



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

SERAFIN MANARIN,
Petitioner,

G.R. No. 247564

Present:

- versus -

GESMUNDO, C.J., Chairperson,
HERNANDO,*
GAERLAN,**
ROSARIO, and
MARQUEZ, JJ.

LEONCIA MANARIN,
ELIZA MANARIN-ALTAREZ,
FRANCISCA MANARIN-
GONZALES, DOMINGO
MANARIN-GONZALES,
OBDULIA MANARIN-
PAMPLONA, and FELY
PANGANIBAN as Attorney-
in-Fact,

Promulgated:

JAN 11 2023

Respondents.

X ----- X

DECISION

GESMUNDO, C.J.:

This Appeal by *Certiorari*¹ seeks to reverse and set aside the March 28, 2019 Decision² and the May 24, 2019 Resolution³ of the Court of Appeals

* On leave.

** Designated Additional Member per Raffle dated December 7, 2022 in lieu of Zalameda, J., (Acting Working Chairperson), who took no part due to prior participation in the proceedings before the Court of Appeals.

¹ *Rollo*, pp. 31-63.

² Id. at 64-83; penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Rodil V. Zalameda and Henri Jean Paul B. Inting (now Members of the Court).

³ Id. at 84-85.

(CA) in CA-G.R. SP No. 157528. The CA nullified the September 26, 2017,⁴ June 8, 2018,⁵ July 13, 2018,⁶ and August 31, 2018⁷ Orders of the Regional Trial Court of Bacoor City, Branch 89 (RTC). All four Orders pertained to the execution of the RTC's July 27, 2012 Decision⁸ in Civil Case No. BCV 2000-157, which was based on the parties' compromise agreement.

Antecedents

On June 5, 1997, Leoncia Manarin, Eliza Manarin-Altarez, Francisca Manarin-Gonzales, Domingo Manarin-Gonzales, and Obdulia Manarin-Pamplona (*respondent heirs*) executed an extrajudicial settlement of estate of Fermin Manarin (*Fermin*) where they adjudicated unto themselves, as legal heirs, a 504,286-square meter land located in Carmona, Cavite and covered by Transfer Certificate of Title (*TCT*) No. T-741686.⁹ The extrajudicial settlement failed to include Serafin Manarin (*petitioner*) who is also an heir of Fermin. Consequently, petitioner filed a Complaint for Annulment of Deed of Extrajudicial Settlement of Estate, Cancellation of Title, and Declaration as Heir, with Damages,¹⁰ against respondent heirs, before the RTC.¹¹

On November 15, 2005, petitioner and respondent heirs filed a Joint Motion to Render Judgment Based on Compromise Agreement¹² (*Compromise Agreement*) before the RTC. In the Compromise Agreement, the parties stipulated that: (a) they are the legitimate descendants of Fermin; (b) the property would be sold or offered for joint venture to interested buyers; (c) the proceeds of the sale would be equally shared by the heirs of Fermin; and (d) Danilo Sayarot (*Danilo*) who financed the reconstitution of TCT No. T-741686 would turn over the owner's copy of the title to the parties.¹³

On July 27, 2012, the RTC rendered a Decision based on the parties' Compromise Agreement. The *fallo* of the said decision, reads:

ACCORDINGLY, finding the Compromise Agreement not contrary to law, morals, good customs, public order or public policy, the same is hereby approved, and judgment rendered in accordance therewith.

⁴ CA *rollo*, pp. 94-100; penned by Executive Judge Eduardo Israel Tanguanco.

⁵ *Rollo*, pp. 95-97.

⁶ *Id.* at 98-101.

⁷ *Id.* at 101-A-110.

⁸ *Id.* at 86-91; penned by Executive Judge Eduardo Israel Tanguanco.

⁹ CA *rollo*, pp. 54-58.

¹⁰ *Id.* at 83-88.

¹¹ *Rollo*, pp. 66-67.

¹² CA *rollo*, pp. 288-291.

¹³ *Rollo*, p. 67.

The parties are hereby adjured to faithfully and strictly comply with the same.

SO ORDERED.¹⁴

The Decision became final and executory on October 2, 2012 as evidenced by the Certificate of Finality.¹⁵

On December 10, 2012, respondent heirs executed an Irrevocable and Exclusive Special Power of Attorney¹⁶ (*SPA*) in favor of Fely Panganiban (*Fely*), giving her the power and duty to take custody and possession of duplicate copy of the TCT No. T-741686. On January 24, 2013, the SPA was annotated at the back of the title as Entry No. 2013004653.¹⁷

On July 4, 2013, petitioner filed an omnibus motion praying for: (a) correction of the title number of the property from TCT No. T-7416786 to TCT No. T-741686, (b) issuance of a writ of execution, and (c) cancellation of Entry No. 2013004653 on TCT No. T-741686.¹⁸

The RTC Ruling

In its September 26, 2017 Order, the RTC amended the July 27, 2012 Decision to reflect the correct TCT number as T-741686. Danilo was also ordered to turn over the owner's copy of the title to the RTC for custody, pending the sale of the property.¹⁹ The September 26, 2017 Order became final and executory as indicated in the November 3, 2017 Certificate of Finality.²⁰ The *fallo* of the said Order provides:

ACCORDINGLY, the Decision dated 27 July 2012 is amended to reflect the correct TCT number of subject property as **T-741686**.

Mr. Danilo Sayarot is ordered to turn over the [owner's duplicate copy of the] title to subject property to the Court through the Clerk of Court who shall keep custody thereof in the meantime that the parties are looking for buyer/s for the property.

¹⁴ Id. at 91.

¹⁵ *CA rollo*, p. 299.

¹⁶ Id. at 81-82.

¹⁷ Id. at 58.

¹⁸ *Rollo*, p. 68.

¹⁹ Id.

²⁰ Id. at 94.

Plaintiff's prayer for the cancellation of Entry No. [2013004653] dated 24 January 2013 is denied.

SO ORDERED.²¹

Consequently, petitioner filed a motion for execution, which the RTC granted in its April 27, 2018 Order.²² The RTC then issued the May 11, 2018 Writ of Execution²³ ordering the sheriff to cause the immediate implementation of the September 26, 2017 Order. However, in the May 21, 2018 Sheriff's Report,²⁴ it was indicated that the owner's copy of TCT No. T-741686 was not in the possession of Danilo.

Thus, petitioner filed an Amended Omnibus Motion to Declare Lost Title [TCT No.] T-741686 with Motion to Issue an Order for the Issuance of New Title in Lieu of the Lost One.²⁵

In its June 8, 2018 Order, the RTC granted the amended omnibus motion. It declared TCT No. T-741686 as lost, and of no force and effect because Danilo was not in possession of the owner's duplicate certificate.²⁶ Since Danilo was unable to comply with the September 26, 2017 Order, the RTC ordered the Register of Deeds of the Province of Cavite to issue a new owner's copy with the same terms and conditions as the original. The RTC further reiterated its previous order that the new owner's copy be turned over to the RTC for custody, pending the sale of the property.²⁷ The *fallo* of the Order, reads:

ACCORDINGLY, plaintiff's Amended Omnibus Motion is hereby GRANTED.

The owner's copy of Transfer Certificate of Title No. T-741686 in the names of defendants LEONCIA O. MANARIN, ELIZA O. MANARIN, AMPARO O. MANARIN, FRANCISCA MANARIN-GONZALES and DOMINGO MANARIN-GONZALES is hereby declared and considered LOST, and of no more force and effect.

The [Register] of Deeds [of] the Province of Cavite is ordered to issue a NEW owners' copy of the said title in the names of said defendants which shall bear all the annotations and encumbrances in the lost title upon payment of the corresponding fees.

²¹ CA *rollo*, p. 100.

²² Id. at 113-114.

²³ Id. at 300-301.

²⁴ Id. at 302.

²⁵ Id. at 105-106.

²⁶ *Rollo*, p. 97.

²⁷ Id.

Pursuant to the Order dated 26 September 2017, the new title to be issued is to be turned over to the Clerk of Court who shall keep custody thereof in the meantime that the parties are looking for buyer/s for the property.

Considering the written manifestation of Mr. Sayarot that the owner's copy of [the] subject title is no longer in his possession, and it being to the interest of all the parties to this case that the owners' copy of said title be reconstituted forthwith, time being of the essence, this Order is IMMEDIATELY EXECUTORY.

SO ORDERED.²⁸

On June 27, 2018, the Register of Deeds of the Province of Cavite, filed a Manifestation²⁹ informing the RTC that Fely executed an Affidavit³⁰ stating that the owner's duplicate copy of TCT No. T-741686 was in her possession, and is neither lost nor missing.

On June 28, 2018, respondent heirs filed an Urgent Motion³¹ to declare as null and void or to recall the order directing the issuance of new owner's duplicate copy of the title, claiming that the owner's duplicate copy of TCT No. T-741686 was not actually lost, but in the custody and possession of Fely.³²

In its July 13, 2018 Order, the RTC directed Fely to surrender possession and custody of the owner's copy of the title to its Clerk of Court, with a notation that in case she fails to do so, said title would be declared irretrievably lost and a new owner's duplicate copy of the title would be issued.³³ It underscored that there is nothing in the July 27, 2012 Decision which states that Fely has the right to take custody of the owner's duplicate certificate of title. It was likewise highlighted in the said decision that Fely is not a party to the case, and that Danilo was directed by said decision to turn over the owner's duplicate copy of the title to the parties themselves and not to respondent heirs only or their attorney-in-fact. Thus, the RTC held that the execution of the SPA in favor of Fely to take possession of the owner's duplicate certificate is a blatant violation of the decision.³⁴ The *fallo* of the Order, reads:

²⁸ Id.

²⁹ CA *rollo*, pp. 101-103.

³⁰ Id. at 104.

³¹ Id. at 50-53.

³² Id. at 51.

³³ *Rollo*, p. 101.

³⁴ Id. at 100.

ACCORDINGLY, Ms. Fely Panganiban is hereby ORDERED to immediately surrender the owner's copy of TCT No. T-74186 to this Court through the Clerk of Court within five (5) days from receipt of this Order, failing which, the Court would reiterate its Order declaring said title as irretrievably LOST and a new owner's copy be issued by the Registry [of] Deeds for the Province of Cavite.

To insure prompt compliance with this Order, time being of the essence since the Decision of this Court had already become final and executory as early as **02 October 2012**, the Process Server of this Court is ordered to personally serve copies of this Order to Ms[.] Fely Panganiban at the address indicated in her Affidavit, particularly *Muskwood Street, [Woodland] Hills Subdivision, Carmona, Cavite*, Mr. Danilo Sayarot, the parties through their respective counsel, and the Registry of Deeds [of] the Province of Cavite, through Atty. Edgard D. Santos.

SO ORDERED.³⁵

On July 25, 2018, respondent heirs and Fely (collectively, *respondents*) filed an Omnibus Motion³⁶ praying that: (a) all the RTC's proceedings and issuances relative to the amended omnibus motion to declare as lost TCT No. T-741686 be declared as null and void; (b) the May 11, 2018 Writ of Execution be cancelled; and (c) the July 13, 2018 Order be recalled and set aside.³⁷

In its August 31, 2018 Order, the RTC denied respondent heirs' omnibus motion and ruled that the July 27, 2012 Decision is final and executory. It was underscored therein that Fely is not even a party to the case and that respondent heirs defied the RTC's July 13, 2018 Order requiring Fely to surrender the owner's duplicate certificate of title.³⁸ Since Fely refused to surrender possession of the owner's duplicate copy of the title, the RTC: (a) considered the owner's copy of TCT No. T-741686 to have been lost, and (b) ordered the Register of Deeds of the Province of Cavite to issue a new owner's copy and to deliver the same to its Clerk of Court.³⁹ The dispositive portion of the said Order, reads:

ACCORDINGLY, defendant's Omnibus Motion dated 25 July 2018 is **DENIED** for lack of merit.

Considering the refusal and failure of Ms[.] Fely Panganiban to surrender to the Court the owner's copy of Transfer Certificate of Title No. T-741686, and in reiteration of the previous Order dated 08 June 2018, the owner's copy of Transfer Certificate of Title No. T-741686 in the names of

³⁵ Id. at 101.

³⁶ CA *rollo*, pp. 59-66.

³⁷ Id. at 64.

³⁸ *Rollo*, p. 108.

³⁹ Id. at 109.

defendants LEONCIA O. MANARIN, ELIZA O. MANARIN, AMPARO O. MANARIN, FRANCISCA MANARIN-GONZALES, and DOMINGO-MANARIN-GONZALES is hereby declared and considered LOST, and of no more force and effect.

The [Register] of Deeds [of] the Province of Cavite is ordered to issue a NEW [owner's] copy of the said title in the names of the said defendants which shall bear all the annotations and encumbrances in the lost title upon payment of the corresponding fees, including Entry No. [2013004653] dated January 24, 2013.

Pursuant to the Order dated 26 September 2017, the new title to be issued is to be turned over to the Clerk of Court of this Court who shall keep custody thereof in the meantime that the parties are looking for buyer/s for the property.

It being to the interest of all the parties to this case that the [owner's] copy of the said title be reconstituted forthwith, time being of the essence, this Order is **IMMEDIATELY EXECUTORY** and the [Register] of Deeds [of] the Province of Cavite is ordered to **IMMEDIATELY COMPLY** with the same without delay.

The [Register of Deeds of] the Province of Cavite is likewise ordered to **IMMEDIATELY ANNOTATE** this Order on the original copy of the title on file with the Registry.

SO ORDERED.⁴⁰

Respondents filed a Petition for *Certiorari*⁴¹ with the CA assailing the aforementioned Orders of the RTC.

Meanwhile, on January 7, 2019, petitioner filed a Manifestation⁴² informing the CA that the Register of Deeds of the Province of Cavite already issued and released a New Owner's Duplicate Copy of TCT No. [T-]741686, pursuant to the August 31, 2018 Order of the RTC. The manifestation further stated that the "Process Server x x x has already received the said TCT and deposited the same to the Clerk of Court of [RTC] Branch 89."⁴³

The CA Ruling

In its March 28, 2019 Decision, the CA granted the petition and held that the July 27, 2012 RTC Decision had long become final and executory; thus, any amendment which substantially affects the same is null and void for

⁴⁰ Id. at 109-110.

⁴¹ CA *rollo*, pp. 3-23.

⁴² Id. at 224-227.

⁴³ Id. at 224.

lack of jurisdiction, including the entire proceedings held for that purpose.⁴⁴ The *fallo* of the decision, reads:

WHEREFORE, the trial court's Orders dated June 26, 2017, June 8, 2018, July 13, 2018, and August 31, 2018, as well as the Writ of Execution dated May 11, 2018 and the Certificate of Finality dated November 3, 2017, are nullified and set aside. The Decision dated July 27, 2012 stands.

SO ORDERED.⁴⁵

The CA nullified the September 26, 2017,⁴⁶ June 8, 2018, July 13, 2018, and August 31, 2018 RTC Orders, as well as the May 11, 2018 Writ of Execution and the November 3, 2017 Certificate of Finality issued by the RTC.⁴⁷

The CA ruled that the September 26, 2017 Order and the May 11, 2018 Writ of Execution deviated from the terms of the Compromise Agreement.⁴⁸ It opined that the September 26, 2017 Order directing Danilo to deliver the owner's copy to the RTC Clerk of Court is contrary to what the parties stipulated in the Compromise Agreement that Danilo would deliver the owner's copy of the title to petitioner and respondent heirs.⁴⁹

Further, the CA held that the June 8, 2018 Order declaring the title under TCT No. T-741686 to have been lost, therefore of no force and effect, and ordering the Register of Deeds of the Province of Cavite to issue a new owner's copy is erroneous. Petitioner's motion for the replacement of the owner's copy of TCT No. T-741686 was in effect an action for the issuance of a new title in lieu of the lost one; thus, there has to be a separate petition filed for issuance of the new owner's duplicate copy of the title, which must comply with the requirements under Section 109 of Presidential Decree (*P.D.*) No. 1529⁵⁰ or the Property Registration Decree. Moreover, the fact of loss or destruction of the owner's copy of the title is crucial in clothing the RTC with jurisdiction over the proceedings. Hence, the CA declared that the RTC should not have even entertained petitioner's omnibus motion for the issuance of a new owner's copy of TCT No. T-741686.⁵¹

⁴⁴ *Rollo*, pp. 75-76.

⁴⁵ *Id.* at 82-83.

⁴⁶ Inadvertently stated as June 26, 2017 in the dispositive portion of the CA Decision.

⁴⁷ *Rollo*, p. 82.

⁴⁸ *CA rollo*, p. 289.

⁴⁹ *Id.* at 79.

⁵⁰ Entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND OTHER PURPOSES." Approved: June 11, 1978.

⁵¹ *Rollo*, pp. 79-82.

The CA likewise held that the new owner's duplicate copy of TCT No. T-741686 issued by the Register of Deeds of the Province of Cavite, pursuant to the August 31, 2018 Order, is void and must be cancelled.⁵²

Petitioner filed a motion for reconsideration against the March 28, 2019 Decision of the CA. However, the CA denied the said motion in its May 24, 2019 Resolution.⁵³

Hence, petitioner filed this petition for review on *certiorari*.

Petitioner raises the following assignment of errors:

I.

[Whether] the Honorable Court of Appeals committed a reversible error when it gave due course to the Petition for [*Certiorari*] that is procedurally infirm.

II.

[Whether] the Honorable Court of Appeals made a reversible error when it declared in its March 28, 2019 Decision and in its May 24, 2019 Resolution that the Honorable Presiding Judge of the Regional Trial Court Branch 89 of Bacoor City committed grave abuse of discretion in issuing the Orders subsequent to the decision it issued on July 27, 2012 in Civil Case No. BCV 2000-157, entitled Serafin Manarin vs[.] Leoncia Manarin, et al. for Annulment of a Deed of Extrajudicial Settlement of Estate, Cancellation of Title, and Declaration as Heir, with Damages.

III.

[Whether] the Honorable Court of Appeals committed reversible error when it failed to consider that the trial court's Orders dated June 26, 2017, June 8, 2018, July 13, 2018, and August 31, 2018, and the Writ of Execution dated May 11, 2018 and the certificate of finality dated November 3, 2017, are in pursuit of expeditious administration of justice.

IV.

[Whether] the Honorable Court of Appeals committed a reversible error when it declared that the reissuance of new owner's copy of TCT No. T-741686 should strictly follow the procedure under Section 109 of Presidential Decree No. 1529 or the Property Registration Decree.⁵⁴

⁵² Id. at 82.

⁵³ Id. at 84-85.

⁵⁴ Id. at 43.

Petitioner argues that the CA erred in giving due course to the procedurally infirmed petition for *certiorari* since respondent heirs failed to file a motion for reconsideration of the August 31, 2018 Order resolving the omnibus motion.⁵⁵ Moreover, petitioner contends that the RTC Orders conform with the provisions in the Compromise Agreement, which was approved by the RTC in its July 27, 2012 Decision. The assailed RTC Orders directing the issuance of the new owner's copy and the deposit of the same with the Clerk of Court are for the best interest of the parties and in pursuit of an expeditious administration of justice.⁵⁶

In their Comment⁵⁷ to the petition, respondent heirs aver that while the instant petition complied with all the procedural requirements, it was the complaint before the trial court that is fatally defective due to petitioner's failure to implead all indispensable parties. Hence, all proceedings at the trial court are null and void.⁵⁸

Moreover, respondent heirs argue that the CA aptly held that the issued RTC Orders subsequent to the July 27, 2012 Decision are all tainted with grave abuse of discretion, and are therefore, null and void. For one, the proceedings for the reconstitution of title miserably failed to observe the procedures laid down under Sec. 109 of P.D. No. 1529 and Republic Act (R.A.) No. 26, since the owner's copy of the title is not lost but is actually existing and intact in the possession of Fely pursuant to an SPA executed by respondent heirs. Also, the July 13, 2018 Order deviated from the July 27, 2012 Decision.⁵⁹

The Court's Ruling

The petition is meritorious.

On the procedural aspect, petitioner argues that the petition for *certiorari* filed by respondent heirs before the CA was defective because the latter failed to file a motion for reconsideration against the August 31, 2018 Order of the RTC.

At the outset, it is a settled rule that a special civil action for *certiorari* under Rule 65 of the Rules of Court will not lie unless a motion for reconsideration is filed before the lower court. However, there are well-

⁵⁵ Id. at 44.

⁵⁶ Id. at 59.

⁵⁷ Id. at 119-130.

⁵⁸ Id. at 120.

⁵⁹ Id. at 121.

defined exceptions established by jurisprudence, such as where under the circumstances, a motion for reconsideration would be useless.⁶⁰

Here, the Court finds that the exception on the non-filing of a motion for reconsideration before the RTC is applicable. Notably, the filing of a motion for reconsideration by respondents against the August 31, 2018 Order would have been an exercise in futility because such order was based on the earlier July 13, 2018 Order containing the same notation. Clearly, respondent heirs' direct resort to the CA *via certiorari* was warranted under the circumstances, since they have reasonable grounds to believe that seeking reconsideration of the August 31, 2018 Order would have been a useless exercise.

Nevertheless, on the substantive aspect, the Court finds that petitioner's arguments are meritorious because the RTC did not commit grave abuse of discretion when it issued the assailed four Orders.

The assailed RTC Orders were issued for the purpose of executing the July 27, 2012 Decision.

The CA found that the assailed RTC Orders substantially vary the directive in the final and executory July 27, 2012 Decision.

The Court does not subscribe to this view.

The standard rule in execution of judgments is that "a writ of execution should strictly conform to every particular of the judgment to be executed, and not vary the terms of the judgment it seeks to enforce, nor may it go beyond the terms of the judgment sought to be executed; the execution is void if it is in excess of and beyond the original judgment or award."⁶¹

It is a basic principle that a judgment that has acquired finality becomes immutable and unalterable. The primary consequence of this principle is that the judgment may no longer be modified or amended by any court in any manner even if the intent of the modification or amendment is to correct perceived errors of law or fact. This principle known as the doctrine of

⁶⁰ *Republic v. Dimarucot*, 827 Phil. 3690, 370 (2018).

⁶¹ *Pascual v. Daquioag*, 731 Phil. 1, 12 (2014); *Raymundo v. Galen Realty and Mining Corp.*, 719 Phil. 557, 565 (2013).

immutability of judgment is a matter of sound public policy, which rests upon the practical consideration that every litigation must come to an end.⁶²

The rationale behind the rule was explained in *Mercury Drug Corp. v. Spouses Huang*,⁶³ thus:

The doctrine of immutability and inalterability of a final judgment has a two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time.

The doctrine of immutability of judgment, however, is not an iron-clad rule. It is subject to several exceptions, namely:

- (1) [T]he correction of clerical errors;
- (2) [T]he so-called *nunc pro tunc* entries which cause no prejudice to any party;
- (3) [V]oid judgments; and
- (4) [W]henever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.⁶⁴

As a corollary rule, the Court has elucidated that “a judgment is not confined to what appears on the face of the decision, but extends as well to those necessarily included therein or necessary thereto.”⁶⁵

The same ruling was reiterated by the Court in *UPSI Property Holdings, Inc. v. Diesel Construction Co., Inc.*,⁶⁶ wherein it was held that the manner of the execution of a final judgment is not a matter of “choice.” As to how a judgment should be satisfied does not revolve upon the pleasure or discretion of a party unless the judgment itself expressly provides for such discretion. Foremost rule in the execution of judgments is that “a writ of execution must conform strictly to every essential particular of the judgment promulgated, and may not vary the terms of the judgment it seeks to enforce, nor may it go beyond the terms of the judgment sought to be executed.”

⁶² *Mercury Drug Corp. v. Spouses Huang*, 817 Phil. 434, 445 (2017).

⁶³ *Supra*.

⁶⁴ *Id.* at 445-446; citations omitted.

⁶⁵ *Raymundo v. Galen Realty and Mining Corp.*, *supra* at 565; *UPSI Property Holdings, Inc. v. Diesel Construction Co., Inc.*, 740 Phil. 655, 670 (2014).

⁶⁶ *Supra*.

Nevertheless, it was reiterated therein that, as a corollary rule, “a judgment is not confined to what appears on the face of the decision, but extends as well to those necessarily included therein or necessary thereto.”⁶⁷

Here, to recapitulate, the RTC rendered the July 27, 2012 Decision based on the parties’ Compromise Agreement. The said Decision became final and executory on October 2, 2012. Subsequently, the RTC issued the September 26, 2017 Order, which amended the July 27, 2012 Decision to reflect the correct TCT number as “T-741686.” Consequently, petitioner filed a motion for execution, which led to the issuance of the writ of execution ordering the sheriff to cause the immediate implementation of the September 26, 2017 Order.

The Court finds that the subsequent Orders issued by the RTC neither varied nor departed from the terms of the July 27, 2012 Decision in any manner.

For one, the decision was amended to reflect the correct TCT number of the subject property of the case. The September 26, 2017 Order was issued to reflect the correct TCT number as “T-741686” instead of “T-7416786.”

To emphasize, “the correction of a clerical error is an exception to the general rule that no amendment or correction may be made by the court in its judgment once the latter had become final.”⁶⁸ The error addressed by the said RTC Order was “merely clerical and typographical,” which did not affect the rights of the parties.

For another, the September 26, 2017 Order directing Danilo to deliver the owner’s copy of TCT No. T-741686 to the Clerk of Court does not substantially deviate from the July 27, 2012 Decision, which states that Danilo should deliver the owner’s copy of the TCT to the parties.

Notably, in the July 27, 2012 Decision, it stated that “*Mr. Sayarot shall turn over to the Parties the original owner’s copy of the TCT No. [T-] 7416786.*”⁶⁹ However, it was not clear to which particular party the owner’s duplicate copy of the title has to be delivered. Notably, there was a dispute as to whom between the parties, whether to petitioner or to respondent heirs, Danilo should actually deliver the duplicate copy of the title.

⁶⁷ Id. at 669-670.

⁶⁸ *Mercury Drug Corp. v. Spouses Huang*, supra at 448.

⁶⁹ *Rollo*, p. 88.

When interpreting the dispositive portion of the judgment, the findings of the court as found in the whole decision must be considered; a decision must be considered in its entirety, not just its specific portions, to grasp its true intent and meaning. "The Court may resort to the pleadings of the parties, its findings of fact and conclusions of law as expressed in the body of the decision to clarify any ambiguities caused by any inadvertent omission or mistake in the dispositive portion thereof. This assures swift delivery of justice and avoids any protracted litigation anchored only on trivial matters as a result of any inadvertent omissions or mistakes in the *fallo*."⁷⁰

Respondent heirs believed that it should be Fely who should receive the duplicate copy. Thus, respondent heirs executed an SPA in favor of Fely to take custody and possession of the duplicate copy of TCT No. T-741686. The said SPA was annotated at the back of the title as Entry No. 2013004653.⁷¹

On the contrary, petitioner disagreed. He believes that Fely should not be the person to take custody of the duplicate copy of TCT No. T-741686. Thus, on July 4, 2013, petitioner filed an omnibus motion praying, among others, to cancel Entry No. 2013004653 on TCT No. T-741686, regarding the SPA in favor of Fely.⁷²

Verily, due to the ambiguity in the July 27, 2012 Decision, the parties could not agree on how to properly execute the said judgment. Thus, it was up to the RTC to resolve this ambiguity based on what is necessarily included in the judgment. Again, a judgment is not confined to what appears on the face of the decision, but extends as well to those necessarily included therein or necessary thereto.⁷³ The rule is that in case of ambiguity or uncertainty in the dispositive portion of a decision, the body of the decision may be scanned for guidance in construing the judgment.⁷⁴

In issuing the subsequent September 26, 2017 Order, the RTC once and for all clarified that Danilo is ordered "*to turn over the title to subject property to the Court through the Clerk of Court x x x who shall keep custody thereof*."⁷⁵ Obviously, the intention of the trial court for issuing such clarificatory order is to ensure that duplicate copy of the title shall remain in the custody of the court; fraudulent transfers of the title shall be prevented; and the subject property can finally be sold to prospective buyers and the

⁷⁰ *San Miguel Corp. v. Teodosio*, 617 Phil. 399, 420-421 (2009).

⁷¹ CA rollo, p. 58.

⁷² Rollo, p. 68.

⁷³ *Raymundo v. Galen Realty and Mining Corp.*, supra note 61, at 565.

⁷⁴ Id. at 566.

⁷⁵ CA rollo, p. 100.

proceeds shall be distributed to the parties. This is in accordance with the Compromise Agreement, which is embodied in the July 27, 2012 Decision, that the property be sold or offered for joint venture to interested buyers; and the proceeds of the sale would be equally shared by the heirs of Fermin.⁷⁶ Verily, the RTC cannot be faulted for choosing such course of action for the sake of faithfully executing the July 27, 2012 Decision, which is already final and executory.

Indeed, if Danilo refuses to deliver the owner's duplicate copy of the title to the parties, then the court may direct that the act be done by some other person appointed by it as authorized by Sec. 10, Rule 39 of the Rules of Court, viz.:

Sec. 10. *Execution of judgments for specific act.* — (a) *Conveyance, delivery of deeds, or other specific acts; vesting title.* — If a judgment directs a party to execute a conveyance of land or personal property, or to deliver deeds or other documents, or to perform any other specific act in connection therewith, **and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court and the act when so done shall have like effect as if done by the party.** If real or personal property is situated within the Philippines, the court in lieu of directing a conveyance thereof may by an order divest the title of any party and vest it in others, which shall have the force and effect of a conveyance executed in due form of law. (emphasis and underscoring supplied)

In *Spouses Buñag v. Court of Appeals*,⁷⁷ it was held that “[a] judgment for the delivery or restitution of property is essentially an order to place the prevailing party in possession of the property. If the defendant refuses to surrender possession of the property to the prevailing party, the sheriff or other proper officer should oust him. There is no need for an express order to this effect to be stated in the decision.”⁷⁸

Similarly, in *Raymundo v. Galen Realty and Mining Corp.*,⁷⁹ the Court declared that the “*some other person appointed by the court*” indicated under the aforementioned provision can be the Branch Clerk of Court, the Sheriff, or even the Register of Deeds, and their acts when done under such authority shall have the effect of having been done by respondent themselves. A party cannot hinder execution of a judgment for a specific act on the pretext of

⁷⁶ *Rollo*, p. 67.

⁷⁷ 363 Phil. 216 (1999).

⁷⁸ *Id.* at 222-223.

⁷⁹ *Supra.*



inability to do so as the Rules provide adequate means by which it can be satisfied.⁸⁰

Verily, the Court may direct the delivery of the subject duplicate copy of the TCT to the Clerk of Court since two contending parties have conflicting claims and both parties are vying for the surrender and/or possession of the duplicate copy of the subject TCT. It is for the protection of all the parties to the proceedings that the RTC directed its delivery to the Clerk of Court for safekeeping. In this necessary clarification, the ultimate intent of the decision – that the property be sold or offered for joint venture to interested buyers; and the proceeds of the sale be equally shared by the heirs of Fermin – shall be fulfilled fairly and without any deception.

At any rate, the September 26, 2017 Order directing Danilo to deliver the duplicate copy of the title to the Clerk of Court became ineffectual because it was later on discovered that Danilo did not have possession of the owner's duplicate certificate of title. Rather, the owner's duplicate copy of the title was already with Fely, pursuant to the SPA executed by respondent heirs in her favor.

*Remedies regarding the
owner's duplicate
certificate of title*

When the RTC opined that Danilo did not have possession of the owner's duplicate certificate of title, it issued the June 8, 2018 Order which granted the amended omnibus motion to declare lost title (TCT No. T-741686) with motion to issue an order for the issuance of new title in lieu of the lost one. In the said Order, the RTC declared that the duplicate copy of TCT No. T-741686 as "*lost, and of no force and effect*" and ordered the Register of Deeds of the Province of Cavite to issue a new owner's copy with the same terms and conditions as the original. The Order further reiterated that the new owner's copy should be turned over to the RTC for custody, pending the sale of the property.⁸¹

Subsequently, when the RTC was informed that it was Fely who was in possession of the owner's duplicate certificate of title, it then issued its July 13, 2018 Order, which essentially amended its earlier June 8, 2018 Order. The said July 13, 2018 Order directed Fely to surrender possession and custody of the owner's duplicate copy of the title to its Clerk of Court, with a notation

⁸⁰ Id. at 567.

⁸¹ Rollo, p. 97.

that in case she fails to do so, said title would be declared irretrievably lost and a new owner's duplicate copy of the title would be issued.⁸²

Accordingly, it must be determined whether the RTC erred in its July 13, 2018 Order when it mandated the surrender of the possession and custody of the owner's duplicate copy of the certificate of title; instead of merely declaring outright the owner's duplicate certificate of title absolutely lost.

The Court finds that the RTC did not err in issuing its July 13, 2018 Order directing the surrender of possession and custody of the owner's duplicate certificate of title, since it is essentially in accordance with Sec. 107 of P.D. No. 1529. It must be emphasized that the owner's duplicate certificate of title has not been lost, or destroyed, but was in Fely's possession as respondent heirs' attorney-in-fact.

To clarify, in the instant case, what has been considered lost is the *owner's duplicate* copy of the subject TCT, and not the original copy of the TCT on file with the Register of Deeds. Accordingly, since the issue deals with an owner's duplicate certificate of title, either Sec. 107 or 109 of P.D. No. 1529 should apply.

Sec. 107 of P.D. No. 1529 provides the proper remedy when an owner's duplicate certificate of title is being withheld by another person, *viz.*:

Sec. 107. *Surrender of withheld duplicate certificates.* — Where it is necessary to issue a new certificate of title pursuant to any involuntary instrument which divests the title of the registered owner against his consent or where a voluntary instrument cannot be registered by reason of the refusal or failure of the holder to surrender the owner's duplicate certificate of title, the party in interest may file a petition in court to compel surrender of the same to the Register of Deeds. The court, after hearing, may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate or memorandum upon such surrender. **If the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered, the court may order the annulment of the same as well as the issuance of a new certificate of title in lieu thereof.** Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate. (emphasis supplied)

⁸² *Id.* at 101.

On the other hand, Sec. 109 of P.D. No. 1529 provides the proper remedy of replacement of an owner's duplicate certificate of title when it is lost or destroyed:

Sec. 109. Notice and replacement of lost duplicate certificate. — In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree. (emphasis supplied)

A reading of both provisions clearly shows that Sec. 107 is the remedy applicable where the owner's duplicate certificate of title is withheld by another person, who is unauthorized to hold the same; it does not contemplate a situation where the owner's duplicate certificate of title is not lost or destroyed. Said provision indicates that the party-in-interest may file a petition in court to compel the surrender of the owner's duplicate certificate of title in case the person in possession of it refuses or fails to surrender the same to the Register of Deeds in order to register any voluntary or involuntary instrument and the issuance of a new owner's duplicate certificate of title.

Conversely, Sec. 109 of P.D. No. 1529 governs the replacement of lost or destroyed owner's duplicate certificate of title. It is applicable in petitions for issuance of new owner's duplicate certificate of title, which is lost or destroyed. A sworn statement of the fact that the owner's duplicate certificate of title was lost or destroyed, or cannot be produced should be submitted together with the petition for the replacement of a lost duplicate certificate.

Secs. 107 and 109 of P.D. No. 1529 both speak of the owner's duplicate certificate of title. These provisions provide for the remedies for the replacement of the owner's duplicate title.

On the other hand, Sec. 110 of P.D. No. 1529 contemplates a remedy when the original copy of the certificate of title in the Register of Deeds is lost



or destroyed. In an action for *reconstitution* of lost or destroyed original copies of certificates of title in the offices of the Register of Deeds under Sec. 110, in relation to Secs. 18⁸³ and 19⁸⁴ of R.A. No. 26,⁸⁵ provides for the remedy in case of lost or destroyed original copies of certificates with the Register of Deeds, to wit:

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 is hereby abrogated.

Notice of all hearings of the petition for judicial reconstitution shall be given to the Register of Deeds of the place where the land is situated and to the Commissioner of Land Registration. No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of thirty days from receipt by the Register of Deeds and by the Commissioner of Land Registration of a notice of such order or judgment without any appeal having been filed by any of such officials. (emphasis supplied)

⁸³ Sec. 18. In case a certificate of title, considered lost or destroyed, be found or recovered, the same shall prevail over the reconstituted certificate of title, and, if both titles appear in the name of the same registered owner, all memoranda of new liens or encumbrances, if any, made on the latter, after its reconstitution, except the memorandum of the reservation referred to in section seven of this Act, shall be transferred to the recovered certificate of title. Thereupon, the register of deeds shall cancel the reconstituted certificate of title and spread upon the owner's duplicate, as well as on the co-owner's, mortgagee's or lessee's duplicate, if any has been issued, such annotations of subsisting liens or encumbrances as may appear on the recovered certificate of title, cancelling at the same time the memorandum of the reservation referred to in section seven hereof: Provided, however, That if the reconstituted certificate of title has been cancelled by virtue of any deed or instrument, whether voluntary or involuntary, or by an order of the court, and a new certificate of title has been issued, the recovered certificate of title shall be likewise cancelled, but all subsisting liens or encumbrances, if any, appearing thereon shall be transferred to the new certificate of title and to its owner's duplicate, as well as to any co-owner's mortgagee's or lessee's duplicate that may have been issued, the memorandum of the reservation referred to in section seven of this Act, if any, being thereby [*ipso facto*] cancelled.

⁸⁴ Sec. 19. If the certificate of title considered lost or destroyed, and subsequently found or recovered, is not in the name of the same person in whose favor the reconstituted certificate of title has been issued, the register of deeds should bring the matter to the attention of the proper Court of First Instance, which, after due notice and hearing, shall order the cancellation of the reconstituted certificate of title and render, with respect to the memoranda of new liens or encumbrances, if any, made in the reconstituted certificate of title, after its reconstitution, such judgment as justice and equity may require: Provided, however, That, if the reconstituted certificate of title has been cancelled by virtue of any deed or instrument, whether voluntary or involuntary, or by an order of the court, and a new certificate of title has been issued, the procedure prescribed above, with respect to memoranda of new liens or encumbrances made on the reconstituted certificate of title, after its reconstitution, shall be followed with respect to the new certificate of title, and to such new liens or encumbrances, if any, as may have been made on the latter after the issuance thereof.

⁸⁵ Entitled "AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED." Approved: September 25, 1946.

Under Sec. 110 of P.D. No. 1529, the reconstitution of a certificate of title denotes restoration in the original form and condition of a *lost or destroyed* instrument attesting the title of a person to a piece of land in the custody of the Register of Deeds. The purpose of the reconstitution of title is to have, after observing the procedures prescribed by law, the title reproduced in exactly the same way it has been when the loss or destruction occurred. R.A. No. 26⁸⁶ presupposes that the property whose title is sought to be reconstituted has already been brought under the provisions of the Torrens system.⁸⁷

As held in *Heirs of Spouses Ramirez v. Abon*,⁸⁸ “[a] reading of the provisions clearly reveals that Secs. 18 and 19 of R.A. No. 26 applies only in cases of reconstitution of lost or destroyed *original* certificates of title on file with the Register of Deeds, while Sec. 109 of P.D. No. 1529 governs petitions for the issuance of new owner’s *duplicate* certificates of title which are lost or destroyed.”⁸⁹

Again, the remedies under the provisions of Secs. 107 and 109 of P.D. No. 1529 may be availed of if it involves the owner’s duplicate certificate of title. On the other hand, Sec. 110 of P.D. No. 1529 may be resorted to depending on the situation when the original copy of the certificate of title in the custody of the Register of Deeds is lost or destroyed. Consequently, the litigants, as well as the courts *a quo*, should be mindful of the aforementioned provisions, and which among them should be applied in each particular case.

Application in this case

Here, it is apparent that petitioner filed a motion for the issuance of the owner’s duplicate certificate of title before the RTC. Initially, the RTC issued the June 8, 2018 Order stating that the owner’s duplicate copy of the certificate of title was “*lost, and of no force and effect.*” Evidently, this Order refers to the application of Sec. 109 of P.D. No. 1529. At that time, the RTC believed that owner’s duplicate certificate of title was lost because Danilo stated that he did not have possession of the same.

Afterwards, the Register of Deeds filed a Manifestation⁹⁰ before the RTC indicating that Fely had possession of the subject owner’s duplicate certificate of title. At that point, it was evident that said owner’s duplicate

⁸⁶ Entitled “AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED.” Approved: September 25, 1946.

⁸⁷ *Republic v. Tuastumban*, 604 Phil. 491, 504-505 (2009).

⁸⁸ G.R. No. 222916, July 24, 2019, 910 SCRA 216.

⁸⁹ *Id.* at 226; citation omitted.

⁹⁰ *CA rollo*, pp. 101-102.

copy was not absolutely lost; rather, it was merely in the hands of another person, Fely. Since the owner's duplicate copy of TCT No. T-741686 was not lost or destroyed, Sec. 109 is not applicable. The correct remedy for the registered owner against an uncooperative possessor of the duplicate copy of the title is to compel the surrender of the owner's duplicate certificate of title under Sec. 107 of P.D. No. 1529.

When it became clear to the RTC that the owner's duplicate copy of the certificate of title was not lost, only being improperly withheld by Fely, it then issued its July 13, 2018 Order, directing Fely to surrender possession and custody of the owner's copy of the title to its Clerk of Court. This Order essentially refers to the application of Sec. 107 of P.D. No. 1529 because it orders another person to surrender to the trial court the owner's duplicate certificate of title improperly withheld.

The Court finds that the RTC correctly applied the provisions of Sec. 107 of P.D. No. 1529 in the issuance of a new owner's duplicate certificate of title because Fely refused to surrender the same. In *Spouses Ibias v. Macabeo*,⁹¹ it was held that therein respondent should have availed of the remedy provided under Sec. 107 of P.D. No. 1529 since the owner's duplicate certificate of title was not in fact lost or destroyed, but was in the possession of another.⁹²

Here, the owner's duplicate certificate of title is not lost, but is in fact in the possession and custody of Fely by virtue of the SPA executed by respondent heirs themselves. The said SPA was even annotated at the back of the title as Entry No. 2013004653. Fely even executed an Affidavit⁹³ to attest that the owner's duplicate copy of TCT No. T-741686 was not lost or missing, but in her possession and custody pursuant to the SPA.

As the RTC correctly found in its September 26, 2017 Order, there is nothing in the July 27, 2012 Decision, which states that Fely has the right to take custody of the owner's duplicate certificate of title. It was also highlighted that Fely is not a party to the case and that it was Danilo who was specifically directed by the July 27, 2012 Decision to turn over the title to the parties themselves and not to respondent heirs only or their attorney-in-fact. Thus, the execution of the SPA in favor of Fely to take possession of the owner's duplicate certificate is a blatant violation of the decision.⁹⁴

⁹¹ 793 Phil. 389 (2016).

⁹² Id. at 398-399.

⁹³ CA *rollo*, p. 104.

⁹⁴ Id. at 100.

Further, the July 13, 2018 Order stated that if Fely refuses or fails to comply with the order to surrender the owner's duplicate certificate of TCT No. T-741686, it would treat the owner's duplicate certificate of title irretrievably lost and a new owner's copy be issued by the Registry of Deeds of the Province of Cavite.⁹⁵ To the Court's view, this directive is in accordance with Sec. 107 of P.D. No. 1529. Under the said provision, if the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered, the court may order the annulment of the same, as well as the issuance of a new certificate of title in lieu thereof. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.⁹⁶

The person, who is ordered by the court to surrender the possession of the owner's duplicate certificate, cannot simply disregard the directive without any consequences under Sec. 107 of P.D. No. 1529. Accordingly, it was only fitting for the RTC to declare the owner's duplicate certificate of title in the hands of Fely, who is not even a party to the case, irretrievably lost, which essentially annulled the same; and ordered the Register of Deeds of the Province of Cavite to issue a new certificate of title, including its owner's duplicate copy of the certificate of title.

The petition to surrender the withheld owner's duplicate certificate of title under Sec. 107 of P.D. No. 1529 may be filed as an incident in an action affecting the said title.

Having settled that Sec. 107 of P.D. No. 1529 is applicable in the case at bench, it must be determined whether the remedy provided therein may be availed of in the same main action, without necessarily instituting a separate and independent action, to compel the surrender of an owner's duplicate certificate of title improperly withheld.

The Court answers this issue in the affirmative.

Jurisprudence provides that under Sec. 107 of P.D. No. 1529, a petition to surrender the owner's duplicate certificate of title being unlawfully

⁹⁵ *Rollo*, p. 101.

⁹⁶ *Spouses Ibias v. Macabeo*, supra at 399.

withheld by another person may be instituted by the aggrieved party as an incident in a pending proceeding.

In *Ligon v. Court of Appeals*⁹⁷ (*Ligon*), the Court declared that “[e]ven while Sec. 107 of P.D. No. 1529 speaks of a petition which can be filed by one who wants to compel another to surrender the certificates of title to the Register of Deeds, this does not preclude a party to a pending case to include as incident therein the relief stated under Sec. 107, especially if the subject certificates of title to be surrendered are intimately connected with the subject matter of the principal action. This principle is based on expediency and in accordance with the policy against multiplicity of suits.”⁹⁸ In *Ligon*, the Court held:

Before the enactment of P.D. No. 1529 otherwise known as the *Property Registration Decree*, the former law, Act No. 496 otherwise known as the *Land Registration Act*, and all jurisprudence interpreting the former law had established that summary reliefs such as an action to compel the surrender of owner’s duplicate certificate of title to the Register of Deeds could only be filed with and granted by the Regional Trial Court sitting as a land registration court if there was unanimity among the parties or there was no adverse claim or serious objection on the part of any [party-in-interest], otherwise, if the case became contentious and controversial it should be threshed out in an ordinary action or in the case where the incident properly belonged.

Under Sec. 2 of P.D. No. 1529, it is now provided that “Courts of First Instance (now Regional Trial Courts) shall have exclusive jurisdiction over all applications for original registration of titles to lands, including improvements and interest therein and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions.” The above provision has eliminated the distinction between the general jurisdiction vested in the regional trial court and the limited jurisdiction conferred upon it by the former law when acting merely as a cadastral court. Aimed at avoiding multiplicity of suits the change has simplified registration proceedings by conferring upon the regional trial courts the authority to act not only on applications for original registration but also over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions.

The principal action filed by INK in Civil Case No. Q-90-6937 before the trial court was for specific performance with damages based on a document of sale. Such action was well within the exclusive jurisdictions of the Regional Trial Court. When IDP, the defendant in the trial court, did not question the genuineness and validity of said deed of sale and its

⁹⁷ 314 Phil. 689 (1995).

⁹⁸ *Id.* at 698.



obligations thereunder, the summary judgment issued by the court granting the reliefs sought by INK was also an exercise of its general jurisdiction.

Hence, when INK filed a motion for the issuance of an order from the same court to compel the holder of the duplicate certificates of title to surrender the same to the Register of Deeds for the registration of the deed of sale subject of the principal action, the motion was a necessary incident to the main case. When the sale of the property was upheld by the court in its judgment and the defendant was directed to comply with its terms and conditions, the right of INK to have the same registered with the Register of Deeds could not be disregarded. To assert and enjoy its right, INK should be allowed to seek the aid of the court to direct the surrender of the certificates of title. Since Regional Trial Courts are courts of general jurisdiction, they may therefore take cognizance of this case pursuant to such jurisdiction.⁹⁹

Accordingly, in *Ligon*, the Court held that the petition to surrender the owner's duplicate certificate of title under Sec. 107 of P.D. No. 1529 may be filed as an incident in an action affecting the said title. The Court, in an action for specific performance wherein the validity of the sale of a property to the plaintiff was upheld, ruled that it was proper for the plaintiff therein to ask the court to compel the surrender of the owner's duplicate copy of the certificate of title as a *necessary incident to the main case*. The action to compel the party to surrender the owner's duplicate copy of the certificate is intimately connected with the subject matter of the principal action since the surrender of the owner's duplicate copy of the certificate of title to the Register of Deeds is required for the registration of the sale.

Further, the Court, in *Ligon*, emphasized that the surrender by therein petitioner of the owner's duplicate certificate of title to the Register of Deeds as ordered by the trial court will not create any substantial injustice to her. To grant the petition and compel therein respondent to file a new and separate action under Sec. 107 of P.D. No. 1529 in order to obtain the same reliefs it asked in the motion before the trial court is to encourage litigations where no substantial rights are prejudiced. This end should be avoided. Courts may disregard procedural lapses that do not really impair the proper administration of justice. The rules are intended to ensure the orderly conduct of litigations and that the substantive rights of the parties are protected.¹⁰⁰

Applying the foregoing points to the case at bench, the Court finds that the directive to surrender the owner's duplicate certificate of title was properly issued by the RTC. Sec. 107 of P.D. No. 1529 specifically provides for the

⁹⁹ Id. at 696-698.

¹⁰⁰ Id. at 699.

remedy of a party in case the possessor of the owner's duplicate certificate of title refused to surrender the same.

To recall, the proper remedy is for the party to file a petition to compel the surrender of the owner's duplicate certificate of title. Nevertheless, as established by jurisprudence, filing a separate petition is not the sole remedy; rather, a party may file a motion in a principal action involving title to or possession over real property to compel the surrender of the owner's duplicate certificate of title. Indeed, Sec. 107 of P.D. No. 1529 does not preclude the filing of a motion as an incident to the main action because the surrender of the owner's duplicate certificate of title is a necessary consequence in the principal action involving title to or possession over real property.

Consequently, petitioner may file a motion before the trial court to surrender the owner's duplicate certificate of title as an incident to the main action affecting the rights of the parties to the property. Notably, it was already established in the proceedings below that the owner's duplicate certificate of title was in the possession of Fely. There would no longer be a need to present additional evidence in a separate action or separate petition to establish who has the possession of the said owner's duplicate certificate of title since, as mentioned above, Fely herself executed an affidavit to that effect and the Register of Deeds even filed a manifestation to corroborate the same. To compel petitioner to file a separate action would unnecessarily impede the resolution of the main case, the judgment of which having already attained finality.

More so, to direct the parties to file a separate petition to obtain the same reliefs asked in the motions they submitted before the trial court would be to encourage further litigations where no substantial rights are prejudiced. For the protection of the rights of both parties, petitioner should be allowed to seek the aid of the court to direct the surrender of the duplicate copy of the certificate of title. Since RTCs are courts of general jurisdiction, they may therefore take cognizance of this case pursuant to such jurisdiction.¹⁰¹ Petitioner should not be compelled to file a separate action for the issuance of a judgment to direct Fely, the person in possession of the owner's duplicate certificate of title, to surrender the same. In addition, it must be underscored that the July 27, 2012 Decision of the RTC is already final and executory.

Further, respondent heirs, including Fely, were given sufficient opportunity to be heard before the RTC issued its July 13, 2018 Order essentially applying Sec. 107 of P.D. No. 1529. On June 28, 2018, respondent

¹⁰¹ Id. at 698.

heirs were able to file an Urgent Motion¹⁰² to declare as null and void or to recall the order directing the issuance of new owner's duplicate copy of the title, claiming that the owner's duplicate copy of TCT No. T-741686 was not actually lost, but in the custody and possession of Fely.¹⁰³ Of course, such motion of respondent heirs was denied because, as discussed earlier, Fely is not authorized to possess the owner's duplicate certificate of title pursuant to the July 27, 2012 RTC Decision.

Consequently, the Court finds that the RTC aptly issued the July 13, 2018 Order directing Fely, the one in actual possession of the owner's duplicate certificate of title and who improperly withholds the same, to surrender possession and custody of the owner's duplicate copy of the title to its Clerk of Court, with a notation that in case she fails to do so, said title would be declared irretrievably lost and a new owner's title would be issued.¹⁰⁴ The said RTC Order, which effectively amended the June 8, 2018 Order, was in conformity with the law, specifically Sec. 107 of P.D. No. 1529.

Moreover, it must be noted that, in the subsequent August 31, 2018 Order of the RTC, it was emphasized that respondent heirs defied the RTC's directive requiring Fely to surrender the owner's duplicate certificate of title.¹⁰⁵ Since Fely refused to surrender possession, then the owner's duplicate certificate of title in her possession should have no force and effect.

On January 7, 2019, petitioner filed a Manifestation¹⁰⁶ informing the CA that the Register of Deeds of the Province of Cavite already issued and released a new owner's duplicate copy of TCT No. T-741686 and deposited the same to the Clerk of Court of the RTC. Again, this is in accordance with Sec. 107 of P.D. No. 1529. Undeniably, the August 31, 2018 Order specifically denied respondent heirs' omnibus motion praying that: (a) all the RTC's proceedings and issuances relative to the amended omnibus motion to declare as lost TCT No. T-741686 be declared null and void; (b) the May 11, 2018 Writ of Execution be cancelled; and (c) the July 13, 2018 Order be recalled and set aside.¹⁰⁷ It specifically reiterated "x x x the refusal and failure of Ms. Fely Panganiban to surrender to the Court the owner's copy of Transfer Certificate of Title No. T-741686[.]"¹⁰⁸

¹⁰² CA *rollo*, pp. 50-53.

¹⁰³ *Id.* at 51.

¹⁰⁴ *Rollo*, p. 101.

¹⁰⁵ *Id.* at 108.

¹⁰⁶ CA *rollo*, pp. 224-227.

¹⁰⁷ *Rollo*, p. 70.

¹⁰⁸ *Id.*

In sum, the Court finds no error in the assailed RTC Orders. The directive to surrender the subject owner's duplicate certificate of title to the Branch Clerk of Court was issued for the protection of both parties especially since the subject owner's duplicate certificate of title to be surrendered is intimately connected with the subject matter of the principal action. It is clear, therefore, that the surrender of the owner's duplicate certificate of title to the Clerk of Court, as ordered by the RTC, will not create any substantial injustice to petitioner and respondent heirs. This would likewise avoid further litigations between the parties since the order for the surrender of the owner's duplicate certificate of title was already issued as an incident to the main case. This principle is based on expediency and in accordance with the policy against multiplicity of suits.¹⁰⁹ Verily, the Court finds it proper to reinstate the August 31, 2018 RTC Order, including all the other Orders of the RTC, for the purpose of executing the July 27, 2012 RTC Decision, which had long been final and executory.

WHEREFORE, the petition is **GRANTED**. The March 28, 2019 Decision and the May 24, 2019 Resolution of the Court of Appeals in CA-G.R. SP No. 157528 are **REVERSED** and **SET ASIDE**. The September 26, 2017, June 8, 2018, July 13, 2018, and August 31, 2018 Orders of the Regional Trial Court of Bacoor City, Branch 89 are hereby **REINSTATED**.

SO ORDERED.

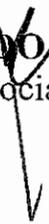

ALEXANDER G. GESMUNDO
Chief Justice

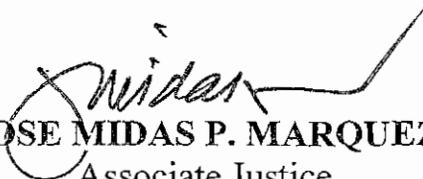
¹⁰⁹ *Ligon v. Court of Appeals*, supra note 97, at 698.

WE CONCUR:

(On Leave)
RAMON PAUL L. HERNANDO
Associate Justice

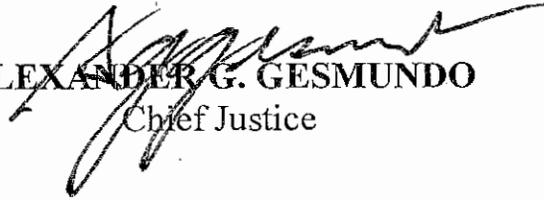

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
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's Division.


ALEXANDER G. GESMUNDO
Chief Justice