

FIRST DIVISION

[G.R. No. 150741, June 12, 2008]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPS. VICENTE LAGRAMADA AND BONIFACIA LAGRAMADA, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

Before the Court is a petition for review^[1] assailing the Decision^[2] of the Court of Appeals promulgated on 7 November 2001 in CA-G.R. CV No. 59377. The Court of Appeals affirmed the Decision^[3] dated 11 March 1998 of the Regional Trial Court of Quezon City, Branch 216 (trial court) in LRC Case No. 9178 (97).

The Antecedent Facts

Lot 8 of Subdivision Plan (LRC) Psd-28958, with an area of 500 square meters and located at Banlat, Tandang Sora, Quezon City, was allegedly covered by Transfer Certificate of Title (TCT) No. 118717 in the name of Reynaldo Pangilinan (Pangilinan). The original copy of TCT No. 118717 was allegedly destroyed when a fire razed the office of the Register of Deeds of Quezon City on 11 June 1988.

On 25 June 1996, Pangilinan sold Lot 8 to the spouses Vicente and Bonifacia Lagramada (respondents). Respondents paid all the taxes on the land from 1976 to 1997 under Tax Declaration No. C-122-01735. On 16 April 1997, respondents filed a petition for reconstitution of the original copy of TCT No. 118717 and for the issuance of a second owner's duplicate copy of the title. Pangilinan allegedly misplaced the owner's duplicate copy and it could no longer be found despite diligent efforts to find it.

After complying with the required publication and notice to all parties, the trial court heard the petition on 7 January 1998. No oppositors appeared. However, the trial court did not issue any default order. Bonifacia Lagramada appeared as the lone witness.

The following documents were submitted as evidentiary bases for the reconstitution:

1. Certification from the Office of the Acting Deputy Register of Deeds of Quezon City respecting the destruction of TCT No. 118717;
2. Affidavit of Loss of TCT No. 118717 executed by Pangilinan;
3. Deed of Sale executed by Pangilinan in favor of respondents;

4. Tax payment receipts from 1976 to 1997;
5. Tax Declaration No. C-122-01735 in the name of Pangilinan; and
6. Certified true copy of the technical description, verified and approved for the administrator by Apolinar R. Lucido of the Subdivision and Consolidation Division; and
7. The plan prepared and verified as correct by Geodetic Engineer Eligio L. Cruz and approved for the Land Registration Authority (LRA).^[4]

The Ruling of the Trial Court

In its 11 March 1998 Decision, the trial court found the petition meritorious and ruled in favor of respondents. The dispositive portion of the trial court's Decision reads:

WHEREFORE, judgment is hereby rendered declaring the original and owner's duplicate copies of Transfer Certificate of Title No. 118717 to have been burned, destroyed and/or lost. The Register of Deeds of this City is hereby directed, upon payment of the prescribed fees, to issue and reconstitute the original and duplicate copies of said Transfer Certificate of Title No. 118717 based on the technical description and survey plan, provided that no title covering the same parcel of land exists in the said registry; that the encumbrance subsisting shall be annotated on the reconstituted title and provided further that the fact of reconstitution shall be noted on the certificate of title.

SO ORDERED.^[5]

Petitioner, through the Office of the Solicitor General, filed an appeal on the ground that respondents' pieces of evidence are not sufficient to warrant reconstitution of TCT No. 118717. Petitioner alleged that:

1. The documents presented by respondents did not originate from official documents which recognize respondents' ownership of the land or that of their predecessors;
2. The plan and technical description and the blue print do not indicate the ownership of the land described; and
3. The unregistered deed of sale between Pangilinan and respondents may not be considered proof of ownership.

The Ruling of the Court of Appeals

In its 7 November 2001 Decision, the Court of Appeals affirmed the trial court's Decision.

The Court of Appeals ruled that respondents sought the reconstitution of TCT No. 118717 not in their capacity as owners but as persons who have an interest in the property. The Court of Appeals ruled that respondents were asking for reconstitution not in their names but in the name of Pangilinan.

The Court of Appeals ruled that nowhere in Republic Act No. 26^[6] (RA 26) was it provided that the term "any other document" refers to similar documents enumerated under Sections 2(f) and 3(f). The Court of Appeals ruled that the only requirement was that the "other document" must be "in the judgment of the court" proper and sufficient, and accompanied with a plan and technical description of the property approved by the Commissioner of Land Registration. The Court of Appeals ruled that, in this case, the proofs presented by respondents were, "in the judgment of the court," proper and sufficient bases to support the application for reconstitution of TCT No. 118717.

Hence, the petition before the Court.

The Issue

The sole issue in this case is whether the documents presented by respondents are sufficient bases for the reconstitution of TCT No. 118717.

The Ruling of this Court

The petition has merit.

In this case, two certificates of title were allegedly lost - the original copy of the transfer certificate of title in the Register of Deeds of Quezon City which was destroyed in a fire, and the owner's duplicate copy of the certificate of title which Pangilinan misplaced. Hence, respondents were asking for the reconstitution of the original copy of the transfer certificate of title and the issuance of a second owner's duplicate copy of the certificate of title.

Meaning of "any other document" in Paragraph (f) of Sections 2 and 3 of RA 26

Sections 2 and 3 of RA 26, as amended, provide:

Sec. 2. Original certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- (a) The owner's duplicate of the certificate of title;
- (b) The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;
- (e) A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- (f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of