

SECOND DIVISION

[G.R. No. 239273, March 02, 2020]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. JUAN FULE
AND DELIA O. FULE, RESPONDENTS.**

DECISION

DELOS SANTOS, J.:

Before the Court is a Petition for Review on Certiorari^[1] under Rule 45 of the Rules of Court assailing the Decision^[2] dated 22 September 2017 and Resolution dated 8 May 2018^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 105351 which affirmed the Order^[4] of the Regional Trial Court (RTC) of Lucena City, Branch 57, in Misc. Case No. 2012-105, granting the petition for reconstitution of Original Certificate of Title (OCT) No. T-1929(464) filed by respondents spouses Juan Fule and Delia Fule (respondents).

FACTS

On 28 June 2012, respondents filed before the RTC a Petition for Reconstitution of OCT No. T-1929(464) covering a parcel of land described as follows:

A parcel of land (Lot 1204 of the Cadastral Survey of Lucena), with improvements thereon, situated in the Municipality of Lucena. Bounded on the NE. by Mamaboy Creek; on the SE., by Lot No. 672; on the SW., and NW. by Lot No. 671 x x x Containing an area of Two Thousand Six Hundred and Twenty Eight (2,628) Square Meters, more or less.^[5]

In their petition, respondents alleged that OCT No. T-1929(464) was issued in the name of Isabel Zarsadias based on Decree No. 130359 issued by the then Court of First Instance, Province of Tayabas, dated 5 December 1922; that OCT No. T-1929(464) was on file with the Register of Deeds of Lucena City and was among those presumed burned during the fire that razed the City Hall building of Lucena City on 30 August 1983; that Isabel was married to Perfecto Pabillorin; that despite Isabel's death on 12 May 1924, Lot 1204 has been declared for taxation purposes in the name of Isabel Zarsadias; that upon her death, the heirs of Isabel Zarsadias possessed and occupied the subject property; that the original owner's copy of OCT No. T-1929(464) was kept in the possession and custody of Antonio Zarsadias Pabillorin, the eldest child of Isabel Zarsadias and Perfecto Pabillorin; that on 3 July 1983, Antonio died; that on 25 July 2011, Antonio's daughter Dorotea Pabillorin, executed an Affidavit of Loss stating that the original owner's copy of OCT No. T-1929(464), alongside some other documents which were supposedly in the

possession and custody of her father Antonio, and kept inside a cabinet in their residence at Gomez St., Lucena City, can no longer be found, that her efforts to locate the same have proved futile, that she considers the same irretrievably lost, and that the subject property has never been sold, mortgaged, encumbered or in any manner transacted; that on 25 July 2011, the grandchildren and successors-in-interest of Isabel Zarsadias executed an Extrajudicial Settlement of Estate with Deed of Absolute Sale in favor of the respondents; that the respondents are now in possession of the subject property; that OCT No. T-1929(464) on file with the Registry of Deeds of Lucena City has never been reconstituted nor the subject of any previous reconstitution proceedings and the Owner's copy of said OCT No. T-1929(464) which had been irretrievably lost has never been issued any second owner's copy or any co-owner's, mortgagee's or lessee's duplicate, as certified by the Office of the Register of Deeds of Lucena City; that there is no existing encumbrance over the subject property, it has never been sold, mortgaged or otherwise encumbered in favor of any person or entity, except in favor of the respondents; that no deeds or other instruments affecting the subject property have been presented for registration; that the subject property has never been subdivided, parceled out or partitioned, and the original area and size as appearing in Decree No. 130359 remain the same; that the present owners and occupants of the adjoining lots of the subject property are – Juan and Delia Fule (Allarey St., Brgy. 8, Lucena City), Carlos Ong Fule and Charles Ong Fule (Allarey St. Brgy. 8, Lucena City), and Engr. Roberto L. Devero (Brgy. Ilayang Talim, Lucena City); and that to respondents' knowledge, there are no other persons who have interest in the subject property.^[6]

In support of their petition, respondents submitted as documentary evidence during the proceedings in the RTC, among others, the Certified Microfilm Copy of the Decree No. 130359 issued by the Land Registration Office, Quezon City; the Certification from the Registry of Deeds of Lucena City dated 10 June 2011 stating that OCT No. T-1929(464) covering Lot No. 1204 registered in the name of Isabel Zarsadias is among those titles presumed burned during the fire that razed the City Hall building of the City of Lucena on 30 August 1983; Tax Declaration of Cadastral Lot 1204 in the name of Isabel Zarsadias and the Receipt evidencing the issuance thereof; and the Certification dated 20 June 2012 stating that OCT No. T-1929(464) covering Lot No. 1204 registered in the name of Isabel Zarsadias is among those titles presumed burned during the fire that razed the City Hall building of the City of Lucena on 30 August 1983 which then housed the Registry of Deeds and that aforesaid titled has neither been reconstituted judicially or administratively nor second owner's duplicate certificate has been issued.^[7]

In the same RTC proceedings, the Land Registration Authority (LRA) submitted a Report dated 8 January 2013, which reads:

REPORT

(1) The present petition seeks the reconstitution of Original Certificate of Title No. T-1929(464) allegedly lost or destroyed and supposedly covering Lot No. 1204 of the Cadastral Survey of Lucena, situated in the Municipality of Lucena, Province of Tayabas (now Quezon), on the basis of Decree No. 130359.

(2) From Book 23(H) of the "Record Book of Cadastral Lots" on file at the Cadastral Decree Section, this Authority, it appears that Decree No. 130359 was issued for Lot No. 1204, Lucena (Tayabas) Quezon Cadastre, on December 5, 1922, in Cadastral Case No. 4, GLRO Cad. Record No. 215. As per copy of decree on file at the Vault Section, Docket Division, this Authority, it appears it was issued in favor of Isabel Zarsadias.

(3) The technical description of Lot No. 1204 of the Cadastral Survey of Lucena, appearing on the reproduction of Decree No. 130359 has been examined and verified correct after due computation. Said technical description when plotted on the Municipal Index Sheet No. 6001, does not appear to overlap previously plotted/decreed properties in the area.

[8]

After considering the evidence presented by respondents and the Report of the LRA, the RTC issued an Order dated 11 February 2015 finding merit in the petition for reconstitution, the decretal portion of which reads:

WHEREFORE, premises considered, the petition is GRANTED, and the Registry of Deeds of Lucena City is hereby ordered to reconstitute the original copy of Original Certificate of Title No. T-1929(464) registered in the name of Isabel Zarsadias, the wife of Perfecto Pabillorin, covering Lot No. 1204 of the Cadastral Survey of Lucena, entered pursuant to Decree No. 130359 in Cadastral Case No. 4, GLRO Cadastral Record No. 215, under the same terms and conditions set forth therein, to be considered as the original copy of the title for all legal intents and purposes, in lieu of the missing title, which is hereby declared null and void, upon finality of this Order and payment of the required legal fees.

As to the prayer for issuance of a second owner's copy, with the reconstituted Original Certificate of Title No. T-1929 (464), Section 16 of Republic Act No. 26 will apply which directs the [R]egister of [D]eeds to issue the corresponding owner's duplicate.

SO ORDERED.[9]

On 17 March 2015, petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG), filed a Notice of Appeal and elevated the case before the CA. In their Appeal Brief, the OSG assigned the lone error that the RTC erred in granting the Petition for Reconstitution despite respondents' failure to establish the existence of OCT No. T-1929(464) and the fact that it was lost or destroyed.[10]

On 22 September 2017, the CA rendered the assailed Decision denying the appeal and affirmed the 11 February Order of the RTC, the dispositive portion of which

reads:

WHEREFORE, the instant appeal is hereby DENIED for lack of merit. The Order dated February 11, 2015 issued by the Regional Trial Court (RTC) of Lucena City, Branch 57, in Misc. Case No. 2012-105 is AFFIRMED.

SO ORDERED.^[11]

The CA ruled that the respondents were able to prove that Lot 1204 was covered by OCT No. T-1929(464) registered in the name of Isabel Zarsadias and that the same was lost or destroyed. The CA ratiocinated as follows:

A careful perusal of the Petition for Reconstitution filed by petitioners-appellees and the records of this case reveal that the requirements of Sections 12 and 13 of R.A. No. 26 have been complied with. Furthermore, contrary to the position of the OSG, a reading of the Certification issued by the Register of Deeds of Lucena City shows that per its records, there is ground to presume that the original copy of OCT No. T-1929(464) covering Lot 1204 registered in the name of Isabel Zarsadias is one among those burned in the fire that razed the City Hall of Lucena City on 30 August 1983.

As it stands, We find no reversible error on the part of the RTC in finding that petitioners-appellees were able to prove that the subject property was registered in the name of Isabel Zarsadias and was covered by OCT No. T-1929(464). This is consistent with the fact that petitioners-appellees were able to produce a certified microfilm copy of Decree No. 130359 dated December 5, 1922, issued by the Court of First Instance, Province of Tayabas, which ordered the registration in the name of Isabel Zarsadias of Lot No. 1204.^[12]

The petitioner moved for reconsideration of the above Decision but the same was denied in the assailed CA Resolution dated 8 May 2018.^[13]

Hence, the instant petition.

The OSG interposed the present appeal anchored on the grounds that:

I. THE CA COMMITTED REVERSIBLE ERROR IN AFFIRMING THE RTC'S 11 FEBRUARY 2015 ORDER, GRANTING THE PETITION FOR THE RECONSTITUTION BASED MERELY ON AN AUTHENTICATED COPY OF DECREE NO. 130359 ISSUED UNDER THE NAME OF ISABEL ZARSADIAS.

II. THE CA COMMITTED REVERSIBLE ERROR IN AFFIRMING THE RTC'S 11 FEBRUARY 2015 ORDER, GRANTING THE PETITION FOR

RECONSTITUTION DESPITE RESPONDENTS' FAILURE TO PROVE
THE EXISTENCE OF OCT. NO. T-1929(464).^[14]

The OSG contends that the CA erred in affirming the order of the RTC granting the petition for reconstitution considering that respondents were not able to prove the issuance and prior existence of OCT No. T-1929(464) under the name of Isabel Zarsadias which is a condition precedent in a petition for reconstitution of lost or destroyed original certificate of title.^[15] The OSG explains that while respondents presented a certified microfilm copy of Decree No. 130359, the same, however, does not show that OCT No. T-1929(464) was issued pursuant to said decree.^[16] The OSG also asserts that the certification of the Register of Deeds of Lucena City does not establish that the original copy of OCT No. T-1929(464) was issued and kept or was part of its records. The certification merely stated that OCT No. T-1929(464) "is one among those titles presumed burned during the fire that razed the City Hall building of the City of Lucena".^[17] Far from proving the existence of OCT No. T-1929(464), the OSG opines that the said certification would only establish that the Register of Deeds of Lucena City has no record of OCT No. T-1929(464) registered in the name of Isabel Zarsadias.^[18] The OSG further avers that the tax declaration for the assessment year 1995 presented by the respondents is not a reliable source to prove the existence of OCT No. T-1929(464).^[19]

On their part, respondents pray for the outright dismissal of the instant petition on procedural grounds. They expound that petitioner raised questions of fact, which are beyond the purview of a Rule 45 Petition.^[20] Further, respondents aver that petitioner also failed to attach in its petition the material portions of the record of the case, in violation of Section 4, Rule 45 of the Rules of Court. This include the material evidence cited in the petition such as the certified microfilm of Decree No. 130359 and the Certification dated 10 June 2011 issued by the Register of Deeds of Lucena City.^[21]

Without waiving the above-said procedural objections, respondents further argue that the CA did not commit reversible error in its assailed Decision and Resolution. Respondents posit that they were able to present sufficient evidence that OCT No. T-1929(464) was duly issued. They rely on the Certification issued by the Register of Deeds of Lucena City stating that OCT No. T-1929(464) registered in the name of Isabel Zarsadias is presumed to be among those titles burned during the fire that razed the City Hall of Lucena City on 30 August 1983. According to respondents, the Certification was based on the records on file of the Register of Deeds of Lucena and by its plain and literal wording, the said Certification confirms that OCT No. T-1929(464) was issued but the original copy thereof was subsequently lost and destroyed by a fire. Moreover, the Certification issued by the Register of Deeds was corroborated by the certified microfilm copy of Decree No. 130359, by the LRA Report dated 8 January 2013, and by the testimony of Dorotea Pabillorin, the granddaughter of Isabel Zarsadias, which pieces of evidence, when taken together, would sufficiently prove that OCT No. TCT-1929(464) was issued and that it was lost or destroyed.

RULING