11101 (99), respondent sought a judicial reconstitution of TCT No. 305917 as governed by Rep. Act No. 26.

According to Section 3 of Rep. Act No. 26, TCTs may be reconstituted from the following sources, as may be available, and 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.

In support of his Petition for Reconstitution of TCT No. 305917, respondent presented the following documentary evidence before the RTC:

- Owner's duplicate of TCT No. 305917, issued in the name of respondent;[23]

- Letter issued by the Q.C. Register of Deeds Samuel C. Cleofe stating that the original of TCT No. 305917 was either lost or burned during the fire that gutted the Q.C. City Hall building on 11 June 1988;[24]

- Photocopy of TCT No. 35359, the precursor or origin of TCT No. 305917, in the name of the former owner and father of respondent, Jose M. Casimiro;[25]

- Deed of Absolute Sale, dated 24 March 1979, whereby Jose M. Casimiro sold the property to the respondent;[26]

- Certification by Jennifer H. dela Cruz-Buendia, Assistant Clerk of Court of the Manila RTC, Notarial Section, that the Deed of Absolute Sale was notarized by duly commissioned Notary Public Catalino C. Manalaysay on 24 March 1979;[27]

- Photocopy of the approved Survey Plan of Lots 2 and 3 of Psd-57312 (the property covered by TCT No. 305917), prepared for the respondent;[28]

- Photocopy of the Technical Description of Lots 2 and 3 of Psd-57312, per records of the Lands Management Bureau, and duly verified and found correct by the Chief of the Geodetic Surveys Division, Department of Environment and Natural Resources;[29]

- Certification issued by the Q.C. Assessor that the respondent is the owner of Lots 2 and 3 of Psd-57312, and that the said property was plotted exactly, and the technical description thereof duly prepared and recorded by the Q.C. Geodetic Engineer and Tax Mapper;[30]

- Certification issued by the Q.C. Assessor that the respondent is the registered owner of Lots 2 and 3 of Psd-57312 and identifying the boundaries of said property;[31]

- Certification issued by the Q.C. Assessor naming the adjoining lot owners of Lots 2 and 3 of Psd-57312;[32]

- Photocopy of Tax Declaration No. B-008-02423, of Lots 2 and 3 of Psd-57312, covered by TCT No. 305917, in the name of respondent;[33]

- Letter addressed to the Q.C. Treasurer requesting certification on the existence of Real Property Tax Bill Receipt G-No. 844207-A;[34] and

- Certified photocopy of Real Property Tax Bill Receipt G-No. 844207-A, issued on 30 June 2000, in the name of respondent;[35]

It should be noted that each TCT would have several copies: (1) an original copy, which remains with the Register of Deeds; (2) the owner's duplicate certificate, to be delivered only to the registered owner of the property as named in the TCT or his duly authorized representative; and (3) separate owner's duplicate certificates in cases where there are two or more registered owners and each co-owner desires his own duplicate certificate.[36] In resolving petitions for judicial reconstitution of the original copy of a TCT, great evidentiary weight is rightfully accorded to the owner's duplicate of the TCT, since a duly-issued owner's duplicate certificate is, by all accounts, an exact reproduction of the original copy of the TCT. Thus, among the sources enumerated in Section 3 of Rep. Act No. 26 from which TCTs may be reconstituted, the owner's duplicate of the TCT is primary.

However, if the reconstitution of the original copy of the TCT shall be based on the owner's duplicate of the said TCT, the owner's duplicate certificate itself must have been presented before the court, and not a mere photocopy thereof. Such a requirement is only reasonable so as to preclude any questions as to the genuineness and

authenticity of the owner's duplicate certificate, and bar the possibility of reconstitution based on a fraudulent or forged owner's duplicate certificate.

In the course of the hearings held by the RTC of LRC Case No. Q-11101 (99), respondent presented his owner's duplicate of TCT No. 305917 as evidence for the inspection by the court and the petitioner. Such a fact was acknowledged in an Order,[37] issued by the RTC on 16 February 1999, to wit:

> The Court notes the existence of the owner's duplicate copy of TCT No. 305917 as shown by the petitioner who is hereby directed to surrender the same when he files his formal offer of evidence.

Despite the aforequoted directive of the RTC, respondent merely submitted a photocopy of his owner's duplicate certificate when he made his formal offer of evidence. As a consequence, the RTC initially denied the respondent's Petition for Reconstitution and archived LRC Case No. Q-11101 (99) through a Resolution,[38] dated 3 March 1999. However, when the respondent, in his second Motion for Reconsideration of the Resolution, dated 3 March 1999, finally surrendered to the RTC his owner's duplicate of TCT No. 305917, the said court, in its Decision, dated 22 October 2001, granted the petition for reconstitution of the original copy of TCT No. 305917.

Notwithstanding the surrender by the respondent of his owner's duplicate of TCT No. 305917 to the RTC, petitioner maintains that the said document cannot be the basis for reconstitution of the original copy of TCT No. 305917 since it is of dubious origin, basically relying on the LRA report/findings, dated 10 December 2001.

It should be recalled that in the said report/findings, the LRA declared respondent's owner's duplicate of TCT No. 305917 as highly questionable since it shows that TCT No. 305917 was issued and recorded by the Quezon City Register of Deeds on 20 November 1979, ahead of Judicial Form No. 3842367, which was issued only on 21 September 1982. Judicial Form No. 3842367 is supposed to be the administrative form issued by the LRA to the Quezon City Register of Deeds directing the latter to issue TCT No. 305917; thus, TCT No. 305917 could not have been issued before Judicial Form No. 3842367. Although the LRA report/findings refer only to the owner's duplicate of TCT No. 305917, it actually raises doubt even as to the authenticity of the original copy of TCT No. 305917, because the owner's duplicate certificate merely reflects the date when the original copy of TCT No. 305917 was issued and recorded by the Quezon City Register of Deeds, which was on 20 November 1979. Delving into such an issue may constitute a violation of the rule that a Torrens title cannot be collaterally attacked.[39]

Moreover, there appears to be a mix-up within the LRA itself as to the dates of issuance of TCT No. 305917 and Judicial Form No. 3842367. On 7 December 2001, Atty. Rodolfo F. Reynoso, counsel for the respondent, drafted a request for certification addressed to the LRA Administrator as regards the date of issuance of the judicial form covering TCT No. 305917. This request was hand-carried by respondent himself to the LRA office and was received by a certain Mr. Jose Manabat of the said office on 18 December 2001. In response to the foregoing request, two (2) Certifications were actually issued by Edelmira N. Salazar, LRA Administrative Officer IV, OIC-Judicial Forms, both bearing the same date, 20 December 2001, and covered by the same receipt, Official Receipt No. 1042439-6, to wit: (1) Certification that Judicial Form No. 3842376 was issued to the Q.C. Register of Deeds on 21 September 1982; and (2) Certification that Judicial Form No. 3842367 was issued to the Quezon City Register of Deeds on 17 November 1979. Respondent first received the Certification on Judicial Form No. 3842376, but when respondent noticed that the date of issuance of the said judicial form was 21 September 1982, he complained to Mr. Manabat that he had no property registered with the Quezon City Registry of Deeds on the said date and requested that the necessary correction be made on the Certification to reflect the accurate information. After about a week, respondent returned to the LRA Office and Mr. Manabat handed to him the Certification on Judicial Form No. 3842367 which stated that such judicial form was issued on 17 November

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

1979.[40] The latter Certification is consistent with the fact that TCT No. 305917 was issued on 20 November 1979, three days after Judicial Form No. 3842367.

According to the LRA report/findings being invoked by the petitioner, it is Judicial Form No. 3842367 which pertains to TCT No. 305917, ruling out Judicial Form No. 3842376. While the LRA report/findings, dated 10 December 2001, states that Judicial Form No. 3842367 was issued on 21 September 1982, the LRA Certification issued by the LRA Officer-in-Charge of Judicial Forms, dated 20 December 2001, just 10 days after the LRA report/findings, avers that the same judicial form was issued on 17 November 1979. Therefore, the report/findings of the LRA relied upon by petitioner as to the date of issuance of Judicial Form No. 3842367, was rebutted by the second Certification from the same agency acquired by the respondent. The existence of the first Certification only makes it more probable that the LRA confused Judicial Form No. 3842367, issued on 17 November 1979, with Judicial Form No. 3842376, issued on 21 September 1982.

Aside from the LRA report/findings, petitioner did not present any other evidence to further establish the highly-questionable character of the owner's duplicate certificate presented by the respondent. The second LRA Certification on the date of issuance of Judicial Form No. 3842367 effectively raises doubts as to the accuracy of the LRA report/findings.

Another problematic aspect of the same LRA report/findings is its statement "that the title sought to be reconstituted [by the respondent] overlaps another title duly issued to the National Government."[41] Surprisingly, while the LRA made such a vital declaration, it failed to mention specific details in support thereof. The LRA report/findings does not even identify the particular certificate title number in the name of the National Government with which TCT No. 305917 of the respondent supposedly overlaps. Records also show that pursuant to a request by the LRA itself, DENR issued a certified copy of the technical descriptions of Lots 2 and 3 of Psd-57312, consistent with the plottings in TCT No. 305917, supporting even further the validity and authenticity of respondent's owner's duplicate of TCT No. 305917 and raising even more doubts as the actual existence of another title covering the same lots in the name of the National Government. Such doubts could have been easily dispelled by petitioner's presentation of the alleged title of the National Government so that the technical descriptions of the property covered therein could be compared to those in TCT No. 305917. Again, however, other than relying on the LRA report/findings, petitioner made no further attempts to prove that Lots 2 and 3 of Psd-57312 was covered by another title aside from TCT No. 305917.

The existence of respondent's owner's duplicate of TCT No. 305917 having been satisfactorily established, then the other documents he presented in support of his Petition for Reconstitution before the RTC are merely corroborating or parol evidence. It bears to emphasize that the basis for the reconstitution of TCT No. 305917 is Section 3(a) of Rep. Act No. 26,[42] thus, its jurisdictional requirements are governed by Section 10 of the same statute.[43]

Section 10 of Rep. Act No. 26 provides that -

> SEC. 10. Nothing hereinbefore 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.

Section 9 of the same statute on the notice requirements reads as follows -

> SEC. 9. A registered owner desiring to have his reconstituted certificate of title freed from the encumbrance

> mentioned in Section seven of this Act, may file a petition to that end with the proper Court of First Instance giving his reason or reasons therefore. A similar petition may, likewise, be filed by a mortgagee, lessee or other lien holder whose interest is annotated in the reconstituted certificate of title. 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. The petitioner shall, at the hearing, submit proof of the publication and posting of the notice: x x x.

As declared by the RTC, respondent has satisfactorily complied with the jurisdictional requirements for the reconstitution of TCT No. 305917 based on Section 3(a) of Rep. Act No. 26, to wit -

> Thus, the following jurisdictional requirements were complied with:
>
> - a petition filed with the [sic] by the registered owner, a mortgagee, a lessee, or other lien holder whose interest in [sic] annotated in the reconstituted certificate of title;
>
> - the publication of a notice of the petition, at the expense of the petitioner, twice in successive issues of the Official Gazette, at least 30 days prior to the date of hearing;
>
> - the posting of a notice of the petition at the main entrance of the provincial building and of the municipal building of the municipality or city in which the land lies, at least 30 days prior to the date of hearing; [and]
>
> - PRESENTATION OF THE "OWNER'S DUPLICATE CERTIFICATE" which is the duplicate original - carbon copy of the original, but with original signatures.[44]

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.[45]

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.

When a court, after hearing of a petition for reconstitution, finds that the evidence presented is sufficient and proper to grant the same, that the petitioner therein is the registered owner of the property, and that the certificate sought to be reconstituted was in force at the time it was lost, it becomes the duty of the court to issue the order of reconstitution. This duty is mandatory. The law does not give the court discretion to deny the reconstitution if all the basic requirements have been complied with.[46] The RTC, therefore, acted accordingly, when after finding that the respondent in the Petition at bar [the petitioner in LRC Case No. Q-11101 (99) before the RTC] complied with the jurisdictional requirements under the law, authorized reconstitution of TCT No. 305917, albeit with conditions. Such conditions were subsequently deleted by the Court of Appeals.

WHEREFORE, premises considered, the instant Petition is hereby DENIED. The Decision, dated 18 November 2004, of the Court of Appeals, in CA-G.R. CV No. 78436, ordering the reconstitution of the original copy of TCT

No. 305917 and the issuance of a new owner's duplicate thereof, is hereby AFFIRMED. No costs.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.

---

[1] Penned by Associate Justice Eugenio S. Labitoria with Associate Justices Bienvenido L. Reyes and Rosalinda Asuncion-Vicente, concurring, Rollo, pp. 131-148.

[2] Penned by Presiding Judge Vicente Q. Roxas, Records, pp. 122-128.

[3] Id. at 99-106.

[4] 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 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.

[5] Records, p. 128.

[6] Id. at 138.

[7] Id. at 139.

[8] Id. at 147.

[9] Id. at 152-154.

[10] Id. at 161-165.

[11] Id. at 166-168.

[12] Id. at 170-171.

[13] Id. at 170.

[14] Id.

[15] Id. at 182.

[16] Id. at 183-191.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[17] Id. at 197-199.

[18] Id. at 203-239, 234-235.

[19] Penned by Associate Justice Bienvenido L. Reyes with Associate Justices Romeo A. Brawner and Danilo B. Pine, concurring; Id. at 326-338.

[20] Records, p. 339.

[21] CA rollo, pp. 20-46.

[22] Rollo, pp. 10-27.

[23] Records, p. 73.

[24] Id. at 74.

[25] Id. at 113.

[26] Id. at 114-115.

[27] Id. at 49.

[28] Id. at 53.

[29] Id. at 108-109.

[30] Id. at 78.

[31] Id. at 56.

[32] Id. at 77.

[33] Id. at 50.

[34] Id. at 76.

[35] Id. at 75.

[36] The following provisions of Presidential Decree No. 1529 (1978), otherwise known as the Property Registration Decree, refer to an Original Certificate of Title (OCT), but the same also applies to a Transfer Certificate of Title (TCT):

> SEC. 40. Entry of original certificate of title. - Upon receipt by the Register of Deeds of the original and duplicate copies of the original certificate of title, the same shall be entered in his record book and shall be numbered, dated, signed and sealed by the Register of Deeds with the seal of his office. Said certificate of title shall take effect upon the date of entry thereof. The Register of Deeds shall forthwith send notice by mail to the registered owner that his owner's duplicate is ready for delivery to him upon payment of legal fees.
>
> SEC. 41. Owner's duplicate certificate of title. - The owner's duplicate certificate of title shall be delivered to the registered owner or to his duly authorized representative. If two or more persons are registered owners, one owner's duplicate certificate may be issued for the whole land, or, if the co-owners so desire, a separate duplicate may be issued to each of them in like form, but all outstanding certificate of title so issued shall be surrendered whenever the Register of Deeds shall register any subsequent voluntary transaction affecting the whole land or part thereof or any interest therein. The Register of Deeds shall note on each certificate of title a statement as to whom a copy thereof was issued.

[37] Records, p. 18.

[38] Id. at 19.

[39] Director of Lands v. Gan Tan, 89 Phil. 184, 186-187 (1951).

[40] CA rollo, pp. 149-150.

[41] Records, p. 167.

[42] Said provision reads -

> 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 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. (Emphasis supplied.)

[43] Puzon v. Sta. Lucia Realty and Development, Inc., G.R. No. 139518, 6 March 2001, 353 SCRA 699, 707.

[44] Records, p. 128.

[45] Sps. Francisco v. Court of Appeals, 449 Phil 632, 647 (2003).

[46] Supra note 39, p. 186.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.