

THIRD DIVISION

[G.R. No. 127969, June 25, 1999]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE LAND
REGISTRATION AUTHORITY, PETITIONER, VS. THE HONORABLE
COURT OF APPEALS, JOSE M. ESTRADA AND THE REGISTER OF
DEEDS OF THE PROVINCE OF CAVITE, RESPONDENTS.**

D E C I S I O N

VITUG, J.:

The instant petition for review assails the decision of the Court of Appeals in CA-G.R. SP No. 39816 which has affirmed the judgment and orders of the Regional Trial Court ("RTC") of Cavite (Branch 20) in LRC Case No. 1077-95, entitled: In Re: "Petition for Reconstitution of Lost/Burned Original Copy of Transfer Certificates of Title No. 11203 and No. 11204."

The Court of Appeals, in its decision, gave a brief factual and case settings of the controversy.

"On March 28, 1995, Jose M. Estrada, the private respondent in this case and petitioner in LRC Case No. 1077-95 filed with the Regional Trial Court Branch 20, Imus, Cavite the reconstitution of lost/burned original copies of certificate of titles nos. T-11203 and T-11204 and for the issuance of new owner's duplicate copies of the same certificates. These were allegedly lost or destroyed when the capitol building was burned.

"On April 29, 1995, RTC Branch 20 of Imus Cavite set the hearing of the petition on June 19, 1995 at 9:00 A.M. requiring all interested parties to appear and show cause, if any, why the petition be not granted. The order required its publication in the Official Gazette for two successive issues with the further directive that copies be furnished the adjoining owners, Office of the Solicitor General, Land Registration authority, and the Register of Deeds. It was likewise required that the petitioner post copies of the order at the Bulletin Board of the Court, at the main entrance of the Provincial Capitol Building, Trece Martirez City and at the Municipal Building of Dasmariñas, Cavite, as well as where the property is located.

"There being no opposition to the petition, petitioner was allowed to adduce his evidence in the presence of the public prosecutor who had been deputized by the Solicitor General to represent him for the Republic of the Philippines.

"Florinda Estrada, a 41-year old daughter of the petitioner who was duly authorized to represent her sickly father, introduced oral and testimonial evidence. The lost/burned certificate of titles were presented in court as

well as the tax declarations in the name of petitioner. The official receipts of tax payments were likewise introduced. A copy of the Deed of Sale dated July 30, 1957 in favor of petitioner was submitted by him to the court. After Florinda Estrada's testimonial evidence on the possession of her father of the land and its not being mortgaged or encumbered, Francisco Cuenca, owner of all the adjoining lots offered no objection to the petition. The public prosecutor Zenaida de Castro cross-examined the petitioner's witnesses."^[1]

On 20 June 1995, the trial court granted the petition for reconstitution; thus -

"WHEREFORE, premises considered, judgment is hereby rendered directing the Register of Deeds of Cavite to cause the reconstitution of the lost/burned original of Transfer Certificates of Title Nos. 11203 and 11204 in the name of Jose Estrada upon payment of proper fees.

"Furnish a copy of this Decision to the Register of Deeds, the Solicitor General, the Land Registration Authority and to petitioner."^[2]

On 24 July 1995, private respondent filed a motion to cite the Registrar of Deeds of Cavite for contempt alleging, among other things -

"3. That in spite of the finality of the judgment, and over the pleas of petitioner's [private respondent's] representative, the Register of Deeds of Cavite has refused and continues to refuse to effect the reconstitution, thereby depriving the petitioner [private respondent] of the use of his Transfer Certificate of Title.

"4. That the Register of Deeds of Cavite insists on referring the matter first to the Land Registration Authority, which is uncalled for, without factual and legal basis, an exercise in futility, considering that the LRA was very much aware of the proceedings and did not oppose the petition, and is aware of the judgment and did not appeal either.

"5. That the refusal of the Register of Deeds of Cavite to effect the reconstitution is punishable contempt under Sec. 3(b) of Rule 71, of the Rules of Court.

"6. That under Section 7 of the same Rule, the Register of Deeds of Cavite may be imprisoned until he effect the reconstitution."^[3]

Atty. Alejandro Villanueva, the then incumbent Registrar of Deeds of Cavite, proffered his explanation asseverating -

"That the Register of Deeds did not give due course to the registration of the above decision for reconstitution in view of the doubt entertained by the Register of Deeds as to the authenticity and genuineness of the alleged owner's duplicate copy of TCT Nos. T-11203 and T-11204 which serve as basis for reconstitution of the original copy thereof when presented and suggested that the same be subjected to government agencies like the NBI to determine their genuineness.

"That the tax declarations presented to the court to support the petition

for reconstitution and marked Exhibits K and K-1 were not genuine as per Certification dated July 27, 1995 issued by the Assistant Provincial Assessor which is hereto attached as Annex `A';

"That the alleged certification issued by the Register of Deeds that TCT Nos. T-11203 and T-11204 were among those burned and marked as Exhibit J is also not genuine.

"That Lot 5766 as allegedly covered by TCT Nos. T-11203 and T-11204, is already covered by a certificate of title issued on November 6, 1967 namely TCT No. T-26877 in the name of PILAR DEVELOPMENT CO. INC., xerox copy hereto attached as Annex `B';

"That as held by the Supreme Court in RP vs. CT. of APP. et al I-46626 Dec. 27, 1979, (Peña, Registration of Land Titles and Deeds 1982 Ed. P-409) - THUS, where a certificate of title covering a parcel of land was reconstituted judicially, and it was found later that there existed earlier a certificate of title covering the same property in the name of another person, it was held that the existence of such prior title ipso facto nullified the reconstitution proceedings and signified that the evidence in said proceedings as to the alleged ownership under the reconstituted title cannot be given any credence. That kind of reconstitution was a brazen and monstrous fraud FOISTED on the courts of justice.

"That this explanation is being submitted for the appraisal of the Honorable Court with a prayer that the Register of Deeds be not cited for contempt of Court."^[4]

In an Order, dated 03 August 1995, Atty. Villanueva was ordered incarcerated until such time as he would have complied with the judgment of the RTC. A warrant for his arrest was issued, and a bond of P100,000.00 for his provisional liberty was fixed which he posted.

Shortly after the complete records of LRC No. 1077-95, in connection with the contempt charge against him, were elevated to the appellate court for review, Atty. Villanueva was slain by unidentified assailants in his residence in Las Piñas, Metro Manila.

On 27 December 1995, the Acting Registrar of Deeds of Cavite caused the reconstitution of the originals of TCT No. 11203 and No. 11204 pursuant to the 22nd December 1995 order of the RTC.

On 20 February 1996, the Republic of the Philippines, through the Office of the Solicitor General, filed a petition with the Court of Appeals for the annulment of the judgment of the trial court. The petition for annulment was anchored on the following grounds; to wit:

(a) That the two (2) reconstituted titles are patent nullity as they were reconstituted pursuant to a void decision and secured thru fraud and misrepresentation;

(b) that the amended order dated 29 April 1995 was not

published;

(c) that the Solicitor General was not notified about the hearing on the case; and

(d) that the Land Registration Authority was not furnished a copy of the decision.

The appellate court, in its now assailed decision of 27 January 1997, dismissed the petition for annulment and affirmed the judgment and orders of the trial court. Unsatisfied with this outcome, the Republic of the Philippines filed the instant petition for review, contending that -

"I

"RESPONDENT COURT OF APPEALS ERRED IN NOT RULING THAT THE REGIONAL TRIAL COURT FAILED TO ACQUIRE JURISDICTION OVER THE RECONSTITUTION CASE.

"II

"RESPONDENT COURT OF APPEALS ERRED IN AFFIRMING THE VOID DECISION."^[5]

Petitioner Republic of the Philippines would here insist that the RTC erroneously proceeded to take cognizance of the petition notwithstanding the existence of several jurisdictional defects, among which included the following shortcomings, namely, that -

1. The amended order advancing the initial hearing of the case from 24 July 1995 to 19 June 1995 was not published.
2. No notice to actual occupants and other interested persons were sent.
3. The owner's duplicate of TCT No. 11203 and No. 11204 presented by private respondent to the RTC were fake and of doubtful origin because -
 - a. The said owner's duplicates are not in the official form.
 - b. Lot No. 5766 is declared for taxation purposes in the name of Luis Pujalte from 1940 to 1994.
 - c. The signature of the Registrar of Deeds Escolastico Cuevas on both titles are fake.
 - d. The technical descriptions on subject titles when plotted did not coincide/conform with the technical description of Lot 5766.
 - e. The alleged registered owner and his attorney-in-fact are not the occupants of the parcels of land.