

FIRST DIVISION

[G.R. No. 168742, September 03, 2008]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. NORMA ROYALES, RESPONDENT.

D E C I S I O N

CORONA, J.:

This is a petition for review on certiorari^[1] of the April 29, 2005 decision^[2] and June 28, 2005 resolution^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 79706.

On July 7, 1970, the Director of Lands filed cadastral case no. L-1^[4] in the then Court of First Instance (CFI) of Camarines Sur, Branch 5 involving lot nos. 2917, 2919, 3272 and 9533 located in Libmanan, Camarines Sur.^[5] He prayed that these parcels of land be declared public land.^[6] Respondent Norma Royales was a claimant of these lots. Notice was published in the Official Gazette.^[7]

On September 17, 1975, the CFI rendered a decision ordering the registration of the lots in the name of respondent.^[8] However, before the certificate of finality of the decision and order for the issuance of the decree of registration could be issued by the court, the Registry of Deeds of Camarines Sur was razed by fire on June 26, 1976 and all the titles and documents therein were burned.^[9]

On October 24, 2002 or 27 years later, respondent filed a petition for the reconstitution of the September 17, 1975 CFI decision in the Regional Trial Court (RTC) of Libmanan, Camarines Sur, Branch 57, docketed as Spec. Proc. No. 846. On November 6, 2002, the RTC issued an order setting the petition for hearing without directing the respondent to cause the publication of said order in the Official Gazette. It, however, notified the government prosecutor and Land Registration Authority (LRA). It likewise directed that the order be posted.^[10] No opposition was filed.^[11]

On November 25, 2002, the RTC rendered a decision granting the petition and ordered the reconstitution of the September 17, 1975 decision considering that the LRA had on file a duplicate original of the decision and other related records of the case.^[12]

Aggrieved, petitioner Republic of the Philippines filed an appeal in the CA docketed as CA-G.R. CV No. 79706. In a decision dated April 29, 2005, the CA affirmed the RTC decision. It denied reconsideration in a resolution dated June 28, 2005. It held that publication was no longer required because the CFI, through the Land Registration Commission (predecessor of the LRA), had already caused the publication of the order in the Official Gazette.^[13]

Hence, this petition raising the lone issue of whether or not publication was necessary for the court to acquire jurisdiction over a petition for reconstitution of a final and executory decision in a cadastral case.

Petitioner argues that under Section 10 of Act 3110,^[14] publication in the Official Gazette is necessary in a petition for reconstitution of records of pending cadastral cases. On the other hand, respondent asserts that Section 9 of the same law is the applicable provision. These sections state:

PENDING REGISTRATION PROCEEDINGS

SEC. 9. **Registration proceedings pending the issuance of decree** shall be **reconstituted by means of copies furnished by the Chief of the General Land Registration Office**. It shall be the duty of this officer, immediately upon receipt of the notice provided for in section one of this Act, to direct duly certified true copies of all destroyed registration proceedings pending at the time of the destruction and all decrees destroyed, to be sent to the clerk of Court of First Instance concerned.

PENDING CADASTRAL CASES

SEC. 10. Pending **cadastral case** shall be reconstituted as follows:

The Court shall issue an order directing the person interested to file anew their replies, for which purpose reasonable time may be allowed. **The order shall be published in the Official Gazette** and by local notices during a period fixed in said order.

Immediately upon receipt of the notice provided for in section one of this Act, the Chief of the General Land Registration Office shall cause duly certified true copies of all destroyed cadastral proceedings to be sent to the clerk of the Court concerned.

The new replies filed by the parties interested and the copies furnished by the General Land Registration Office shall form the reconstituted record. (Emphasis supplied)

Petitioner insists that Section 9 is concerned with registration proceedings but Section 10 is specifically applicable to cadastral proceedings.^[15] Respondent counters that Section 9 is the relevant provision because it pertains to a situation where a decision has already been rendered by the court but no decree of registration has yet been issued.^[16]

The petition is impressed with merit.

In this case, the CFI's decision in favor of respondent was promulgated on September 17, 1975. This was already final when the records of the case were burned on June 26, 1976.^[17] However, the decree of registration had not yet been issued so the proceedings remained pending.^[18] Hence, there was a need to reconstitute the records so that the case could continue. The question is what

provision of Act 3110 should apply: Section 9 or Section 10?

As their respective headings state, Section 9 of Act 3110 refers to the reconstitution of a pending land registration proceeding while Section 10 applies to the reconstitution of a pending cadastral action, a distinct kind of land registration process. The case here involves a cadastral undertaking.

Under the cadastral system, the government initiates the proceedings for the compulsory registration of lands within a stated area by filing a petition in court against the holder, claimants, possessors or occupants of such lands.^[19] All claimants are compelled to act and present their answers otherwise they lose their right to own their property.^[20] The purpose is to serve public interest by requiring that the titles to the lands "be settled and adjudicated."^[21] Notice of the filing of the petition is published in the Official Gazette.^[22] During the trial, conflicting claims are presented and the court adjudicates ownership in favor of one of the claimants.^[23] When the decision becomes final, the court orders the issuance of the decree of registration which, in turn, becomes the basis for the issuance of a certificate of title.^[24]

Ordinary land registration proceedings^[25] and cadastral proceedings both aim to bring lands under the operation of the Torrens system.^[26] The cadastral system was conceived to hasten the registration of lands and therefore make it more effective.^[27] However, these two kinds of proceedings also vary in a number of ways^[28] and the legislature chose to treat them differently in Act 3110. Its intent to differentiate the two reconstitution procedures should be given effect. It was presumed to know the meaning of the words it employed and to have used them advisedly.^[29]

Accordingly, we hold that it is Section 10 which is applicable to this cadastral proceeding. Consequently, the RTC did not acquire jurisdiction over respondent's petition for reconstitution for failing to comply with the publication requirement.

We, however, do not subscribe to petitioner's submission that the cadastral case should be filed anew (that is, from the very beginning), in accordance with Section 29 of Act 3110:

SEC. 29. In case the parties interested in a destroyed record fail to petition for the reconstitution thereof within the six months next following the date on which they were given notice in accordance with section two hereof, they shall be understood to have waived the reconstitution and may **file their respective actions anew** without being entitled to claim the benefits of section thirty-one hereof. (Emphasis supplied)

In construing this provision in *Realty Sales Enterprises, Inc. v. Intermediate Appellate Court*, ^[30] we held that:

The whole theory of reconstitution is to reproduce or replace records lost or destroyed so that said records may be complete and court proceedings may continue from the point or stage where said proceedings stopped due to the loss of the records. The law contemplates different stages for