

THIRD DIVISION

[G.R. No. 175788, June 30, 2009]

**ENRIQUITA ANGAT AND THE LEGAL HEIRS OF FEDERICO ANGAT,
PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES,
RESPONDENT.**

D E C I S I O N

CHICO-NAZARIO, J.:

Before Us is a Petition for Review on *Certiorari* under Rule 45 of the Revised Rules of Court filed by petitioners Enriquita Angat (Enriquita) and the legal heirs of Federico Angat (Federico) against the respondent Republic of the Philippines (Republic), assailing the Decision^[1] dated 5 December 2005 and Resolution^[2] dated 4 December 2006 of the Court of Appeals in CA-G.R. CV No. 72740. In its assailed Decision, the Court of Appeals reversed the Order^[3] dated 27 November 2000 of the Regional Trial Court (RTC), Branch XV, Naic, Cavite, in LRC Case No. 1331, which granted the Petition for Reconstitution of the original copy of Transfer Certificate of Title (TCT) No. T-4399 allegedly issued by the Register of Deeds of Cavite in the names of Federico^[4] and Enriquita. The Court of Appeals denied petitioners' Motion for Reconsideration in its assailed Resolution dated 4 December 2006. Petitioners are also invoking in this Petition the power of this Court to issue a writ of *certiorari* under Rule 65 of the Revised Rules of Court, averring that the Court of Appeals acted without or in excess of jurisdiction or with grave abuse of discretion in dismissing the Petition for Reconstitution in LRC Case No. 1331.

The facts show that sometime in February 1999, Federico and Enriquita (sister of Federico) instituted LRC Case No. 1331 by filing before the RTC a verified Petition^[5] for the reconstitution of the original copy of TCT No. T-4399 covering a 3,033,846-square meter parcel of land located in Sapang, Ternate, Cavite (subject property), presenting the owners' duplicate copy of said TCT in their possession. Federico and Enriquita claimed that since 6 October 1955, the subject property has been registered with the Registry of Deeds of Cavite in their names, as the true and absolute owners thereof, under TCT No. T-4399, covered by a certain plan PSU-91002. On 7 June 1959, the old Provincial Capitol Building housing the former office of the Register of Deeds of Cavite was burned to ashes, totally destroying all the titles and documents kept inside the office, including the original copy of TCT No. T-4399.

According to Federico and Enriquita, the owners' duplicate copy of TCT No. T-4399 was intact and has been in their possession since the time of its issuance and up to the present. The owners' duplicate copy of TCT No. T-4399 has not been delivered to any other person or entity to secure payment or performance of any obligation nor was any transaction or agreement relative to said TCT presented or pending before the Registry of Deeds of Cavite when its former office was burned. No other lien or encumbrance affecting TCT No. T-4399 exists, except the right of Federico and

Enriquita therein.

Federico and Enriquita attached to their Petition for Reconstitution a photocopy of their owners' duplicate certificate of TCT No. T-4399.^[6] They also appended to the Petition, however, a Certification^[7] dated 25 March 1998 issued by the Register of Deeds of Cavite stating that:

This is to certify that per records on file in this registry, Transfer Certificate of Title No. T-4399, registered in the names of Federico A. Angat and Enriquita A. Angat, located in the Municipality of Ternate, Cavite, containing an area of THREE MILLION THIRTY THREE THOUSAND AND EIGHT HUNDRED FORTY SIX SQUARE METERS (3,033,846), more or less, issued on October 6, 1955 is not existing and does not form part of our records. Based on the fact that all records and titles were burned during the June 7, 1959 fire which razed to the ground the Old Capitol Building of Cavite City housing the Office of the Register of Deeds we could not now find OCT No. 391 and TCT No. T-4399 or any trace thereof and their supporting papers for its issuance including the Entry Book on which the pertinent documents were inscribed.

This certificate is issued upon the request of Federico A. Angat and Enriquita A. Angat of Bo. Sapang, Municipality of Ternate, Cavite.

Finding the Petition to be sufficient in form and substance, the RTC issued an Order dated 16 February 1999, setting the initial hearing in LRC Case No. 1331 on 10 June 1999 at 8:30 in the morning.^[8]

In compliance with the publication and posting requirements, the RTC Order dated 16 February 1999 was published in the 3 May 1999 and 10 May 1999 issues of the Official Gazette. The said Order was also posted on the bulletin boards of the Provincial Capitol Building in Trece Martires City; the Municipal Building of Ternate, Cavite; and the *Barangay* Hall where the subject property is located.

Copies of the Petition and the RTC Order dated 16 February 1999 in LRC Case No. 1331 were served by registered mail on the Office of the Solicitor General (OSG), the provincial prosecutor, the Director of Lands, the Register of Deeds of Cavite, as well as the adjoining lot owners, namely, Ambrocio Arca, heirs of Mariano Angat, Santiago de Guia, and the Office of the Provincial Governor, Cavite, representing Palikpikan Creek. However, all the notices to the adjoining owners were returned unserved for the following reasons: Ambrocio Arca: unlocated, no such name; heirs of Mariano Angat: deceased; Santiago de Guia: unlocated, no such name; and the Office of the Provincial Governor, representing Palikpikan Creek: refused to receive.

On 9 June 1999, the OSG entered its appearance and deputized the Public Prosecutor of Naic, Cavite, to represent the Republic.

To establish the jurisdiction of the RTC over their Petition in LRC Case No. 1331, Enriquita and Federico presented and marked the following exhibits at the hearing held on 14 July 1999:

Exhibit A	-	verified petition dated 3 February 1999
Exhibit A-1	-	Page 2 of Exhibit A

Exhibit A-2	-	Page 3 of Exhibit A;
Exhibit B	-	Order of the Court dated 16 February 1999
Exhibit B-1	-	Return Card from the LRA
Exhibit B-2	-	Return Card from the Register of Deeds of Cavite
Exhibit B-3	-	Return Card from the Provincial Prosecutor
Exhibit B-4	-	Return Card from the Solicitor General
Exhibit C	-	Certificate of Publication dated 17 May 1999 issued by the Director of Bureau of Printing
Exhibit C-1	-	Issue of the Official Gazette for 19 May 1999
Exhibit C-2	-	Portion where Order was published
Exhibit C-3	-	Issue of the Official Gazette for 10 May 1999
Exhibit C-4	-	Portion where the Order was published
Exhibit D	-	Certification dated 7 June 1999 by Michael R. Antonio, adjoining owner
Exhibit D-1	-	Registry receipt showing notice to Ambrosio Arca, adjoining owner
Exhibit D-2	-	Registry receipt showing notice to Mariano Angat
Exhibit D-3	-	Registry receipt showing notice to Santiago de Guia
Exhibit D-4	-	Registry receipt showing notice to Palikpikan Creek
Exhibit E	-	Certificate of Posting issued by the Sheriff
Exhibit F	-	Notice of Appearance from the Solicitor General
Exhibit F-1	-	Letter to Public Prosecutor in Naic, Cavite ^[9]

On 26 August 1999, Federico and Enriquita, in compliance with the provisions of Land Registration Authority (LRA) Circular No. 35, submitted to the LRA the survey plan of the subject property, PSU-91002, the tracing cloth plan with two blueprint copies thereof; the technical description of the subject property; and the Certification dated 25 March 1998 of the Register of Deeds of Cavite.^[10] The blueprint of the survey plan, PSU-91002, dated 27 May 1930, submitted by Federico and Enriquita to the LRA in accordance with LRA Circular No. 35, identifies the adjoining property owners as Ambrosio Arca, heirs of Mariano Angat, Santiago de Guia, and the Palikpikan Creek, to whom Federico and Enriquita sent notices, *via* registered mail, of the initial hearing of LRC Case No. 1331 set for 10 June 1999.

At the 9 September 1999 hearing, Enriquita and Federico presented and marked additional documentary exhibits to establish the jurisdiction of the RTC, namely:

Exhibit G - Compliance dated 26 August 1999 showing submission of copy of the Petition, tracing cloth plan of land subject of registration, copies of the technical description and proof of burning the original records

Exhibit G-1	-	Letter to the Administrator, LRA
Exhibit G-2	-	Copy of Petition for Reconstitution
Exhibit G-3	-	Blue print copy of the Plan Psu-91002
Exhibit G-4	-	Technical description of the property
Exhibit G-4-a-	-	Technical description
Exhibit G-5	-	Certification issued by the Register of Deeds of Cavite
Exhibit H	-	Certification dated 5 June 1998 issued by the

On 28 October 1999, the LRA submitted a Report^[12] to the RTC, relaying the following information:

COMES NOW the Land Registration Authority and the Honorable Court, respectfully reports that:

- (1) The present petition seeks the reconstitution of the original Copy of Transfer Certificate of Title No. T-4399, allegedly lost or destroyed and supposedly covering plan PSU-91002, situated in the barrio of Sapang, Municipality of Ternate, Province of Cavite.
- (2) From our "Record Book of Decrees" GLRO Record No. 51767 in which plan PSU-91002 was applied, Decree No. 642113 was issued on July 27, 1937.
- (3) The technical description of plan PSU-91002, were verified correct by this Authority pursuant to the provisions of Section 3(a) of Republic Act No. 26.

WHEREFORE, the foregoing information anent the property in question is respectfully submitted for consideration in the resolution of the instant petition, and in (sic) the Honorable Court, after notice and hearing, finds justification pursuant to Section 3(a) of Republic Act No. 26 to grant the same. Provided, however, that no certificate of title covering the same parcel of land exist (sic) in the office of the Register of Deeds Concerned.

On motion of the counsel of Federico and Enriquita, there being no oppositor nor written opposition, the RTC declared a general default against the public.

During the *ex parte* hearing held on 19 January 2000, Federico testified that he was 78 years old, married, a real estate broker, and was one of the petitioners in LRC Case No. 1331. He further testified that he had in his possession the owners' duplicate certificate of TCT No. T-4399 in his and his sister Enriquita's names. The subject property covered by TCT No. T-4399 was previously owned by his grandfather, Mariano Angat (Mariano), to whom was issued Original Certificate of Title (OCT) No. 391. After Mariano's death, the subject property was inherited by his father, Gregorio Angat (Gregorio). Sometime in 1955, under unexplained circumstances, Gregorio^[13] delivered to Federico (determined to be 34 years old at that time) and Enriquita TCT No. T-4399, already registered in their names. The original copy of TCT No. T-4399 was burned during the fire on 7 June 1959 at the old Provincial Capitol Building of Cavite, housing the Registry of Deeds. He referred to the LRA Report dated 28 October 1999 which affirmed the existence and accuracy of the technical description of PSU-91002. He also presented the Certification dated 18 November 1998 of the Municipal Treasurer of Ternate, Cavite, showing that the real property taxes on the subject property for 1998 were paid in the name of his grandfather, Mariano, under Tax Declaration No. 97-03524. Enriquita no longer took the witness stand.

On 6 July 2000, Ternate Development Corporation (TDC) filed a Motion for Leave to Intervene and a Complaint-in-Intervention, questioning the authenticity and

genuineness of TCT No. T-4399. It claimed that a portion of the subject property covered by TCT No. T-4399, with an area of 1,783,084 square meters, is owned by and already registered in the name of TDC under TCT No. (T-97541) RT-19915 of the Registry of Deeds of Cavite.^[14]

Federico and Enriquita opposed the Motion for Leave to Intervene of TDC.

The RTC, in an Order dated 10 November 2000, denied the Motion for Leave to Intervene of TDC reasoning that TDC could not challenge the validity of TCT No. T-4399 in the reconstitution proceedings since it would constitute a collateral attack on the title of Federico and Enriquita. The RTC declared that the reconstitution proceedings in LRC Case No. 1331 was not the proper forum to resolve the issue of authenticity/genuineness of title sought to be reconstituted, nor a remedy to confirm or adjudicate ownership.^[15] It concluded that a separate civil action must be instituted to assail the validity of or seek the annulment of the certificate of title since the same cannot be done in the reconstitution proceedings where the issuance of the reconstituted title is ministerial on the part of the court after a factual finding that the original was indeed existing but was lost or destroyed.

After trial and consideration of the oral and documentary evidence submitted by Federico and Enriquita, the RTC proceeded to rule on the merits of the Petition for Reconstitution in LRC Case No. 1331. In an Order dated 27 November 2000, the RTC granted the Petition and decreed thus:

WHEREFORE, this Court, finding the petition to be well-taken, hereby grants the same and orders the Register of Deeds of Cavite Province to reconstitute the original copy of Transfer Certificate of Title No. T-4399 as shown on plan Psu-91002 in the name of Federico A. Angat and Enriquita A. Angat, both of legal age, Filipino citizens, both single, and both with residence and postal address at Sapang, Ternate, Cavite, subject to existing liens and encumbrances with the annotation at the back thereof and that said title was reconstituted and issued in lieu of the lost one which is hereby declared null and void for all legal intents and purposes.

^[16]

The Republic appealed the RTC Order dated 27 November 2000 to the Court of Appeals, claiming that the RTC did not acquire jurisdiction over the reconstitution proceedings on the following grounds: (a) no showing that the owners of the adjacent properties were duly notified according to Sections 12 and 13 of Republic Act No. 26; and (b) failure of Federico and Enriquita to prove their valid interest in the subject property covered by TCT No. T-4399. The appeal was docketed as CA-G.R. CV No. 72740.

On 5 December 2005, the Court of Appeals issued a Decision granting the appeal of the Republic and reversing the RTC Order dated 27 November 2000. The *fallo* of the Decision of the appellate court reads:

WHEREFORE, the decision appealed from is REVERSED and SET ASIDE. The petition for reconstitution of Federico A. Angat and Enriquita A. Angat, is DISMISSED.^[17]