

FIRST DIVISION

[G.R. No. 185604, June 13, 2013]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. EDWARD M. CAMACHO, RESPONDENT.

DECISION

VILLARAMA, JR., J.:

Before this Court is a petition^[1] for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking the reversal of the Decision^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 87390, which affirmed the Decision^[3] of the Regional Trial Court (RTC) of Villasis, Pangasinan, Branch 50 in Land Registration Case No. V-0016.

The facts follow.

On March 6, 2003, respondent Edward M. Camacho filed a petition^[4] denominated as "*Re: Petition for Reconstitution of the Original Title of O.C.T. No. (not legible) and Issuance of Owner's Duplicate Copy*" before the RTC.

In support thereof, respondent alleged that the Original Certificate of Title^[5] (OCT) sought to be reconstituted and whose number is no longer legible due to wear and tear, is covered by Decree No. 444263, Case No. 3732, Record No. 22141^[6] issued in the name of Spouses Nicasio Lapitan and Ana Doliente (Spouses Lapitan) of Alcala, Pangasinan. Respondent also alleged that the owner's duplicate copy of the OCT is in his possession and that he is the owner of the two parcels of land covered by the aforementioned OCT by virtue of a Deed of Extra-Judicial Partition with Absolute Sale^[7] (the Deed) executed on December 26, 2002 by the heirs of Spouses Lapitan in his favor. Said OCT covers two parcels of land located in San Juan, Alcala, Pangasinan, (Lot No. 1) and Namulatan,^[8] Bautista, Pangasinan (Lot No. 2) with the following technical descriptions:

A parcel of land (Lot No. 1, plan Psu- 53673), situated in the Barrio of San Juan, Municipality of Alcala. Bounded on the NE. by property of Benito Ferrer; on the S. by an irrigation ditch and property of Marcelo Monegas; and on the W. by Lot No. 2. Beginning at a point marked "1" on plan, being S. 0 deg. 53' W., 3830.91 m. from B. L. L. M. No. 1, Alcala; thence S. 87 deg. 22' W., 44.91 m. to point "2"; thence N. 5 deg. 25' W., 214.83 m. to point "3"; thence S. 17 deg. 06' E., 221.61 m. to the point of beginning; containing an area of four thousand eight hundred and eighteen square meters (4,818), more or less. All points referred to are indicated on the plan and on the ground are marked by old P. L. S. concrete monuments; bearings true; declination 0 deg. 40' E.; date of survey, April 19-21, 1926[; and]

A parcel of land (Lot No. 2, plan Psu-53673), situated in the Barrio of [Namulatan], Municipality of Bautista. Bounded on the N. by properties of Hipolito Sarmiento and Ciriaco Dauz; on the E. by Lot No.1; and on the SW. by property of Nicasio Lapitan vs. Felix Bacolor. Beginning at a point marked "1" on plan, being S. 2 deg. 40' W., 3625.25 m. from B. L. L. M. No. 1, Alcala; thence N. 80 deg. 47' E., 3.50 m. to point "2"; thence N. 86 deg. 53' E., 40.64 m. to point "3"; thence S. 5 deg. 25' E., 214.83 m. to point "4"; thence N. 16 deg. 57' W., 220.69 m. to the point of beginning; containing an area of four thousand seven hundred and forty-four square meters (4,744), more or less. All points referred to are indicated on the plan and on the ground are marked by old P. L. S. concrete monuments; bearings true; declination 0 deg. 40' E.; date of survey April 19-21, 1926.^[9]

Respondent attached to his petition photocopies of the Deed; the OCT; Tax Declaration No. 4858^[10]; a Certification^[11] dated January 13, 2003 issued by the Office of the Register of Deeds of Lingayen, Pangasinan stating that the file copy of the OCT could not be found and is considered lost and beyond recovery; and Decree No. 444263.^[12]

Upon a Show-Cause Order^[13] of the RTC, respondent filed an Amended Petition^[14] dated May 21, 2003, alleging that the subject properties bear no encumbrance; that there are no improvements therein; that there are no other occupants thereof aside from respondent; and that there are no deeds or instruments affecting the same that had been presented for registration. He further alleged that *"the land in issue is bounded on the North by the land covered by Plan Psu-53673; on the North by the properties of Hipolito Sarmiento and Cipriano Dauz,^[15] residents of Anulid, Alcala, Pangasinan; on the West by Lot No. 3; and on the Southwest by the properties of Nicasio Lapitan vs. Felix Bacolor [who are also] residents of Anulid, Alcala, Pangasinan."*^[16] Respondent intimated that he desires to have the office/file copy of the OCT reconstituted based on the Technical Description provided by the Chief of the General Land Registration Office and thereafter, to be issued a second owner's duplicate copy in lieu of the old one.

On May 30, 2003, the RTC issued an Order^[17] finding the respondent's petition sufficient in form and substance and setting the same for hearing on September 29, 2003. The said Order is herein faithfully reproduced as follows:

O R D E R

In a verified petition, petitioner Edward Camacho, as vendee of the parcels of land located in San Juan, Alcala, Pangasinan, and [Namulatan], Bautista, Pangasinan, covered by Decree No. 444263, Case No. 3732, G.L.R.O. No. 22141, formerly issued in the names of spouses Nicasio Lapitan and Ana Doliente, of Alcala, Pangasinan, under an Original Certificate of Title the number of which is not legible due to wear and tear, seeks an order directing the proper authorities and the Registrar of Deeds, Lingayen, Pangasinan, to reconstitute the office file copy of said Original Certificate of Title based on the technical description thereof and to issue a second owner's duplicate copy of the same in lieu of the old

one.

Being sufficient in form and substance, the petition is set for hearing on September 29, 2003, at 8:30 in the morning, before this Court, on which date, time and place, all interested persons are enjoined to appear and show cause why the same should not be granted.

Let this order be published twice in successive issues of the Official Gazette at the expense of the petitioner.

Likewise, let copies of this Order and of the Amended Petition be posted in conspicuous places in the Provincial Capitol and the Registry of Deeds, both in Lingayen, Pangasinan, the Municipal Halls of Alcala and Bautista, Pangasinan, and the Barangay Halls of San Juan, Alcala, Pangasinan and Namulatan, Bautista, Pangasinan, and the Office of the Solicitor General, Manila.

Finally, furnish copies of this Order, by registered mail, at the expense of the petitioner, to the following:

1. Hipolito Sarmiento;
2. Cipriano Dauz;
3. Nicasio Lapitan; and
4. Felix Bacolor.

all of Brgy. Anulid, Alcala, Pangasinan.

SO ORDERED.^[18]

Thereafter, copies of the said order were posted on seven bulletin boards: at the Pangasinan Provincial Capitol Building, at the Alcala and Bautista Municipal Buildings, at the San Juan and Namulatan Barangay Halls, at the office of the Register of Deeds in Lingayen, Pangasinan and at the RTC.^[19] The order was also published twice in the Official Gazette: on August 18, 2003 (Volume 99, Number 33, Page 5206), and on August 25, 2003 (Volume 99, Number 34, Page 5376).^[20]

However, on January 22, 2004, respondent filed his second Amended Petition^[21] averring that *"the land in issue is bounded on the North by the land of Ricardo Acosta, a resident of Laoac, Alcala, Pangasinan; on the South by the property of Greg Viray,^[22] a resident of Laoac, Alcala, Pangasinan; on the West by the land of Roque Lanuza,^[23] a resident of Laoac, Alcala, Pangasinan; and on the East by the lot of Juan Cabuan,^[24] a resident of Laoac, Alcala, Pangasinan."*^[25] On March 4, 2004, respondent filed a Motion^[26] with Leave of Court to admit his second Amended Petition, which the RTC granted in its Order^[27] dated March 4, 2004, directing therein that the persons mentioned in the second Amended Petition be notified by registered mail.

During the hearing, the following witnesses were presented: (1) respondent^[28]

who, among others, presented the original owner's duplicate copy of the OCT before the RTC;^[29] (2) the tenant of the adjoining lot (Western portion) Roque Lanuza who testified that he tilled the adjoining lots, that he has personal knowledge that respondent bought said lots from the heirs of the Spouses Lapitan, and that he was present when the lots were surveyed;^[30] (3) adjoining owners Gregorio Viray^[31] and Ricardo Acosta^[32] who testified that they were notified of the proceedings and interposed no objection to the petition; and (4) Arthur David (Mr. David), Records Custodian of the Register of Deeds of Lingayen, Pangasinan who testified that Atty. Rufino Moreno, Jr., Registrar of Deeds had issued the Certification that the OCT subject of the petition can no longer be found in the Office of the Register of Deeds.^[33] In his subsequent testimony, Mr. David reported to the RTC that the name of Nicasio Lapitan cannot be located in the Index Cards of titles as some are missing and destroyed. Upon questioning, Mr. David testified that the number of the OCT sought to be reconstituted may be referred to in the decree issued in the name of Nicasio Lapitan which allegedly could be found in the Land Registration Authority (LRA).^[34]

On May 23, 2005, the LRA rendered a Report^[35] addressed to the RTC which pertinently stated, to wit:

(1) The present amended petition seeks the reconstitution of Original Certificate of Title No. (not legible), allegedly lost or destroyed and supposedly covering Lot Nos. 1 and 2 of plan Psu-53673, situated in the Barrio of San Juan, Municipality of Alcala and Barrio of [Namulatan], Municipality of Bautista, respectively, Province of Pangasinan, on the basis of the owner's duplicate thereof, a reproduction of which, duly certified by Atty. Stela Marie Q. Gandia-Asuncion, Clerk of Court VI, was submitted to this Authority;

(2) Our records show that Decree No. 444263 was issued on July 18, 1931 covering Lot Nos. 1 and 2 of plan Psu-53673, in Cadastral Case No. 3732, GLRO Record No. 22141 in favor of the Spouses Nicasio Lapitan and Ana Doliente;

(3) The technical descriptions of Lot Nos. 1 and 2 of plan Psu-53673, appearing on the reproduction of Original Certificate of Title No. (not legible) were found correct after examination and due computation and when plotted in the Municipal Index Sheet No. 451/1027, do not appear to overlap previously plotted/decreed properties in the area.

The government prosecutor deputized by the Office of the Solicitor General (OSG)^[36] participated in the trial of the case but did not present controverting evidence.^[37]

On March 9, 2006, the RTC rendered the assailed Decision,^[38] the dispositive portion of which reads:

WHEREFORE, the Court, finding the documentary as well as the parole (sic) evidence adduced to be adequate and sufficiently persuasive to warrant the reconstitution of the Original Certificate of Title covered by Decree No. 444263, Cadastral Case No. 3732, GLRO Record No. 22141,

and pursuant to Section 110, PD No. 1529 and Sections 2 (d) and 15 of RA No. 26, hereby directs the Register of Deeds at Lingayen, Pangasinan, to reconstitute said original certificate of title on the basis of the decree of registration thereof, without prejudice to the annotation of any subsisting rights or interests not duly noted in these proceedings, if any, and the right of the Administrator, Land Registration Authority, as provided for in Sec. 16, Land Registration Commission (now NALTDRA) Circular No. 35, dated June 13, 1983, and to issue a new owner's duplicate copy thereof.

SO ORDERED.^[39]

On April 4, 2006, petitioner Republic of the Philippines, through the OSG, filed a Motion for Reconsideration^[40] which was denied by the RTC in its Resolution^[41] dated May 24, 2006 for lack of merit. The RTC opined that while the number of the OCT is not legible, a close examination of the entries therein reveals that it is an authentic OCT per the LRA's findings. Moreover, the RTC held that respondent complied with Section 2 of Republic Act (R.A.) No. 26^[42] considering that the reconstitution in this case is based on the owner's duplicate copy of the OCT.

Petitioner appealed to the CA.^[43] By Decision^[44] dated July 31, 2008, the CA affirmed the RTC's findings and ruling, holding that respondent's petition is governed by Section 10 of R.A. No. 26 since the reconstitution proceedings is based on the owner's duplicate copy of the OCT itself. The CA, invoking this Court's ruling in *Puzon v. Sta. Lucia Realty and Development, Inc.*,^[45] concluded that notice to the owners of the adjoining lots is not required. Moreover, the CA opined that Decree No. 444263 issued on July 18, 1931 covering Lot Nos. 1 and 2 in the name of Spouses Lapitan exists in the Record Book of the LRA as stated in the LRA's Report. The CA ratiocinated that the LRA's Report on said Decree tallies with the subject OCT leading to no other conclusion than that these documents cover the same subject lots. Petitioner filed its Motion for Reconsideration^[46] which the CA, however, denied in its Resolution^[47] dated November 20, 2008.

Hence, this petition based on the following grounds, to wit:

1. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT CORRECTLY GRANTED THE PETITION FOR RECONSTITUTION EVEN IF THE ORIGINAL CERTIFICATE OF TITLE NUMBER IS NOT LEGIBLE[; and]
2. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE TRIAL COURT CORRECTLY GRANTED THE PRAYER FOR THE ISSUANCE OF A SECOND OWNER'S DUPLICATE.^[48]

Petitioner through the OSG avers that respondent does not have any basis for reconstitution because the OCT per se is of doubtful existence, as respondent himself does not know its number. According to the OSG, this fact alone negates the merits of the petition for reconstitution as held by this Court in *Tahanan Development Corporation v. Court of Appeals, et al.*^[49] Moreover, the OSG highlights that the Deed, the tax declaration for the year 2003, and the Register of Deeds Certification all indicated that the number of the OCT is not legible. The OSG also stresses that nowhere in the records did the LRA acknowledge that it has on file