

SIXTEENTH DIVISION

[CA-G.R. CV NO. 99708, November 20, 2014]

**PHILIPPINE WOMEN'S UNIVERSITY, INC., PETITIONER-
APPELLANT, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT-
APPELLEE.**

D E C I S I O N

BATO, JR., J.:

This is an appeal from the Decision^[1] dated May 19, 2011 of the Regional Trial Court of Manila, Branch 4, in P-09-181 (LRC REC No. 7929), the dispositive portion of which reads:

WHEREFORE, premises considered, the petition is hereby DENIED for insufficiency of evidence.

Let a copy of this Decision be furnished the petitioner and her counsel for their information and guidance.

SO ORDERED.

The facts are borne out by the records.

On January 29, 2009, petitioner-appellant Philippine Women's University, Inc. (hereinafter "PWU") filed a Petition^[2] for the reconstitution of the copy of Transfer Certificate of Title (TCT) No. 112932 with the Register of Deeds of Manila, alleging that the copy on file with the Register of Deeds of Manila is substantially destroyed as what is left of it is only the extreme upper and lower portion of the title; that on file with the Register of Deeds is a cancelled TCT No. 89228, in the name of the Philippine Women's Educational Association, from which TCT No. 112932 was derived; that PWU has in its possession the owner's duplicate copy of TCT No. 112932; that the subject property is declared for taxation purposes in the name of the Philippine Women's Educational Association; that no co-owner's, mortgagee's or lessee's duplicate copy has been issued on the subject title; that the subject property was never sold, encumbered or delivered to any entity to guarantee any obligation; that the only improvement is the building of the Philippine Women's University, which is the principal office of the petitioner; and that no deeds or other instruments or encumbrances affecting the property have been presented for registration.

A Notice of Hearing was issued on April 23, 2009, setting the initial hearing on August 5, 2009. Then, on August 26, 2009, PWU established the jurisdictional facts of the petition. Since there was no opposition, PWU presented its evidence *ex-parte*

on September 16, 2009. The testimony of Agnes Debulos, PWU's Accounting Officer and Property Custodian is summarized as follows:

She narrated that the petitioner is the Philippine Women's University; that she is the custodian of all titles pertaining to the assets of the university; that PWU is located along Taft Avenue corner Nakpil St. and Malvar St., Malate, Manila; that PWU is the owner of Transfer Certificate of Title No. 112932; that their paralegal officer tried to get a certified true copy from the Register of Deeds of Manila but they failed because only the upper and lower portion of the title was left on file; that they were issued a Certification by records officer Perlino Califlores; that the upper portion of the title indicates Transfer Certificate of Title No. 112932; that Transfer Certificate of Title No. 112932 is a transfer from Transfer Certificate of Title No. 89228; that the said property is declared for taxation purposes under the name 'Philippine Women's Educational Association'; that Philippine Women's University and Philippine Women's Educational Association are one and the same; that the cancellation of Transfer Certificate of Title No. 89228 was by virtue of a Deed of Sale from Philippine Women's Educational Association to Philippine Women's University on September 1969; and that Transfer Certificate of Title No. 112932 has an approved survey plan and technical description.^[3]

On May 19, 2011, the court *a quo* rendered its now assailed Decision, dismissing PWU's petition for reconstitution of title on the ground of insufficiency of evidence. It ruled that:

A cursory examination of the evidence presented on record, the petitioner herein presented as its lone witness its Record's Custodian Agnes Debulos. The petitioner's representative a certain Dr. Amelou B. Reyes did not testify in court. What is baffling to the court is why would the petitioner delegate the entire prosecution of this case to a record's custodian whose authority to represent the petitioner was not proven.

While its lone witness testified that they were able to get a certification from the Register of Deeds of Manila that said title to property was torn and damaged [it] would not be sufficient to convince the court for the relief prayed for. She has no personal knowledge how it came to be so. The petitioner relied solely on the bare allegation of their witness Debulos. The petitioner could have presented as witness Perlino V. Califlores of the Register of Deeds who issued the said Certification.

This Court in resolving the issue at hand is bound by the rules on evidence and the established facts, we could not simply rely on bare allegations without convincing proof to establish the same.

Liberal construction of the Rules of Court does not apply in land registration proceedings. If there is a specific law to be observed, the mode of the proceedings is mandatory and must be strictly complied with or the proceedings will be void.^[4]

Its Motion for Reconsideration having been denied by the Resolution^[5] dated August 13, 2012, PWU filed the present appeal, alleging that:

THIS (SIC) HONORABLE COURT COMMITTED A GRAVE ERROR IN ITS QUESTIONED DECISION WHEN IT HELD THAT THERE WAS INSUFFICIENCY OF EVIDENCE TO SUPPORT THE PETITION.^[6]

More specifically, PWU claims that the court *a quo* erred in dismissing its petition considering that there was no opposition thereto and that during the *ex-parte* proceedings, it was able to submit various exhibits (many of which are public documents) to prove that the copy of TCT No. 112932 on file with the Register of Deeds of Manila is, in fact, damaged.

Respondent-appellee Republic of the Philippines, through the Office of the Solicitor General (OSG), opposes the appeal, averring that the lower court correctly denied the petition because PWU failed to discharge its burden of proof prescribed by law and jurisprudence for the reconstitution of lost or destroyed Torrens certificate of title.

Thus, the issue in this appeal is whether or not the court *a quo* committed reversible error in dismissing PWU's petition for reconstitution of title.

After a careful evaluation of PWU's arguments and its evidence, the Court rules to grant the appeal.

Republic Act No. 26, otherwise known as "An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed" provides for both judicial and extra-judicial reconstitution. The same law gives both modes of reconstitution the same binding effect. Initially, Section 110 of P.D. No. 1529, otherwise known as the "Property Registration Decree", abrogated administrative reconstitution of lost or destroyed certificates of title. But later, under Section 1 of Republic Act No. 6732, approved on July 17, 1989, administrative reconstitution was revived under specific conditions, thus:

Sec. 110. Reconstitution of Lost or Destroyed Original of Torrens Title.— Original copies of certificates of titles lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. **The procedure relative to administrative reconstitution of lost or destroyed certificate prescribed in said Act may be availed of only in case of substantial loss or destruction of land titles due to fire, flood or other force majeure as determined by the Administrator of the Land Registration Authority:** Provided, That the number of certificates of titles lost or damaged should be at least ten percent (10%) of the total number in the possession of the Office of the Register of Deeds: Provided, further, That in no case shall the number of certificates of titles

lost or damaged be less than five hundred (500).

Notice of all hearings of the petition for judicial reconstitution shall be furnished the Register of Deeds of the place where the land is situated and to the Administrator of the Land Registration Authority. No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of fifteen (15) days from receipt by the Register of Deeds and by the Administrator of the Land Registration Authority of a notice of such order or judgment without any appeal having been filed by any such officials.^[7]

In the case at bar, PWU chose to avail of judicial reconstitution because the conditions for administrative reconstitution are not present.

According to Section 3 of R.A. 26, lost or damaged TCTs shall be reconstituted from such of the following sources 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) The deed of transfer or other document, on file in the registry of deeds, containing the description of the property, or an authenticated copy thereof, showing that its original had been registered, and pursuant to which the lost or destroyed transfer 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 title.

Meanwhile, according to Section 4 of the same law, liens and other encumbrances affecting a destroyed or lost certificate of title shall be reconstituted from the following sources as may be available, in the following order:

- (a) Annotations or memoranda appearing on the owner's, co-owner's, mortgagee's or lessee's duplicate;
- (b) Registered documents on file in the registry of deeds, or authenticated copies thereof showing that the originals thereof had been registered; and

(c) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the liens or encumbrances affecting the property covered by the lost or destroyed certificate of title.

R.A. 26 provides different procedures for the reconstitution, depending on whether it is administrative or judicial, and depending on the source used for the reconstitution of the lost or damaged certificate of title. In the case at bar, the reconstitution is judicial, and the source used is the owner's duplicate of the lost or damaged transfer certificate of title (Sec. 3[a], R.A. 27). Thus, the procedure is that under Section 10, in relation to Section 5, of R.A. 26 which provides:

SECTION 10. Nothing hereinbefore provided shall prevent any registered owner or person in interest from filing the petition mentioned in section five of this Act directly with the proper Court of First Instance, based on sources enumerated in sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act: Provided, however, That the court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section nine hereof: And provided, further, That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in section seven of this Act.

x x x

x x x

x x x

SECTION 5. x x x The petition shall be accompanied with the necessary sources for reconstitution and with an affidavit of the registered owner stating, among other things:

- (1) That no deed or other instrument affecting the property had been presented for registration, or, if there be any, the nature thereof, the date of its presentation, as well as the names of the parties, and whether the registration of such deed or instrument is still pending accomplishment;
- (2) That the owner's duplicate certificate or co-owner's duplicate is in due form without any apparent intentional alterations or erasures;
- (3) That the certificate of title is not the subject of litigation or investigation, administrative or judicial, regarding its genuineness or due execution or issuance;
- (4) That the certificate of title was in full force and effect at the time it was lost or destroyed;
- (5) That the certificate of title is covered by a tax declaration regularly issued by the Assessor's Office; and
- (6) That real estate taxes have been fully paid up to at least two (2) years prior to the filing of the petition for reconstitution.