

THIRD DIVISION

[G.R. No. 155703, September 08, 2008]

**THE REPUBLIC OF THE PHILIPPINES, PETITIONER, VS.
DOMINADOR SANTUA, RESPONDENT.**

DECISION

NACHURA, J.:

Should the courts grant a petition for reconstitution of a certificate of title on the basis of a tax declaration, survey plan and technical description? This is the question that confronts the Court in this petition for review of the Court of Appeals (CA) Decision^[1] dated September 23, 2002.

The facts of the case are undisputed:

On February, 16, 1999, respondent Dominador Santua filed with the Regional Trial Court (RTC) of Calapan, Oriental Mindoro, a petition for judicial reconstitution of Transfer Certificate of Title (TCT) No. T-22868. Respondent alleged that he is the registered owner of certain parcels of land with an area of 3,306 square meters, situated in Poblacion, Victoria, Oriental Mindoro, and covered by TCT No. T-22868; the original copy of TCT No. T-22868 was among those destroyed by the fire that completely razed the Capitol Building then housing the Office of the Register of Deeds of Oriental Mindoro on August 12, 1977; the owner's duplicate copy was lost while in respondent's possession and all efforts exerted to locate the same proved futile; there are no co-owner's, mortgagee's, or lessee's duplicate of said certificate of title; there are no buildings or improvements existing on said land which do not belong to respondent; respondent and his family are in actual possession of the property and have been paying taxes thereon; and there exists no deeds or instrument affecting the property which have been presented for and pending registration in the Office of the Register of Deeds. The names and addresses of the adjoining property owners were enumerated in the petition. Attached to the petition were a tax declaration, survey plan, and technical description of each lot.^[2]

On February 25, 1999, the RTC issued an Order^[3] setting the initial hearing of the case. It also directed the publication of the order in the Official Gazette, its posting at the main entrance of the Capitol Building and in the Municipal Building of Victoria, Calapan City, and sending of copies thereof to all adjoining owners mentioned in the petition, the Register of Deeds, Provincial Prosecutor, Director of Lands, Solicitor General and the Administrator of the Land Registration Authority.

Respondent complied with the jurisdictional requirements. The court thus commissioned the Clerk of Court to receive the respondent's evidence and submit his findings to the court. Aside from the documents that delved into the jurisdictional aspect of the petition, respondent offered the following documents in support of his petition:

- Exh. - Tax Declaration No. 15003-816 indicating the name of
"C" Dominador Santua as owner of the lots covered by TCT
No. 22868;
- Exh. - Technical description of Lot 5358-A-3-0-8-B, (LRC) PSD-
"D" 257136;
- Exh. Technical description of Lot 5358-A-3-0-8-C, (LRC) PSD-
"E" 257136;
- Exh. Technical description of Lot 5358-A-3-0-8-D, (LRC)
"F" PSD-257136;
- Exh. Technical description of Lot 5358-A-3-0-8-E, (LRC) PSD-
"G" 257136;
- Exh. Technical description of Lot 5358-A-3-0-8-F, (LRC) PSD-
"H" 257136;
- Exh. Blue print plan of Lot 5358-A-3-0-8, (LRC) PSD-251540
"I" as surveyed for Dominador Santua, et al.
- Exh. Certification dated September 24, 1982 issued by the
"J" Acting Register of Deeds of this province, certifying to
the effect that all original certificates of title on file with
the Registry were destroyed by reason of the fire that
hit the Capitol Building housing the Office of the
Register of Deeds on August 12, 1977.

Respondent testified that he is the registered owner of certain parcels of land known as Lot No. 5358-A-3-0-8-B, with an area of 730 square meters; Lot No. 5358-A-3-0-8-C, with an area of 731 square meters; Lot No. 5358-A-3-0-8-D, with an area of 731 square meters; Lot No. 5358-A-3-0-8-E, with an area of 731 square meters, and Lot No. 5358-A-3-0-8-F, with an area of 383 square meters, or a total area of 3,306 square meters, situated in Poblacion, Victoria, Mindoro. The original copy of this title was among the documents destroyed on August 12, 1977 when fire razed the entire Capitol Building then housing the Office of the Register of Deeds, while the owner's duplicate copy in the respondent's possession was lost when their house was destroyed by the Intensity 7 earthquake that hit the province on November 15, 1994. There is no co-owner's, mortgagee's or lessee's duplicate copy of said title previously issued by the Register of Deeds. There exist no deeds of instruments affecting the property, which have been presented to, or pending registration with, the Office of the Register of Deeds. It has never been offered as a bail bond or as collateral to secure a loan with any banking institution or any person. It has not been declared as null and void by any court or competent authority. It is not a subject of attachment.

The Provincial Assessor, Mr. Onisimo Naling, testified that the tax declaration submitted in evidence is a true and genuine tax declaration issued by their office. Mrs. Flordeliza Villao, Records Officer III of the Register of Deeds, testified that the Certification issued by her office is a true and genuine certification.

The adjoining property owners were notified of the hearing of the petition but no

one interposed any objection thereto.

On December 15, 2000, the RTC granted the petition, thus:

ACCORDINGLY, finding the instant petition to be well-taken and there being no opposition thereto, same is hereby granted. The Register of Deeds of this province is hereby directed to reconstitute the original and the owner's duplicate copies of Transfer Certificate of Title No. T-22868 in the name of "DOMINADOR SANTUA, married to Natividad Paner, of legal age, Filipino citizen and a resident of Poblacion, Victoria, Oriental Mindoro" on the basis of the tax declaration, technical descriptions and plan of Lot No. 5358-A-3-0-8-B, Lot No. 5358-A-3-0-8-C, Lot No. 5358-A-3-0-8-D, Lot No. 5358-A-3-0-8-E, and Lot No. 5358-A-3-0-8-F, (LRC) Psd 257136, thirty (30) days after receipt of this Order by the Register of Deeds of this province and the Land Registration Authority.

SO ORDERED.^[4]

On January 16, 2001, the Office of the Solicitor General filed a Notice of Appeal, which was given due course by the RTC.

On September 23, 2002, the CA affirmed the RTC Decision.^[5] Petitioner filed this petition for review raising the sole issue --

WHETHER OR NOT TAX DECLARATIONS, TECHNICAL DESCRIPTION AND LOT PLANS ARE SUFFICIENT BASES FOR THE RECONSTITUTION OF LOST OR DESTROYED CERTIFICATES OF TITLE^[6]

In a Comment/Manifestation^[7] dated September 11, 2003, respondent's counsel manifested that respondent is submitting the petition for review for resolution without any comment from him.

Respondent's waiver of the filing of a comment is unfortunate considering that we find the petition meritorious.

The reconstitution of a certificate of title denotes restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land.^[8] It partakes of a land registration proceeding.^[9] Thus, it must be granted only upon clear proof that the title sought to be restored was indeed issued to the petitioner.^[10] In this regard, Section 3 of Republic Act (RA) No. 26 enumerates the documents regarded as valid and sufficient bases for reconstitution of a transfer certificate of title:

SEC. 3. Transfer 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;