

THIRD DIVISION

[G.R. No. 211810, August 28, 2019]

**MILA B. RECAMARA, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, RESPONDENT.**

DECISION

REYES, A., JR., J.:

This is a petition for review on *certiorari*^[1] challenging the October 9, 2013 Decision^[2] and February 26, 2014 Resolution^[3] rendered by the Court of Appeals (CA) in CA-G.R. CV No. 02859, through which the March 7, 2012 Order^[4] of the Regional Trial Court (RTC) of Dipolog City, Branch 8, in Sp. Proc. No. 786 was set aside. Before it was nullified, the trial court order decreed the judicial reconstitution of Original Certificate of Title (OCT) No. O-10245.

The Factual Antecedents

On July 5, 2011, Mila B. Recamara (Mila) filed a petition for the judicial reconstitution of OCT No. O-10245 before the Dipolog City RTC. She alleged that her grandparents, the spouses Macario Arellano (Macario) and Damiana Dalman, were the owners in fee simple of a 486-square meter parcel of land known as Lot No. 551 of the Dapitan Cadastre.^[5]

In support of her petition, Mila presented a certified true copy of Decree No. 299019,^[6] issued by the Court of First Instance (CFI) of the Province of Zamboanga on October 25, 1929. Said decree pertinently reads:

Cadastral Case No. 1, G.L.R.O. Cadastral Record No. 76, having been duly and regularly heard, in accordance with the provisions of law, it is hereby decreed that Macario Arellano, married to Damiana Dalman; of Dapitan, Province of Zamboanga, P.I. is the owner in fee simple of certain land situated in said Province of Zamboanga, more particularly bounded and described as follows:

A parcel of land (Lot No. 551 of the Cadastral Survey of Dapitan), with the improvements existing thereon, situated in the Municipality of Dapitan. x x x containing an area of four hundred and eighty-six square meters (486), more or less. x x x.^[7]

On the second page of the decree is an annotation, written in Spanish, which reads:

Inscrito el document que precede a folio 76 del Tomo 9-43 del Libro Registro de Certificados Originates como Certifwado No. 10245 y queda archivado el miso bqjo el Num. O-10245.^[8]

Finding the petition sufficient in form and substance, the Dipolog RTC issued a notice, requiring the actual possessors of Lot No. 551, adjacent property owners, and all persons with an interest in the lot to appear and show cause as to why the petition should not be granted.^[9] The notice was published in the Official Gazette on August 29 and September 5, 2011, and copies thereof were posted on the bulletin boards of the Dipolog City Hall and the Dipolog RTC building.^[10]

The Office of the Solicitor General (OSG) and the Land Registration Authority (LRA) were furnished with copies of the petition and of the aforementioned notice. The OSG, through a notice of appearance dated September 15, 2011, authorized the Office of the City Prosecutor of Dapitan City to appear on its behalf, while the LRA, for its part, submitted a report^[11] on Decree No. 299019 and Lot No. 551.^[12]

On January 17, 2012, when the case was called, nobody appeared to oppose the petition.^[13] As such, Mila presented her evidence, establishing the following:

After Macario's death sometime in 1969,^[14] his heirs extrajudicially settled his estate. Through a deed of extrajudicial partition, Lot No. 551 was divided and allocated among Filomeno, Dioscoro, and Erasmo, all surnamed Arellano. Subsequently, Pilar Arellano (Pilar), also one of Macario's heirs, purchased the portions of Lot No. 551 that were previously adjudicated to the former two.^[15]

While the heirs were processing the issuance of separate certificates of title over the partitioned lots, they discovered that the owner's duplicate of OCT No. 0-10245 was missing. This prompted them to ask for a certified true copy of the lost certificate from the Registry of Deeds of Dapitan, Zamboanga del Norte and Dipolog, but, to their dismay, no record of OCT No. O-10245 was ever found.^[16]

Hence, Mila, Pilar's successor-in-interest, was compelled to seek the judicial reconstitution of OCT No. O-10245.

The RTC's Ruling

The Dipolog RTC granted the petition through an Order dated March 7, 2012. Relying on the report of the LRA, the trial court concluded that Lot No. 551 was, in fact, adjudicated to Macario pursuant to a decision rendered by the CFI in Cadastral Case No. 1, G.L.R.O. Cadastral Record No. 76. The RTC was also satisfied as to the loss of the owners duplicate of OCT No. O-10245, since the concerned registries of deeds issued certifications stating that the original of the certificate of title could no longer be found. Therefore, because the existence and the loss of the owners duplicate of OCT No. O-10245, were duly proved, the petition was held to be meritorious,^[17] and the trial court ordered the reconstitution of said certificate, viz.:

WHEREFORE, for all the foregoing observations, the petition is **GRANTED**. Accordingly, the Registry of Deeds of Dapitan City is hereby ordered to reconstitute OCT No. O-10245, for Lot No. 551 of the Cadastral Survey of Dapitan, situated in the Municipality of Dapitan (now Dapitan City), which contains an area of 486 square meters in the name of Macario Arellano married to Damiana Dalman using as basis the authenticated copy of Decree No. 299019 (Exh. "A"), pursuant to Section

2, par. (d), R.A. No. 26, subject however, to such encumbrances as may be subsisting in the certificate of title; and, provided further, that no certificate of title covering the same parcel of land exist in the registry.

SO ORDERED.^[18]

Dissatisfied with the decision, the Republic, through the OSG, interposed an appeal before the CA.^[19]

The CA's Ruling

On October 9, 2013, the CA promulgated the herein assailed decision, reversing the RTC's ruling effectively denying Mila's petition for lack of merit. The appellate court held that Mila failed to present any of the documents enumerated in Section 3 of Republic Act (RA) No. 26, which governs proceedings for the judicial reconstitution of transfer certificates of title. Because the evidence failed to establish that OCT No. 0-10245 was ever issued in the name of Macario,^[20] the CA set aside the RTC's March 7, 2012 Order, thus:

WHEREFORE, the Order dated March 7, 2012 of the Regional Trial Court of Dipolog City, 9th Judicial Region, Branch 8 in Sp. Proc. No. 786 is REVERSED and SET ASIDE. The Petition for Judicial Reconstitution of OCT No. O-10245 is DENIED for lack of merit.

SO ORDERED.^[21]

After the CA denied her motion for reconsideration, Mila filed the instant petition for review on *certiorari*, raising the following issues:

The Issues

Whether or not the CA erred when it applied Section 3 of R.A. No. 26 in deciding the Republic's appeal^[22] Whether or not the CA erred when it failed to appreciate Decree No. 299019 as sufficient basis for the reconstitution of OCT No. O-10245^[23]

The Court's Ruling

While the first issue must be decided in Mila's favor, the second cannot. Thus, her petition for the judicial reconstitution of OCT No. O-10245 has to be dismissed.

A proceeding for judicial reconstitution under RA No. 26 has for its object the restoration of a lost or destroyed Torrens certificate to its original form and condition.^[24] The purpose of the proceeding is to reproduce, after observing the procedures laid down by law, the subject certificate of title in the form it was prior to its loss or destruction.^[25] Such proceedings presuppose the prior existence of the certificate, seeking its reissuance.^[26]

Sections 2 and 3 of RA No. 26 enumerate the source documents upon which judicial reconstitution may issue. The first provision applies to reconstitution of original

certificates of title, while the second applies to reconstitution of transfer certificates of title, ^[27] viz.:

Section 2. Original 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) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original 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.

Section 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.