

THIRD DIVISION

[G.R. No. 212388, December 10, 2014]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HEIRS OF
SPOUSES DONATO SANCHEZ AND JUANA MENESES,
REPRESENTED BY RODOLFO S. AGUINALDO, RESPONDENTS.**

DECISION

VELASCO JR., J.:

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court seeking the reversal and setting aside of the Decision^[1] dated November 8, 2013 and Resolution dated April 29, 2014 of the Court of Appeals in CA-G.R. CV No. 94720, entitled *Heirs of the Spouses Donato Sanchez and Juana Meneses, represented by Rodolfo S. Aguinaldo v. Republic of the Philippines*.

Respondents filed an amended petition for reconstitution of Original Certificate of Title (OCT) No. 45361 that covered Lot No. 854 of the Cadastral Survey of Dagupan, pursuant to Republic Act (RA) No. 26.^[2] In said petition, respondents made the following allegations:

1. That OCT No. 45361 was issued in the name of their predecessor-in-interest, the spouses Sanchez, pursuant to Decree No. 41812 issued in relation to a Decision dated March 12, 1930 of the then Court of First Instance (CFI) of Pangasinan;
2. Said lot was declared for taxation purposes in the name of the spouses Sanchez and that when the latter died intestate, they executed a Deed of Extrajudicial Partition. Said Deed, however, could not be registered because the owner's copy of OCT No. 45361 was missing; and
3. The Offices of the Register of Deeds (RD) of Lingayen and Dagupan, Pangasinan issued a certification that the copies of Decree No. 41812 and OCT No. 45361 could not be found among its records.

Finding the petition sufficient in form and substance, the CFI issued an Order dated June 24, 2001 giving due course thereto and ordered the requisite publication thereof, among others. Meanwhile, the Administrator of the Land Registration Authority (LRA) requested the trial court, which the latter granted through its October 11, 2002 Order, to require respondents to submit the following documents:

1. Certification from the RD that OCT No. 45361 was either lost or destroyed;
2. Copies of the technical description of the lot covered by OCT No. 45361, certified by the authorized officer of the Land Management Bureau/LRA; and
3. Sepia film plan of the subject lot prepared by the duly licensed geodetic engineer.

Due to difficulties encountered in securing said documents, respondents moved for the archiving of the case, which motion was granted by the trial court. It was later revived when respondents finally secured the said documents.

The petition was published anew and trial later ensued, with the following documents submitted by respondents in evidence, to wit:

1. Decision dated March 12, 1930 (written in Spanish) in Cadastral Case No. 40, GLRO Cad. Record No. 920 adjudicating Lot No. 854 in favor of the spouses Donato Sanchez and Juana Meneses which was certified by the LRA as a true copy of the original; and
2. Certified true copy of the Registrar's Index Card containing the notation that OCT No. 45361 covering Lot No. 854 was listed under the name of Donato Sanchez.

On January 11, 2008, the LRA submitted its Report pertaining to the legality of the reconstitution sought in favor of respondents, the relevant portions of which, as quoted by the CA in the assailed Decision, are as follows:

(2) From Book No. 35 of the Record Book of Cadastral Lots on file at the Cadastral Decree Section, this Authority, it appears that Decree No. 418121 was issued to Lot No. 854, Dagupan Cadastre on January 12, 1931, in Cadastral Case No. 40, GLRO Cad. Record No. 920. Copy of the said decree, however, is no longer available in this Authority.

(3) The plan and technical description of lot 854, cad 217, Case 3, Dagupan Cadastre, were verified correct by this Authority to represent the aforesaid lot and the same have been approved under (LRA) PR-07-01555-R pursuant to the provisions of Section 12 of Republic Act No. 26.

On June 30, 2008, however, the Regional Trial Court (RTC) rendered its Decision^[3] dismissing the petition for lack of sufficient evidence, ruling that RA No. 26 only applies in cases where the issuance of the OCT sought to be reconstituted has been established, only that it was lost or destroyed. While acknowledging the existence of Decree No. 418121 which was issued for the lot subject of the case, the RTC nevertheless held that there is no established proof that OCT No. 45361 was issued by virtue of said Decree.

Aggrieved, respondents moved for reconsideration of the above Decision, insisting that there was sufficient evidence to prove the issuance of OCT No. 45361. Instead of filing a comment thereto, the RD of Dagupan City manifested that OCT No. 45361 had been superseded by TCT No. 10202 issued to a certain Rufino Mariñas with notation that the land it covered was "originally registered on the 29th day of January, [1931] xxx as OCT No. 45361 pursuant to Decree No. 418121 issued in G.L.R.O. Cadastral Record No. 920." Furthermore, TCT No. 10202 was cancelled by TCT No. 44365 and later by TCT No. 80792 in the name of Dagupan Doctors Villaflo Memorial Hospital, both bearing a note which reads, "The name of the registered owner of OCT No. 45361 is not available as per certification of the [RD of Lingayen],

dated August 18, 1982, entries nos. 107415 and 107416, respectively.”

Disagreeing with the trial court’s findings and holding that Lot 854 was judicially awarded to respondents’ predecessor-in-interest in Cadastral Case No. 40, GLRO Cad. Record No. 920, the CA reversed the RTC ruling on appeal and directed the reconstitution of OCT No. 45361 in favor of herein respondents.

The CA held that even though respondents were unable to present the documents necessary for reconstitution of title as enumerated under Section 2 of RA No. 26, particularly (a) to (e) thereof, the documentary pieces of evidence presented by respondents fall under paragraph (f) of said provision and are sufficient to warrant the reconstitution of OCT No. 45361. In this regard, the CA emphasized that the certificates of title which the RD manifested to have superseded OCT No. 45361 all bear the notation to the effect that Lot No. 854 was originally registered on January 29, 1931 as OCT No. 45361 pursuant to Decree No. 418121 issued in G.L.R.O. Cadastral Record No. 920, the name of the registered owner of which is not available. This, to the CA, substantially complies with the requirement enunciated in *Republic v. Tuastumban*^[4] that the documents must come from official sources which recognize the ownership of the owner and his predecessors-in-interest.

Its motion for reconsideration having been denied by the appellate court in the assailed Resolution, petitioner lodged the instant petition questioning the sufficiency of the documents presented by respondents to warrant the reconstitution of the alleged lost OCT No. 45361.

We resolve to grant the petition.

The Court agrees with the trial court that no clear and convincing proof has been adduced that OCT No. 45361 was issued by virtue of Decree No. 418121. The Decision dated March 21, 1930 and the Registrar’s Index Card containing the notation on OCT No. 45361 do not cite nor mention that Decree No. 418121 was issued to support the issuance of OCT No. 45361. At this point, it is well to emphasize that a petition for reconstitution of lost or destroyed OCT requires, as a condition precedent, that an OCT has indeed been issued, for obvious reasons.

Assuming arguendo that respondents were able to sufficiently prove the existence of OCT No. 45361 considering the totality of the evidence presented, the Court finds that reconstitution thereof is still not warranted, applying Section 15 of RA No. 26. Said provision reads:

Section 15. If the court, after hearing, finds that the documents presented, as supported by parole evidence or otherwise, are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title, and that the petitioner is the registered owner of the property or has an interest therein, **that the said certificate of title was in force at the time it was lost or destroyed**, and that the description, area and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title, an order of reconstitution shall be issued. x x x

As explicitly stated in the above-quoted provision, before a certificate of title which has been lost or destroyed may be reconstituted, it must first be proved by the claimants that said certificate of title was *still in force at the time it was lost or destroyed*, among others. Here, the mere existence of TCT No. 10202, later cancelled by TCT No. 44365, which, in turn, was superseded by TCT No. 80792, which bear the notations:

originally registered on the 29th day of January, [1931] xxx as OCT No. 45361 pursuant to Decree No. 418121 issued in G.L.R.O. Cadastral Record No. 920.

The name of the registered owner of OCT No. 45361 is not available as per certification of the [RD of Lingayen], dated August 18, 1982, entries nos. 107415 and 107416, respectively.

clearly shows that the OCT which respondents seek to be reconstituted is no longer in force, rendering the procedure, if granted, a mere superfluity.

Additionally, if indeed OCT No. 45361 was lost or destroyed, it is necessary that the RD issue a certification that such was in force at the time of its alleged loss or destruction. Definitely, the RD cannot issue such certification because of the dearth of records in support of the alleged OCT No. 45361 in its file. The presentation of alleged derivative titles--TCT No. 10202, TCT No. 44365 and TCT No. 80792--will not suffice to replace this certification because the titles do not authenticate the issuance of OCT No. 45361 having been issued by the RD without any basis from its official records. As a matter of fact, it is a wonder how the derivative titles were issued when the existence of OCT No. 45361 could not be established based on the RD's records. The RD failed to explain how it was able to make an annotation of the original registration of the lot under OCT No. 45361 when respondents are now asking for its reconstitution. It is also highly suspicious why respondents are asking the reconstitution of OCT No. 45361 when, supposedly, it has already been cancelled and new titles have already been issued based on transfers purportedly made by respondents. Lastly, of what use is the reconstituted OCT No. 45361 when the lot has already been transferred to other persons. It will practically be of no value or worth to respondents.

If the respondents still insist on the reconstitution of OCT No. 45361, the proper procedure is to file a petition for the cancellation and re-issuance of Decree No. 418121 following the opinion of then LRA Administrator Benedicto B. Ulep. In said Opinion, Administrator Ulep explained the reason for the necessity of the petition for cancellation of the old decree and its re-issuance, thus:

1. Under the premises, the correct proceeding is a petition for cancellation of the old decree, re-issuance of decree and for issuance of OCT pursuant to that re-issued decree.

In the landmark decision of *Teofilo Cacho vs. Court of Appeals, et al.*, G.R. No. 123361, March 3, 1997, our Supreme Court had affirmed the