

**BAGUIO TRINITY DEVELOPERS, INC., HEREIN REPRESENTED BY
RICARDO JULIAN, PETITIONER, VS. THE HEIRS OF JOSE RAMOS AND
THE HEIRS OF LEOPOLDO AND VICTORINA NEPA; AND THE
HONORABLE CO...**

G.R. No. 188381. December 14, 2011

Ponente: ABAD, J.

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ABAD, J.:

The case is about a) the requirement in a petition for annulment of judgment of the submission of a certified true copy of the assailed judgment or order and b) laches as a bar to a property owner's action to annul a reconstituted version of his title registered in another person's name.

The Facts and the Case

Spouses Meliton Grabiles and Leona Calderon (the Grabiles) were the original registered owners of a 2,933-square-meter lot in Rosario, La Union.[1] After a number of successive transfers the lot was eventually sold to petitioner Baguio Trinity Developers, Inc. on January 3, 1994, resulting in the issuance of Transfer Certificate of Title T-38340 in its name.

It appears, however, that in 1985 Anastacio Laroco and Leona Javier filed a reconstitution proceeding before Branch 31 of the Regional Trial Court (RTC) of Agoo, La Union, covering the Grabiles' original title. But for some reasons, the RTC's order of October 20, 1986 directed the reconstitution of the title in the name of one Maria Bernal. This order was annotated on the Grabiles' Original Certificate of Title (OCT) 1082 issued by the Register of Deeds of La Union.

In 1986, Melicia Silva filed a second petition purportedly on behalf of the Grabiles for the reconstitution of their original title also before Branch 31 of the RTC of Agoo. In its order of October 28, 1986, the RTC ordered the reconstitution of the title in the name of the Grabiles as OCT RO-4717. Entry 89953 of this reconstituted original title stated that the property had been sold in 1939 to a certain Jose Ramos. So, too, in 1944, the southern portion of the lot, covering 1,372 square meters, was sold to Quirini Parrocha who in turn sold it in 1955 to the spouses Leopoldo and Victorina Nepa (the Nepas). Respondents in this case are the heirs of these two buyers, Jose Ramos and the Nepas (the Ramos and Nepa heirs).

On September 14, 1995 petitioner Baguio Trinity filed a complaint for recovery and declaration of nullity of title and damages before the Municipal Trial Court (MTC) of Rosario, La Union, against the Ramos and Nepa heirs who held reconstituted titles over the property. Since Baguio Trinity presented the issue on the validity of the reconstituted titles issued by the RTC, a superior court, the MTC dismissed the complaint for lack of jurisdiction.

On December 3, 1997 petitioner Baguio Trinity filed a second complaint for recovery of property, declaration of nullity of title, and damages before the RTC of Agoo, Branch 32. But, by Order of May 31, 2004, the RTC dismissed the complaint for lack of jurisdiction after finding that the assessed value of the subject property was

below P20,000.00. Moreover, the court said that it could not annul an order issued by a co-equal court. The RTC also denied Baguio Trinity's motion for reconsideration, prompting it to file a petition for certiorari with the Court of Appeals (CA) on October 13, 2004. On September 13, 2007[2] the CA dismissed the petition, stating that Baguio Trinity's remedy should have been a petition to annul judgment under Rule 47 of the Rules of Court.

Three years later from the time the RTC dismissed the complaint or on December 20, 2007 petitioner Baguio Trinity filed with the CA a petition for annulment of the reconstitution orders that the RTC of Agoo, Branch 31, issued on October 20, 1986 and October 28, 1986, impleading the Ramos and Nepa heirs. Baguio Trinity claimed that the RTC had no jurisdiction to order reconstitution for the Grabiles' title since this was not lost. Further, the Grabiles could not have authorized anyone to institute the proceedings on their behalf since they had been long dead. Thus, the orders should be annulled for lack of jurisdiction.

On May 8, 2008 the CA[3] dismissed the petition on the grounds that it failed to attach a) a certified copy of the RTC Order dated October 20, 1986, and b) copies of the affidavits of witnesses and the documents, and the pleadings filed during the reconstitution proceedings, the notices of hearing, and the titles issued to petitioner's predecessors-in-interest in support of petitioner's cause of action. Further, petitioner paid insufficient docket fees.

Petitioner Baguio Trinity filed a motion for reconsideration and attached a copy of the affidavit of Cresencio Aspiras, their immediate predecessor, together with copies of reconstituted titles issued to previous owners to show the chain of ownership before Baguio Trinity acquired title to the property. It also paid the deficiency in the docket fees and explained that a certified true copy of the assailed Order cannot be obtained because the records were destroyed during the July 16, 1990 earthquake per RTC Certification of November 14, 2007.

But the CA denied petitioner's motion of November 7, 2008, citing Section 4, par. 2 of Rule 47 which provides that a "certified copy of the judgment or final order shall be attached to the original copy of the petition." The mandatory tenor of the requirement, said the CA, precluded Baguio Trinity's submission of some other copy of such judgment or final order.

In any event, the CA held that the petition was barred by laches since Baguio Trinity had notice of the reconstitution orders as early as 1995 when it filed an action (the first that it filed) for declaration of nullity of titles and damages before the MTC, a wrong court. Baguio Trinity filed its action to annul the orders of reconstitution with the CA only on December 21, 2007 or 12 years after that court affirmed the RTC order dismissing the complaint (the second action filed) before the RTC of Agoo, Branch 32.

Because the CA denied petitioner Baguio Trinity's motion for reconsideration of its ruling in its resolution of April 24, 2009, petitioner has taken recourse to this Court.

The Issue

The only issue before this Court is whether or not the CA erred in dismissing petitioner Baguio Trinity's action for annulment of judgment a) by reason of its failure to comply with the requirement of submission of certified true copies of the assailed RTC orders; and b) on ground of laches.

The Court's Rulings

One. In denying the petition before it, one of the grounds the CA gave was that petitioner Baguio Trinity failed to attach to its petition for annulment of judgment a "certified copy of the judgment or final order," which requirement is mandatory. Without it, the court "would have no bases to form a decision." Besides, said the CA, petitioner could have obtained a certified copy of the same from the Land Registration Authority (LRA) which is usually furnished a copy, just as petitioner was able to secure a copy of the October 28, 1986 Order from the

LRA. The Register of Deeds is also usually furnished a copy of such order.

Evidently, when Section 4, Rule 47 of the Rules of Civil Procedure provided that "a certified copy of the judgment or final order or resolution shall be attached to the original copy of the petition intended for the court and indicated as such by the petitioner," it wanted to ensure that the Court is shown a genuine copy of the challenged judgment or final order before it acts on the petition.

The Court is aware of the necessity of mandating strict compliance with procedural rules. Here, however, the 1990 earthquake resulted in the loss or destruction of the RTC records of the case. The administration of justice cannot stop to grind because of such loss and no one should suffer or benefit from it.

And who can issue a certified copy of the lost orders? The answer is that it can be issued by the public officer in custody of the original of the document.^[4] Here, it is the clerk of court of the RTC that issued the challenged reconstitution orders. But the clerk of court issued a certification, conformably with Section 28 of Rule 132, that the relevant records are no longer available having been lost to an earthquake. That the record custodian could no longer issue a certified copy should not of course prevent an aggrieved party from pursuing his petition. The rules allow such party to submit appropriate secondary evidence.

Section 5, Rule 130 of the Rules of Evidence provides that when the original document has been lost and its unavailability has been established, a party "may prove its contents by a copy or by a recital of its contents in some authentic document or by the testimony of witnesses in the order stated." Copies of the challenged reconstitution orders from the LRA or the Register of Deeds are of course available to petitioner Baguio Trinity. But it could just as validly submit faithful copies of its challenged reconstitution orders, authenticated by a verified statement that these are copies of the original orders. The Baguio Trinity did. Consequently, the CA had no valid reason denying its petition for failure to attach a copy of the assailed reconstitution orders.

Notably, the respondent Ramos and Nepa heirs have not questioned the authenticity of the submitted copies. At any rate, the Court notes that petitioner Baguio Trinity attached certified machine copies of the assailed Orders supplied by the LRA as annexes to the present petition.

As for copies of documents and pleadings filed during the reconstitution proceedings, the notices of hearing, and the titles issued to petitioner's predecessors-in-interest, which the CA wanted petitioner Baguio Trinity to submit, these could very well be adduced during the hearing since their relevance could hardly be discerned until the issues have been joined.

Two. The CA also dismissed petitioner's action for annulment of final orders on the further ground that such action is already barred by laches. The CA pointed out that petitioner Baguio Trinity learned of the reconstitution orders as early as 1995. Still, the action for the annulment of those orders was filed only 12 years later on December 21, 2007.

The RTC of Agoo ordered the reconstitution of the Grabiles title when, if Baguio Trinity's allegations were to be believed, the original of such title actually existed and had since been replaced through subsequent sales, terminating their ownership of the property. As things now stand, two sets of titles covering the same property, one based on transactions emanating from the original and another based on the reconstituted titles exist. One has to give way to the other.

Petitioner Baguio Trinity initially brought an action to annul the reconstituted versions of the Grabiles' title before the MTC of Rosario, La Union, on September 14, 1995 but that court dismissed the same for lack of jurisdiction and opined that it should be filed with the RTC.

Baguio Trinity filed a second action on December 3, 1997 for recovery of property, declaration of nullity of the titles, and damages before the RTC of Agoo, Branch 32, against the Ramos and Nepa heirs who held the reconstituted titles. But the RTC dismissed the action on May 31, 2004 saying that it cannot annul the orders issued by a co-equal court. This, the CA Sixth Division affirmed and held that Baguio Trinity should have availed itself of a petition for annulment under Rule 47.

Baguio Trinity finally filed before the CA an action for annulment of the reconstitution orders on the ground that the RTC did not have jurisdiction to issue them. It is not right for the CA to dismiss such action by reason of laches simply because no inaction is evident on Baguio Trinity's part. In fact, it had been an unintentional object of relay between the lower courts which contributed to the delay in the proceedings.

The petition for annulment alleged serious charges which if true can invalidate respondents' title. Such title had been subjected to two reconstitution proceedings that could have divested the true owner of title over his property. The conflict between the two sets of titles has to be resolved. The present standoff cannot remain indefinitely under a titling system that assures the existence of only one valid title for every piece of registered land. Evidently, laches cannot bar an action sought to relieve such intolerable standoff.

WHEREFORE, the Court GRANTS the petition and sets aside the Court of Appeals Resolutions dated May 8, 2008 and November 7, 2008 and directs such court to hear and decide the merits of the petition for annulment of judgment.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Sereno,[*] and Perlas-Bernabe, JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Jose Catral Mendoza, per Raffle dated December 12, 2011.

[1] Under Original Certificate of Title 1082 issued by the Register of Deeds, La Union.

[2] Penned by Associate Justice Andres B. Reyes, Jr. with the concurrence of Associate Justices Jose C. Mendoza (now a Member of the Court) and Ramon M. Bato, Jr., CA rollo, pp. 122-131.

[3] Penned by Associate Justice Rebecca De Guia-Salvador with the concurrence of Associate Justices Vicente S.E. Veloso and Apolinario D. Bruselas, Jr., rollo, pp. 72-73.

[4] Rules of Civil Procedure, Rule 130, Sec. 7; also in Rule 132, Sec. 24.

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