

FIRST DIVISION

[G.R. No. 174185, July 22, 2015]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. WILFREDO MANCAO, RESPONDENT.

DECISION

BERSAMIN, J.:

No petition for the judicial reconstitution of a Torrens title that does not strictly adhere to the requirements of Republic Act No. 26,^[1] albeit unopposed, should be granted even on the pretext that the reconstitution would not affect the ownership or possession of the property.

The Case

The Republic of the Philippines appeals to undo the decision promulgated on August 8, 2005,^[2] whereby the Court of Appeals (CA) upheld the judgment dated November 6, 2001^[3] directing the judicial reconstitution of Original Certificate of Title (OCT) No. 11097 of the Registry of Deeds of Cebu Province covering land located in Carcar, Cebu rendered by the Regional Trial Court, Branch 6, in Cebu City (RTC).

Antecedents

On July 28, 1999, the respondent filed his petition for judicial reconstitution of OCT No. 11097, alleging therein as follows:^[4]

x x x x

2.- THAT petitioner is one of the present owners of a parcel of land embraced in and covered by Original Certificate of Title No. 11097, the location, area and boundaries of which are as follows:

A parcel of land (Lot No. 2291 of the Cadastral Survey of Carcar), situated in the Municipality of Catcar (sic). Bounded on the East by the Bohol Strait; on the South East by Lot No. 2290; on the West by Lot o. 2353-C-38 (sic); and on the North West by Lot No. 2292, containing an area of four hundred and thirty-four square meters (434 e.g.)(sic) more or less.

3.- THAT the original copy of said Certificate Title which used to be kept in the custody of the Register of Deeds of Cebu Province was either lost or destroyed, but the Owner's Duplicate thereof is still held by herein Petitioner. The Office of the Register of Deeds of Cebu Province issued a

certification that the records of all deeds/conveyances were either burned or destroyed during the last World War, copy of which is hereto attached and forms part hereof as Annex "A", while the photocopy of the said Certificate of Title is hereto attached as Annex "B";

4.- THAT no co-owner's or other duplicates of said Certificate of Title had been issued (other than the copy held by herein Petitioner);

5.- THAT there are no buildings or improvements existing on said land which do not belong to the Petitioner as its owner;

6.- THAT herein Petitioner is in actual possession of the above-described property;

7.- THAT the names and addresses of the owners of adjoining properties, as listed in the Tax Declaration of the subject lot (copy of which is hereto attached and forms part hereof as Annex "C"), are as follows:

a./ EAST - Bohol Strait;

b./ - Lot No. 2290 – Public land-No listed
SOUTHEAST claimant;

c./ WEST - Lot No. 2353-C-38- Hacienda Esperanza
c/o Ricardo Lañas (tenant), Mahayahay,
Tuyom, Carcar, Cebu;

d./ - Lot No. 2292 – Wilfredo Mancao, Bas,
NORTHWEST Perrelos, Carcar, Cebu;

8.- THAT the property is free from all liens and encumbrances of any kind whatsoever.

x x x x

On January 24, 2000, the RTC set the initial hearing of the petition for judicial reconstitution on July 26, 2000, and directed the publication of the notice of hearing in the Official Gazette, the posting of the notice of hearing in conspicuous public places, and the service of the notice of hearing to the adjoining owners.^[5] Copies of the order were caused to be served on the Land Registration Authority, the Land Management Bureau, the Office of the Register of Deeds of Cebu Province, the Bureau of Forestry and the Office of the Solicitor General (OSG).^[6]

On February 8, 2000, the OSG entered its appearance for the Republic, and deputized the City Prosecutor of Cebu City to appear thereafter in its behalf.^[7]

As stated, the RTC rendered its judgment dated November 6, 2001 granting the petition,^[8] decreeing:

WHEREFORE, judgment is hereby rendered granting the petition–

1. declaring the original copy of the Original Certificate of Title No. 11097 as irretrievably lost; and

2. directing the Register of Deeds of the Province of Cebu to reconstitute the said certificate of title under the same terms and conditions as the original thereof.

SO ORDERED.^[9]

The Republic appealed the judgment.

On August 8, 2005, the CA promulgated its assailed decision,^[10] viz.:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered by us **DISMISSING** the appeal filed in this case and **AFFIRMING** the Decision dated November 6, 2001 of the RTC of Cebu City, Branch 6 in Carcar, Cebu Cad.

SO ORDERED.^[11]

On September 1, 2005, the Republic moved for the reconsideration of the assailed decision,^[12] but the CA denied its motion in the resolution promulgated on August 10, 2006.^[13]

Issue

In this appeal by petition for review on *certiorari*, the Republic submits that:

THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE LOWER COURT'S DECISION GRANTING THE RECONSTITUTION OF THE ALLEGED ORIGINAL CERTIFICATE OF TITLE NO. 11097 ALLEGEDLY COVERING LOT NO. 2291.^[14]

Ruling of the Court

The appeal is meritorious.

The judicial reconstitution of a Torrens title under Republic Act No. 26 means the restoration in the original form and condition of a lost or destroyed Torrens certificate attesting the title of a person to registered land. The purpose of the reconstitution is to enable, after observing the procedures prescribed by law, the reproduction of the lost or destroyed Torrens certificate in the same form and in exactly the same way it was at the time of the loss or destruction.

To ensure the reconstitution proceedings from abuse, Republic Act No. 26 has laid down the mandatory requirements to be followed. For the judicial reconstitution of an existing and valid *original* certificate of Torrens title, Section 2 of Republic Act No. 26 has expressly listed the acceptable bases, viz.:

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;