

SECOND DIVISION

[G.R. No. 170459, February 09, 2011]

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

R E S O L U T I O N

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:

1. Special Power of Attorney
2. Photocopy of the owner's duplicate certificate of TCT No. 141671
3. Kasulatan ng Partihan sa Lupa na may Kalakip na Pagmamana at Pagtalikod sa Karapatan
4. Technical description of Lot 2
5. Print copy of plan
6. Tax declaration
7. Official receipt
8. Certification by the Register of Deeds that TCT No. 141671 was among the titles burned during the fire
9. 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*,^[7] 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]