

FIRST DIVISION

[G.R. No. 161042, August 24, 2009]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. AGRIPINA
DELA RAGA, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This is a petition^[1] for review on certiorari under Rule 45 of the Rules of Court. The petition challenges the 18 November 2003 Decision^[2] of the Court of Appeals in CA-G.R. CV No. 66687. The Court of Appeals affirmed *in toto* the 18 November 1999 Decision^[3] of the Regional Trial Court (RTC), Judicial Region 1, Branch 47, Urdaneta, Pangasinan, in Pet. Case No. U-1449.

The Facts

Agripina dela Raga (Dela Raga) is the granddaughter and the only surviving heir of spouses Ignacio Serran (Ignacio) and Catalina Laguit (Laguit). At a very young age, Dela Raga lost her parents and her grandparents Ignacio and Laguit.

Dela Raga possessed a 79,570-square meter parcel of land covered by Original Certificate of Title (OCT) No. 49266 and located in Barrio Dungon, Sison, Pangasinan. A relative informed Dela Raga that Ignacio was the titled owner of the property. Desirous to obtain a copy of OCT No. 49266, Dela Raga went to the Registers of Deeds of Lingayen, San Fernando, and Manila to inquire about the property. In the Register of Deeds of Manila, Dela Raga found Decree No. 196266 declaring the property in the names of Ignacio and Laguit and the spouses Felipe Serafica (Serafica) and Cornelia Serran (Cornelia).

Dela Raga filed with the RTC a petition^[4] for the reconstitution of OCT No. 49266 in the names of Ignacio, Laguit, Serafica, and Cornelia. In her petition dated 8 December 1998, Dela Raga stated:

Comes now the petitioner, thru counsel, and before this Honorable Court, respectfully states:

x x x x

2. That Ignacio Serran is the titled owner of a parcel of land located in Dungon, Sison, Pangasinan, particularly described as follows: x x x the

property is covered by Original Certificate of Title No. 49266;

x x x x

5. That petitioner is the granddaughter of Ignacio Serran whose daughter Anecita Serran is the mother of petitioner;

6. That when Ignacio Serran died Aniceta Serran inherited the property, subject matter of this petition and when the latter also died petitioner likewise inherited the same property;

7. That when the mother of petitioner died the latter was only six years old and she has never seen any owner's duplicate copy of OCT No. 49266;

8. That even when petitioner has reached discerning age she continued possessing the subject property in the concept of an owner not minding the fact that she is not in possession of the owners' duplicate copy of OCT No. 49266;

9. That it was only in the later years that petitioner realized the importance of having a duplicate copy of OCT No. 49266 hence, she tried to asked [sic] immediate relatives of the whereabouts of the said copy to no avail;

10. That petitioner has considered the owner's duplicate copy of OCT No. 49266 to have been lost and beyond recovery hence, she attempted to file a petition for the issuance of new owner's duplicate copy in lieu of the lost one by requesting from Register of Deeds of Lingayen, Pangasinan the certification as to the existence of OCT No. 49266 but to the surprised [sic] of petitioner the copy of OCT No. 49266 in the custody of the Register of Deeds was also one of those Original Certificate of Title [sic] issued before the pre war [sic] that were destroyed or deemed lost, copy of the certification of Register of Deeds is hereto attached as Annex A;

11. That for purposes of reconstituting Original Certificate of Title No. 49266, Decree No. 196266 may be used as a basis thereof, copy of the Decree No. 196266 which was the basis of issuance of the lost OCT No. 49266 certified by the Land Registration Authority is hereto attached as Annex B.^[5]

The RTC set the initial hearing on 18 August 1999. Dela Raga presented her documentary evidence: (1) copy of the petition, (2) certificate of posting, (3) notice of order dated 19 February 1999, (4) proof of service to different government agencies, (5) certificate of publication, (6) notice to adjacent owners, (7) birth certificate of her mother Aniceta Serran, (8) certificate from the Register of Deeds that OCT No. 49266 could not be found despite diligent efforts, and (9) Tax Receipt No. 1144140. As testimonial evidence, Dela Raga and a certain Pascua Estibar testified.

The RTC's Ruling

In its Decision dated 18 November 1999, the RTC granted the petition. The RTC found that (1) Dela Raga is the granddaughter of Ignacio, (2) Ignacio owned the property, (3) the property was covered by OCT No. 49266, (4) OCT No. 49266 was in the name of Ignacio, (5) the Register of Deeds' copy of OCT No. 49266 was destroyed during the war, and (6) Dela Raga complied with all the jurisdictional requirements for the reconstitution of OCT No. 49266. The RTC stated:

From the evidence presented during the ex-parte presentation of evidence before the Branch Clerk of Court, the following facts were proven:

The petitioner is the grandchild of Ignacio Serran, one of the registered owners of the land subject of this petition. The petitioner's mother was Aniceta Serran, one of the daughters of Ignacio Serran as evidenced by Exh. "N". The name of the other child of Ignacio Serran was Cornelia Serran. Both children have already died including Ignacio Serran.

When Ignacio Serran died, he left a property located at Dungon, Sison, Pangasinan. The same property was covered by a title. However, the office copy of the title was destroyed during the World War II as evidenced by a pre-war inventory of the Registry of Deeds of Pangasinan marked as EXH. "O". From such inventory of original certificates of the Registry of Deeds of Pangasinan (Exh. "O-1"), there was an entry O.C.T. No. 49266 to 49267 -- mutilated. In Exh. "O", Original Certificate No. 49266, Vol. 162, Page 239 was in the name of Serran, Ignacio, et. al. A Certification, Exh. "P" was issued by the Registry of Deeds of Pangasinan certifying to the effect that the Original Certificate of Title No. 49266 could not be found or located among the files in the registry, thus it was presumed lost or destroyed.

Another document that proved the ownership of Ignacio Serran, et. al., was an application for the registration of title (EXH. "T") filed before the Court of First Instance for the Province of Pangasinan by Ignacio Serran on October 3, 1924 represented by E.Q. Turner. Annexed thereto were Description of Property as surveyed for Ignacio Serran (Exh. "T-2"), Registration of Titles, Case No. 5507, G.L.R.O. Record No. 26031 (Exh. "T-3"), Decision of the Juzgado de Primera Instancia de Pangasinan in G.L.R.O. Rec. No. 26031, Ignacio Serran, Solicitante, (Exh. "T-9"); and Order for the Issuance of the Decree (Exh. "T-11").

On November 28, 1925, Enrique Altavas, Chief of the General Land Registration Office issued Decree No. 196266 in accordance with the Order for the Issuance of the Decree issued by the Court in undivided equal shares, in the name of the conjugal partnership of the spouses IGNACIO SERRAN and CATALINA LAGUIT, and the conjugal partnership of the spouses FELIPE SERAFICA and CORNELIA SERRAN. The said Decree covers Case No. 5507, G.L.R.O. Record No. 26031 over a parcel of land (Plan Psu-35755) situated in the Barrio of Dungon, Municipality of Sison,

containing an area of SEVENTY NINE THOUSAND FIVE HUNDRED & SEVENTY SQUARE METERS (79,570). The said Decree was certified to by the Chief, Docket Division of the Land Registration Authority.

x x x x

The petitioner had been paying the taxes on the subject land as evidenced by Tax Declaration No. 019-00002 (Exh. "V") and the Tax Receipt as Exh. "U". At present the petitioner is enjoying the fruits of the land. The petitioner also testified that she has no knowledge whatsoever of any mortgage over the land in favor of a person, agency or banking institution. Further, the petitioner has no knowledge if other persons are claiming the property.

x x x x

After an analysis of the documentary and testimonial evidence on record and finding them to be sufficient and substantial to support the petition, and finding further compliance of the jurisdictional requirements, this Court grants the reconstitution of the lost title.^[6]

The Republic of the Philippines (Republic) appealed the 18 November 1999 Decision to the Court of Appeals. In its brief^[7] dated 11 December 2000, the Republic claimed that Dela Raga failed to prove her relationship to Ignacio and that the report of the Register of Deeds was insufficient. The Republic stated:

[T]he record is bereft of proof to show that indeed, appellee is the granddaughter of the registered owner.

x x x x

Except for the bare allegations in the petition, appellee failed to present any proof to establish her relationship to Ignacio Serran, one of the registered owners. The fact that appellee carried the name dela Raga, inescapably carries no presumption for her relationship to any of the registered owners bearing different names. Appellee's self-serving testimony that she is the granddaughter of Ignacio Serran cannot be accepted, hook line and sinker.

Having failed to prove interest over the land covered by the decree over the certificate of title, the trial court should have dismissed the petition.

At any rate, even if appellee had established her interest in the subject property, the trial court should have dismissed the petition for reconstitution just the same, because there is no showing that OCT No. 49266 was still valid and subsisting, that is, not superseded by any transfer certificate of title, at the time of its loss and destruction.

The certification of the Register of Deeds merely states:

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that the original file copy of TRANSFER/ORIGINAL CERTIFICATE OF TITLE NO. 49266, could not be found or located among the file in this registry, despite diligent effort the same could not be found, therefore it is presumed lost or destroyed (eaten by anays).

x x x x

The foregoing certification fails to show that the certificate of title was valid and subsisting at the time of loss. It fell short of the required data which must be reported by the Register of Deed [sic], as provided in paragraph 12, LRA Circular No. 35, stating that:

12. The Register of Deeds, upon receipt of a copy of the petition and notice of hearing, shall verify the status of the title -- whether valid and subsisting at the time of the alleged loss; whether or not another title exists in the said office covering the same property; and as to the existence of transactions registered or pending registration, which maybe adversely affected thereby. He shall submit his written findings to the Court on or before the date of initial hearing of the petition.^[8]

The Court of Appeals' Ruling

In its Decision dated 18 November 2003, the Court of Appeals affirmed *in toto* the RTC's 18 November 1999 Decision. The Court of Appeals held that the Republic failed to show convincing evidence to discredit the RTC's factual findings and that the Republic's claim that the Register of Deeds' report was insufficient was without substance. The Court of Appeals stated:

The Republic failed to show substantial and convincing evidence to rebut the lower court's findings of fact. As between the negation of the Republic and the conclusion reached by the court a quo as to the filiation of herein petitioner-appellee to Ignacio Serran, having as basis thereof the documents presented during the ex-parte hearing and the testimony of one Pascual Estibal, we give the lower court's findings, due respect.

"Factual findings of the trial court shall not be disturbed on appeal unless the trial court has overlooked or ignored some fact or circumstance or sufficient weight or significance which, if considered, would alter the situation."