

SPECIAL FORMER TWENTY-THIRD DIVISION

[CA - G.R. CV NO. 98915, November 20, 2014]

**ANNA MARIE C. BICHARA, PETITIONER-APPELLEE, VS. REPUBLIC
OF THE PHILIPPINES, OPPOSITOR-APPELLANT.**

AMENDED DECISION

DICDICAN, J.:

The petitioner-appellee seeks a reconsideration of the decision promulgated in this case on September 9, 2013 reversing and setting aside the decision rendered by the Presiding Judge of the RTC of the 5th Judicial Region stationed in Iriga City on March 13, 2012 in Special Proceeding No. IR-2584 which granted the petitioner-appellee's petition for reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City. Acting on the said motion for reconsideration and upon meticulously reviewing the evidence adduced by the petitioner-appellee and the applicable law and jurisprudence, this Court has arrived at an amended decision. Under the premises, there is no harm in this Court's acknowledging that its original decision needs to be reconsidered for, as always, what is important and paramount is that this Court be ultimately right in its judgment. Significantly, the appellant Republic of the Philippines, represented by the Office of the Solicitor General, interposed no opposition to the petitioner-appellee's motion for reconsideration.

As it may not be amiss to recall, in the decision of this Court promulgated on September 9, 2013, we ruled that no sufficient basis exists for the reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City, and so, the court *a quo* committed a reversible error in granting the petitioner-appellee's petition for reconstitution of the said transfer certificate of title. Among others, we held that the Deed of Sale of Real Property executed by Solomon Lee Wee Hong on June 5, 1967 in favor of Emelina G. del Castillo can not serve as proof that Transfer Certificate of Title No. T-14027 was registered by the vendee in her name or that Transfer Certificate of Title No. T-14027 really existed. We further ruled that the said deed of sale of real property does not adequately show that its original copy had been duly registered in the Registry of Deeds and, pursuant to which, the lost or destroyed transfer certificate of title was issued.

In her motion for reconsideration, the petitioner-appellee tenaciously contended and argued that the Deed of Sale of Real Property executed by Solomon Lee Wee Hong on June 5, 1967 in favor of Emelina G. del Castillo is sufficient basis for the reconstitution of Transfer Certificate of Title No. T-14027 of the Registry of Deeds of Iriga City. We made a second judicious and meticulous scrutiny of the said Deed of Sale of Real Property which had been adduced in evidence by the petitioner-appellee as Exhibit "L". It is found on pages 64 and 65 of the record of Special Proceeding No. IR-2584. We have come up with the following observations:

1. On the upper right corner of said document, there is a stamped acknowledgment