

## **THIRD DIVISION**

**[ G.R. No. 181891, December 05, 2012 ]**

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ZOOMAK  
R.P.C., INC., RESPONDENT.**

### **D E C I S I O N**

**ABAD, J.:**

This case concerns the reconstitution of a certificate of title from a source other than a copy of said certificate of title or of the decree of registration.

#### **The Facts and the Case**

On January 7, 1930 the land registration court of Sta. Cruz, Laguna, rendered a decision in a cadastral case (GLRO Cad. Rec. 201, Cad. Case 10), adjudicating Lot 1950 of the Longos Cadastre, Laguna, having an area of almost one hectare, in favor of one Teresa Macawili. On December 26, 1930 the Court issued Decree 416517 in her favor. During World War II, however, Teresa Macawili's copy of the Original Certificate Title (OCT) and the copy of the Register of Deeds (RD) covering the lot were lost or destroyed.

In 1996 respondent Zoomak R.P.C., Inc. (Zoomak) bought the land from Nestor Macawili, Jr., who in turn had bought it from his uncle, Galicano Macatangga, Teresa Macawili's sole heir.<sup>[1]</sup> On February 26, 1998 Zoomak filed with the Regional Trial Court (RTC) of Sta. Cruz, Laguna, a petition for reconstitution of the original or RD copy of the title of the land, the number of which was unknown, as well as the owner's duplicate copy.

On January 18, 2000 the RTC granted Zoomak's petition and ordered the Laguna RD to reconstitute the OCT covering the subject property. But the Republic of the Philippines, represented by the Office of the Solicitor General (OSG), appealed the order to the Court of Appeals (CA). On May 31, 2007 the CA dismissed the appeal and affirmed the RTC Decision, hence, this petition.

#### **The Issue Presented**

The only issue presented in this case is whether or not the CA erred in affirming the RTC's Decision that granted Zoomak's application for the reconstitution of Teresa Macawili's lost title over the subject property.

#### **The Ruling of the Court**

The reconstitution of a certificate of title under Republic Act (R.A.) 26<sup>[2]</sup> denotes the restoration in the original form and condition of a lost or destroyed instrument, thus attesting the title of a person to a piece of land. Its purpose is to have the title

reproduced in exactly the same way it was before its loss or destruction after observing the procedures prescribed by law.<sup>[3]</sup>

One of the evidence Zoomak presented is a Land Registration Authority (LRA) certification dated August 28, 1997. The certification stated that, based on LRA records, on December 26, 1930 the land registration court of Sta. Cruz, Laguna, issued in a cadastral case before it Decree 416517 covering Lot 1950 in favor of Teresa Macawili. The OSG contends, however, that the certification has no force and effect and cannot bind the LRA since it was not signed by the Acting Chief of the Ordinary and Cadastral Decree Division, the officer authorized to issue the same for and in behalf of the LRA Administrator. The OSG also points out that the RTC Certification dated August 28, 1997 adjudicating Lot 1950 in favor of Teresa Macawili was a mere photocopy.

But, notably, the Government did not object to the admission of the separate LRA and RTC certifications when they were presented and offered in evidence at the hearing of the reconstitution case. The rule is that when the adverse party fails to object to the evidence when it is offered, such party may be deemed to agree to its admission. This is true even if by its nature the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.<sup>[4]</sup>

The OSG of course argues that admissibility is different from probative value and that the certifications mentioned are of no value to the application for reconstitution of title. But the determination of probative value or the evidentiary weight of a piece of evidence depends, not on the party making a belated objection to such evidence, but on the court or courts that decide the merit of the case.<sup>[5]</sup>

Here, both the trial court and the CA found such certifications worthy of belief and essential proof of the existence of the lost title that respondent sought to reconstitute. Indeed, these courts can under Section 2(f) of R.A. 26<sup>[6]</sup> consider the LRA Certification of August 28, 1997 as evidence that Lot 1950 was issued Decree 416517 pursuant to the decision in the cadastral case. They may also consider the RTC Certification of the same date as evidence that the docket entry of Lot 1950 with Decree 416517 appeared in Teresa Macawili's name.

The OSG likewise contends that the RD's Certification of September 16, 1997, which states that Lot 1950 was not covered by any title, serves as proof that such lot has never been titled. But, as the CA aptly held, such certification merely states that Lot 1950 was not covered by any title as of September 16, 1997. The same is true with the *Kasulatan ng Bilihang Patuluyan ng Lupa and Kasulatan ng Pagbibilihan*. This private document merely shows that Lot 1950 was not covered by a registered title at the time the transaction was entered into. These private documents merely show that Lot 1950 was not registered at the time of their execution, precisely because the title was yet to be reconstituted following its loss or destruction. These documents could not possibly be taken as conclusive evidence that Lot 1950 has never been issued a registered title in the past as the OSG would have it.

With respect to the issue on the LRA's non-submission of a report on the plan and technical descriptions, the RTC considered the non-submission as a waiver on the part of the LRA, an agency of oppositor Republic, of the opportunity to contest their correctness when it failed to submit the requested report despite being furnished