

## NINETEENTH DIVISION

[ CA-G.R. CV. NO. 03475, July 31, 2014 ]

**MILAGROS E. GEGUIERA, PETITIONER-APPELLEE, VS. REPUBLIC  
OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

### DECISION

**LAGURA-YAP, J.:**

The present appeal seeks to nullify the February 10, 2010 *Order*<sup>[1]</sup> issued by Regional Trial Court, Branch 61, Kabankalan City, Negros Occidental in Cad. Case No. 695 for *Reconstitution of Original Certificate of Title*.

### THE ANTECEDENTS

On May 12, 2005, appellee filed the *Petition for Reconstitution of the Certificate of Title*. She alleged: she is the owner of a parcel of land covered by OCT P-27637; the owner's copy and the original copy of the OCT on file in the Register of Deeds of Negros Occidental, was lost or destroyed during the last war; the lost OCT can be reconstituted using, as basis, the following documents:

As Exhibit "D," the Certification issued by the Chief, Ordinary and Cadastral Decree Division of the Land Registration Authority that Lot 1110 Cauayan Cadastre was issued Decree No. 415239 on December 17, 1930 pursuant to the Decision of the Court of First Instance of Negros Occidental in Cadastral Case No. 36, LRC Cad. Record No. 970;

As Exhibit "E" the Certified True Copy of the complete Technical Description of Lot 1110 Cauayan Cadastre issued by the Office of the Land Management Services, DENR, Iloilo City;

That all other records available in the Office of the Register of Deeds of Negros Occidental can also be used as further basis for the reconstitution.

On May 31, 2005, the RTC issued an *Order*<sup>[2]</sup> directing, among others, that a notice be published in the Official Gazette and be posted at the main entrance of the City Hall of Cauayan, Negros Occidental. The Notice<sup>[3]</sup> reads:

#### NOTICE

To Conca	-	Poblacion,
: Moncatar		Cauayan,
		Negros Occ
Francisco	-	-do-
Mamigo		
Flaviana	-	-do-
Tabujara		

Hernani - -do-  
Tabujara  
Eduardo del - -do-  
Olmo

WHEREAS, a Petition to Reconstitute the Original Certificate of Title Covering Lot No. 1110 of the Cadastral Survey of Cauayan, Negros Occidental alleging that the original copy kept on file in the Office of the Register of Deeds of Negros Occidental was lost or destroyed as a consequence of the last world war.

THEREFORE, you are hereby given notice that said petition has been set for hearing this Court on November 23, 2005 at 8:30 o'clock in the morning at the Regional Trial Court Building, Kabankalan City, Negros Occidental, in which date, time and place, all persons interested in the said lot may appear and state their reasons, if any they have, why the petition should not be granted.

In the event the scheduled date of hearing shall be declared a holiday, it shall be held on the next working day following the holiday.

WITNESS, the HON. HENRY D. ARLES, Judge of this Court, this 7<sup>th</sup> day of June, 2005.

Hearings were, thereafter, conducted.

On February 10, 2010, the RTC rendered the assailed *Order*, the dispositive portion of which reads:

WHEREFORE, the Court, finding the petition to be supported by the evidence, grants the petition and ordered the Register of Deeds of Negros Occidental to reconstitute, pursuant to Republic Act 26, the original as well as the owner's duplicate copy of the Original Certificates of Title No. P-27637 for Lot 1110 in the name of Dalmacio Suazon married to Alejandra Popioco on the basis of the Certification issued by the Chief, Ordinary and Cadastral Decree Division of the Land Registration Authority that Lot 1110 Cauayan Cadastre was issued Decree No. 415239 on December 17, 1930 pursuant to the Decision of the Court of First Instance of Negros Occidental in Cadastral No. 36, LRC Cad. Record No. 970, Certified True Copy of the complete Technical Description of Lot 1110 Cauayan Cadastre issued by the Office of the Land Management Services, DENR Iloilo City and all other records available in the Office of the Register of Deeds of Negros Occidental, after payment of the prescribed fees required by law.

SO ORDERED.

Hence, this appeal.<sup>[4]</sup>

## **ISSUE**

**WHETHER THERE IS SUFFICIENT BASIS FOR RECONSTITUTION.**

## THE ARGUMENTS

Appellant, the Republic of the Philippines, represented by the Office of the Solicitor General (OSG), argues that appellee failed to present sufficient basis for the reconstitution of OCT P-27637.

Appellee, on the other hand, argues otherwise. She said she presented the Tax Declaration 3080,<sup>[5]</sup> and the September 19, 2003 Certification issued by the Chief, Ordinary and Cadastral Decree Division, Land Registration Authority (LRA).<sup>[6]</sup> Moreover, she emphasizes that the OSG did not object to any of the documents presented before the RTC, thus, it cannot impugn these now in this appeal.

## THE COURT'S RULING

The appeal is **MERITORIOUS**.

In *Republic v. Heirs of Ramos*,<sup>[7]</sup> the Supreme Court held:

In petitions for reconstitution of a lost or destroyed Torrens certificate of title, trial courts are duty-bound to examine the records of the case to determine whether the jurisdictional requirements have been *strictly* complied with. They must also exercise extreme caution in granting the petition, lest they become unwitting accomplices in the reconstitution of questionable titles instead of being instruments in promoting the stability of our land registration system.

In the same case, the Supreme Court lamented:

It is unfortunate that despite the mandatory nature of the above requirements and our constant reminder to courts to scrutinize and verify carefully all supporting documents in petitions for reconstitution, the same still escaped the attention of the trial court and the CA. And while petitioner also overlooked those jurisdictional infirmities and failed to incorporate them as additional issues in its petition, this Court has sufficient authority to pass upon and resolve the same since they affect jurisdiction.

It is under these guiding principles that this Court will decide the case.

Appellee prayed for the reconstitution of OCT P-27637.

Thus, Section 2 of RA 26<sup>[8]</sup> is applicable. It states:

Sec. 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.

Appellee, however, failed to present any of the above-mentioned sources for reconstitution. She did not present the owner's duplicate nor a certified copy of the OCT. Neither did she present a copy of the original decree nor a document on file with the Register of Deeds showing the description of the property.<sup>[9]</sup> A co-owner's, a mortgagee's, or a lessee's duplicate of the OCT was not also adduced. Plainly, appellee failed to present any of documents mentioned in Section 2(a) to 2(e) of RA 26. What she offered in evidence were the following:

1. September 19, 2003 *Certification*<sup>[10]</sup> from the Chief, Ordinary and Cadastral Decree Division, LRA. It reads:

This is to certify that after due verification of our "Record Book of Cadastral Lots," It was found that Lot No. 1110 of Cauayan Cadastre, Province of Occidental Negros, Cad. Case No. 36, LRC Cad Record No. 970 was issued Decree No. 415239 on December 17, 1930 pursuant to the Decision rendered thereon.

2. Technical Description of Lot 1110, issued by the Engineer IV, Chief, Technical Services Section, Land Management Services, DENR, Iloilo City.<sup>[11]</sup>

3. Lot Plan of 1110 prepared by a private geodetic engineer.<sup>[12]</sup>

4. Tax Declaration 3080 with Soledad Chua as declared owner.<sup>[13]</sup>

5. *Declaration of Heirship and Sale* where Roberto Suazon sold to appellee, Lot 1110.

These documents, however, cannot even be characterized as "*any other document*," which a court can consider as sufficient and proper basis for reconstitution under Section 2(f).

The Supreme Court has, in *Republic v. Intermediate Appellate Court*,<sup>[14]</sup> applied the principle of *ejusdem generis* in interpreting Section 2(f) of RA 26. "*Any other document*" refers to reliable documents of the kind described in the preceding