

Republic of the Philippines
 Supreme Court
 Baguio City

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REPUBLIC OF THE PHILIPPINES, G.R. No. 214223

Petitioner,

- versus -

SPOUSES JOVITO and KATHLEEN BERCEDE, Respondents.

Present:
 GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,*
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR., and
 SINGH, JJ.

Promulgated:

January 10, 2023

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[Signature]
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DECISION

KHO, JR., J.:

Before the Court is a Petition for Review on *Certiorari*¹ dated October 22, 2014 filed by the Republic of the Philippines (petitioner), assailing the

* No part and on leave
¹ *Rollo*, pp. 8-28.

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Decision² dated October 29, 2013 and the Resolution³ dated August 28, 2014 of the Court of Appeals (CA) in CA-G.R. CEB-CV No. 03344. The CA affirmed the Judgment⁴ dated September 16, 2009 of the Regional Trial Court of Cebu City, Branch 6 (RTC) granting the Petition for Reconstitution⁵ of Original Certificate of Title No. 4275 (OCT No. 4275) filed by respondents spouses Jovito and Kathleen Bercede (Kathleen; collectively respondents).

The Facts

In their Petition for Reconstitution dated June 12, 2008, respondents claimed that they are the owners of a 345 square meter parcel of land denominated as Lot No. 199 of the Cadastral Survey of Carcar, situated in Barangay Poblacion II, Carcar City, Cebu,⁶ which is covered by OCT No. 4275.

Respondents allege that they purchased the property from Kathleen's parents,⁷ Spouses Edgar Paraz (Edgar) and Drusilla V. Paraz (Drusilla),⁸ via a Deed of Absolute Sale executed on June 5, 2008.⁹ Edgar and Drusilla, in turn, bought the property from Kathleen's grandmother,¹⁰ Lourdes Paraz (Lourdes),¹¹ through an Absolute Deed of Sale dated March 23, 1987.¹² Lourdes, meanwhile, acquired the property from the heirs of the original owners, the spouses Teofisto Alesna (Teofisto)¹³ and Faustina Esmeña (Faustina),¹⁴ by way of an extra-judicial settlement of the estate of Teofisto and Faustina with a deed of absolute sale dated August 5, 1975 (extra-judicial settlement with deed of absolute sale).¹⁵ Lot No. 199 is still registered in the names of its original owners, the spouses Teofisto and Faustina, as reflected in the photocopy of OCT No. 4275 on record.¹⁶

Praying for the reconstitution of OCT No. 4275, respondents averred that the original copy of the said title, which should have been on file with the Office of the Register of Deeds of the Province of Cebu, as well as the owner's duplicate copy, have both been lost and destroyed.¹⁷ Respondents presented

² Id. at 28-35. Penned by Associate Justice Ramon Paul L. Hernando (now a Member of this Court) with Associate Justices Carmelita Salandanan-Manahan and Ma. Luisa C. Quijano-Padilla, concurring.

³ Id. at 38-39. Penned by Associate Justice Ramon Paul L. Hernando (now a Member of this Court) with Marilyn B. Lagura-Yap and Ma. Luisa C. Quijano-Padilla, concurring.

⁴ Records, pp. 161-163. Penned by Presiding Judge Ester M. Veloso.

⁵ *Rollo*, pp. 40-44. Docketed as G.L.R.O. Record No. 58/Cadastral Case No. 2 --- Carcar City, Cebu.

⁶ Id. at 29 and 40.

⁷ Id. at 60.

⁸ Records, p. 27.

⁹ *Rollo*, pp. 52-53.

¹⁰ Records, pp. 105-106, and 108.

¹¹ *Rollo*, p. 42.

¹² Id. at 51.

¹³ Also named in the extra-judicial settlement with deed of absolute sale on record as "Teopisto Alesna". See *rollo*, p. 48; Also referred to as "Teopisto/Teopista" in some parts of the *rollo*.

¹⁴ Id. at 42.

¹⁵ Id. at 48-50.

¹⁶ Id. at 28-29.

¹⁷ Id. at 42.

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the following in support of their Petition for Reconstitution: **(1)** a photocopy of OCT No. 4275;¹⁸ **(2)** Tax Declaration No. 02434 issued in 2002, still in the name of Teofisto;¹⁹ **(3)** tax clearance issued by the Office of the City Treasurer dated June 4, 2008,²⁰ indicating that taxes have been paid for the property and that there are no tax arrears due on even date; **(4)** the extra-judicial settlement with deed of absolute sale and the two succeeding deeds of sale showing the transfer of the property from Teofisto and Faustina, the original owners of the property, to respondents;²¹ and **(5)** a Certification issued on June 3, 2008 from the Land Registration Authority (LRA)-Office of the Register of Deeds,²² stating that the certificate of title covering Lot No. 199 issued in the name of Teofisto and Faustina is not available, as it has either been burned or lost during the last World War. In compliance with its Order²³ dated April 7, 2009, respondents also submitted to the RTC a copy of the Certification²⁴ dated April 29, 2009 issued by the Department of Environment and Natural Resources (DENR), which indicated the geographic position and plane coordinates of Carcar Cadastral Survey No. 30 covering Lot No. 199, as well as the map of Carcar Cadastre No. 30 showing the relative position of Lot No. 199.²⁵

In an Opposition²⁶ dated July 3, 2009, petitioner sought to dismiss the Petition for Reconstitution, contending that the same should comply with the mandatory requirements provided under Republic Act No. (RA) 26,²⁷ as amended.²⁸ According to petitioner, respondents are obliged under Section 15 of RA 26 to prove by competent evidence that: **(1)** the documents presented are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title; **(2)** the respondents are the registered owners of the property or have an interest therein; **(3)** the certificate of title was in force at the time it was lost or destroyed; and **(4)** the description, area, and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title.²⁹

The RTC Ruling

In a Judgment³⁰ dated September 16, 2009, the RTC ruled in respondents' favor, and accordingly, directed the Register of Deeds of the

¹⁸ Id. at 45. See also Records (note that the photocopy of the OCT and a copy of Cadastral Survey of Carcar were placed in a brown envelope annexed to the records).

¹⁹ Id. at 46 and 46-A.

²⁰ Id. at 47.

²¹ Id. at 48-53.

²² Id. at 54.

²³ Records, p. 70.

²⁴ *Rollo*, p. 78.

²⁵ Id. at 79.

²⁶ Id. at 55-57.

²⁷ Entitled "AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED," approved on September 25, 1946.

²⁸ *Rollo*, p. 55.

²⁹ Id. at 56.

³⁰ Records, pp. 161-163. Penned by Presiding Judge Ester M. Veloso.

province of Cebu to reconstitute the original copy of OCT No. 4275 in the name of spouses Teofisto and Faustina and to furnish respondents with a copy thereof.³¹ The dispositive portion of the RTC Decision reads:

WHEREFORE, the court grants the petition in favor of the [respondents], Spouses Jovito and Kathleen Bercede. The Register of Deeds of the Province of Cebu is directed to reconstitute the Original Certificate of Title No. 4275 in the name of Spouses Teofisto Alesna and Faustina Esmeña and to furnish the petitioners, Spouses Jovito and Kathleen Bercede with a copy thereof, upon payment of any appropriate fees.

SO ORDERED.³²

Finding sufficient basis for the reconstitution of OCT No. 4275, the RTC found that: *first*, the Certification issued by the LRA confirmed the loss or destruction of the certificate of title issued in the names of Teofisto and Faustina, thereby warranting reconstitution of the title;³³ *second*, respondents, through the successive transfers of Lot No. 199 which culminated in their ownership, have shown that they have an interest over the property;³⁴ and *third*, Tax Declaration No. 02434, in relation to the photocopy of OCT No. 4275, means that the title is still in force and that the area and boundaries of the property are the same as those contained in OCT No. 4275.³⁵

Appeal to the CA

Undaunted, petitioner appealed to the CA.³⁶ It insisted that respondents did not comply with the requirements of RA 26, since no valid source or basis for reconstitution of OCT No. 4275 was presented in evidence. Petitioner also argued that respondents have not shown that the certificate of title was in force at the time it was lost or destroyed or that the description, area, and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title.³⁷

Petitioner also put in issue the supposed intercalations and erasures on the photocopy of OCT No. 4275, including the handwritten and allegedly superimposed number 4275, arguing that Section 5 (2)³⁸ of RA 26, as

³¹ Id. at 163.

³² Id.

³³ Id. at 162-163.

³⁴ Id. at 163.

³⁵ Id.

³⁶ Id. at 166-169.

³⁷ CA *rollo*, p. 31-32.

³⁸ As quoted in the Brief (CA *rollo*, pp. 33-34):

Section 5. Petitions for reconstitution from sources enumerated in Sections 2(a), 2(b), 3(a), and/or 3(b) of this Act may be filed with the Register of Deeds concerned by the registered owner, his assigns, or other person, both natural and juridical, having an interest in the property. The petition shall be accompanied with the necessary sources for reconstitution and with an affidavit of the registered owner stating, among other things:

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amended,³⁹ requires that the certificate of title should be free from apparent erasures and alterations.⁴⁰ Petitioner further pointed out that respondents failed to submit to the LRA a certified technical description of the property,⁴¹ per the Manifestation of LRA Administrator Benedicto B. Ulep dated November 6, 2009⁴² and March 19, 2010,⁴³ and in a Letter from the LRA dated July 16, 2010⁴⁴ addressed to the RTC, requiring submission of the technical description of Lot No. 199. Finally, petitioner drew attention to the lack of notices sent to the registered owners, Teofisto and Faustina, and respondents' predecessors-in-interest, Edgar and Drusilla.⁴⁵

The CA Ruling

In a Decision⁴⁶ dated October 29, 2013, the CA affirmed the RTC. The decretal portion of the CA Decision reads as follows:

WHEREFORE, the instant appeal is **DENIED**. The September 16, 2009 Decision of the Regional Trial Court, Branch 6, of Cebu City is hereby **AFFIRMED** *in toto*. No costs.

SO ORDERED.⁴⁷

The CA held that the basis of the reconstitution — the photocopy of OCT No. 4275 — falls under the category “any other document” as mentioned in Section 2 (f) of RA 26 as one possible source of reconstitution.⁴⁸ The CA agreed with the RTC that the photocopy of OCT No. 4275 is a reliable document from which the original instrument or title may be reconstituted.⁴⁹

Further, the CA rejected the conclusion drawn by petitioner that the photocopy of OCT No. 4275 is fake and spurious, it being a mere photocopy with alterations apparent on its face.⁵⁰ According to the CA, this issue has been raised for the first time on appeal and thus barred by estoppel.⁵¹ The CA

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(2) That the owner's duplicate certificate or co-owner's duplicate is in due form without any apparent intentional alterations or erasures;

³⁹ As amended by Republic Act No. 6732, entitled “AN ACT ALLOWING ADMINISTRATIVE RECONSTITUTION OF ORIGINAL COPIES OF CERTIFICATES OF TITLES LOST OR DESTROYED DUE TO FIRE, FLOOD AND OTHER FORCE MAJEURE, AMENDING FOR THE PURPOSE SECTION ONE HUNDRED TEN OF PRESIDENTIAL DECREE NUMBERED FIFTEEN TWENTY-NINE AND SECTION FIVE OF REPUBLIC ACT NUMBERED TWENTY-SIX,” approved on July 17, 1989.

⁴⁰ CA *rollo*, pp. 33-34.

⁴¹ Id. at 34-35.

⁴² *Rollo*, p. 58.

⁴³ CA *rollo*, p. 43.

⁴⁴ Id. at 42.

⁴⁵ Id. at 35.

⁴⁶ *Rollo*, pp. 28-35.

⁴⁷ Id. at 34-35. Emphases and italics in the original.

⁴⁸ Id. at 31-32.

⁴⁹ Id. at 32.

⁵⁰ Id.

⁵¹ Id.

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opined that it would be against the basic principles of fair play, justice, and due process for a reviewing court to consider issues and arguments not brought to the trial court's attention.⁵²

Furthermore, the CA pointed out that the contents of the photocopy of OCT No. 4275 — *i.e.*, what property it covers (Lot No. 199), the area and the metes and bounds of the same, as well as the names of the registered owners appearing on the photocopy — all coincide with the other documents on record as submitted by the respondents, such as Tax Declaration No. 02434 and the extra-judicial settlement with deed of absolute sale executed by the heirs of Teofisto and Faustina.⁵³ To the CA, all these indicate that OCT No. 4275 actually existed.⁵⁴ The CA also thought it noteworthy to highlight that the LRA issued a Certification that suggests that the original of OCT No. 4275 is not available because it has either been lost or destroyed during the last World War.⁵⁵

Finally, the CA held that the strict and mandatory requirements laid down under Sections 12 and 13 of RA 26 have been substantially complied with by respondents. It considered the lack of notices to Teofisto, Faustina, Edgar, and Drusilla to have no bearing on the case since both Teofisto and Faustina were already deceased at the time the Petition for Reconstitution was filed, while Edgar and Drusilla, including their predecessor-in-interest Lourdes, no longer have any interest on the property as they each have sold and transferred their rights to the property.⁵⁶

Unperturbed, petitioner moved for reconsideration. This was, however, denied by the CA in a Resolution⁵⁷ dated August 28, 2014.

Hence, this petition.

The Issue Before the Court

The sole issue for the Court's resolution is whether the CA correctly affirmed the RTC Judgment, which granted the Petition for Reconstitution filed by the respondents, and accordingly directed the reconstitution of OCT No. 4275.

The petitioner maintains that the CA Decision and Resolution are not in accord with law and jurisprudence on the reconstitution of titles.⁵⁸ It argues

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id. at 33-34.

⁵⁷ Id. at 38-39.

⁵⁸ Id. at 12.

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that respondents have not proven that the owner's duplicate copy of the OCT was also missing because the Certification from the LRA refers solely to the original supposed to be on its file,⁵⁹ and resort to a mere photocopy is therefore unjustified.⁶⁰ Petitioner insists that a mere photocopy is not a valid source to reconstitute a title,⁶¹ and avers further that the photocopy of OCT No. 4275 is unreliable because it appears to have been tampered with, there being intercalations and erasures on its face.⁶² On this score, petitioner disagrees with the CA that it cannot raise these issues for the first time on appeal, invoking the rule that estoppel cannot bar the State's right to assail an act that contravenes law and public policy and the rule that the State could not be put in estoppel by the mistakes or errors of its officials or agents.⁶³ The petitioner also calls attention to the dissimilarity between the OCT number stated in the extra-judicial settlement with deed of absolute sale with the OCT number indicated on the Absolute Deed of Sale between Lourdes and spouses Edgar and Drusilla.⁶⁴ Moreover, petitioner stresses, in accordance with the two Manifestations of the LRA, that the description, area, and boundaries of the property cannot even be properly identified due to the lack of a technical description.⁶⁵

In their Comment⁶⁶ dated February 10, 2016, respondents maintain that there are no reversible errors in the rulings of the RTC and CA to warrant reversal.⁶⁷ According to them, the assailed rulings sufficiently explained that respondents were able to prove and establish the requirements set forth under RA 26.⁶⁸ They contend that the non-submission of a certified true copy of OCT No. 4275, due to it being lost and destroyed, did not violate RA 26 since the said law allows the presentation of other documents for the reconstitution of a certificate of title.⁶⁹ Respondents insist that they complied with all the requirements, including the requirement of notice and publication,⁷⁰ and aver that they already submitted to the RTC on June 11, 2009 their compliance with the request of the LRA for the submission of the geographic position and plane coordinates of the subject property.⁷¹ They argue that the discrepancy in the number appearing in the OCT and that appearing in the extra-judicial settlement with deed of absolute sale is clearly a clerical error that did not alter the identity of Lot No. 199.⁷² Respondents further assert that petitioner's observations on the erasures appearing on the photocopy of OCT No. 4275 have no bearing on the case since both the RTC and CA have found the

⁵⁹ Id. at 12 and 13-14.

⁶⁰ Id. at 13-14.

⁶¹ Id. at 12 and 14-17.

⁶² Id. at 14-17.

⁶³ Id. at 14-15.

⁶⁴ Id. at 17-18.

⁶⁵ Id. at 18-20.

⁶⁶ Id. at 72-76.

⁶⁷ Id. at 72.

⁶⁸ Id.

⁶⁹ Id. at 72-73.

⁷⁰ Id. at 74.

⁷¹ Id. at 72-74.

⁷² Id. at 74.

evidence they submitted as sufficient,⁷³ and that the said erasures should not affect their right to have the title reconstituted after following the requirements of hearing and publication.⁷⁴ Finally, they submit that sustaining the arguments of petitioner would defeat the purpose of the law allowing the reconstitution of lost and destroyed certificates of title.⁷⁵

The Court's Ruling

The petition is meritorious.

The judicial reconstitution of a Torrens title under RA 26 means the restoration in the original form and condition of a lost or destroyed Torrens certificate attesting the title of a person to registered land.⁷⁶ The purpose of reconstitution is to enable, after observing the procedures prescribed by law, the reproduction of the lost or destroyed Torrens certificate in the same form and in exactly the same way it was at the time of the loss or destruction.⁷⁷

The nature and requirements of judicial reconstitution of title was explained by the Court in *Denila v. Republic of the Philippines*⁷⁸ (*Denila*), as follows:

Reconstitution of title is a special proceeding. Being a special proceeding, a petition for reconstitution must allege and prove certain specific jurisdictional facts before a trial court can acquire jurisdiction. R.A. No. 26, as amended, is the special law which provides for a specific procedure for the reconstitution of Torrens certificates of title lost or destroyed; Sections 2 and 3 thereof provide how original certificates of title and transfer certificates of title shall be respectively reconstituted and from what specific sources successively enumerated therein such reconstitution shall be made. It confers jurisdiction upon trial courts to hear and decide petitions for judicial reconstitution; however, before the court can properly act, assume and acquire jurisdiction or authority over the petition and grant the reconstitution prayed for, petitioner must observe certain special requirements and mode of procedure prescribed by the law. **More importantly, substantial compliance with jurisdictional requirement is not enough because the acquisition of jurisdiction over a reconstitution case is hinged on a strict compliance with the requirements of the law.**

Conversely, noncompliance with all jurisdictional requirements in special proceedings (such as reconstitution of title) adversely affects the trial court's jurisdiction over the subject matter of the case and, in cases where a specific procedure is outlined by law, over the remedy pursued by petitioner. **Failure to comply with any of the**

⁷³ Id.

⁷⁴ Id. at 74-75.

⁷⁵ Id. at 75.

⁷⁶ *Republic of the Philippines v. Susi*, 803 Phil. 348, 357 (2017).

⁷⁷ Id., citing *Republic of the Philippines v. Mancao*, 764 Phil. 523, 528 (2015).

⁷⁸ See G.R. No. 206077, July 15, 2020.

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jurisdictional requirements for a petition for reconstitution renders the whole proceedings null and void. Strict observance of this rule is vital to prevent parties from exploiting reconstitution proceedings as a quick but illegal way to obtain Torrens certificates of title over parcels of land which turn out to be already covered by existing titles. Comparatively, this Court cannot even take a lenient approach in resolving reconstitution cases because liberal construction of the Rules does not apply to substantive requirements specifically enumerated by a statute, especially so if matters affecting jurisdiction are involved. In other words, the principle of liberality cannot be applied to statutory requirements as they are not technical rules of procedure which may be brushed aside by the courts to serve the higher reason of resolving the case on the merits. In special proceedings, the merits directly hinges on petitioner's compliance with statutory requirements proven in court to establish a status, right or particular fact.

Accordingly, in obtaining a new title in lieu of the lost or destroyed one, petitioner must be mindful of R.A. No. 26 which laid down procedures **that must be strictly followed** in view of the danger that reconstitution could be the source of anomalous titles or unscrupulously availed of as an easy substitute for original registration of title proceedings. Even in the absence of an opposition, a petition for reconstitution which does not strictly adhere to the requirements of the law will not be granted in the pretext that the same proceeding will not affect the ownership or possession of the property. Hence, it is the reason why this Court has held in numerous cases involving reconstitution of title that **noncompliance with the prescribed procedure and requirements deprives the trial court of jurisdiction over the subject matter or nature of the case and, consequently, all its proceedings are rendered null and void.**⁷⁹ (Emphases and underscoring supplied; citations omitted)

In this connection, RA 26 laid down the **mandatory** procedure and requirements that should be followed, whether the reconstitution is judicial or administrative.⁸⁰ For **judicial** reconstitution of an existing and valid **Original** Certificates of Title, as in this case, and **Transfer** Certificates of Title, Sections 2 and 3 of RA 26 have expressly listed the acceptable bases or sources, as follows:

Section 2. Original 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;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;

⁷⁹ Id.

⁸⁰ As provided under RA 6732, in relation to Section 110 of Presidential Decree No. 1529 entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES", approved on June 11, 1978 and Section 5 of RA 26.

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- (d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original 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.

Section 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;
- (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.

The Court notes that RA 26 provides for two procedures and sets of requirements in the reconstitution of lost or destroyed certificates of title depending on the source of the petition for reconstitution.⁸¹ Section 10, in relation to Section 9 of RA 26, provides the procedure and requirements for sources falling under Sections 2 (a), 2 (b), 3 (a), and 3 (b) thereof. On the other hand, Sections 12 and 13 of RA 26 lay down the procedure and requirements for sources falling under Sections 2 (c), 2 (d), 2 (e), 2 (f), 3 (c), 3 (d), 3 (e), and 3 (f) thereof. Thus, before a court can properly act, assume, and acquire jurisdiction over the petition and grant the reconstitution prayed for, the party

⁸¹ *Republic of the Philippines v. Susi*, supra note 76 at 357; see also *Republic of the Philippines v. Domingo*, 697 Phil. 265, 271 (2012), citing *Puzon v. Sta. Lucia Realty & Development, Inc.*, 406 Phil. 263 (2001).

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seeking the reconstitution of a title must observe the aforementioned procedures and requirements.⁸²

Relative thereto, the Court is mindful of its pronouncement that when Sections 2 (f) and 3 (f) of RA 26 speak of “any other document,” it refers only to documents that are similar to those previously enumerated therein or those mentioned in paragraphs (a) to (e).⁸³ In addition, the “document” referred to in paragraph (f) can only be resorted to in the absence of those preceding in order.⁸⁴ Hence, if a party seeking to reconstitute a title fails to show that such prior documents had been sought and had not been found, then the presentation of the succeeding documents as substitutionary evidence is proscribed.⁸⁵

At the outset, the Court finds that both courts *a quo* did not make any categorical ruling on whether respondents have established that they failed to secure or find the documents mentioned in paragraphs (a) to (e) in Section 2 to justify their resort to a photocopy of OCT No. 4275. In fact, respondents’ only basis for seeking reconstitution of their title is that it was lost and destroyed based on the June 3, 2008 Certification issued by the LRA, both in their Petition for Reconstitution,⁸⁶ in their Comments,⁸⁷ and even in respondent Kathleen Bercede’s testimony, to wit:

ATTY. BARING

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Q Do you know where is now the copy of the title of this property, Madam Witness, which is OCT No. 4275, do you know where it is now?

A It is lost and destroyed.

Q On what basis did you say that, what document in your possession to prove that indeed this Original Certificate of Title No. 4275 has been lost or destroyed, what document do you have in your possession to prove that, Madam Witness?

A **Certification from the Office of the Register of Deeds.**

Q I am showing to you, Madam Witness, a certification issued by the Office of the Land Registration Authority, Office of the Register of Deeds, Province of Cebu issued a certification to the effect that the certificate of title covering Lot No. 199 of the Cadastral Survey

⁸² *Republic of the Philippines v. Susi*, id. at 357-358.

⁸³ *Dela Paz v. Republic of the Philippines*, 820 Phil. 907, 925 (2017); *Republic of the Philippines v. Heirs of Julio Ramos*, 627 Phil. 123, 137 (2010); and *Republic of the Philippines v. Holazo*, 480 Phil. 828, 840 (2004).

⁸⁴ *Dela Paz v. Republic of the Philippines*, id.; *Republic of the Philippines v. Holazo*, id.

⁸⁵ Id. at 925.

⁸⁶ *Rollo*, p. 42.

⁸⁷ Id. at 72-73.

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of Carcar is not available and it is lost or destroyed during the last World War, are you referring to this document, Madam Witness?

A Yes.⁸⁸

Based on this fact alone, respondents' Petition for Reconstitution should have been dismissed by the RTC and should not have prospered. It is significant to note that the June 3, 2008 Certification issued by the LRA refers only to the loss or destruction of the copy of OCT No. 4275 on file with the Register of Deeds, and does not lend itself to a reading that even the owner's duplicate copy or other copies thereof over which the LRA or the Register of Deeds have no control over were likewise lost or destroyed. Respondents, therefore, were still required to show that indeed, no other copy of OCT No. 4275 is available to justify resorting to its photocopy. On this score, case law instructs that the unavailability or loss of the source documents listed higher in the list than the one being offered as the source for a petition for reconstitution ***must be proved by clear and convincing evidence.***⁸⁹ Evidence is clear and convincing if it produces in the mind of the trier of fact a firm belief or conviction as to the allegation sought to be established.⁹⁰ Thus, the court where a petition for reconstitution was filed must satisfy itself that indeed, the source document being offered is the one highest in the list which is available and no other source document in the enumeration which precedes the one being offered is available. The Court must stress once more that "the term 'any other document' in paragraph (f) refers to reliable documents of the kind described in the preceding enumerations and that the documents referred to in [paragraph] (f) may be resorted only in the absence of the preceding documents in the list. Therefore, the party praying for the reconstitution of a title must show that he had, in fact, sought to secure such documents and failed to find them before presentation of 'other documents' as evidence in substitution is allowed."⁹¹

Even if the Court agrees with the CA in this case that the old photocopy of OCT No. 4275 falls within the category "any other document" under Section 2 (f) of RA 26 on the supposition that the owner's duplicate or any other duplicate of the title, a previously-issued certified copy of the title, an authenticated copy of the decree of registration or patent, or a document on file in the registry of deeds describing the property or an authenticated copy thereof were all similarly lost or destroyed, respondents' Petition for Reconstitution should still have been denied for failure to strictly comply with the statutory requirements for reconstitution under RA 26.

If the source document for a petition for reconstitution falls under Section 2 (f), as what both courts *a quo* found to be the case, the applicable

⁸⁸ Records, pp. 110-111. Emphases and underscoring supplied.

⁸⁹ See *Republic of the Philippines v. Manansala*, G.R. No. 241890, May 3, 2021, citing *Dela Paz v. Republic of the Philippines*, *supra*.

⁹⁰ *Id.*

⁹¹ *Republic v. Lorenzo*, 700 Phil. 584, 593-594 (2012), citing *Republic of the Philippines v. Holazo*, *supra*.

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procedure is that called for under Sections 12 and 13, and additionally Section 15, of RA 26. These provisions state:

Section 12. Petitions for reconstitution from sources enumerated in sections 2(c), 2(d), 2(e) 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's, or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the building or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or if there by any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: *Provided*, That in case the reconstitution is to be made exclusively from sources enumerated in section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.

Section 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court.

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Section 15. If the court, after hearing, finds that the documents presented, as supported by parole evidence or otherwise, are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate

of title, and that the petitioner is the registered owner of the property or has an interest therein, that the said certificate of title was in force at the time it was lost or destroyed, and that the description, area and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title, an order of reconstitution shall be issued. The clerk of court shall forward to the register of deeds a certified copy of said order and all the documents which, pursuant to said order, are to be used as the basis of the reconstitution. If the court finds that there is no sufficient evidence or basis to justify the reconstitution, the petition shall be dismissed, but such dismissal shall not preclude the right of the party or parties entitled thereto to file an application for confirmation of his or their title under the provisions of the Land Registration Act.

As cited earlier, the Court has acknowledged in *Denila*⁹² that the reconstitution of a title is a special proceeding. Being so, a petition seeking to reconstitute a title must allege and prove certain jurisdictional facts before a trial court can acquire jurisdiction over the petition for reconstitution.⁹³ On this point, it is clear that RA 26 **confers jurisdiction** to the courts because it provides for a specific procedure and enumerates certain requirements before the courts can properly act and assume authority over a petition for reconstitution.⁹⁴ Thus, a petitioner must strictly follow and comply with the special requirements and the mode of procedure prescribed by RA 26, as **substantial compliance with the jurisdictional requirements is not enough because the acquisition of jurisdiction over a reconstitution case is hinged on strict compliance with the requirements of the law.**⁹⁵ In other words, non-compliance with the prescribed procedure and requirements under Sections 12 and 13 of RA 26 deprives the trial court of jurisdiction over the subject matter or nature of the case, and consequently, all its proceedings are rendered null and void.⁹⁶ To stress once more, the rationale underlying this rule concerns the nature of the conferment in the trial court of jurisdiction to undertake reconstitution proceedings.⁹⁷ Hence for the directive to reconstitute a title to be valid, there must be strict compliance with the procedure and requirements.

From all the foregoing, the Court lays down the following guidelines for the judicial reconstitution of original or transfer certificates of title where the source document upon which the petition for reconstitution is based falls under either Sections 2 (f) or 3 (f) of RA 26, which identically allow reconstitution based on “[a]ny other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title:”

⁹² Supra note 78.

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ *Republic of the Philippines v. Susi*, supra note 76 at 362-363.

⁹⁷ Id. at 358.

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- I. Sections 2 and 3 of RA 26, in enumerating the source documents which may be used as bases for the reconstitution of an original certificate of title, is clear that **the availability and use of the said source documents should follow the order they are listed**. It is only when the source document in paragraph (a) in either Sections 2 or 3 of RA 26 is not available can prospective litigants use the source document in paragraph (b), and it is only in the absence of the first two can prospective litigants use the source document in paragraph (c), and so on. Parenthetically, **prospective litigants can only resort to using the source document in paragraph (f), Sections 2 and 3, if all the other source documents preceding it in the enumeration are proven to be not available**.

- II. When Sections 2 (f) and 3 (f) of RA 26 speak of “any other document,” the same must refer to similar documents previously enumerated therein, that is, those mentioned in paragraphs (a), (b), (c), (d), and (e) of both Sections, under the principle of *ejusdem generis*.

By implication, a court can dismiss a petition for reconstitution outright if, in its judgment, the source document falling under paragraph (f) in Sections 2 and 3 is **not** a sufficient and proper basis for reconstituting the lost or destroyed certificate of title. Note here that the absence of any document, private or official, mentioning the number of the certificate of title and the date when the certificate of title was issued, does not warrant the granting of the petition.⁹⁸ Note further that **all** of the documents enumerated in Sections 2 and 3 of RA 26 **must come from official sources which recognize the ownership of the owner and his or her predecessors-in-interest**.⁹⁹

⁹⁸ *Tahanan Development Corporation v. Court of Appeals*, 203 Phil. 652, 674-675 (1982), as cited in *Republic of the Philippines v. Fule*, G.R. No. 239273, March 2, 2020; *Republic v. Lorenzo*, 700 Phil. 584, 596 (2012); *Republic of the Philippines v. Ramos*, 627 Phil. 123, 138-139 (2010); *Pascua v. Republic of the Philippines*, 568 Phil. 746, 754 (2008); and *Republic of the Philippines v. El Gobierno De Las Islas Filipinas*, 498 Phil. 570, 582 (2005), *inter alia*.

⁹⁹ *Republic of the Philippines v. Catarroja*, 626 Phil. 389, 394-395 (2010), citing *Republic of the Philippines v. Tuastumban*, 604 Phil. 491, 502 (2009), which in turn cites *Republic of the Philippines v. Spouses Lagramada*, 577 Phil. 232, 237(2008).

Additionally, note should be taken as well that under Section 4 of RA 6732, image copies of administratively reconstituted original certificates of title reproduced by the LRA are considered duplicate originals and are an authorized source or basis for reconstitution, if duly authenticated by the LRA through the Register of Deeds in the province or city where the land is located. Section 4 of RA 6732 provides:

“Section 4. All reconstituted titles shall be reproduced by the Land Registration Authority in at least three image copies or in whatever means by which the original can be reproduced, one copy to be kept by the Land Registration Authority, the second copy to be kept by the National Library Archives Division, and the third copy to be secured in a government fire-proof vault, preferably in the Security Printing Plant of the Central Bank. Such image copy of the original copy of the reconstituted title shall be considered after due authentication by the Land Registration Authority, through the Register of Deeds in the province or city where the land is located, as a duplicate original, and as an authorized source or basis for reconstitution together with the sources enumerated in Section 2 and 3 of Republic Act No. 26.” (Emphasis and underscoring supplied)

In cases where the LRA itself challenges the authenticity of the applicant's purported owner's duplicate certificate of title — which is the source document in Section 2 (a) of RA 26 — then the reconstitution petition **should be treated as falling under Section 2 (f) or 3 (f) of RA 26**, and the court should require compliance with the requisites under the *Fourth Guideline*.¹⁰⁰

- III. Unavailability or loss of the source documents listed higher in the list than the one being offered as the source for the petition for reconstitution **must be proved by clear and convincing evidence**.¹⁰¹ Evidence is clear and convincing if it produces in the mind of the trier of fact a firm belief or conviction as to the allegation sought to be established.¹⁰² Thus, the court must satisfy itself that indeed, the source document being offered is the one highest in the list which is available and no other source document in the enumeration which precedes the one being offered is available.

The Register of Deeds must submit written findings on the status of the title sought to be reconstituted.¹⁰³ Thus, certifications issued by the LRA or by the Register of Deeds for this purpose shall be signed and shall explicitly and categorically state whether or not the original copy on its file of the certificate of title sought to be reconstituted actually existed and that it was in force at the time it was lost and destroyed, and if it actually existed on file, a brief explanation why and/or how the same was lost or destroyed. This certification shall likewise state the name of the registered owner, if known from the other records in its files.¹⁰⁴

If the unavailability or loss of the source documents listed higher in the list than the one being offered as the source for the petition for

¹⁰⁰ By analogy with the ruling in *Republic of the Philippines v. Susi* (supra note 76), which held that “**In cases where the LRA challenges the authenticity of the applicant's purported owner's duplicate certificate of title, the reconstitution petition should be treated as falling under Section 3 (f) of RA 26, and the trial court should require compliance with the requisites under Sections 12 and 13 of RA 26.**” (Emphasis in the original; underscoring supplied)

Note that Section 3 of RA 26 enumerates the source documents which can be used in support of petitions for reconstitution of **transfer** certificates of title. Section 3 (a), like Section 2 (a), likewise allows reconstitution based on “[t]he owner's duplicate certificate of title”, while Section 3 (f), like Section 2 (f), similarly allows reconstitution based on “[a]ny other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.”

¹⁰¹ See *Republic of the Philippines v. Manansala*, G.R. No. 241890, May 3, 2021, citing *Dela Paz v. Republic of the Philippines*, supra note 83.

¹⁰² *Id.*

¹⁰³ See *Republic of the Philippines v. Sanchez*, 527 Phil. 571 (2006), citing Clause 12 of LRA Circular No. 35.

¹⁰⁴ See Clause II of SUPREME COURT ADMINISTRATIVE CIRCULAR (A.C.) No. 7-96, entitled “STRICT OBSERVANCE OF LAND REGISTRATION AUTHORITY (LRA) CIRCULARS ON RECONSTITUTION AND LAND REGISTRATION CASES” (July 15, 1996), which quotes in part LAND REGISTRATION AUTHORITY CIRCULAR (LRA Circular) No. 35 (June 13, 1983). A.C. No. 7-96 and LRA Circular No. 35 have both been cited as recently as the ruling in *Republic of the Philippines v. Manansala* (G.R. No. 241890, May 3, 2021) which cites *Republic of the Philippines v. Spouses Sanchez* (527 Phil. 571 [2006]).

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reconstitution is not duly proven, the petition for reconstitution **should be dismissed**. If the petitioner for reconstitution fails to show that he or she had, in fact, sought to secure such prior documents and failed to find them, the presentation of the succeeding documents as substitutionary evidence is proscribed.¹⁰⁵

Note in this regard that under Section 14¹⁰⁶ of RA 26, if any person withholds, refuses, or fails within a reasonable time after request or demand, to produce a document or paper without which the reconstitution of a certificate of title cannot be fully accomplished, the court may, on motion and after notice and hearing, order such person to produce or surrender such document or paper at the time and place named in the order and may enforce the same by suitable process.

Note further that the presence or sufficiency of the report or written findings of the LRA or Register of Deeds is not an indispensable requirement in reconstitution cases.¹⁰⁷ It is not mandatory for the reconstitution court to wait for the report or written findings indefinitely, and if none is forthcoming on or before the date of the initial hearing, the court may still validly act and rule on the petition for reconstitution.¹⁰⁸

IV. If the source or basis for reconstitution falls under paragraph (f) of Sections 2 and 3 of RA 26, then the applicable procedure is that provided under Sections 12 and 13 of RA 26. Thus:

(A) The petition may be filed by the registered owner, his or her assigns, or by other persons having an interest in the property, in the court of proper jurisdiction.

(B) The petition shall state or contain, among other things:

(1) That the owner's duplicate of the certificate of title had been lost or destroyed.

¹⁰⁵ *Republic of the Philippines v. Tuastumban*, supra note 99, citing *Republic of the Philippines v. Holazo*, supra note 83.

¹⁰⁶ Section 14 of RA 26 provides:

SECTION 14. If any person withholds, refuses or fails within a reasonable time after request, to produce a document or paper without which the reconstitution of a certificate of title, or any lien or annotation affecting the same, cannot be fully accomplished, the court may, on motion and after notice and hearing order such person to produce and/or surrender such document or paper at the time and place named in the order and may enforce the same by suitable process.

¹⁰⁷ *Republic of the Philippines v. Dela Raga*, 613 Phil. 257, 266 (2009); see also *Puzon v. Sta. Lucia Realty & Development, Inc.*, 406 Phil. 263, 276-277 (2001).

¹⁰⁸ *Puzon v. Sta. Lucia Realty & Development, Inc.*, id at 278.

- (2) That there is no duplicate of the certificate of title issued to a co-owner, mortgagee, or lessee, ***or if any had been issued***, that the same had been lost or destroyed.
 - (3) The location, area, and boundaries of the property.
 - (4) The nature and description of the buildings or improvements, if any, which do not belong to the owner of the land.
 - (5) The names and addresses of the owners of such buildings or improvements indicated in (B) (4).
 - (6) The names and addresses of the occupants or persons in possession of the property.
 - (7) The names and addresses of the owners of the adjoining properties.
 - (8) The names and addresses of all persons who may have any interest in the property.
 - (9) A detailed description of the encumbrances, if any, affecting the property.
 - (10) A statement that no deeds or other instruments affecting the property have been presented for registration ***or, if there be any***, that the registration thereof has not been accomplished as yet.
- (C) The absence of **any one** of the foregoing jurisdictional averments in the petition for reconstitution is sufficient basis for the court to dismiss the petition, pursuant to the *Sixth Guideline*.
- (D) All the documents or authenticated copies thereof to be introduced in evidence in support of the petition for reconstitution **shall be attached thereto and filed with the same**.
- (E) **In case the reconstitution is to be made exclusively from source documents under paragraph (f) of Sections 2 and 3, the petition shall be further accompanied with a plan and technical description of the property duly approved by the LRA, OR with a certified copy of the description taken from a prior certificate of title covering the same property.**¹⁰⁹

¹⁰⁹ Clause II of A.C. No. 7-96, citing Clause No. 5 of LRA Circular No. 35, expounded on this statutory requirement by specifying that the signed duplicate copy of the petition to be forwarded to the LRA should be accompanied by:

(a) A duly prepared plan of said parcel of land in tracing cloth, with two (2) print copies thereof, prepared by the government agency which issued the certified technical description, or by a duly licensed Geodetic Engineer who shall certify thereon that he prepared the same on the basis of a duly certified technical description. Where the plan as submitted is certified by the government agency which issued the same, it is sufficient that the technical description be prepared by a duly licensed Geodetic Engineer on the basis of said certified plan.

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- (F) The court, after examining whether the petition is in due form, shall thereupon direct that a notice of the petition be published, at the expense of the petitioner.
- (G) The notice shall be:
- (1) Published twice in successive issues of the Official Gazette.
 - (2) Posted on the main entrance of the provincial building (or provincial capitol) **AND** municipal building (or municipal or city hall) of the municipality or city in which the land lies.
 - (3) Published twice successively under (G) (1) **AND** posted in both buildings under (G) (2) of these guidelines, at least thirty (30) days prior to the date of hearing.
- (H) The court shall likewise direct that a copy of the notice be sent — personally, by registered mail, or otherwise — to every person named in the petition whose address is known, at the expense of the petitioner, at least thirty (30) days prior to the date of the hearing.
- (I) The notice shall state, among other things:
- (1) The number of the lost or destroyed certificate of title, if known.
 - (2) The name of the registered owner.
 - (3) The names of the occupants or persons in possession of the property.
 - (4) The names of the owners of the adjoining properties.
 - (5) The names of all other interested parties.
 - (6) The location, area, and boundaries of the property.
 - (7) The date on which all persons having an interest in the property must appear and file their claims as they may have or their objections to the petition.
- (J) It shall be the duty of the petitioner to verify with the court that the notice to be published and posted contains all the necessary information as required under these guidelines and RA 26.
- (K) Notices of hearing shall be given to:¹¹⁰

(b) The original two (2) duplicate copies, and a xerox copy of the original of the technical description of the parcel of land covered by the certificate of title, duly certified by the authorized officer of the Bureau of Lands or the Land Registration Commission who issued the technical description.

(c) A signed copy of the certification of the Register of Deeds concerned that the original of the certificate of title on file in the Registry was either lost or destroyed, indicating the name of the registered owner, if known from the other records on file in the said office.

¹¹⁰ See Clause II of AC No. 7-96.

- (1) The LRA.
 - (2) The Register of Deeds of the place where the property is located.
 - (3) The provincial or city fiscal of the province or city where the land is located, who shall appear for and protect the interest of the government.
- (L) The petitioner shall submit proof of the publication and posting of the notice at the hearing.
- V. Under Section 15 of RA 26, the court shall issue an order of reconstitution if, after hearing, and by clear and convincing evidence, it finds that:
- (A) The petitioner is the registered owner of the property or has an interest therein.
 - (B) The said certificate of title was in force at the time it was lost or destroyed.
 - (C) The description, area, and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title.
 - (D) The documents presented, as supported by parole evidence or otherwise, are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title.

The clerk of court shall thereafter forward to the Register of Deeds a certified copy of the order of reconstitution and all the documents which, pursuant to said order, are to be used as the basis for reconstitution.

On the other hand, if the court finds that there is no clear and convincing evidence or basis to justify the reconstitution, the petition shall be dismissed.

- VI. The requirements under the *Fourth Guideline* **are jurisdictional** and therefore, **substantial compliance is not enough**. The acquisition of jurisdiction over a reconstitution case is hinged on strict compliance with the statutory requirements, and **non-compliance renders the reconstitution proceedings null and void**.

Based on these guidelines, the Court holds that the Petition for Reconstitution should not have been granted by the courts *a quo*. Close scrutiny of the record shows that the Petition for Reconstitution, contrary to the ruling of both the RTC and the CA, has **NOT** complied with the requisites enumerated under the *Fourth Guideline*. Therefore, the reconstitution of the original of OCT No. 4275 is neither warranted nor justified, pursuant to the *Sixth Guideline*, which mandates strict compliance.

First, the Petition for Reconstitution omitted several of the needed declarations under the *Fourth Guideline*, particularly, those required under letter (B) (2), (4), (6), (9), and (10). This is evident from respondents' averments in their Petition:

1. Petitioners are of legal age, married to each other, Filipino, residing at Poblacion, Carcar City, Philippines, where they may be served with the processes of this Honorable Court;

2. Petitioners are the owners of a parcel of land, known as Lot No. 199, situated at Santa Catalina St., Carcar, City, more particularly described as follows:

“A parcel of land, known as Lot No. 199, of the Cadastral Survey of Carcar, Cebu, bounded on the North, by Lot No. 188, on the South, but Lot No. 200, on the East, by the old Carcar river, and on the West, by Santa Catalina St, containing an area 345 square meters, more or less, covered by OCT NO. 4275”

copy of said Original Certificate of Title is hereto attached as Annex “A”;

3. That the aforementioned parcel of land is originally registered in the name of Teopisto Alesna and Faustina Esmeña;

4. That for taxation purposes, the aforementioned parcel of land is likewise declared in the name of Teopisto Alesna, under Tax Declaration No. 02434, copy of which is hereto attached as Annex “B”;

5. That the realty taxes covering the aforementioned parcel of land has been paid, as shown in the tax clearance, copy of which is hereto attached as Annex “C”;

6. That the aforementioned parcel of land was acquired by Lourdes Paraz, from the heirs of Spouses Teopisto Alesna and Faustina Esmeña, through Extra Judicial Settlement of Estate with Sale, copy of said Extra Judicial Settlement of Estate with Sale is hereto attached as Annex “D”;

7. That Lourdes Paraz in turned [*sic*] sold the aforementioned parcel of land to Spouses Edgar Paraz and Drusilla Villarosa, as shown

in the Deed of Absolute [Sale] executed by Lourdes Paraz, copy of which is hereto attached as Annex "E";

8. That Spouses Edgar Paras and Drusilla Villarosa in turned [*sic*] sold the aforementioned property to the herein [respondents], as shown in the Deed of Absolute Sale executed by said spouses, copy of which is hereto attached as Annex "F";

9. That the owner's duplicate copy of Original Certificate of Title No. 4275, as well [as] the copy of said title in the Office of the Register of Deeds of the Province of Cebu, has been lost and destroyed, as shown by the certification issues by the Register of Deeds of the Province of Cebu, copy of said certification is hereto attached as Annex "G";

10. That the names and addresses of the adjoining owners of the parcel of land subject matter of this case are the following:

North: Lot No. 198 – Eufronio Alesna
Address: Poblacion, Carcar City

South: Santa Catalina St.;
East: Old Carcar River;

West: Santa Catalina St.,

[11.] That on the basis of the foregoing, there is a need to reconstitute the original certificate of title covering the parcel of land subject matter of this case.¹¹¹

As may be gleaned above, the Petition for Reconstitution did state how the respondents came to own the property, that realty taxes thereon had been paid, that the original and owner's duplicate copy had both been lost and destroyed,¹¹² as well as the names of the adjoining owners and its boundaries.¹¹³

However, the Petition for Reconstitution **failed to:** *first*, state that no co-owner's, mortgagee's, or lessee's duplicate has been issued or, if any had been issued, that the same has also been lost or destroyed, as required under letter (B) (2) of the *Fourth Guideline*;¹¹⁴ *second*, mention whether or not there are buildings or improvements on the property that do not belong to the owners thereof, as required under letter (B) (4) of the *Fourth Guideline*;¹¹⁵ *third*, state the names and addresses of the actual occupants or persons in possession of the property, as required under letter (B) (6) of the *Fourth Guideline*,¹¹⁶ considering that the only declaration to this effect is that which

¹¹¹ *Rollo*, pp. 40-43. The comma after the word "Carcar" in paragraph no. 2, and the spelling of the surname "Paras" in paragraph no. 8, are in the original.

¹¹² As required under letter (B) (1) of the *Fourth Guideline*.

¹¹³ As required under letter (B) (3) and (7) of the *Fourth Guideline*.

¹¹⁴ Corresponding to Section 12 (b) of RA 26.

¹¹⁵ Corresponding to Section 12 (d) of RA 26.

¹¹⁶ Corresponding to Section 12 (e) of RA 26.

alleged that respondents are the owners of Lot No. 199, which is covered by OCT No. 4275;¹¹⁷ *fourth*, allege whether or not there exist encumbrances that affect the property, as required under letter (B) (9) of the *Fourth Guideline*;¹¹⁸ and *fifth*, state that no deeds or other instruments affecting the property have been presented for registration, or if there are, whether the registration thereof has been accomplished, as required under letter (B) (10) of the *Fourth Guideline*.¹¹⁹ The required declarations for the foregoing guidelines, the Court notes, require not just an affirmative declaration from respondents if such fact is true, but also a negative declaration, if such is not the case — thus, respondents **must still aver** in their Petition for Reconstitution that no duplicates of the certificate of title were issued, that there are no structures on the property or that the structures on the property are owned by them, that there are no occupants or persons in possession of the same, and that there are no encumbrances affecting the property and no other deeds relating to the same have been presented for registration.

Notably, none of the preceding information is evident from the Petition for Reconstitution or in any of the corroborating documents submitted by respondents, and no explanation or justification for these omissions were provided. The Court finds it insufficient for respondents to merely refer to the assailed rulings in rationalizing that they have proven and established the requirements under RA 26, where nothing was specifically mentioned as to how these requirements were complied with. Parenthetically, the only statement made by the courts *a quo* in this regard was that respondents have **substantially complied** with the requirements under Sections 12 and 13 of RA 26. As already explained, however, substantial compliance is not enough.

Second, the actual serial number of the original certificate of title, including the serial number of the decree granting the same, is not clear from the photocopy of OCT No. 4275 on record.¹²⁰ Indeed, the only clear numbers appearing thereon are “7” and “5”; and the only indication that the certificate of title is numbered “4275” is that these numbers were handwritten in blue ink above the numbers “75”. Likewise, the serial number of the decree granting the title appearing on the photocopy only shows the numbers “5” and “4”, with the numbers “987” again handwritten in blue ink and repeated on the upper right hand of the photocopy. The Court finds no explanation was given by respondents as to these handwritten intercalations.

These details should have been checked and inspected by the RTC and the CA, and should have alerted them despite the many points with which the corroborative documents concur and coincide with the photocopy of OCT No. 4275. The fact that the number “4275” was handwritten on the document should have further raised red flags considering that the foundational

¹¹⁷ *Rollo*, p. 40.

¹¹⁸ Corresponding to Section 12 (f) of RA 26.

¹¹⁹ Corresponding to Section 12 (g) of RA 26.

¹²⁰ *Rollo*, p. 45. See also Records (note that the photocopy of the OCT and a copy of Cadastral Survey of Carcar are placed in a brown envelope annexed to the records).

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corroborative document showing the first transfer of ownership, the extrajudicial settlement with deed of absolute sale, did state that Lot No. 199 is covered by OCT No. 275, not 4275, in both words and figures, which is different from the purported serial number of the original certificate of title, as follows:

A parcel of land (Lot No. 199 of the Cadastral Survey of Carcar, with all buildings and improvements, except those herein expressly noted as belonging to other persons, situated in the Municipality of Carcar; and containing an area of THREE HUNDRED AND FORTY FIVE (345) SQUARE METERS, more or less; and more particularly described in Original Certificate of Title No. TWO HUNDRED SEVENTY FIVE (275), issued in the name of the spouses Teopisto Alesna and Faustina Esmeña; Tax Declaration No. 19282 (House); Tax Declaration No. 54508 (Land).¹²¹

The Court is aware that the inaccuracy in this particular description of the property may have been a mere clerical error, as alleged by respondents.¹²² Still, no detailed explanation or justification was provided for the said discrepancy by respondents, and nothing on this point appears on record or was discussed by the courts *a quo*.

Finally, the proviso of Section 12, as stated in letter (E) of the *Fourth Guideline*, is explicit that in case the reconstitution is to be made exclusively from sources mentioned in paragraph (f) of Sections 2 and 3, then the petition “*shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.*” A document showing compliance with this requirement is noticeably absent from the Petition for Reconstitution, and once more should have alerted the courts *a quo* that something is amiss with the same.

In this regard, the Court notes that in their Comment, respondents refer to their Compliance¹²³ dated June 11, 2009, in which they informed the RTC that they already “sent” to the Office of the Reconstitution Division of the LRA the DENR Certification indicating the geographic position and plane coordinates of Carcar Cadastral Survey No. 30 covering Lot No. 199, and the map of Carcar Cadastre No. 30, showing the relative position of Lot No. 199. However, the Court notes that this is insufficient compliance with the proviso of Section 12 (*Fourth Guideline*, [E]), considering that the provision requires that a technical description *accompany, or should be attached to*, the Petition for reconstitution. Moreover, at least three documents on record show that, despite the purported compliance by respondents on June 11, 2009, the LRA has not received anything for it to be able to issue a duly-approved plan and

¹²¹ Id. at 49. Emphasis and underscoring supplied; capitalization in the original.

¹²² Id. at 74.

¹²³ Id. at 77.

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technical description of the property for the reconstitution of OCT No. 4275 as required by the proviso of Section 12 (*Fourth Guideline*, [E]) — the LRA Manifestation dated **November 6, 2009**,¹²⁴ which reiterated the request for respondents to submit the geographical position and plane coordinates of BM No. 1, Carcar Cadastre No. 30; the LRA Manifestation dated **March 19, 2010**,¹²⁵ which once more reiterated the request from the previous LRA Manifestation; and the LRA Letter dated **July 16, 2010**,¹²⁶ requesting copies of the technical description of Lot No. 199, certified by an authorized officer of the LRA or the Land Management Bureau. The courts *a quo* are duty-bound to take into account all these LRA issuances,¹²⁷ and they should not have overlooked the same.

To reiterate, the aforementioned contents under the *Fourth Guideline* are **jurisdictional** to petitions for reconstitution under RA 26, so much so that **strict and not merely substantial compliance** is required. Failure to do so renders said petitions dismissible, as in this case.

As a final note, the Court has often pronounced that courts should be judicious and proceed with extreme caution in cases for reconstitution of titles to land under RA 26.¹²⁸ Experience has shown that such proceedings have many times been misused as a means of divesting property owners of title to their properties, with owners waking up one day to discover that their certificates of title had already been canceled and replaced by reconstituted titles in other persons' names through fraudulent reconstitution proceedings.¹²⁹ Thus, to prevent fraud, courts should require **strict compliance** with the requirements of RA 26.

WHEREFORE, the petition is **GRANTED**. The Decision dated October 29, 2013 and the Resolution dated August 28, 2014 of the Court of Appeals in CA-G.R. CEB-CV No. 03344 are hereby **REVERSED** and **SET ASIDE**. The Petition for Reconstitution docketed as G.L.R.O. Record No. 58/Cadastral Case No. 2 — Carcar City, Cebu is **DISMISSED**.

SO ORDERED.


ANTONIO T. KHO, JR.
Associate Justice

¹²⁴ Id. at 58.

¹²⁵ CA rollo, p. 43.

¹²⁶ Id. at 42.

¹²⁷ *Republic of the Philippines v. Susi*, supra note 76.

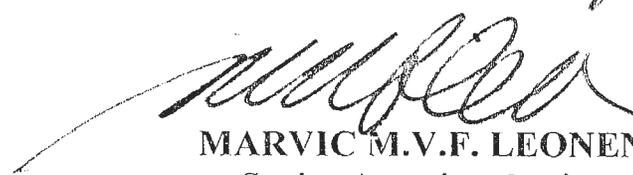
¹²⁸ *Republic of the Philippines v. Mancao*, supra note 77 at 530.

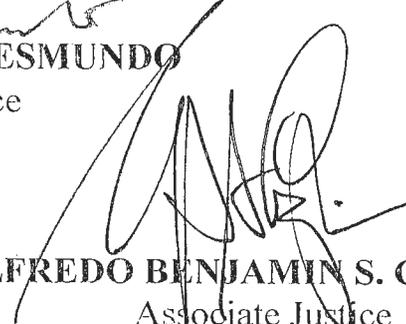
¹²⁹ Id.

AKK

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice

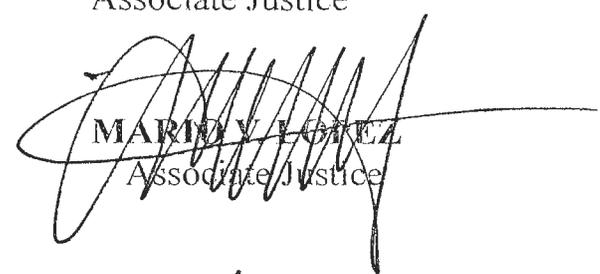

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

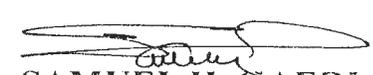
No Part and On Leave
RAMON PAUL L. HERNANDO
Associate Justice

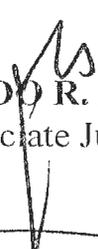

AMY C. LAZARO-JAVIER
Associate Justice


HENRIJEAN PAUL B. INTING
Associate Justice

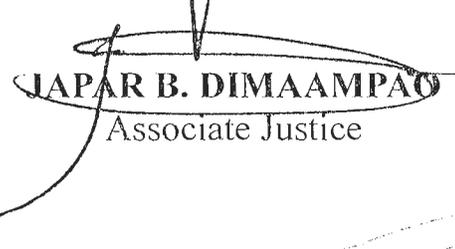

RODIL V. ZALAMEDA
Associate Justice

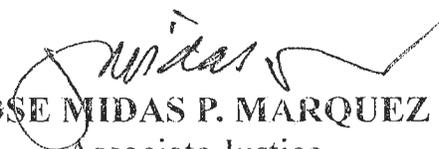

MARIO Y. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

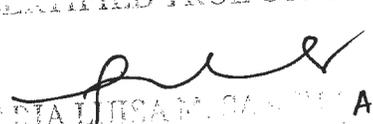

JOSE MIDAS P. MARQUEZ
Associate Justice

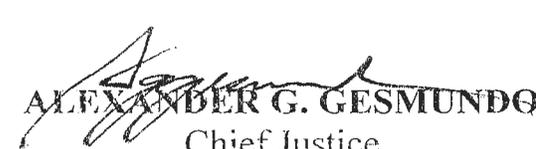

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

CERTIFIED TRUE COPY


MARIA LUISA M. CANENCIA
Deputy Clerk of Court and
Executive Clerk
OCC-En Banc, Supreme Court


ALEXANDER G. GESMUNDO
Chief Justice

Atty