

SECOND DIVISION

[G.R. No. 169481, February 22, 2010]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HEIRS OF JULIO RAMOS, REPRESENTED BY REYNALDO RAMOS MEDINA, ZENAIDA RAMOS MEDINA, DOLORES RAMOS MEDINA, ROMEO RAMOS AND MEDINA, VIRGIE RAMOS MEDINA, HERMINIA RAMOS MEDINA, CESAR RAMOS MEDINA AND REMEDIOS RAMOS MEDINA, RESPONDENTS.

DECISION

DEL CASTILLO, J.:

In petitions for reconstitution of a lost or destroyed Torrens certificate of title, trial courts are duty-bound to examine the records of the case to determine whether the jurisdictional requirements have been *strictly* complied with. They must also exercise extreme caution in granting the petition, lest they become unwitting accomplices in the reconstitution of questionable titles instead of being instruments in promoting the stability of our land registration system.^[1]

This petition^[2] for review on *certiorari* seeks to reverse the August 31, 2005 Decision^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 75345. The CA's assailed Decision affirmed the February 19, 2002 Order^[4] of the Regional Trial Court (RTC), Branch 3, Balanga City, Bataan, which in turn granted respondents' Petition^[5] for Reconstitution of Original Certificate of Title (OCT) No. 3613.

Proceedings before the Regional Trial Court

On February 23, 2001, respondents filed a Petition for Reconstitution of OCT No. 3613, before the RTC of Balanga City containing the following material averments:

That the late Julio Ramos is being represented by herein petitioners who are all of legal age, married, Filipinos and residents of Kaparangan, Orani, Bataan;

That the late Julio Ramos, grandfather of herein petitioners, is the original claimant of Lot No. 54 of the Cadastral Survey of Orani, Bataan, as evidenced by a Relocation Plan of said lot duly approved by the Chief, Regional Surveys Division, Ruperto P. Sawal, and the Regional Technical Director Eriberto V. Almazan, the plan hereto attached as Annex "A" and the technical descriptions as Annex "B";

That the Land Registration Authority issued a Certification to the effect that Lot No. 54 of Orani Cadastre, Bataan was issued Decree No. 190622 on September 29, 1925, hereto attached as Annex "C";

That the Acting Registrar of Deeds of Bataan likewise issued a Certification to the effect that OCT No. 3613 covering Lot No. 54 of Orani Cadastre is not among the salvaged records of the said Registry, copy hereto attached as Annex "D";

That the owner's copy of OCT No. 3613 was lost and all efforts exerted to locate the same are in vain;

That petitioners secured a Lot Data Computation from the Bureau of Lands wherein it is shown that Julio Ramos is the claimant of Lot No. 54 of Orani Cadastre, certified machine copy hereto attached as Annex "E";

That the adjoining owners of said Lot No. 54 are:

NE by Lot 58 & 49 - Jose Peña, et al., Orani, Bataan;
SE by Lot 51 - Pedro de Leon, Orani, Bataan;
SW by Jose Zulueta Street;
NW by Lot 55 - Jose Sioson, Orani, Bataan;

That OCT No. 3613 may be reconstituted on the basis of the approved plan and technical descriptions and the Lot Data Computation;

That said Lot No. 54 is declared for taxation purposes in the name of Julio Ramos and taxes due thereon are fully paid up to the current year;

That the title is necessary to enable petitioners [to] partition said lot among themselves;

That there is no document pending registration with the Registry of Deeds of Bataan affecting said Lot 54.^[6]

Respondents prayed for the issuance of an order directing the Registrar of Deeds to reconstitute OCT No. 3613 on the basis of the approved plan and technical description.

On February 28, 2001, the trial court issued a Notice^[7] setting the case for initial hearing on August 30, 2001, which was reset to September 27, 2001.^[8] During the said hearing, respondents presented several pieces of documentary evidence^[9] purportedly to establish compliance with the jurisdictional requirements. Thereafter, trial ensued.

Respondent Reynaldo Ramos Medina (Reynaldo), a 62-year old watch technician, testified on the material allegations of the petition, as well as on the appended annexes. He likewise declared on the witness stand that his mother used to keep the owner's copy of OCT No. 3613. During the Japanese occupation, however, it was buried in a foxhole and since then it could no longer be found. Reynaldo further testified that he and his co-heirs are the present occupants of Lot 54. He was not cross-examined by the public prosecutor, who was then representing the petitioner.

On February 19, 2002, the trial court issued an Order^[10] granting

respondents' petition and disposing as follows:

WHEREFORE, the Petition, being in order, is hereby GRANTED.

The Acting Registrar of Deeds of Bataan is directed, upon payment by petitioners of the corresponding legal fees, to reconstitute Original Certificate of Title No. T-3613 covering Lot No. 54 of the Orani Cadastre based on the approved Relocation Plan and Technical Description.

SO ORDERED.^[11]

Proceedings before the Court of Appeals

Believing that the court *a quo* erred in granting the petition for reconstitution, petitioner Republic of the Philippines appealed to the CA ascribing upon the court *a quo* the following errors:

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR RECONSTITUTION OF OCT NO. 3613 DESPITE PETITIONERS-APPELLEES' [sic] FAILURE TO ESTABLISH THAT AT THE TIME OF ITS ALLEGED LOSS, SUBJECT OCT WAS VALID AND SUBSISTING.

THE TRIAL COURT ERRED IN GRANTING THE PETITION FOR RECONSTITUTION OF OCT NO. 3613 DESPITE PETITIONERS-APPELLEES' [sic] FAILURE TO ADDUCE ADEQUATE BASIS OR SOURCE FOR RECONSTITUTION.^[12]

On August 31, 2005, the CA rendered the assailed Decision dismissing the appeal. The appellate court found that the pieces of documentary evidence presented by the respondents are sufficient to grant reconstitution of OCT No. 3613. Besides, the respondents had been paying realty taxes. Moreover, the adjacent lot owners did not oppose the petition despite due notice. The dispositive portion of the CA's Decision reads:

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED for lack of merit. The appealed Order dated February 19, 2002 of the Regional Trial Court of Bataan is AFFIRMED.

SO ORDERED.^[13]

Hence, this petition.

Issues

Petitioner interposed the present recourse anchored on the following grounds:

I.

THE COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL COURT'S ORDER GRANTING RECONSTITUTION OF ORIGINAL CERTIFICATE OF TITLE NO. 3613.

II.

THE COURT OF APPEALS ERRED IN ITS APPLICATION OF PARAGRAPH F, SECTION 2 OF REPUBLIC ACT NO. 26.^[14]

Petitioner's Allegations

Petitioner contends that the CA erred in affirming the Order of the trial court granting respondents' petition for reconstitution considering that respondents failed to present competent proof to establish their claim. First, respondents anchor their claim on the Certification^[15] issued by the Land Registration Authority (LRA) to prove that Decree No. 190622 was issued for Lot 54. However, said Certification did not state that Decree No. 190622 was issued in the name Julio Ramos. Second, when reconstitution is anchored on Section 2(f) of Republic Act (RA) No. 26,^[16] just like in this case, the Relocation Survey Plan and Technical Description are mere supporting evidence to the "other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title." Thus, the court *a quo* erred in ordering reconstitution based on the Relocation Survey Plan and Technical Description presented by the respondents.

Lastly, petitioner insists that respondents failed to present competent proof of loss of OCT No. 3613. It maintains that the non-execution of an affidavit of loss by the grandparents of the heirs of Julio Ramos who, allegedly, were in possession of OCT No. 3613 at the time of its loss, and the failure of the respondents to inform immediately the Registrar of Deeds of such loss, cast doubt on respondents' claim that there existed OCT No. 3613.

Respondents, on the other hand, assert that in a petition for review on *certiorari*, the only issues that can be raised are limited to pure questions of law. Here, both the trial court and the appellate court found factual bases to grant the reconstitution they prayed for. Hence, the present petition should be denied.

Petitioner counter argues that this case falls under the numerous exceptions to the rule cited by the respondents.

Our Ruling

The petition is meritorious. Before delving into the arguments advanced by the petitioner, we shall first tackle some procedural and jurisdictional matters involved in this case.

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.^[17] 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 undertake the re-examination of the evidence presented by the contending parties during the trial of the case.^[18]

The above rule, however, is subject to a number of exceptions, such as (1) when the inference made is manifestly mistaken, absurd or impossible; (2) when there is grave abuse of discretion; (3) when the finding is grounded entirely on speculations, surmises, or conjectures; (4) when the judgment of the CA is based on misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the CA, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both parties; (7) when the findings of the CA are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the CA manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and (10) when the findings of fact of the CA are premised on the absence of evidence and are contradicted by the evidence on record.

As will be discussed later, this case falls under the last three exceptions and, hence, we opt to take cognizance of the questions brought to us by petitioner. But first, we shall address a jurisdictional question although not raised in the petition.

The trial court did not acquire jurisdiction over the petition for reconstitution.

RA 26 lays down the specific procedure for the reconstitution of lost or destroyed Torrens certificates of title. It confers jurisdiction upon trial courts to hear and decide petitions for judicial reconstitution. However, before said courts can assume jurisdiction over the petition and grant the reconstitution prayed for, the petitioner must observe certain special requirements and mode of procedure prescribed by law. Some of these requirements are enumerated in Sections 12 and 13 of RA 26, viz:

SEC. 12. Petitions for reconstitution from sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the [Regional Trial Court], by the registered owner, his assigns, or any person having an interest in the property. ***The petition shall state or contain, among other things, the following:*** (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) ***that no co-owner's, mortgagee's, or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed;*** (c) the location area and boundaries of the property (d) the nature and description of the building or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the