



Republic of the Philippines
Supreme Court

Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 185604

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus - ,

EDWARD M. CAMACHO,
Respondent.

Promulgated:
JUN 13 2013

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DECISION

VILLARAMA, JR., J.:

Before this Court is a petition¹ for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the Decision² of the Court of Appeals (CA) in CA-G.R. CV No. 87390, which affirmed the Decision³ of the Regional Trial Court (RTC) of Villasis, Pangasinan, Branch 50 in Land Registration Case No. V-0016.

The facts follow.

On March 6, 2003, respondent Edward M. Camacho filed a petition⁴ denominated as "*Re: Petition for Reconstitution of the Original Title of O.C.T. No. (not legible) and Issuance of Owner's Duplicate Copy*" before the RTC.

¹ *Rollo*, pp. 26-51.

² *Id.* at 54-65. Penned by Associate Justice Portia Aliño-Hormachuelos (retired) with Associate Justices Hakim S. Abdulwahid and Teresita Dy-Liacco Flores concurring. The assailed decision was promulgated on July 31, 2008.

³ *Records*, pp. 169-171. The RTC decision was rendered on March 9, 2006 and penned by Judge Manuel F. Pastor, Jr.

⁴ *Id.* at 1-5.

In support thereof, respondent alleged that the Original Certificate of Title⁵ (OCT) sought to be reconstituted and whose number is no longer legible due to wear and tear, is covered by Decree No. 444263, Case No. 3732, Record No. 22141⁶ issued in the name of Spouses Nicasio Lapitan and Ana Doliente (Spouses Lapitan) of Alcala, Pangasinan. Respondent also alleged that the owner's duplicate copy of the OCT is in his possession and that he is the owner of the two parcels of land covered by the aforementioned OCT by virtue of a Deed of Extra-Judicial Partition with Absolute Sale⁷ (the Deed) executed on December 26, 2002 by the heirs of Spouses Lapitan in his favor. Said OCT covers two parcels of land located in San Juan, Alcala, Pangasinan, (Lot No. 1) and Namulatan,⁸ Bautista, Pangasinan (Lot No. 2) with the following technical descriptions:

A parcel of land (Lot No. 1, plan Psu- 53673), situated in the Barrio of San Juan, Municipality of Alcala. Bounded on the NE. by property of Benito Ferrer; on the S. by an irrigation ditch and property of Marcelo Monegas; and on the W. by Lot No. 2. Beginning at a point marked "1" on plan, being S. 0 deg. 53' W., 3830.91 m. from B. L. L. M. No. 1, Alcala; thence S. 87 deg. 22' W., 44.91 m. to point "2"; thence N. 5 deg. 25' W., 214.83 m. to point "3"; thence S. 17 deg. 06' E., 221.61 m. to the point of beginning; containing an area of four thousand eight hundred and eighteen square meters (4,818), more or less. All points referred to are indicated on the plan and on the ground are marked by old P. L. S. concrete monuments; bearings true; declination 0 deg. 40' E.; date of survey, April 19-21, 1926[; and]

A parcel of land (Lot No. 2, plan Psu-53673), situated in the Barrio of [Namulatan], Municipality of Bautista. Bounded on the N. by properties of Hipolito Sarmiento and Ciriaco Dauz; on the E. by Lot No.1; and on the SW. by property of Nicasio Lapitan vs. Felix Bacolor. Beginning at a point marked "1" on plan, being S. 2 deg. 40' W., 3625.25 m. from B. L. L. M. No. 1, Alcala; thence N. 80 deg. 47' E., 3.50 m. to point "2"; thence N. 86 deg. 53' E., 40.64 m. to point "3"; thence S. 5 deg. 25' E., 214.83 m. to point "4"; thence N. 16 deg. 57' W., 220.69 m. to the point of beginning; containing an area of four thousand seven hundred and forty-four square meters (4,744), more or less. All points referred to are indicated on the plan and on the ground are marked by old P. L. S. concrete monuments; bearings true; declination 0 deg. 40' E.; date of survey April 19-21, 1926.⁹

Respondent attached to his petition photocopies of the Deed; the OCT; Tax Declaration No. 4858¹⁰; a Certification¹¹ dated January 13, 2003 issued by the Office of the Register of Deeds of Lingayen, Pangasinan stating that the file copy of the OCT could not be found and is considered lost and beyond recovery; and Decree No. 444263.¹²

⁵ Id. at 149.

⁶ Id. at 11-12.

⁷ Records, pp. 145-146.

⁸ Also referred to as Namalutan, Namabutan, and Namalatan in other pleadings and documents.

⁹ Id. at 11-12.

¹⁰ Id. at 9.

¹¹ Id. at 10.

¹² Supra note 6.

Upon a Show-Cause Order¹³ of the RTC, respondent filed an Amended Petition¹⁴ dated May 21, 2003, alleging that the subject properties bear no encumbrance; that there are no improvements therein; that there are no other occupants thereof aside from respondent; and that there are no deeds or instruments affecting the same that had been presented for registration. He further alleged that “*the land in issue is bounded on the North by the land covered by Plan Psu-53673; on the North by the properties of Hipolito Sarmiento and Cipriano Dauz,¹⁵ residents of Anulid, Alcala, Pangasinan; on the West by Lot No. 3; and on the Southwest by the properties of Nicasio Lapitan vs. Felix Bacolor [who are also] residents of Anulid, Alcala, Pangasinan.*”¹⁶ Respondent intimated that he desires to have the office/file copy of the OCT reconstituted based on the Technical Description provided by the Chief of the General Land Registration Office and thereafter, to be issued a second owner’s duplicate copy in lieu of the old one.

On May 30, 2003, the RTC issued an Order¹⁷ finding the respondent’s petition sufficient in form and substance and setting the same for hearing on September 29, 2003. The said Order is herein faithfully reproduced as follows:

ORDER

In a verified petition, petitioner Edward Camacho, as vendee of the parcels of land located in San Juan, Alcala, Pangasinan, and [Namulatan], Bautista, Pangasinan, covered by Decree No. 444263, Case No. 3732, G.L.R.O. No. 22141, formerly issued in the names of spouses Nicasio Lapitan and Ana Doliente, of Alcala, Pangasinan, under an Original Certificate of Title the number of which is not legible due to wear and tear, seeks an order directing the proper authorities and the Registrar of Deeds, Lingayen, Pangasinan, to reconstitute the office file copy of said Original Certificate of Title based on the technical description thereof and to issue a second owner’s duplicate copy of the same in lieu of the old one.

Being sufficient in form and substance, the petition is set for hearing on September 29, 2003, at 8:30 in the morning, before this Court, on which date, time and place, all interested persons are enjoined to appear and show cause why the same should not be granted.

Let this order be published twice in successive issues of the Official Gazette at the expense of the petitioner.

Likewise, let copies of this Order and of the Amended Petition be posted in conspicuous places in the Provincial Capitol and the Registry of Deeds, both in Lingayen, Pangasinan, the Municipal Halls of Alcala and Bautista, Pangasinan, and the Barangay Halls of San Juan, Alcala, Pangasinan and Namulatan, Bautista, Pangasinan, and the Office of the Solicitor General, Manila.

¹³ Id. at 13.

¹⁴ Id. at 17-20.

¹⁵ Also referred to as Ciriaco Dauz and Ciriaco Cauz in other pleadings and documents.

¹⁶ Records, p. 19.

¹⁷ Id. at 32-33.

Finally, furnish copies of this Order, by registered mail, at the expense of the petitioner, to the following:

1. Hipolito Sarmiento;
2. Cipriano Dauz;
3. Nicasio Lapitan; and
4. Felix Bacolor.

all of Brgy. Anulid, Alcala, Pangasinan.

SO ORDERED.¹⁸

Thereafter, copies of the said order were posted on seven bulletin boards: at the Pangasinan Provincial Capitol Building, at the Alcala and Bautista Municipal Buildings, at the San Juan and Namulatan Barangay Halls, at the office of the Register of Deeds in Lingayen, Pangasinan and at the RTC.¹⁹ The order was also published twice in the Official Gazette: on August 18, 2003 (Volume 99, Number 33, Page 5206), and on August 25, 2003 (Volume 99, Number 34, Page 5376).²⁰

However, on January 22, 2004, respondent filed his second Amended Petition²¹ averring that “*the land in issue is bounded on the North by the land of Ricardo Acosta, a resident of Laoac, Alcala, Pangasinan; on the South by the property of Greg Viray,²² a resident of Laoac, Alcala, Pangasinan; on the West by the land of Roque Lanuza,²³ a resident of Laoac, Alcala, Pangasinan; and on the East by the lot of Juan Cabuan,²⁴ a resident of Laoac, Alcala, Pangasinan.*”²⁵ On March 4, 2004, respondent filed a Motion²⁶ with Leave of Court to admit his second Amended Petition, which the RTC granted in its Order²⁷ dated March 4, 2004, directing therein that the persons mentioned in the second Amended Petition be notified by registered mail.

During the hearing, the following witnesses were presented: (1) respondent²⁸ who, among others, presented the original owner’s duplicate copy of the OCT before the RTC;²⁹ (2) the tenant of the adjoining lot (Western portion) Roque Lanuza who testified that he tilled the adjoining lots, that he has personal knowledge that respondent bought said lots from the heirs of the Spouses Lapitan, and that he was present when the lots were surveyed;³⁰ (3) adjoining owners Gregorio Viray³¹ and Ricardo Acosta³² who

¹⁸ Id.

¹⁹ Id. at 35-42.

²⁰ Id. at 48. Copies of the said Official Gazette are also made part of the records.

²¹ Id. at 56-60.

²² Also referred to as Gregorio Viray in other pleadings and documents.

²³ Also referred to as Roger Lanuza in other pleadings and documents.

²⁴ Also referred to as Jaime Cabuan in other pleadings and documents.

²⁵ Records, p. 58.

²⁶ Id. at 71-72.

²⁷ Id. at 73.

²⁸ TSN, September 20, 2004, records, pp. 89-98.

²⁹ Id. at 94.

³⁰ TSN, July 11, 2005, id. at 127-132.

³¹ TSN, September 19, 2005, id. at 135-139.

³² TSN, November 23, 2005, id. at 163-168.

testified that they were notified of the proceedings and interposed no objection to the petition; and (4) Arthur David (Mr. David), Records Custodian of the Register of Deeds of Lingayen, Pangasinan who testified that Atty. Rufino Moreno, Jr., Registrar of Deeds had issued the Certification that the OCT subject of the petition can no longer be found in the Office of the Register of Deeds.³³ In his subsequent testimony, Mr. David reported to the RTC that the name of Nicasio Lapitan cannot be located in the Index Cards of titles as some are missing and destroyed. Upon questioning, Mr. David testified that the number of the OCT sought to be reconstituted may be referred to in the decree issued in the name of Nicasio Lapitan which allegedly could be found in the Land Registration Authority (LRA).³⁴

On May 23, 2005, the LRA rendered a Report³⁵ addressed to the RTC which pertinently stated, to wit:

(1) The present amended petition seeks the reconstitution of Original Certificate of Title No. (not legible), allegedly lost or destroyed and supposedly covering Lot Nos. 1 and 2 of plan Psu-53673, situated in the Barrio of San Juan, Municipality of Alcala and Barrio of [Namulatan], Municipality of Bautista, respectively, Province of Pangasinan, on the basis of the owner's duplicate thereof, a reproduction of which, duly certified by Atty. Stela Marie Q. Gandia-Asuncion, Clerk of Court VI, was submitted to this Authority;

(2) Our records show that Decree No. 444263 was issued on July 18, 1931 covering Lot Nos. 1 and 2 of plan Psu-53673, in Cadastral Case No. 3732, GLRO Record No. 22141 in favor of the Spouses Nicasio Lapitan and Ana Doliente;

(3) The technical descriptions of Lot Nos. 1 and 2 of plan Psu-53673, appearing on the reproduction of Original Certificate of Title No. (not legible) were found correct after examination and due computation and when plotted in the Municipal Index Sheet No. 451/1027, do not appear to overlap previously plotted/decreed properties in the area.

The government prosecutor deputized by the Office of the Solicitor General (OSG)³⁶ participated in the trial of the case but did not present controverting evidence.³⁷

On March 9, 2006, the RTC rendered the assailed Decision,³⁸ the dispositive portion of which reads:

WHEREFORE, the Court, finding the documentary as well as the parole (sic) evidence adduced to be adequate and sufficiently persuasive to warrant the reconstitution of the Original Certificate of Title covered by Decree No. 444263, Cadastral Case No. 3732, GLRO Record No. 22141, and pursuant to Section 110, PD No. 1529 and Sections 2 (d) and 15 of

³³ TSN, November 22, 2004, id. at 101-107.

³⁴ TSN, April 27, 2005, id. at 116-119.

³⁵ Records, pp. 122-123.

³⁶ Id. at 45.

³⁷ Id. at 159.

³⁸ Supra note 3.

RA No. 26, hereby directs the Register of Deeds at Lingayen, Pangasinan, to reconstitute said original certificate of title on the basis of the decree of registration thereof, without prejudice to the annotation of any subsisting rights or interests not duly noted in these proceedings, if any, and the right of the Administrator, Land Registration Authority, as provided for in Sec. 16, Land Registration Commission (now NALTDRA) Circular No. 35, dated June 13, 1983, and to issue a new owner's duplicate copy thereof.

SO ORDERED.³⁹

On April 4, 2006, petitioner Republic of the Philippines, through the OSG, filed a Motion for Reconsideration⁴⁰ which was denied by the RTC in its Resolution⁴¹ dated May 24, 2006 for lack of merit. The RTC opined that while the number of the OCT is not legible, a close examination of the entries therein reveals that it is an authentic OCT per the LRA's findings. Moreover, the RTC held that respondent complied with Section 2 of Republic Act (R.A.) No. 26⁴² considering that the reconstitution in this case is based on the owner's duplicate copy of the OCT.

Petitioner appealed to the CA.⁴³ By Decision⁴⁴ dated July 31, 2008, the CA affirmed the RTC's findings and ruling, holding that respondent's petition is governed by Section 10 of R.A. No. 26 since the reconstitution proceedings is based on the owner's duplicate copy of the OCT itself. The CA, invoking this Court's ruling in *Puzon v. Sta. Lucia Realty and Development, Inc.*,⁴⁵ concluded that notice to the owners of the adjoining lots is not required. Moreover, the CA opined that Decree No. 444263 issued on July 18, 1931 covering Lot Nos. 1 and 2 in the name of Spouses Lapitan exists in the Record Book of the LRA as stated in the LRA's Report. The CA ratiocinated that the LRA's Report on said Decree tallies with the subject OCT leading to no other conclusion than that these documents cover the same subject lots. Petitioner filed its Motion for Reconsideration⁴⁶ which the CA, however, denied in its Resolution⁴⁷ dated November 20, 2008.

Hence, this petition based on the following grounds, to wit:

1. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT CORRECTLY GRANTED THE PETITION FOR RECONSTITUTION EVEN IF THE ORIGINAL CERTIFICATE OF TITLE NUMBER IS NOT LEGIBLE[; and]

³⁹ Id. at 171.

⁴⁰ Id. at 172-178.

⁴¹ Id. at 186-187.

⁴² Entitled "AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED," approved on September 25, 1946.

⁴³ Records, pp. 188-190.

⁴⁴ Supra note 2.

⁴⁵ 406 Phil. 263 (2001).

⁴⁶ CA *rollo*, pp. 86-104.

⁴⁷ Id. at 110-111.

2. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT CORRECTLY GRANTED THE PRAYER FOR THE ISSUANCE OF A SECOND OWNER'S DUPLICATE.⁴⁸

Petitioner through the OSG avers that respondent does not have any basis for reconstitution because the OCT *per se* is of doubtful existence, as respondent himself does not know its number. According to the OSG, this fact alone negates the merits of the petition for reconstitution as held by this Court in *Tahanan Development Corporation v. Court of Appeals, et al.*⁴⁹ Moreover, the OSG highlights that the Deed, the tax declaration for the year 2003, and the Register of Deeds Certification all indicated that the number of the OCT is not legible. The OSG also stresses that nowhere in the records did the LRA acknowledge that it has on file the original copy of Decree No. 444263 from which the alleged OCT was issued and that said Decree did not at all establish the existence and previous issuance of the OCT sought to be reconstituted. The OSG notes that the RTC erred, as found in the dispositive portion of its decision, in basing the reconstitution of the OCT under Section 2(d) of R.A. No. 26. Finally, the OSG submits that respondent cannot seek the issuance of the second owner's duplicate of the OCT because he himself alleged in his own petition that he is in possession of the same owner's duplicate certificate.⁵⁰

On the other hand, respondent counters that the OSG's reliance in *Tahanan* and *Republic of the Phils. v. Intermediate Appellate Court*,⁵¹ is unavailing. He argues that in *Tahanan*, the petitioner therein merely relied on documents other than the owner's duplicate copy of the certificate of title, while in *Republic*, this Court ruled that reconstitution cannot be based on statutes which do not confer title over the property. Respondent claims that in these aforementioned cases, petitioners therein do not have other sources to support their respective petitions for reconstitution while in this case the owner's duplicate copy of the OCT sought to be reconstituted truly exists albeit its number is not legible. Respondent submits that the documentary as well as the parol evidence he adduced are adequate to warrant the reconstitution of the OCT as it is covered by Decree No. 444263. Respondent also submits that since there is a valid title in this case, there is legal basis for the issuance of the owner's duplicate copy of the reconstituted title.⁵²

Notwithstanding the numerous contentions raised by both parties, this Court finds that the fundamental issue to be resolved in this case is whether the RTC properly acquired and was invested with jurisdiction in the first place to hear and decide Land Registration Case No. V-0016 in the light of the strict and mandatory provisions of R.A. No. 26.

We resolve the sole issue in the negative.

⁴⁸ *Rollo*, p. 37.

⁴⁹ 203 Phil. 652 (1982).

⁵⁰ Petitioner's Memorandum dated November 20, 2009, *rollo*, pp. 146-167.

⁵¹ 241 Phil. 75 (1988).

⁵² Respondent's Memorandum dated January 8, 2010, *rollo*, pp. 173-179.

Section 110⁵³ of Presidential Decree No. 1529, otherwise known as the Property Registration Decree, as amended by R.A. No. 6732,⁵⁴ allows the reconstitution of lost or destroyed original Torrens title either judicially, in accordance with the special procedure laid down in R.A. No. 26, or administratively, in accordance with the provisions of R.A. No. 6732.⁵⁵

As the case set before this Court is one for judicial reconstitution, we limit the discussion to the pertinent law, which is R.A. No. 26, and the applicable jurisprudence.

The nature of the proceeding for reconstitution of a certificate of title under R.A. No. 26 denotes a restoration of the instrument, which is supposed to have been lost or destroyed, in its original form and condition. The purpose of such a proceeding is merely to have the certificate of title reproduced, after proper proceedings, in the same form it was in when its loss or destruction occurred. The same R.A. No. 26 specifies the requisites to be met for the trial court to acquire jurisdiction over a petition for reconstitution of a certificate of title. Failure to comply with any of these jurisdictional requirements for a petition for reconstitution renders the proceedings null and void. Thus, in obtaining a new title in lieu of the lost or destroyed one, R.A. No. 26 laid down procedures which must be strictly followed in view of the danger that reconstitution could be the source of anomalous titles or unscrupulously availed of as an easy substitute for original registration of title proceedings.⁵⁶

It bears reiterating that respondent's quest for judicial reconstitution in this case is anchored on the owner's duplicate copy of said OCT – a source for reconstitution of title provided under Section 2 (a) of R.A. No. 26, which provides in full as follows:

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;**

⁵³ SEC. 110. *Reconstitution of Lost or Destroyed Original of Torrens Title*.—Original copies of certificates of titles lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. The procedure relative to administrative reconstitution of lost or destroyed certificate prescribed in said Act may be availed of only in case of substantial loss or destruction of land titles due to fire, flood or other *force majeure* as determined by the Administrator of the Land Registration Authority: *Provided*, That the number of certificates of titles lost or damaged should be at least ten percent (10%) of the total number in the possession of the Office of the Register of Deeds: *Provided, further*, That in no case shall the number of certificates of titles lost or damaged be less than five hundred (500).

x x x x

⁵⁴ Entitled, "AN ACT ALLOWING ADMINISTRATIVE RECONSTITUTION OF ORIGINAL COPIES OF CERTIFICATES OF TITLES LOST OR DESTROYED DUE TO FIRE, FLOOD AND OTHER *FORCE MAJEURE*, AMENDING FOR THE PURPOSE SECTION ONE HUNDRED TEN OF PRESIDENTIAL DECREE NUMBERED FIFTEEN TWENTY-NINE AND SECTION FIVE OF REPUBLIC ACT NUMBERED TWENTY-SIX," approved on July 17, 1989.

⁵⁵ *Republic v. Verzosa*, G.R. No. 173525, March 28, 2008, 550 SCRA 382, 388.

⁵⁶ *Angat v. Republic*, G.R. No. 175788, June 30, 2009, 591 SCRA 364, 384 (citations omitted).

- 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. (Emphasis supplied.)

In this aspect, the CA was correct in invoking our ruling in *Puzon v. Sta. Lucia Realty and Development, Inc.*,⁵⁷ that notices to owners of adjoining lots and actual occupants of the subject property are not mandatory and jurisdictional in a petition for judicial reconstitution of destroyed certificate of title when the source for such reconstitution is the owner's duplicate copy thereof since the publication, posting and notice requirements for such a petition are governed by Section 10 in relation to Section 9 of R.A. No. 26. Section 10 provides:

SEC. 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. (Emphasis supplied.)

Correlatively, the pertinent provisions of Section 9 on the publication, posting and the contents of the notice of the Petition for Reconstitution clearly mandate:

SEC. 9. x x x 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**

⁵⁷ Supra note 45, at 276.

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. x x x (Emphasis supplied.)

In sum, Section 10, in relation to Section 9, requires that 30 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 claims as they may have.⁵⁸

Verily, while the CA invoked the appropriate provisions of R.A. No. 26, it failed, however, to take note that Section 9 thereof mandatorily requires that the notice shall specify, among other things, the number of the certificate of title and the names of the interested parties appearing in the reconstituted certificate of title. In this case, the RTC failed to indicate these jurisdictional facts in the notice.

First. The Notice of Hearing issued and published does not align with the *in rem* character of the reconstitution proceedings and the mandatory nature of the requirements under R.A. No. 26.⁵⁹ There is a mortal insufficiency in the publication when the missing title was merely identified as “OCT No. (not legible)” which is non-compliant with Section 9 of R.A. No. 26.

Moreover, while the LRA confirmed the issuance of Decree No. 444263 in its Report, it perplexes this Court that the LRA failed to state that an OCT was actually issued and mention the number of the OCT sought to be reconstituted. In *Republic of the Phils. v. El Gobierno De Las Islas Filipinas*,⁶⁰ this Court denied the petition for reconstitution of title despite the existence of a decree:

We also find insufficient the index of decree showing that Decree No. 365835 was issued for Lot No. 1499, as a basis for reconstitution. We noticed that the name of the applicant as well as the date of the issuance of such decree was illegible. **While Decree No. 365835 existed in the Record Book of Cadastral Lots in the Land Registration Authority as stated in the Report submitted by it, however, the same report did not state the number of the original certificate of title, which is not sufficient evidence in support of the petition for reconstitution.** The deed of extrajudicial declaration of heirs with sale executed by Aguinaldo

⁵⁸ *Republic of the Phils. v. Planes*, 430 Phil. 848, 868-869 (2002).

⁵⁹ *Republic v. Castro*, G.R. No. 172848, December 10, 2008, 573 SCRA 465, 474.

⁶⁰ 498 Phil. 570, 582 (2005). Please also see *Pascua v. Republic*, G.R. No. 162097, February 13, 2008, 545 SCRA 186, 193-194 and *Republic v. Heirs of Julio Ramos*, G.R. No. 169481, February 22, 2010, 613 SCRA 314.

and Restituto Tumalak Perez and respondent on February 12, 1979 did not also mention the number of the original certificate of title but only Tax Declaration No. 00393. As we held in *Tahanan Development Corp. vs. Court of Appeals*, the absence of any document, private or official, mentioning the number of the certificate of title and the date when the certificate of title was issued, does not warrant the granting of such petition. (Emphasis supplied.)

Second. Respondent and the RTC overlooked that there are two parcels of land in this case. It is glaring that respondent had to amend his petition for reconstitution twice in order to state therein the names of the adjoining owners. Most importantly, the Notice of Hearing issued by the RTC failed to state the names of interested parties appearing in the OCT sought to be reconstituted, particularly the adjoining owners to Lot No. 1, namely, Benito Ferrer and Marcelo Monegas. While it is true that notices need not be sent to the adjoining owners in this case since this is not required under Sections 9 and 10 of R.A. No. 26 as enunciated in our ruling in *Puzon*, it is imperative, however, that the notice should specify the names of said interested parties so named in the title sought to be reconstituted. No less than Section 9 of R.A. No. 26 mandates it.

Well-entrenched in this jurisdiction that where the words of a statute are clear, plain, and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. *Verba legis non est recedendum*. From the words of a statute there should be no departure.⁶¹ In view of these lapses, the RTC did not acquire jurisdiction to proceed with the case since the mandatory manner or mode of obtaining jurisdiction as prescribed by R.A. No. 26 had not been strictly followed, thereby rendering the proceedings utterly null and void.⁶² As such, while petitioner overlooked these jurisdictional infirmities and failed to incorporate them as additional issues in its own petition, this Court has sufficient authority to pass upon and resolve the same since they affect jurisdiction.⁶³

Apropos is our ruling in *Castillo v. Republic*⁶⁴ where we held that:

We cannot simply dismiss these defects as “technical.” Liberal construction of the Rules of Court does not apply to land registration cases. Indeed, to further underscore the mandatory character of these jurisdictional requirements, the Rules of Court do not apply to land registration cases. In all cases where the authority of the courts to proceed is conferred by a statute, and when the manner of obtaining jurisdiction is prescribed by a statute, the mode of proceeding is mandatory, and must be strictly complied with, or the proceeding will be utterly void. When the trial court lacks jurisdiction to take cognizance of a case, it lacks authority over the whole case and all its aspects. All the proceedings before the trial

⁶¹ *National Food Authority v. Masada Security Agency, Inc.*, 493 Phil. 241, 250-251 (2005); *PNB v. Garcia, Jr.*, 437 Phil. 289, 291 & 295 (2002).

⁶² See *Alabang Dev. Corp., et al. v. Hon. Valenzuela, etc., et al.*, 201 Phil. 727, 744 (1982).

⁶³ *Republic v. Heirs of Julio Ramos*, supra note 60, at 327.

⁶⁴ G.R. No. 182980, June 22, 2011, 652 SCRA 600.

court, including its order granting the petition for reconstitution, are void for lack of jurisdiction.⁶⁵


WHEREFORE, the petition for review on certiorari is **GRANTED**. The Decision dated July 31, 2008 of the Court of Appeals in CA-G.R. CV No. 87390 is **REVERSED** and **SET ASIDE**. The petition for reconstitution docketed as LRC No. V-0016, RTC, Villasis, Pangasinan, Branch 50, is **DISMISSED**.


No pronouncement as to costs.

SO ORDERED.


MARTIN S. VILLARAMA, JR.
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice



LUCAS P. BERSAMIN
Associate Justice


BIENVENIDO L. REYES
Associate Justice

⁶⁵ Id. at 614 (citations omitted).

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 Constitution, I certify that the conclusions in the above Decision 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