

## SECOND DIVISION

**[ G.R. No. 198543, April 15, 2015 ]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. CESAR C. PASICOLAN AND GREGORIO C. PASICOLAN, RESPONDENTS.**

### D E C I S I O N

**DEL CASTILLO, J.:**

Time and again, trial courts are reminded of their duty to carefully scrutinize the records of the case in determining compliance with the requirements concerning Petitions for Reconstitution of a lost or destroyed Original Certificate of Title (OCT). Extra precaution must be taken "lest they become unwitting accomplices in the reconstitution of questionable titles instead of being instruments in promoting the stability of our land registration system."<sup>[1]</sup>

This Petition for Review on *Certiorari*<sup>[2]</sup> seeks to reverse the September 6, 2011 Decision<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 84120. The CA's assailed Decision affirmed the October 8, 2004 Decision<sup>[4]</sup> of the Regional Trial Court (RTC), Branch 3, Tuguegarao City, Cagayan which, in turn, granted respondents' Petition for Reconstitution of OCT No. 8450.

#### Factual Antecedents

Respondents Cesar C. Pasicolan (Cesar) and Gregorio C. Pasicolan (Gregorio) filed a Petition for Reconstitution<sup>[5]</sup> of OCT No. 8450 in the name of Pedro Callueng (Pedro) before the RTC of Tuguegarao City. Respondents claimed to be the legal and forced heirs of the late Pedro.

In support of their Petition for Reconstitution, respondents submitted the following evidence:

Exhibit	Description
A	Decree No. 339880
B	Technical Description
C	Sepia Film Plan
D	Certification issued by the Registry of Deeds
E	Certification issued by the Land Registration Authority, Quezon City
F	Report issued by the Land Registration Authority
G	Certificate of Publication issued by the National Printing Office
H	Official Gazette Vol. 99 No. 39

I	Official Gazette Vol. 99 No. 40
J	Certification issued by the City Secretary, Tuguegarao City
K	Certification issued by the Sangguniang Panlalawigan
L	Notice of Appearance of the Solicitor General
M	Declaration of Real Property dated August 28, 1935
N	Declaration of Real Property dated October 24, 1947
O	Official Receipt No. 4854586
P	Official Receipt No. 6096680
Q	Official Receipt No. 34107

#### Ruling of the Regional Trial Court

The RTC granted the Petition in a Decision<sup>[6]</sup> dated October 8, 2004, disposing thus:

WHEREFORE, finding this petition to be sufficient in form and substance and pursuant to the report of the LRA[,] this petition is hereby granted. The Register of Deeds of the Province of Cagayan is hereby directed to reconstitute the original copy of Original Certificate of Title No. 8450 in the name of Pedro Callueng in exactly the same words and figures as the destroyed original copy based on the certified copy of the Decree upon payment of the petitioners of the lawful fees and charges, subject to the encumbrances mentioned in Decree No. 339880 in the absence of evidence showing that the same has already been cancelled, and provided that no certificate of title covering the same parcel of land exists in the office of the Register of Deeds of Cagayan.

Furnish copies of this Decision to the petitioners, the Register of Deeds of the Province of Cagayan, the Land Registration Authority, Quezon City, the Office of the Provincial Prosecutor and the Solicitor General.

The Register of Deeds of the Province of Cagayan is hereby directed to issue a new owner's duplicate copy of Original Certificate of Title No. 8450 in the name of Pedro Callueng in lieu of the lost/destroyed one upon payment of the lawful fees and charges.

SO ORDERED.<sup>[7]</sup>

Believing that the RTC erred in granting the Petition for Reconstitution, petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG), appealed to the CA ascribing upon the court *a quo* the following error:

THE TRIAL COURT ERRED IN NOT FINDING THAT [RESPONDENTS] FAILED TO PRESENT COMPETENT EVIDENCE TO SHOW THAT THE ALLEGED LOST CERTIFICATE OF TITLE WAS VALID AND SUBSISTING AT THE TIME OF ITS ALLEGED LOSS AND THAT A MERE COPY OF DECREE NO. 339880 IS NOT A SUFFICIENT BASIS FOR RECONSTITUTING ORIGINAL CERTIFICATE OF TITLE NO. 8450.<sup>[8]</sup>

### ***Ruling of the Court of Appeals***

After both parties filed their respective Briefs, the CA rendered the assailed Decision dismissing the appeal. It gave credence to the pieces of documentary evidence presented by the respondents and the report of the LRA which provides in part and quoted by the CA as follows:

2. From Book No. 52 of the 'Record Book of Cadastral Lots' on file at the Cadastral Decree Section, this Authority, it appears that Decree No. 339880 was issued for Lot 1921, Tuguegarao Cadastre on September 12, 1928, in Cadastral Case No. 4, GLRO Cad. Record No. 415. However, copy of said decree is no longer available in this Authority;<sup>[9]</sup>

It thus ratiocinated as follows:

We find no reason not to give the LRA's determination full faith and credit. The OSG ought to remember that: the LRA exists for the sole purpose of implementing and protecting the Torrens system of land titling and registration; it is the **central repository of all land records involving registered or titled lands**; it **keeps the title history** or records of transaction involving titled or registered lands x x x and; it is specifically called upon to extend assistance to courts in ordinary and cadastral land registration proceedings. x x x

Moreover, We constantly adhere to the established rule that 'factual findings of administrative officials and agencies that have acquired expertise in the performance of their official duties and the exercise of their primary jurisdiction are generally accorded not only respect but, at times, even finality if such findings are supported by substantial evidence. x x x

What made the case stronger for the appellees was the lower court's granting of the prayer for the reconstitution and issuance of certificates of title. After a thorough examination of the presented evidence and testimony, pursuant as well on the report made by the LRA, the lower court concluded that the **petition was sufficient in substance**.

Findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise [a]ffect the results of the case, **those findings should not be ignored**. In this case, We give great weight on the lower court's findings of fact as the latter was in a better

position to examine the real evidence, and observed whether the witness was telling the truth or not. x x x

Upon the foregoing, We are persuaded to believe and so hold that sufficient basis thus exists to allow the reconstitution and issuance of certificates of title in favor of the appellees. For failure of the OSG to prove otherwise, the Court has no recourse but to deny its appeal.<sup>[10]</sup>

Hence, this Petition.

### **Issue**

The OSG interposed the present recourse anchored on the ground that:

THE COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL COURT'S FINDING THAT RECONSTITUTION IS JUSTIFIED ON THE BASIS OF A COPY OF AN UNAUTHENTICATED DECREE AND THE EVIDENCE ON RECORD.<sup>[11]</sup>

### ***The OSG's Arguments***

The OSG contends that the CA erred in affirming the Decision of the trial court granting respondents' Petition for Reconstitution considering that "the decree which [the LRA] certified as a true copy did not previously form part of its records." In refuting the lower court's finding of authenticity of the decree of registration, the OSG argues, thus:

x x x The machine copy of the decree that was attached to the petition for reconstitution itself became the source of a document that was forwarded to the LRA, which document was, in turn, made the basis of a decree that was released by LRA as a certified true copy of its records. Indeed, there is no authentic decree to speak of in the instant case. At best, the certification made by LRA on the decree submitted as Exhibit A merely proves the subsequent appearance thereof in the records of the LRA. But it can never serve to prove its authenticity for purposes of reconstitution under Section 2 (d) of Republic Act No. 26.<sup>[12]</sup>

The OSG also insists that respondents failed to present competent proof of the loss of OCT No. 8450. It maintains that the non-execution of an affidavit of loss before the Register of Deeds in accordance with Section 12<sup>[13]</sup> of Republic Act No. 26 (RA 26),<sup>[14]</sup> as well as the absence of any "testimony on record setting forth the circumstances that led to such loss"<sup>[15]</sup> cast doubt on respondents' claim that the owner's duplicate of OCT No. 8450 is indeed lost.

### ***Respondents' Arguments***

For their part, respondents assert that petitioner never questioned the

recommendation of the LRA, “especially that portion of the report that the Honorable Court may use the authenticated decree as a source of the desired reconstitution.”<sup>[16]</sup> This thus renders the OSG’s objection to the same as “already late in the day.”<sup>[17]</sup>

### **Our Ruling**

The Petition is meritorious.

*The absence of opposition from the government does not bar it from assailing the decision granting the Petition for Reconstitution.*

Before we delve into the merits of the Petition, it would be best to address respondents’ argument that “no person came forward to contest the reconstitution of the subject title even after the requirements of posting and publication have been complied with,” in light with our ruling in *Macawadib v. Philippine National Police Directorate for Personnel and Records Management*,<sup>[18]</sup> thus:

On the question of whether or not respondent is estopped from assailing the decision of the RTC for failure of the OSG, as government representative, to participate in the proceedings before the trial court or to file an opposition to petitioner’s petition for correction of entries in his service records, this Court rules that such an apparent oversight has no bearing on the validity of the appeal which the petitioner filed before the CA. Neither can the State, as represented by the government, be considered in estoppel due to the petitioner’s seeming acquiescence to the judgment of the RTC when it initially made corrections to some of petitioner’s records with the PNP. **This Court has reiterated time and again that the absence of opposition from government agencies is of no controlling significance, because the State cannot be estopped by the omission, mistake or error of its officials or agents. Nor is the Republic barred from assailing the decision granting the petition for correction of entries if, on the basis of the law and the evidence on record, such petition has no merit.**

<sup>[19]</sup>

That having been said, we now discuss the merits of this Petition.

*The instant Petition falls under the exceptions to the general rule that factual findings of the appellate court are binding on this Court.*

“Ordinarily, this Court will not review, much less reverse, the factual findings of the CA, especially where such findings coincide with those of the trial court. The findings of facts of the CA are, as a general rule, conclusive and

binding upon this Court, since this Court is not a trier of facts and does not routinely