



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

G.R. No. 197315

Present:

CARPIO, J., Chairperson,  
BRION,  
DEL CASTILLO,  
PEREZ, and  
PERLAS-BERNABE, JJ.

- versus -

ANGEL T. DOMINGO and  
BENJAMIN T. DOMINGO,  
Respondents.

Promulgated:

OCT 10 2012 *[Signature]*

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RESOLUTION

CARPIO, J.:

The Case

This is a petition<sup>1</sup> for review on certiorari under Rule 45 of the Rules of Court. The petition challenges the 17 June 2011 Decision<sup>2</sup> of the Court of Appeals in CA-G.R. CV No. 93594, affirming the 31 October 2008 Order<sup>3</sup> of the Regional Trial Court (RTC), Judicial Region 3, Branch 31, Guimba, Nueva Ecija, in Case No. 1179-G.

<sup>1</sup> *Rollo*, pp. 7-24.

<sup>2</sup> *Id.* at 27-36. Penned by Associate Justice Apolinario D. Bruselas, Jr., with Associate Justices Mario L. Guariña and Manuel M. Barrios concurring.

<sup>3</sup> *CA rollo*, pp. 11-19. Penned by Judge Napoleon R. Sta. Romana.

### **The Facts**

Angel Casimiro M. Tinio (Tinio) inherited from his sister, Trinidad T. Ramoso (Trinidad), an 8,993-square meter parcel of land situated in Guimba, Nueva Ecija. The estate of Trinidad was settled in Special Proceedings No. 19382 entitled “In the Matter of the Testate Estate of Trinidad Vda. De Ramoso.” The property is covered by Original Certificate of Title (OCT) No. 17472<sup>4</sup> under the names of spouses Feliciano and Trinidad Ramoso (Spouses Ramoso).

In a deed<sup>5</sup> of sale dated 22 February 1978, Tinio sold the property to respondents Angel and Benjamin T. Domingo (Domingos). Tinio gave to the Domingos the owners’ duplicate of OCT No. 17472. The Domingos inquired with the Register of Deeds of North Nueva Ecija, Talavera, Nueva Ecija, about the original copy of OCT No. 17472. The Registry of Deeds could not find the original copy despite diligent efforts; thus, it was deemed lost or destroyed.

In a petition<sup>6</sup> dated 18 August 2006 and filed with the RTC, the Domingos prayed for the reconstitution of the original copy of OCT No. 17472. They filed the petition pursuant to Section 10 of Republic Act (RA) No. 26.<sup>7</sup> The RTC included in the notice<sup>8</sup> of hearing the names of the owners of the adjoining lots, the Spouses Ramoso, the Domingos, Tinio, and the concerned government agencies.

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<sup>4</sup> Records, pp. 8-9.

<sup>5</sup> Id. at 5-7.

<sup>6</sup> Id. at 1-4.

<sup>7</sup> Entitled “An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed.”

<sup>8</sup> Records, pp. 13-14.

### **RTC's Ruling**

In its 31 October 2008 Order, the RTC found sufficient basis for the reconstitution of OCT No. 17472. The RTC ordered the Land Registration Authority to reconstitute the original copy of OCT No. 17472.

Petitioner Republic of the Philippines, through the Office of the Solicitor General (OSG), appealed to the Court of Appeals. The OSG raised as issue that the Domingos did not comply with Sections 12 and 13 of RA No. 26 because they failed to notify the heirs of the Spouses Ramoso and a certain Senen J. Gabaldon (Gabaldon) of the reconstitution proceedings. The names of the heirs of the Spouses Ramoso and Gabaldon do not appear in the owners' duplicate of OCT No. 17472.

### **The Court of Appeals' Ruling**

In its 17 June 2011 Decision, the Court of Appeals dismissed the appeal and affirmed the RTC's 31 October 2008 Order. The Court of Appeals held:

The contention of the OSG is devoid of merit. The OSG's assertion that Sections 12 and 13 of R.A. No. 26 was [sic] not complied with is misplaced because the said provisions find no application in the petition for reconstitution that was filed by the petitioners-appellees.

Section 2 of the said Act explicitly provides from what sources the original certificate of title shall be reconstituted. x x x

A perusal of the petition x x x reveals that the same was filed pursuant to Section 10 of R.A. No. 26 and not Sections 12 and 13 of the said Act which refer to other sources aside from the owner's or co-owner's duplicate of the certificate of title. It is clear from the averments of the petition that the source for reconstitution was the owner's duplicate of OCT No. 17472 which remained in the petitioners-appellees' custody.  
x x x

x x x x

x x x [T]he names of the interested parties are x x x required to be listed in the notice of the petition. In this case, however, the rule only provides that the interested parties to be named in the notice are those whose names that [sic] appeared in the certificate of title to be reconstituted. An examination of the owner's duplicate of OCT No. 17472 shows that the title does not contain the names of the heirs of the registered owners and even the name of Senen Gabaldon or his heirs.<sup>9</sup>

Hence, the present petition. The OSG again raises as issue that the Domingos did not comply with Sections 12 and 13 of RA No. 26 because they failed to notify the heirs of the Spouses Ramoso and Gabaldon of the reconstitution proceedings.

### **The Court's Ruling**

The petition is unmeritorious.

Sections 2 and 3 of RA No. 26 enumerate the sources from which certificates of title may be reconstituted:

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.

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<sup>9</sup> *Rollo*, pp. 33-35.

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.

RA No. 26 provides two procedures and sets of requirements in the reconstitution of lost or destroyed certificates of title depending on the source of the petition for reconstitution. Section 10 in relation to Section 9 provides the procedure and requirements for sources falling under Sections 2(a), 2(b), 3(a), 3(b) and 4(a). Sections 12 and 13 provide the procedure and requirements for sources falling under Sections 2(c), 2(d), 2(e) 2(f), 3(c), 3(d), 3(e), and 3(f). In *Puzon v. Sta. Lucia Realty & Development, Inc.*,<sup>10</sup> the Court held:

x x x RA 26 separates petitions for reconstitution of lost or destroyed certificates of title into two main groups with two different requirements and procedures. Sources enumerated in Sections 2(a), 2(b), 3(a), 3(b) and 4(a) of RA 26 are lumped under one group (Group A); and sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and 3(f) are placed together under another group (Group B). For Group A, the requirements for judicial reconstitution are set forth in Section 10 in relation to Section 9 of RA 26; while for Group B, the requirements are in Sections 12 and 13 of the same law.<sup>11</sup>

<sup>10</sup> 406 Phil. 263 (2001).

<sup>11</sup> Id. at 276.

In the present case, the records show that the source of the petition for reconstitution is the owners' duplicate of OCT No. 17472, which falls under Section 2(a). Paragraphs 4, 5, 6 and 13 of the petition state:

4. That after the execution of the Deed of Absolute Sale, the **owner's copy of OCT No. 17472** was turned over by the [vendor], Angel Tinio, to herein [petitioners] being the [vendees] of the subject property which remained in the possession and custody of the petitioners up to the present. A photocopy of the **owner's copy of OCT No. 17472** is hereto attached and marked as ANNEX B;

5. The Register of Deeds for the Province of Nueva Ecija has custody over the original copy of OCT No. 17472. However, verification of the records of the said office revealed that the said original copy of OCT No. 17472 "is not on file and the same could not be located despite diligent efforts exerted by the records personnel", and thus, OCT No. 17472 must be deemed to have been lost or destroyed. A photocopy of the Certification dated October 3, 2003 issued by Atty. Elias L. Estrella, Acting Register of Deeds, is hereto attached and made part hereof as ANNEX C;

6. Original Certificate of Title No. 17472 was in full force and effect at the time of the loss and that its **owner's duplicate copy** is in due form, without any apparent intentional alteration or erasure;

x x x x

13. **The instant petition was filed pursuant to Section 10, in relation to Section 2(a), of Republic Act No. 26**, otherwise known as an Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed.<sup>12</sup> (Boldfacing supplied)

Since the source of the petition for reconstitution falls under Section 2(a), the procedure and requirements that should be observed are those provided under Section 10 in relation to Section 9, not Sections 12 and 13. In *Republic of the Philippines v. Spouses Bondoc*,<sup>13</sup> citing *Puzon* and *Republic of the Philippines v. Planes*,<sup>14</sup> the Court held:

Upon close scrutiny of the records, as well as the evidence adduced in this case, this Court finds that the petition for reconstitution filed with the RTC is governed by Section 10 in relation to Section 9 of Republic Act No. 26 and not by Sections 12 and 13 of the same Act, as argued by the parties.

<sup>12</sup> Records, pp. 2-3.

<sup>13</sup> 485 Phil. 64 (2004).

<sup>14</sup> 430 Phil. 848 (2002).

Paragraph 8 of the petition for reconstitution states:

8. Petitioners desire that the burned originals of the aforecited certificates of title on file in the Office of the Register of Deeds of Lucena City be judicially reconstituted and for this purpose, it is respectfully requested that the 3<sup>rd</sup> owner's duplicate certificate copy of Original Certificate of Title No. 1733 (394) and 2<sup>nd</sup> owner's duplicate certificate copy of Original Certificate of Title No. 1767 (406), respectively, which are under the possession and custody of herein petitioners, be made sources thereof, photo copies of the aforementioned owner's duplicate copies of said titles are attached hereto as Annexes "D" and "E", respectively.

Pursuant to *Puzon v. Sta. Lucia Realty and Development, Inc.*, and *Republic v. Planes*, **since the source of the petition for reconstitution [is] the owner's duplicate copy** of OCT No. 1733 (394) and OCT No. 1767 (406), **the procedure and requirements for the trial court to validly acquire jurisdiction over the case, are governed by Section 10 in relation to Section 9 of Republic Act No. 26.**<sup>15</sup> (Boldfacing supplied)

In *Republic of the Philippines v. Planes*, citing *Puzon*, the Court held that, "In the case at bar, the source of the petition for reconstitution was the owner's duplicate copy of OCT No. 219. Thus, pursuant to *Puzon vs. Sta. Lucia Realty and Development, Inc.*, the petition is governed by Section 10 of R.A. No. 26."<sup>16</sup>

Section 10 of RA No. 26 states that the notice shall "be published in the manner stated in section nine." Section 10 states:

Section 10. Nothing hereinbefore provided shall prevent any registered owner or person in interest from filing the petition mentioned in section five of this Act directly with the proper Court of First Instance, based on sources enumerated in Sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act: Provided, however, That **the Court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section nine** hereof: and, provided, further, That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in section seven of this Act. (Boldfacing supplied)

<sup>15</sup> Supra note 13 at 68-69.

<sup>16</sup> Supra note 14 at 867.

Section 9 of RA No. 26 specifies what should be included in the notice. Section 9 states:

Section 9. A registered owner desiring to have his reconstituted certificate of title freed from the encumbrance mentioned in section seven of this Act, may file a petition to that end with the proper Court of First Instance, giving his reason or reasons therefor. A similar petition may, likewise, be filed by a mortgagee, lessee or other lien holder whose interest is annotated in the reconstituted certificate of title. Thereupon, the court shall cause a notice of the petition to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land lies, at least thirty days prior to the date of hearing, and after hearing shall determine the petition and render such judgment as justice and equity may require. **The notice shall specify, among other things, the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have.** (Boldfacing supplied)

*In Republic of the Philippines v. Spouses Bondoc*, the Court held:

x x x [F]or the trial court to validly acquire jurisdiction to hear and decide a petition for reconstitution filed under Section 10, in relation to Section 9 of Republic Act No. 26, it is required that thirty days before the date of hearing, (1) a notice be published in two successive issues of the Official Gazette at the expense of the petitioner, and that (2) such notice be posted at the main entrances of the provincial building and of the municipal hall where the property is located. **The notice shall state the following: (1) the number of the certificate of title, (2) the name of the registered owner, (3) the names of the interested parties appearing in the reconstituted certificate of title, (4) the location of the property, and (5) the date on which all persons having an interest in the property must appear and file such claim as they may have.**<sup>17</sup> (Boldfacing supplied)

In the present case, the notice stated the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have. Thus, the RTC validly acquired jurisdiction to hear and decide the petition for reconstitution.

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<sup>17</sup>

Supra note 13 at 70.



The requirements under Sections 12 and 13 do not apply to petitions for reconstitution based on Section 2(a). In *Puzon*, the Court held that, “the requirements under Sections 12 and 13 do not apply to all petitions for judicial reconstitution, but only to those based on any of the sources specified in Section 12; that is, ‘sources enumerated in Section 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act.’”<sup>18</sup> In *Angat v. Republic*,<sup>19</sup> the Court held that, “Sections 12 and 13 of Republic Act No. 26 x x x are actually irrelevant to the Petition for Reconstitution considering that these provisions apply particularly to petitions for reconstitution from sources enumerated under Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of Republic Act No. 26.”<sup>20</sup>

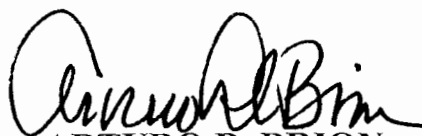
**WHEREFORE**, the petition is **DENIED**. The Court **AFFIRMS** the 17 June 2011 Decision of the Court of Appeals in CA-G.R. CV No. 93594.

**SO ORDERED.**



**ANTONIO T. CARPIO**  
Associate Justice

**WE CONCUR:**



**ARTURO D. BRION**  
Associate Justice


<sup>18</sup> Supra note 10 at 272-273.

<sup>19</sup> G.R. No. 175788, 30 June 2009, 591 SCRA 364.

<sup>20</sup> Id. at 387-388.


  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice


### ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice