

THIRD DIVISION

[G.R. No. 209385, August 31, 2016]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SALUD ABALOS AND JUSTINA CLARISSA P. MAMARIL, RESPONDENTS.

RESOLUTION

REYES, J.:

Before the Court is a petition for review on *certiorari*^[1] under Rule 45 of the Rules of Court seeking the review and nullification of the Decision^[2] dated September 23, 2013 of the Court of Appeals (CA) in CA-G.R. CV No. 96942, filed by the Republic of the Philippines (petitioner) through the Office of the Solicitor General (OSG).

Antecedent Facts

In 2007, Justina Clarissa Mamaril (Mamaril) bought on installment basis a parcel of land located in Barrio Concepcion, Municipality of Rosario, La Union from her aunt, Salud Abalos (Abalos). The piece of land is covered by Transfer Certificate of Title (TCT) No. T-24567. Abalos entrusted to Mamaril the owner's duplicate copy of the TCT upon the first payment of installment made by the latter. Sometime in 2008, Mamaril agreed to lend the title of the land to Abalos who was in dire need of money. Abalos used the said title of land as collateral for the loan she intended to secure from the Rural Bank of Rosario, San Fabian Branch. The mortgage was cancelled in 2009. Upon full payment of the last installment due, Mamaril requested Abalos to return the owner's duplicate copy of the title. However, Mamaril discovered that the duplicate copy of the TCT was already missing.^[3]

Mamaril went to the Register of Deeds (RD) of San Fernando City, La Union to secure a copy of the original certificate of title of the parcel of land. To her dismay, the said office claimed that no records pertaining to her title were found and such may have been one among those files not recovered from a fire which razed their office on August 26, 2000.^[4]

On August 17, 2009, Mamaril and Abalos (respondents) filed a petition for reconstitution of title covering the subject parcel of land before the Regional Trial Court (RTC) of Agoo, La Union and prayed that a new owner's duplicate certificate of title be issued in lieu of the lost one.^[5] In support of the petition, the respondents offered the following documents: Print Copy of the Microfilm Copy of TCT No. T-24567; Deed of Absolute Sale dated July 22, 2009; Certification from the RD of San Fernando City, La Union; Tax Receipts; Certification of Mortgage; and Withdrawal and Release Paper from the Rural Bank of Rosario.^[6]

Ruling of the RTC

In its Decision^[7] dated January 31, 2011, the RTC partially granted the petition filed by the respondents. It granted the petition for reconstitution but denied the prayer for the issuance of new owner's duplicate copy of title due to their failure to file an affidavit of loss before the RD. The dispositive portion reads:

WHEREFORE, the foregoing considered, the instant petition is partly granted. The Reconstituting Officer of the [RD] of La Union is ordered to reconstitute TCT No. T-24567, in exactly the same terms and conditions as the lost title with all the annotations and encumbrances imposed thereon, upon payment by the [respondents] of lawful fees.

Serve a copy of this Decision upon the [RD] of San Fernando City, La Union, Provincial Prosecutor's Office of Agoo, La Union, [OSG] and Land Registration Authority.

SO ORDERED.^[8]

The petitioner, through the OSG, filed a motion for reconsideration which the RTC denied in its Order^[9] dated April 1, 2011.

Ruling of the CA

The OSG brought its case before the CA raising the issue of whether the RTC erred in granting the respondents' petition for reconstitution of title. The CA resolved the case in favor of the respondents finding the documents they submitted sufficient to serve as bases for reconstituting the lost certificate of title.^[10] The CA disposed of the case as follows:

WHEREFORE, the appeal is **DISMISSED**. The January 31, 2011 Decision of the [RTC], Branch 32, Agoo, La Union in Administrative Case No. A-3581 is hereby **AFFIRMED** *in toto*.

SO ORDERED.^[11]

Aggrieved, the petitioner, through the OSG, filed the present petition for review on *certiorari* under Rule 45 of the Rules of Court claiming that the CA erred in affirming the RTC decision granting the respondents' petition for reconstitution of the subject parcel of land.^[12] In support of its argument, the OSG asserts that the documents presented by the respondents are not enough to warrant reconstitution of title.^[13]

Ruling of the Court

The petition is impressed with merit.

In several occasions, the courts were reminded to be cautious in granting the reconstitution of lost or destroyed certificates of title. The respondents sought to restore TCT No. T-24567 in exactly the same way before its alleged loss during the fire on August 26, 2000 in the RD of San Fernando City, La Union. Reconstitution of certificate of title partakes of a land registration proceeding and must be granted only upon clear proof that the title sought to be restored was indeed issued to the

petitioner.^[14] Jurisprudence prescribed the requirements to warrant the order of reconstitution, namely: (a) that the certificate of title had been lost or destroyed; (b) that the documents presented by petitioner are sufficient and proper to warrant reconstitution of the lost or destroyed certificate of title; (c) that the petitioner is the registered owner of the property or had an interest therein; (d) that the certificate of title was in force at the time it was lost or destroyed; and (e) that the description, area and boundaries of the property are substantially the same and those contained in the lost or destroyed certificate of title.^[15] The respondents failed to meet these requisites. Notably, the respondents claimed the loss, not only of the original of the Torrens title on file with the RD but also that of the owner's duplicate copy. Due to the inability of the respondents to comply with the required affidavit of loss, the RTC denied the issuance of the owner's duplicate copy.

Republic Act (R.A.) No. 26, which is also known as An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed, governs the petition filed by the respondents. Section 3 of R.A. No. 26 enumerates the bases or the sources from which the certificates of title shall be reconstituted. It reads:

Sec. 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.

The petition for reconstitution filed by the respondents was accompanied by the following documents:

- a) Microfilm print copy of TCT No. T-24567;
- b) Deed of Absolute Sale dated July 22, 2009;
- c) Certification stating that TCT No. T-24567 is not among those