

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CANDIDO, DEMETILA, JESUS, ANGELITO, AND TERESITA, ALL SURNAMED VERGEL DE DIOS, RESPONDENTS.**

*G.R. No. 170459. February 09, 2011*

Ponente: NACHURA, J.

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**NACHURA, J.:**

This is a petition for review on certiorari of the Court of Appeals (CA) Decision[1] dated August 17, 2005 and Resolution[2] dated November 16, 2005. The assailed Decision deleted the trial court's order to reconstitute a certificate of title, but maintained the order directing the Register of Deeds to issue a second owner's copy of the said title.

Danilo, Candido, Marciana, Francisco, Leonardo, Milagros, Petra, Demetila, and Clarita, all surnamed Vergel De Dios, are the registered owners of three parcels of land (Lots 1, 2 and 3) located in Angat, Bulacan. The entire land is covered by Transfer Certificate of Title (TCT) No. T-141671. The owners sold Lot 1, with an area of 246,377 square meters (sq m), in 1989; and Lot 3, with an area of 135 sq m, became part of the provincial road. Thus, only Lot 2, with an area of 1,839 sq m, remained with the registered owners. Out of the total area of Lot 2, a 50.01 sq m-portion was used for road widening, leaving only an area of 1,788.99 sq m, owned by the above-named individuals. This remaining portion was allotted to herein respondents, Candido, Demetila, and the heirs of Danilo, namely: Jesus, Angelito, and Teresita, all surnamed Vergel De Dios, by virtue of a Kasulatan ng Partihan sa Lupa na may Kalakip na Pagmamana at Pagtalikod sa Karapatan (Kasulatan) signed by all co-owners.[3]

The owner's duplicate of TCT No. T-141671, which was allegedly in the custody of a certain Elmer Gonzales, was destroyed on October 17, 1978 when the Angat River overflowed and caused a big flood which inundated their houses. On March 7, 1987, the original copy of TCT No. T-141671 was among the documents destroyed by the fire that razed the office of the Register of Deeds of Bulacan.[4]

In view of all these circumstances, respondent Candido, for himself and as attorney-in-fact of the other respondents, Demetila, Jesus, Angelito, and Teresita, filed with the Regional Trial Court (RTC) of Malolos, Bulacan, a Petition for Reconstitution of the Burned Original of TCT No. T-141671 and Issuance of a New Owner's Duplicate Copy in Lieu of the Destroyed One.[5] The petition alleged that the owner's duplicate was not pledged to any person or entity to answer for any obligation; that no co-owner's copy, no mortgagee's copy or any lessee's copy of the said title had been issued by the Register of Deeds; that the parcel of land is in the possession of respondents; and that no other document is pending registration in favor of third persons, except the Kasulatan. Attached to the petition were the following documents:

- Special Power of Attorney
- Photocopy of the owner's duplicate certificate of TCT No. 141671

- Kasulatan ng Partihan sa Lupa na may Kalakip na Pagmamana at Pagtalikod sa Karapatan
- Technical description of Lot 2
- Print copy of plan
- Tax declaration
- Official receipt
- Certification by the Register of Deeds that TCT No. 141671 was among the titles burned during the fire
- Affidavit of Loss

On January 21, 2003, the RTC of Malolos, Bulacan, granted the petition for reconstitution, thus:

WHEREFORE, finding the instant petition to be meritorious, the same is GRANTED. The Register of Deed[s] of Bulacan is directed, upon payment of all legal fees, to reconstitute Transfer Certificate of Title No. [T-]141671 on the basis of the Plan, Technical Description and Tax Declaration and thereafter to issue a second owner's copy thereof in lieu of the lost one which is declared of no force and effect and ordered cancelled.

SO ORDERED.[6]

Petitioner appealed the case to the CA. Applying the Court's ruling in *Heirs of Ragua v. Court of Appeals*,<sup>[7]</sup> the CA ruled that the photocopies of the subject TCT, survey plan, technical description, tax declaration, and certification of the Register of Deeds were not sufficient to order a reconstitution of the lost title. It noted in particular that, in *Heirs of Ragua*, a photocopy of the TCT which was not certified by the Register of Deeds was held as not sufficient basis for reconstitution of title. The CA also held as insufficient evidence the Kasulatan which was executed only in 1996, long after the original TCT was burned and the owner's duplicate title was lost.

The CA, however, noted that the appeal merely questioned the order granting reconstitution; it did not question the order for the issuance of a new owner's duplicate title. Hence, it held as final and executory the portion of the Decision ordering the issuance of a new owner's duplicate title. Thus, the dispositive portion of the CA Decision dated August 17, 2005 reads:

WHEREFORE, premises considered, the Decision dated 21 January 2003 of the Regional Trial Court of Malolos, Branch 15, is hereby MODIFIED in that the Order for reconstitution of TCT No. 141671 is deleted and is affirmed in all other respect.[8]

Petitioner filed a motion for partial reconsideration, averring that the subject of its appeal was the entire decision of the RTC, and that the issuance of a new owner's duplicate title was but a consequence of the grant of the petition for reconstitution. Petitioner prayed that the CA Decision granting the issuance of a new owner's duplicate title of the TCT be reconsidered.

Unconvinced, the CA, in a Resolution<sup>[9]</sup> dated November 16, 2005, denied petitioner's motion for reconsideration.

Petitioner filed this petition for review on certiorari on the ground that the CA erred in maintaining and declaring as final and executory the order for the issuance of a new owner's duplicate title despite its judgment deleting the trial court's order for reconstitution.<sup>[10]</sup>

Petitioner insists that the subject of its appeal before the CA was the entire Decision granting the petition for reconstitution, and ordering the issuance of the owner's duplicate copy of the reconstituted title. It points out that,

in its notice of appeal, it stated that it was filing with the CA an appeal from the RTC decision dated January 21, 2003. Likewise, in its appellant's brief, it prayed for the reversal and setting aside of the January 21, 2003 decision.[11] At any rate, petitioner avers that the CA was imbued with sufficient discretion to review matters not otherwise assigned as errors on appeal, if it finds that their consideration is necessary in arriving at a complete and just resolution of the case.[12]

Petitioner points out that the order for the issuance of a new owner's duplicate title was but a consequence of the order for the reconstitution of the title. Considering that the CA found that there was no basis for the reconstitution, it should have deleted the order for the issuance of the owner's duplicate certificate of title.[13]

Respondents, on the other hand, contend that petitioner's appeal centered only on the trial court's order granting the reconstitution of title. Hence, the trial court decision ordering the issuance of a new owner's duplicate title is already final and executory and can no longer be the subject of an appeal.[14]

The petition is meritorious. The CA erred in not deleting the trial court's order for the issuance of a new owner's duplicate title to respondents after it deleted the order for reconstitution.

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. The purpose of the reconstitution of title is to have, after observing the procedures prescribed by law, the title reproduced in exactly the same way it has been when the loss or destruction occurred.[15]

The lost or destroyed document referred to is the one that is in the custody of the Register of Deeds. When reconstitution is ordered, this document is replaced with a new one--the reconstituted title--that basically reproduces the original. After the reconstitution, the owner is issued a duplicate copy of the reconstituted title. This is specifically provided under Section 16 of Republic Act No. 26, An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed, which states:

Sec. 16. After the reconstitution of a certificate of title under the provisions of this Act, the register of deeds shall issue the corresponding owner's duplicate and the additional copies of said certificates of title, if any had been previously issued, where such owner's duplicate and/or additional copies have been destroyed or lost. This fact shall be noted on the reconstituted certificate of title.

Petitioner went to great lengths to convince the CA that the order for the issuance of a duplicate title to respondents was included in its appeal. We find such exercise unnecessary. The CA should not have been quick in declaring that such order had already become final and executory.

It really does not matter if petitioner did not specifically question the order for the issuance of a new owner's duplicate title. The fact that petitioner prayed for the dismissal of the petition for reconstitution meant that it was questioning the order for reconstitution and all orders corollary thereto. The trial court's order for the Register of Deeds to issue a new duplicate certificate of title was only an offshoot of its having granted the petition for reconstitution of title. Without the order for reconstitution, the order to issue a new owner's duplicate title had no leg to stand on.

More importantly, it would have been impossible for the Register of Deeds to comply with such order. The Register of Deeds cannot issue a duplicate of a document that it does not have. The original copy of the certificate of title was burned, and the Register of Deeds does not have a reconstituted title. Thus, it does not have a certificate of title that it can reproduce as the new owner's duplicate title.

IN LIGHT OF THE FOREGOING, the petition is GRANTED. The Court of Appeals Decision dated August 17, 2005 is AFFIRMED with the MODIFICATION that the entire January 21, 2003 decision of the Regional Trial

Court of Malolos, Bulacan, is REVERSED and SET ASIDE.

**SO ORDERED.**

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

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[1] Penned by Associate Justice Andres B. Reyes, Jr., with Associate Justices Lucas P. Bersamin (now a member of this Court) and Celia C. Librea-Leagogo, concurring; rollo, pp. 11-18.

[2] Id. at 10.

[3] Id. at 57-59.

[4] Id. at 62.

[5] Id. at 48-51.

[6] Id. at 66.

[7] 381 Phil. 7 (2000).

[8] Rollo, p. 18.

[9] Supra note 2.

[10] Rollo, pp. 30-31.

[11] Id. 31-35.

[12] Id. at 38-39.

[13] Id. at 39-41.

[14] Id. at 187.

[15] Republic v. Tuastumban, G.R. No. 173210, April 24, 2009, 586 SCRA 600, 614.

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