

Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

G.R. No. 241890

Present:

- versus -

GESMUNDO, C.J., Chairperson,  
CAGUIOA,  
CARANDANG,  
ZALAMEDA, and  
GAERLAN, JJ.

AVELINO MANANSALA, Heir of  
the late FEL M. MANANSALA,  
represented by ESMERALDO M.  
MANANSALA,  
Respondent.

Promulgated:

MAY 03 2021

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DECISION

CAGUIOA, J.:

Before the Court is a Petition for Review<sup>1</sup> (Petition) under Rule 45 of the Rules of Court (Rules) seeking the reversal of the Decision<sup>2</sup> dated December 7, 2017<sup>3</sup> and Resolution<sup>4</sup> dated September 5, 2018 of the Court of Appeals<sup>5</sup> (CA) in CA-G.R. CV No. 107267. The CA Decision affirmed the Decision<sup>6</sup> dated December 7, 2015 of the Regional Trial Court of Bacoor City, Branch 19 (RTC) in LRC Case No. 8843-2014-29 while the CA Resolution denied petitioner's motion for reconsideration.

*The Facts*

The CA Decision narrates the antecedents as follows:

[Respondent Avelino M. Manansala (respondent)] is the sole heir of Fel Manansala (Fel). During his lifetime, Fel owned two x x x parcels

<sup>1</sup> Rollo, pp. 12-35, excluding Annexes.

<sup>2</sup> Id. at 41-49. Penned by Associate Justice Edwin D. Sorongon, with Associate Justices Ramon R. Garcia and Maria Filomena D. Singh concurring.

<sup>3</sup> Stated as December 7, 2016 in the Decision, *rollo*, p. 41.

<sup>4</sup> Rollo, pp. 51-53.

<sup>5</sup> Thirteenth (13<sup>th</sup>) Division and Former Thirteenth (13<sup>th</sup>) Division.

<sup>6</sup> Rollo, pp. 74-79. Penned by Presiding Judge Matias M. Garcia II.

of land situated in the Municipality of Carmona, Province of Cavite and covered by *TCT*<sup>7</sup> Nos. T-4773 and T-2822 respectively x x x.

x x x

On June 25, 1997, Fel died leaving the mass of his property, which included the subject lots, to [respondent]. [Respondent] executed an *Extra-Judicial Settlement* of his father's estate, adjudicating upon himself sole ownership over the parcels of land covered by *TCT* Nos. T-4773 and T-2822. He submitted a copy thereof in the Office of the Registry of Deeds [for the Province of Cavite] [(RD)] for registration, which the [RD] refused because [respondent] failed to present the original copies of *TCT* Nos. T-4773 and T-2822. [Respondent] presented a *Certification*, to prove that the subject TCTs were among those burned during the fire that razed the building which housed the [RD] sometime in 1959.

On January 27, 2014, [respondent] designated his son, Esmeraldo as his attorney-in-fact. Esmeraldo filed the instant petition for the judicial reconstitution of *TCT* Nos. T-4773 and T-2822 before the [RTC], on the basis of the owner's duplicate copies in his possession.

On May 26, 2014, the Land Registration Authority (LRA) rendered its initial *Report (First Report)* [issued by Roselle Antonette P. Lazo-Favis, Assistant Chief of the Reconstitution Division in the LRA<sup>8</sup>], addressed to the [RTC] which pertinently stated, to wit:

x x x

*2. Examination and verification of the photocopies of TCT Nos. T-4773 and T-2822 reveal the following observations/findings[,] to wit:*

*2.1. It appears on both titles that the same were issued under LRC Record No. 53673 pursuant to Decree No. 754698 in the Registry of Deeds of Cavite. Verification of our records, however, reveals that LRC Record No. 53673 was issued Decree No. 717402 for a parcel of land situated in Batangas City[;] (Emphasis supplied)*

*2.2. Lots 1131 and 1132 Cad. 285 of Carmona, Cavite were embraced in Cad. Case 12, Cad. Rec. No. 2166, however, no Cadastral Book is on file at the Cadastral Decree Section, this Authority. Both lots when plotted on MIS G321 appear to be equivalent of Lots [1 & 2], respectively of Plan Psu-108561, GLRO Rec. No. 14623[;]*

*3. From the foregoing, it appears that both titles did not exist in the Registry of Deeds of Cavite, because the*

<sup>7</sup> Transfer Certificate/s of Title.

<sup>8</sup> Annex "A" of the Petition, *rollo*, pp. 36-37.

*information contained therein are not in accordance with our records.* (Emphasis supplied)

[Respondent] submitted his counter-evidence in refutation of the aforesaid findings and asked the LRA for a replotting and re-evaluation of the same. Pursuant thereto, the LRA issued a subsequent *Report*, dated February 6, 2015 (*Second Report*) [issued by Roselle Antonette P. Lazo-Favis, Assistant Chief of the Reconstitution Division in the LRA<sup>9</sup>], which reversed its previous observation thus:

*In reference to the 2[6] May 2014 Report of this Office involving the above-mentioned case which petitions for the reconstitution of Transfer Certificates of Title Nos. T-4773 and T-2822 purportedly registered in the name of Fel M. Manansala, this Authority, upon replotting and re-evaluation thereof, makes the following findings:*

*The technical descriptions of Lots 1131 & 1132, both of the Cadastral Survey of Carmona, [C]ad. 285, situated in the Municipality of Carmona, Province of Cavite, appearing on the reproductions of owner's duplicate copies of Transfer Certificate[s] of Title Nos. T-4773 and T-2822 were found correct after examination and due computation. Said technical descriptions when plotted on Municipal Index Sheet No. G321, do not appear to overlap previously plotted/ decreed properties in the aforesaid area.* (Emphasis supplied)

The [RTC] summoned the Chief of the Reconstitution and Docket Division of the LRA to explain the two (2) conflicting LRA Reports but said officer failed to appear, despite due notice. The government prosecutor deputized by the Office of the Solicitor General (OSG) participated in the trial of the case but did not present controverting evidence.

#### **Ruling of the RTC**

[The RTC] rendered its assailed *Decision*<sup>10</sup> [dated December 7, 2015], the dispositive portion of which reads:

*WHEREFORE, premises considered, petitioner [(herein respondent)] having proven by preponderance of evidence [his] allegations in the petition[,] the same is hereby GRANTED.*

*The Office of the Registry of Deeds for the Province of Cavite is hereby ordered to reconstitute the original copies of Transfer Certificate[s] of [Title] No[s]. T-4773 and T-2822 registered in the name of Fel M. Manansala using as basis the owners' duplicate copies thereof subject*

<sup>9</sup> Annex "B" of the Petition, id. at 38-39.

<sup>10</sup> Supra note 6.



*to encumbrances as may be subsisting therein, upon payment of the corresponding legal fees.*

*The lost original cop[ies] of the Transfer Certificate[s] of [Title] No[s]. T-4773 and T-2822 are hereby declared null and void and of no force and effect.*

**SO ORDERED.**

Unsatisfied with the said ruling, [petitioner], through the OSG, filed [an] appeal [before the CA].<sup>11</sup>

*Ruling of the CA*

The CA in its Decision<sup>12</sup> dated December 7, 2017 found the appeal without merit. The dispositive portion thereof states:

**WHEREFORE**, in view of all the foregoing, the Appeal is **DISMISSED**. The December 7, 2015 *Decision* of the RTC of Bacoor City, Branch 19, in LRC Case No. 8843-2014-29 is hereby **AFFIRMED**.

**SO ORDERED.**<sup>13</sup>

Petitioner filed a motion for reconsideration, which the CA denied in its Resolution<sup>14</sup> dated September 5, 2018.

Hence the present Petition. Respondent filed his Comment<sup>15</sup> dated March 29, 2019. Petitioner filed its Reply<sup>16</sup> to the Comment dated August 19, 2019.

*The Issue*

The Petition essentially raises the issue: whether the CA erred in affirming the December 7, 2015 RTC Decision, which granted the petition for reconstitution of the alleged lost and destroyed original TCT Nos. T-4773 and T-2882 based on the conflicting *First* and *Second* Reports issued by Roselle Antonette P. Lazo-Favis, Assistant Chief of the Reconstitution Division of the LRA.

*The Court's Ruling*

The Petition has merit.

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<sup>11</sup> Id. at 42-44.

<sup>12</sup> Supra note 2.

<sup>13</sup> Id. at 48.

<sup>14</sup> Supra note 4.

<sup>15</sup> Id. at 118-140.

<sup>16</sup> Id. at 147-155.



At the outset, it is well to reiterate the quantum of evidence required in the reconstitution of a lost or destroyed certificate of title. In this respect, *Dela Paz v. Republic*<sup>17</sup> instructs that:

Time and time again, we have cautioned the lower courts against the hasty and reckless grant of petitions for reconstitution. In such cases, it is the duty of the court to carefully scrutinize and verify all supporting documents, deeds, and certifications. In fact, we have warned the courts in reconstitution proceedings of the tampering of genuine certificates of title and the issuance of fake ones — a widespread occurrence that has seriously threatened the stability of our Torrens system. It is most unfortunate that our courts have been, at times, unwitting accomplices to these transactions and easy targets for corruption.

Reconstitution is the restoration of the instrument or title allegedly lost or destroyed in its original form and condition. Its only purpose is to have the title reproduced, after observing the procedure prescribed by law, in the same form they were when the loss or destruction occurred. The process involves diligent circumspect evaluation of the authenticity and relevance of all the evidence presented for fear of the chilling consequences of mistakenly issuing a reconstituted title when in fact the original is not truly lost or destroyed[, or when an original title does not even exist in the name of the petitioner or the person from whom the petitioner derives his purported claim or right.]

Henceforth, it is imperative that a proper standard be set in evaluating the probative value of the documentary evidence. Having such a standard would guide our courts accordingly in granting the reconstitution of a certificate of title, and would serve as a yardstick in determining whether trial court judges have grossly violated their judicial duty to warrant the imposition of administrative sanctions.

The established legal principle in actions involving land registration is that a party must prove its allegations not merely by a preponderance of evidence, but by clear and convincing evidence. 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. It is indeterminate, being more than preponderance, but not to the extent of such certainty as is required beyond reasonable doubt in criminal cases. Appropriately, this is the standard of proof that is required in reconstitution proceedings.<sup>18</sup>

Given that the required quantum of evidence to reconstitute a certificate of title is not mere preponderance of evidence, but clear and convincing evidence producing in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established, the RTC erred in granting the petition for reconstitution based on mere preponderance of evidence and the CA erred in affirming the RTC Decision based on the same quantum of evidence.

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<sup>17</sup> G.R. No. 195726, November 20, 2017, 845 SCRA 34.

<sup>18</sup> Id. at 45-47.



The records bear out that only Esmeraldo Manansala (Esmeraldo), attorney-in-fact of respondent Avelino Manansala (Avelino), was presented as witness before the RTC and who testified that: he is the son of Avelino; his father is the only heir of the late Fel M. Manansala (Fel), who died on June 25, 1997, and left behind two parcels of land situated in Carmona, Cavite (with respective areas of 520,638 square meters and 96,235 square meters and covered by TCT No. T-4773 and TCT No. T-2822); as the only heir, Avelino executed an Extra-Judicial Settlement of Estate of his father and adjudicated upon himself the said parcels of land; Avelino tried to register the Extra-Judicial Settlement of Estate with the Office of the Registry of Deeds of Cavite (RD), but its registration was denied on the ground that the original copies of said titles were among those burned during the fire that razed the Office of the RD in June 1959; a Report dated May 26, 2014 (*First Report*) was issued by the LRA; to rebut said report, a Certification dated December 10, 2013 from the Department of Environment and Natural Resources (DENR) stating that the subject properties were verified to be within the "Alienable and Disposable Land under Project No. 8 of Carmona, Cavite per Land Classification Map 2589 certified on December 10, 1965, the survey plan under PCS-04-010644 approved on October 30, 1996, the accompanying Lot Data Computation describing the properties identified as Lot 1131 and Lot 1132, showing that they are located in Carmona, Cavite, and a Vicinity Plan/Plot issued by DENR-LMS, Region IV (Calabarzon), showing the location of Lot 1131 and Lot 1132 in Carmona, Cavite were presented; given the said findings of the DENR, Avelino requested the LRA for a re-plotting and re-evaluation of the subject parcels of land; and a Report dated February 6, 2015 (*Second Report*) was subsequently issued by the LRA. Subpoena *ad testificandum* was sent to the Chief of the Reconstitution/Docket Division and/or any authorized representative of the LRA, but no one appeared despite notice.<sup>19</sup>

Aside from the two LRA Reports, Esmeraldo, who was respondent's only witness, identified the following documents: (a) Special Power of Attorney, (b) Extra-Judicial Settlement of Estate, (c) Death Certificate of Avelino, (d) Owner's Duplicate Copies of TCT Nos. T-4773 and T-2882, (e) Certification issued by DENR Regional Office IV-A, (f) Survey Plan, (g) Certification issued by the RD, and (h) DENR Region IV Calabarzon Vicinity Plan/Plot.<sup>20</sup>

Based on the CA Decision, it is evident that the CA relied primarily on the *Second Report* of the LRA in finding the owner's duplicate of TCT No. T-4773 and TCT No. T-2822, which respondent presented before the RTC, to be authentic, and as such, could therefore be the source of respondent's petition for reconstitution. Pertinently, the CA Decision states:

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<sup>19</sup> *Rollo*, pp. 75-78.

<sup>20</sup> *Id.* at 17.



In the present case, [respondent's] quest for judicial reconstitution x x x is anchored on his owner's duplicate cop[ies] of *TCT Nos. T-4773* and *T-2822*. It bears stressing that [petitioner] assails [their] authen[tic]ity, only because of the existence of the *First* Report which the LRA eventually corrected in its *Second* Report.

x x x x

It is well to note that upon replotting of the lots described in *TCT Nos. T-4773* and *T-2822*, the LRA found that there [was] no overlapping of boundaries with existing registered lands as previously mentioned in its *First* Report. Conformably with the foregoing, the LRA issued its *Second* Report after realizing that its previous findings were erroneous. The existence of the *Second* Report did not in any way impair the authenticity of [respondent's] duplicate cop[ies] of the subject TCTs, but in fact buttressed the same.<sup>21</sup>

Unfortunately, the reliance by the CA on the *Second* Report is erroneous. As will be explained subsequently, both LRA Reports have no probative value. The same holds true with respect to the certifications and other documents issued by the DENR and the RD. Besides, the RD certification is equivocal and cannot be relied upon as proof that the original TCT No. T-4773 and TCT No. T-2822 were destroyed when the office of the RD was burned in 1959. The RD certification simply states:

THIS IS TO CERTIFY THAT THE PROVINCIAL CAPITOL BUILDING IN CAVITE CITY WAS RAZED TO THE GROUND [O]N JUNE 7, 1959 HOUSING THE OFFICE OF THE REGISTER OF DEEDS.<sup>22</sup>

In *Republic v. Galeno*<sup>23</sup> (*Galeno*), the Court made these pronouncements on the nature of certifications issued by government officials, which have been adduced through a third person, and their probative value:

A scrutiny of the evidence marked and formally offered by respondent before the court *a quo* shows that the former failed to prove that there was sufficient basis to allow the correction of the area of the subject property in OCT No. 46417 from 20,948 square meters to 21,248 square meters.

Records reveal that respondent offered in evidence the following documents: (a) the Certification issued by a certain Althea C. Acevedo (Acevedo), Engineer IV, Chief of the Technical Services Section of the Office of the Regional Technical Director, Land Management Services of the DENR in Iloilo City, which states that "the true and correct area of [L]ot 2285, Cad. 246 Dingle Cadastre is 21,928 square meters;" (b) the technical description of Lot No. 2285, a copy of which was certified by Ameto Caballero (Caballero), Chief of the Surveys Division, while another copy was certified correct by Acevedo; and (c) the approved

<sup>21</sup> Id. at 46-47.

<sup>22</sup> Annex "H" to the Petition, id. at 64.

<sup>23</sup> G.R. No. 215009, January 23, 2017, 815 SCRA 191.

subdivision plan of Lot No. 2258, certified by Rogelio M. Santome (Santome), Geodetic Engineer; Alfredo Muyarsas (Muyarsas), Chief of the Regional Surveys Division, and Edgardo R. Gerobin (Gerobin), OIC, Regional Technical Director of the Land Management Services, DENR. On the strength of these pieces of evidence, respondent sought a reconciliation of the area of the subject property with the records of the DENR.

Unfortunately, the foregoing documentary evidence are not sufficient to warrant the correction prayed for. The Court cannot accord probative weight upon them in view of the fact that the public officers who issued the same did not testify in court to prove the facts stated therein.

In *Republic v. Medida*, the Court held that certifications of the Regional Technical Director, DENR cannot be considered *prima facie* evidence of the facts stated therein, holding that:

Public documents are defined under Section 19, Rule 132 of the Revised Rules on Evidence as follows:

(a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;

(b) Documents acknowledged before a notary public except last wills and testaments; and

(c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

Applying Section 24 of Rule 132, the record of public documents referred to in Section 19(a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy  
x x x.

Section 23, Rule 132 of the Revised Rules on Evidence provides:

“Sec. 23. *Public documents as evidence.*—Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts stated therein. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.”

The CENRO and Regional Technical Director, FMS-DENR, certifications [do] not fall within the class of public documents contemplated in the first sentence of Section 23 of Rule 132. The certifications do not reflect “entries in public records made in the performance of a duty by a public officer,” such as entries made by the





Civil Registrar in the books of registries, or by a ship captain in the ship's logbook. **The certifications are not the certified copies or authenticated reproductions of original official records in the legal custody of a government office. The certifications are not even records of public documents.** x x x (Emphases supplied)

As such, *sans* the testimonies of Acevedo, Caballero, and the other public officers who issued respondent's documentary evidence to confirm the veracity of [their] contents, the same are bereft of probative value and cannot, by their mere issuance, prove the facts stated therein. At best, they may be considered only as *prima facie* evidence of their due execution and date of issuance but do not constitute *prima facie* evidence of the facts stated therein.

In fact, the contents of the certifications are hearsay because respondent's sole witness and attorney-in-fact, Lea Galeno Barraca, was incompetent to testify on the veracity of their contents, as she did not prepare any of the certifications nor was she a public officer of the concerned government agencies. Notably, while it is true that the public prosecutor who represented petitioner interposed no objection to the admission of the foregoing evidence in the proceedings in the court below, it should be borne in mind that "hearsay evidence, whether objected to or not, has no probative value unless the proponent can show that the evidence falls within the exceptions to the hearsay evidence rule," which do not, however, obtain in this case. Verily, while respondent's documentary evidence may have been admitted due to the opposing party's lack of objection, it does not, however, mean that they should be accorded any probative weight. The Court has explained that:

The general rule is that hearsay evidence is not admissible. However, the lack of objection to hearsay testimony may result in its being admitted as evidence. But one should not be misled into thinking that such declarations are thereby impressed with probative value. Admissibility of evidence should not be equated with weight of evidence. Hearsay evidence whether objected to or not cannot be given credence for it has no probative value.

Besides, case law states that the "absence of opposition from government agencies is of no controlling significance because the State cannot be estopped by the omission, mistake or error of its officials or agents. Neither is the Republic barred from assailing the decision granting the petition for reconstitution [or correction of title, as in this case] if, on the basis of the law and the evidence on record, such petition has no merit." Moreover, "in civil cases, the party having the burden of proof must produce a preponderance of evidence thereon, with plaintiff having to rely on the strength of his own evidence and not upon the weakness of the defendant's."<sup>24</sup>

The Court held in *Galeno* that the respondent therein did not present any competent evidence to prove the true and correct area of the subject property therein to warrant a correction of said respondent's certificate of title, and it dismissed the petition filed by said respondent.

<sup>24</sup> Id. at 196-199. Citations omitted.



The above pronouncements of the Court in *Galeno* are equally applicable in the instant case. The *First* and *Second* Reports of the LRA as well as the certifications of the DENR and the RD do not fall within the class of public documents under Section 23, Rule 132 of the Rules since they do not reflect entries in public records made in the performance of a duty by a public officer, are not certified copies or authenticated reproductions of original official records in the legal custody of a government office, and are not even records of public documents. As such, without the testimonies of the public officers who issued respondent's documentary evidence or were the official custodians thereof to confirm the veracity of their contents or the existence of the original in their custody and those presented in court are faithful reproductions of the original, they are bereft of probative value and cannot, by their mere issuance, prove the facts stated therein.

In fact, the contents of the LRA Reports as well as the DENR and the RD certifications are hearsay because respondent's sole witness and attorney-in-fact, Esmeraldo, was incompetent to testify on the veracity of their contents, as he did not prepare any of the certifications or reports nor was he the public officer of the concerned government agencies, who was the custodian of the documents adverted to in the certifications and reports or who had personal knowledge of their contents.

While it is true that the public prosecutor who represented petitioner interposed no objection to the admission of the said documents in the proceedings before the RTC, hearsay evidence, whether objected to or not, has no probative value unless the proponent can show that the evidence falls within the accepted exceptions to the hearsay rule, which do not obtain in the instant case. While respondent's documentary evidence may have been admitted due to petitioner's lack of objection, it does not, however, mean that said documentary evidence should be accorded any probative weight. Besides, as reiterated by the Court in *Galeno*, the State cannot be estopped by the omission, mistake or error of its officials or agents, especially when the decision granting the petition for reconstitution has no merit on the basis of the law and the evidence on record. Moreover, in reconstitution of title cases, the party having the burden of proof must produce clear and convincing evidence.<sup>25</sup>

Since the pieces of documentary evidence, which purportedly emanated from the LRA, DENR and RD, have no probative value, being hearsay, there is no competent evidence to support respondent's petition for reconstitution. Therefore, his petition should be dismissed.

The Court has stressed in *Republic v. Sanchez*<sup>26</sup> (*Sanchez*) that the LRA report is an indispensable requirement in the reconstitution of lost or

<sup>25</sup> *Republic v. Galeno*, supra note 23, at 199.

<sup>26</sup> G.R. No. 146081, July 17, 2006, 495 SCRA 248.



destroyed certificates of title pursuant to LRA Circular No. 35 and the Court's Administrative Circular No. 7-96, viz.:

Contrary to the Court of Appeals' finding, the Second Report is not a "collateral attack" on TCT No. 252708. Circular No. 35 requires the submission of an LRA Report in all proceedings to judicially reconstitute lost or destroyed Torrens certificates of title.<sup>27</sup> Indeed, to "x x x prevent duplication of titles, x x x and [the] irregular reconstitution of lost or destroyed land certificates of title based on unauthorized sources," this Court issued Administrative Circular No. 7-96 ("Circular 7-96") on 15 July 1996 reminding trial court judges and clerks of courts "under pain of disciplinary sanctions, x x x to comply strictly" with, among others, Circular No. 35. Trial courts hearing reconstitution petitions under RA 26 are thus duty-bound to take into account the LRA's Report. When the trial court considered the authentic Second Report in issuing the 17 July 1998 Resolution, it merely complied with Circular 7-96.

True, petitioner submitted the Second Report after the period to appeal, or seek relief against, the 28 October 1996 Order had lapsed. However, this is no bar for the trial court to consider the Second Report. Petitioner was not at fault when it did not submit its Report before the trial court resolved LRC Case No. Q-96-8296. Petitioner explained that respondents failed to submit the documents petitioner had requested in its letter of 6 August 1996. But more than this, courts have inherent power to correct fatal infirmities in its proceedings, especially if, as here, the flaw

<sup>27</sup> Citing Circular 35 which pertinently provides:

3. Within five (5) days from receipt of the petition, the Clerk of Court shall forward to this Commission a signed copy of the petition together with the necessary requirements as prescribed in Secs. 4 and 5 hereof;

x x x x

8. Upon receipt of the petition, the Records Section of this Commission shall, after the same is recorded in a separate book used exclusively for reconstitution cases, forward all the papers to the Clerks of Court Division for processing. If the Chief, Clerks of Court Division, finds that the requirements as called for by these guidelines have not been complied with, or that the plan and technical description as submitted by the petitioner are deficient or defective, the Court shall be immediately informed thereof so that action on the petition may be held in abeyance until after the requirements shall have been complied with.

9. Thereafter, the Chief, Clerks of Court Division, shall forward the entire records of the case, properly foldered, to the Head Geodetic Engineer of the Division of Original Registration for examination and verification.

10. After the processing and approval of the plan and technical description pursuant to Administrative Order No. 13, dated July 7, 1969 and the verification and examination of the documents to be used as the source of the reconstitution shall have been accomplished, the Head Geodetic Engineer shall return the entire records of the case, together with his written comments and/or findings, to the Chief, Clerks of Court Division, for the preparation of the corresponding report.

11. All papers, together with the Report, shall be forwarded to the Chief, Docket Division, the Commission, who shall transmit the same to the proper Regional Trial Court, thru the Records Section.

12. The Register of Deeds, upon receipt of a copy of the petition and notice of hearing, shall verify the status of the title—whether valid and subsisting at the time of the alleged loss; whether or not another title exists in the said office covering the same property; and as to the existence of transactions registered or pending registration which may be adversely affected thereby. He shall submit his written findings to the Court on or before the date of initial hearing of the petition.

13. The Court, after considering the report of the Land Registration Commission and [the] comments and findings of the Register of Deeds concerned, as well as the documentary and parol evidence presented by the petitioner, may take such action on the petition as it may deem proper.

was intentionally brought about by a party who employed deceit in misleading the trial court.<sup>28</sup> To hold otherwise would render courts helpless in maintaining the integrity of its proceedings and correspondingly embolden parties to make a mockery of judicial rules. The trial court merely exercised such inherent power in the higher interest of justice.<sup>29</sup>

Since the *First* and *Second* Reports of the LRA have no probative value, the dismissal of the petition for reconstitution is in order for the failure of the RTC to comply with the directive to require the LRA to submit its report and to require the attendance of the responsible LRA official, under pain of contempt, to authenticate and testify on the report, especially in this case where there is apparent conflict between the Reports submitted by the LRA. As observed by the Court in the aforequoted *Sanchez*, the trial court has the inherent power to control its process and orders so as to make them conformable to law and justice,<sup>30</sup> and such inherent power of control is enforceable by its power of contempt.

Also, LRA Circular No. 35 requires that the RD shall submit “written findings” of the status of the title sought to be reconstituted. Again, in *Sanchez*, the Court stated that a mere certification that the original TCT was among those destroyed in a particular fire is insufficient, *viz.*:

x x x Paragraph 12 of Circular No. 35 requires that the Register of Deeds shall submit “written findings” on the status of the title sought to be reconstituted. No such “written findings” exist in the records of this case. What respondents submitted was a Certification dated 14 December 1994 that the original of TCT No. 252708 was among those destroyed in the 1988 fire. This falls short of what paragraph 12 of Circular 35 requires.<sup>31</sup>

Thus, the RD Certification: “THE PROVINCIAL CAPITOL BUILDING IN CAVITE CITY WAS RAZED TO THE GROUND [O]N JUNE 7, 1959 HOUSING THE OFFICE OF THE REGISTER OF DEEDS”<sup>32</sup> clearly falls short of the LRA Circular No. 35 requirement. This is further ground to dismiss respondent’s petition for reconstitution.

Moreover, the Court is convinced that the existence of the conflicting *First* and *Second* Reports of the LRA, assuming them to be authentic and

<sup>28</sup> Citing Section 5(g), Rule 135 of the Rules of Court which provides: “*Inherent powers of courts.* — Every court shall have power: x x x (g) To x x x control its process and orders so as to make them conformable to law and justice[.]” We further explained in *Santiago v. Vasquez* (G.R. Nos. 99289-90, 27 January 1993, 217 SCRA 633, 648): “Courts possess certain inherent powers which may be said to be implied from a general grant of jurisdiction, in addition to those expressly conferred on them. **These inherent powers are such powers as are necessary for the ordinary and efficient exercise of jurisdiction; or essential to the existence, dignity and functions of the courts, as well as to the due administration of justice;** or are directly appropriate, convenient and suitable to the execution of their granted powers; and include the power to maintain the court’s jurisdiction and render it effective in behalf of the litigants.” (Emphasis supplied; internal citations omitted)

<sup>29</sup> *Republic v. Sanchez*, supra note 26, at 267-269.

<sup>30</sup> *Id.* at 269.

<sup>31</sup> *Id.* at 270.

<sup>32</sup> *Rollo*, p. 64. Annex “H” to the Petition.

with probative value, is sufficient proof that respondent has not adduced clear and convincing evidence to sustain his petition for reconstitution. The *First Report*, if its contents are to be believed, cast serious doubt on the authenticity of respondent's owner's duplicate TCTs, to wit:

2. Examination and verification of the photocopies of TCT Nos. T-4773 and T-2822 reveal the following observations/findings[,] to wit:

2.1 It appears on both titles that the same were issued under LRC Record No. 53673 pursuant to Decree No. 754698 in the Registry of Deeds of Cavite. Verification of our records, however, reveals that LRC Record No. 53673 was issued Decree No. **717402** for a parcel of land situated in **Batangas City**.

2.2 Lots 1131 and 1132 Cad. 285 of Carmona, Cavite were embraced in Cad. Case 12, Cad. Rec. No. 2166, however, no Cadastral Book is on file at the Cadastral Decree Section, this Authority. Both lots when plotted on MIS G321 appear to be equivalent of Lots 1 & 2, respectively, of Plan Psu-108561, GLRO Rec. No. 14623[.]

3. From the foregoing, it appears that both titles did not exist in the Registry of Deeds of Cavite, because the information contained therein are not in accordance with our records.<sup>33</sup>

The *First Report* plainly indicates that, upon verification of the LRA records, Decree No. 717402, not Decree No. 754698 (the one appearing on the purported owner's duplicate TCTs in Fel's name), was issued in LRC Record No. 53673, and said Decree covered a parcel of land situated in Batangas City, not Cavite. Since said Decree covered land located in Batangas City, the *First Report* concluded that the purported two TCTs in Fel's name, which are the subject of the reconstitution petition, could not have existed in the RD.

The plain text of the *First Report* of the LRA already puts in serious doubt the veracity and authenticity of Fel's purported TCTs. And such doubt has not been erased by the issuance of the *Second Report* because the latter was silent on the questionable Decree from which the purported TCTs of Fel emanated or originated.

The *Second Report* did not correct the *First Report* as erroneously found by the CA.<sup>34</sup> The *Second Report*, on the assumption that it has probative value and its contents are true, made the following purported findings:

The technical descriptions of Lots 1131 & 1132, both of the Cadastral Survey of Carmona, Cad. 285, situated in the Municipality of Carmona, Province of Cavite, appearing on the reproductions of owner's duplicates of Transfer Certificate[s] of Title Nos. T-4773 and T-2822 were

<sup>33</sup> *Rollo*, p. 36. Annex "A" to the Petition.

<sup>34</sup> The CA Decision states: "Conformably with the foregoing, the LRA issued its *Second Report* after realizing that its previous findings were erroneous." *Id.* at 46-47.



found correct after examination and due computation. Said technical descriptions when plotted on Municipal Index Sheet No. G321, do not appear to overlap previously plotted/decreed properties in the aforesaid area.<sup>35</sup>

The foregoing is even consistent with 2.2 of the *First* Report, although the pertinent Cadastral Book was not on file in the LRA's Cadastral Decree Section, to wit:

2.2. Lots 1131 and 1132 Cad. 285 of Carmona, Cavite were embraced in Cad. Case 12, Cad. Rec. No. 2166, however, no Cadastral Book is on file at the Cadastral Decree Section, this Authority. Both lots when plotted on MIS G321 appear to be equivalent of Lots 1 & 2, respectively, of Plan Psu-108561, GLRO Rec. No. 14623[.]<sup>36</sup>

The *Second* Report did not confirm the existence of the certificates of title sought to be reconstituted but merely attested to the correctness of the technical descriptions stated therein and when plotted on said municipal index sheet, the technical descriptions did not appear to overlap previously plotted or decreed properties in the area. Such technical descriptions may subsequently be used as basis for the inscription of the technical descriptions in the reconstituted titles, but they do not prove the prior valid existence of respondent's TCTs. This is consistent with the observation made by the Court in *Republic v. Tuastumban*,<sup>37</sup> to wit:

x x x The Blue Print of Advance Plan and Technical Description of Lot No. 7129 also do not prove the prior valid existence of the certificate of title as they are mere descriptions of Lot 7129. The LRA report also does not confirm the existence of the certificate of title but merely attests to the correctness of the plan and technical description which may subsequently be used as basis for the inscription of the technical description in the reconstituted title. x x x<sup>38</sup>

Thus, the conclusion of the CA — “The existence of the *Second* Report did not in any way impair the authenticity of [respondent's] duplicate cop[ies] of the subject TCTs, but in fact buttressed the same”<sup>39</sup> — proceeds from a misapprehension of the contents thereof, assuming them to be correct.

Since the *Second* Report merely deals with the correctness of the technical descriptions reflected in respondent's duplicate TCTs, the findings of the LRA in the *First* Report that: (1) the inscription in both titles that they were issued under LRC Record No. 53673 pursuant to Decree No. 754698 in the RD does not correspond to the records of the LRA because, upon verification of its records, LRC Record No. 53673 was issued Decree No.

<sup>35</sup> *Rollo*, p. 38. Annex “B” to the Petition.

<sup>36</sup> *Id.* at 36.

<sup>37</sup> G.R. No. 173210, April 24, 2009, 568 SCRA 600.

<sup>38</sup> *Id.* at 616-617.

<sup>39</sup> *Rollo*, p. 47.

717402 for a parcel of land situated in Batangas City; and (2) both titles did not exist in the RD because the information contained therein are not in accordance with the records of the LRA, remain unrebutted by the *Second Report*.

Given this apparent conflict in the LRA Reports, it behooved the RTC to require an explanation from the responsible LRA official and to totally discard them in the absence of such explanation or in case that it was not satisfied therewith.

Since the *First Report* of the LRA, assuming the same to be authentic and with probative value, puts in serious doubt the authenticity of respondent's owner's duplicate TCTs, the OSG correctly pointed out that the petition for reconstitution falls under Section 3(f) and not Section 3(a) of Republic Act (RA) No. 26,<sup>40</sup> and non-compliance with the requirements under Section 13 in relation to Section 12 of RA No. 26 for the petition for reconstitution under Section 3(f) ousted the RTC of its jurisdiction over the case, thereby rendering the latter's Decision a nullity.<sup>41</sup>

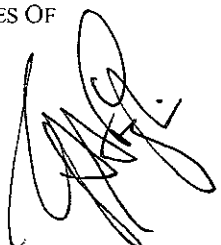
RA No. 26 is the law governing the reconstitution of lost or destroyed Torrens certificates of title. Section 3 of RA No. 26 provides:

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.

<sup>40</sup> AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED, September 25, 1946.

<sup>41</sup> *Rollo*, pp. 25-29.



The general jurisdictional requirements are provided in Section 9 of RA No. 26, to wit:

SECTION 9. A registered owner desiring to have his reconstituted certificate of title freed from the encumbrance mentioned in section seven of this Act, may file a petition to that end with the proper Court of First Instance, giving his reason or reasons therefor. A similar petition may, likewise, be filed by a mortgagee, lessees or other lien holder whose interest is annotated in the reconstituted certificate of title. Thereupon, the court shall cause a notice of the petition 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 lies, at least thirty days prior to the date of hearing, and after hearing, shall determine the petition and render such judgment as justice and equity may require. The notice shall specify, among other things, the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have. The petitioner shall, at the hearing, submit proof of the publication and posting of the notice: *Provided, however*, That after the expiration of two years from the date of the reconstitution of a certificate of title, if no petition has been filed within that period under the preceding section, the court shall, on motion *ex parte* by the registered owner or other person having registered interest in the reconstituted certificate of title, order the register of deeds to cancel, proper annotation, the [e]ncumbrance mentioned in section seven hereof.

For petitions for TCT reconstitution under Section 3(a) and/or Section 3(b), Section 10 of RA No. 26 must be also observed, to wit:

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

For petitions for TCT reconstitution based on Section 3(c), 3(d), 3(e) and/or 3(f), Sections 12 and 13 of RA No. 26, which are also jurisdictional requirements, provide:

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 buildings 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 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 be 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 be 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.

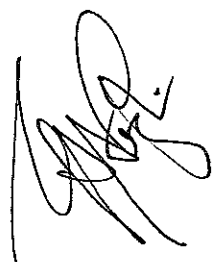
SECTION 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the *Official Gazette*, and to be posted on the main entrance of the provincial building and of the municipal building of the 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.

Given the different legal requirements depending upon the source of the TCT reconstitution, the Court observed in *Republic v. Susi*:<sup>42</sup>

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. The purpose of the 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.

RA 26 provides 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. Section 10 in relation to

<sup>42</sup> G.R. No. 213209, January 16, 2017, 814 SCRA 397.



Section 9 provides the procedure and requirements for sources falling under Sections 2(a), 2(b), 3(a), 3 (b), and 4(a). On the other hand, Sections 12 and 13 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). Thus, before the court can properly act, assume, and acquire jurisdiction or authority over the petition and grant the reconstitution prayed for, petitioner must observe the above procedures and requirements prescribed by the law.

In numerous cases, the Court has held that the 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. The rationale underlying this rule concerns the nature of the conferment in the trial court of the authority to undertake reconstitution proceedings. In all cases where the authority to proceed is conferred by a statute and the manner of obtaining jurisdiction is mandatory, the same must be strictly complied with, or the proceedings will be utterly void. As such, the court upon which the reconstitution petition is filed is duty-bound to examine thoroughly the same, and review the record and the legal provisions laying down the germane jurisdictional requirements.

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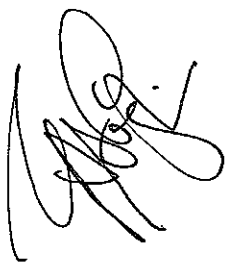
**In cases where the LRA challenges the authenticity of the applicant's purported owner's duplicate certificate of title, the reconstitution petition should be treated as falling under Section 3(f) of RA 26, and the trial court should require compliance with the requisites under Sections 12 and 13 of RA 26.**

In particular, the reconstitution petition and the published and posted notice of hearing in compliance with the October 13, 2005 Order failed to show that notices were sent to the other occupants, possessors, and persons who may have an interest in, or who have buildings or improvements on the land covered by the certificate of title sought to be reconstituted, as well as the owners of adjoining properties.

Jurisprudence is replete with cases underscoring the indispensability of **actual and personal notice of the date of hearing of the reconstitution petition to actual owners and possessors of the land involved in order to vest the trial court with jurisdiction** thereon. If no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void.

Thus, in light of the LRA's report of the subsistence of other certificates of title over the subject land, it behooved the RTC to notify the registered land owners of the reconstitution proceedings, in observance of diligence and prudence; however, it failed to act accordingly. But more than this, courts have the inherent power to correct fatal infirmities in its proceedings in order to maintain the integrity thereof.

In view of the failure to comply with the requirements of Sections 12 and 13 of RA 26, particularly, on the service of notices of hearing on the registered owners and/or actual possessors of the land subject of the reconstitution case, the RTC, did not acquire jurisdiction over the case, and all proceedings held thereon are null and void. That being said, the



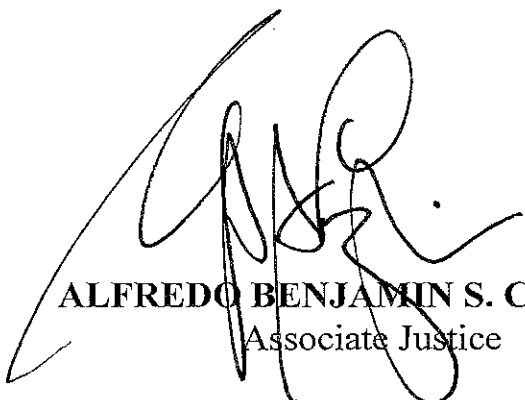
Court finds it unnecessary to delve on the other matters raised in the petition.<sup>43</sup> (Emphasis in the original)

Consequently, if the conflicting LRA Reports are accorded any probative value and given that the *First* Report challenges the authenticity of respondent's purported owner's duplicate TCTs, the reconstitution petition should have been treated as one falling under Section 3(f) of RA No. 26 and the RTC should have required respondent to comply with the requisites under Sections 12 and 13 of RA No. 26. Since respondent did not comply therewith, the petition for reconstitution should be dismissed for lack of jurisdiction.

As a final note, the Court is perplexed why it was only in March 2014 that the petition for reconstitution was filed by respondent. Based on the copies of the TCTs sought to be reconstituted, they were supposedly issued on August 1, 1952<sup>44</sup> and June 11, 1956<sup>45</sup> when Fel was still single. The fire which razed the RD happened in 1959. Fel allegedly died on June 25, 1997, but apparently no petition for reconstitution was filed by him. From 1959 when the purported destruction by fire of the purported original TCTs, it took respondent around 55 years to file the reconstitution petition. The Court expects a credible explanation from respondent.

**WHEREFORE**, the Petition is **GRANTED**. The assailed Decision dated December 7, 2017 and the Resolution dated September 5, 2018 rendered by the Court of Appeals in CA-G.R. CV No. 107267 are hereby **REVERSED** and **SET ASIDE**. Avelino M. Manansala's petition for reconstitution of the original Transfer Certificates of Title Nos. T-4773 and T-2822 of the Registry of Deeds for the Province of Cavite under the name of Fel M. Manansala in LRC Case No. 8843-2014-29 before the Regional Trial Court of Bacoor City, Branch 19 is **DISMISSED**.

**SO ORDERED.**



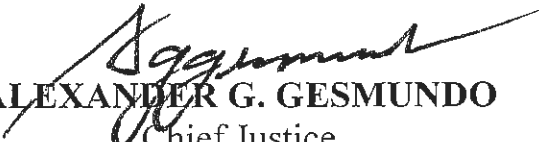
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

<sup>43</sup> Id. at 407-413. Citations omitted.

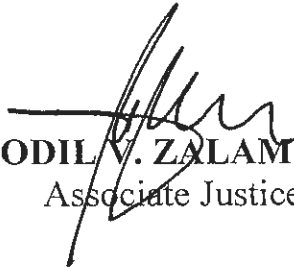
<sup>44</sup> *Rollo*, p. 66. Annex "J" to the Petition.


<sup>45</sup> Id. at 65. Annex "I" to the Petition.

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
 Chief Justice  
 Chairperson

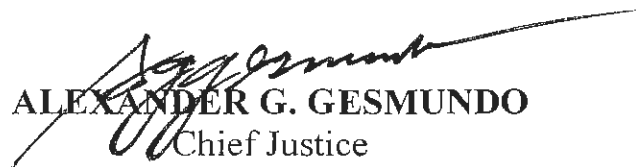
  
**ROSEMARIE D. CARANDANG**  
 Associate Justice

  
**RODIL V. ZALAMEDA**  
 Associate Justice

  
**SAMUEL H. GAERLAN**  
 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

**CERTIFIED TRUE COPY**

  
**LIBRADA C. BUENA**  
 Division Clerk of Court  
 First Division  
 Supreme Court

