



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,
Petitioner,

G.R. No. 198543

Present:

- versus -

CARPIO, *Chairperson,*
DEL CASTILLO,
PEREZ, *
MENDOZA, *and*
LEONEN, *JJ.*

CESAR C. PASICOLAN AND
GREGORIO C. PASICOLAN,
Respondents.

Promulgated:
15 APR 2015

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DECISION

DEL CASTILLO, *J.:*

Time and again, trial courts are reminded of their duty to carefully scrutinize the records of the case in determining compliance with the requirements concerning Petitions for Reconstitution of a lost or destroyed Original Certificate of Title (OCT). Extra precaution must be taken “lest they become unwitting accomplices in the reconstitution of questionable titles instead of being instruments in promoting the stability of our land registration system.”¹

This Petition for Review on *Certiorari*² seeks to reverse the September 6, 2011 Decision³ of the Court of Appeals (CA) in CA-G.R. CV No. 84120. The CA’s assailed Decision affirmed the October 8, 2004 Decision⁴ of the Regional Trial Court (RTC), Branch 3, Tuguegarao City, Cagayan which, in turn, granted respondents’ Petition for Reconstitution of OCT No. 8450. *Moull*

* Per Special Order No. 1977 dated April 15, 2015.

¹ *Republic v. Heirs of Julio Ramos*, 627 Phil. 123; 128 (2010).

² *Rollo*, pp. 19-48.

³ *CA rollo*, pp. 77-84; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Hakim S. Abdulwahid and Ricardo R. Rosario.

⁴ *Records*, pp. 52-55; penned by Judge Designate Orlando D. Beltran.

Factual Antecedents

Respondents Cesar C. Pasicolan (Cesar) and Gregorio C. Pasicolan (Gregorio) filed a Petition for Reconstitution⁵ of OCT No. 8450 in the name of Pedro Callueng (Pedro) before the RTC of Tuguegarao City. Respondents claimed to be the legal and forced heirs of the late Pedro.

In support of their Petition for Reconstitution, respondents submitted the following evidence:

Exhibit	Description
A	Decree No. 339880
B	Technical Description
C	Sepia Film Plan
D	Certification issued by the Registry of Deeds
E	Certification issued by the Land Registration Authority, Quezon City
F	Report issued by the Land Registration Authority
G	Certificate of Publication issued by the National Printing Office
H	Official Gazette Vol. 99 No. 39
I	Official Gazette Vol. 99 No. 40
J	Certification issued by the City Secretary, Tuguegarao City
K	Certification issued by the Sangguniang Panlalawigan
L	Notice of Appearance of the Solicitor General
M	Declaration of Real Property dated August 28, 1935
N	Declaration of Real Property dated October 24, 1947
O	Official Receipt No. 4854586
P	Official Receipt No. 6096680
Q	Official Receipt No. 34107

Ruling of the Regional Trial Court

The RTC granted the Petition in a Decision⁶ dated October 8, 2004, disposing thus:

WHEREFORE, finding this petition to be sufficient in form and substance and pursuant to the report of the LRA[,] this petition is hereby granted. The Register of Deeds of the Province of Cagayan is hereby directed to reconstitute the original copy of Original Certificate of Title No. 8450 in the name of Pedro Callueng in exactly the same words and figures as the destroyed original copy based on the certified copy of the Decree upon payment of the petitioners of the lawful fees and charges, subject to the encumbrances mentioned in Decree No. 339880 in the absence of evidence showing that the same has already been cancelled, and provided that no certificate of title covering the same parcel of land exists in the office of the Register of Deeds of Cagayan.

⁵ Records, pp. 1-13.

⁶ Id. at 52-55.

Furnish copies of this Decision to the petitioners, the Register of Deeds of the Province of Cagayan, the Land Registration Authority, Quezon City, the Office of the Provincial Prosecutor and the Solicitor General.

The Register of Deeds of the Province of Cagayan is hereby directed to issue a new owner's duplicate copy of Original Certificate of Title No. 8450 in the name of Pedro Callueng in lieu of the lost/destroyed one upon payment of the lawful fees and charges.

SO ORDERED.⁷

Believing that the RTC erred in granting the Petition for Reconstitution, petitioner Republic of the Philippines (petitioner), through the Office of the Solicitor General (OSG), appealed to the CA ascribing upon the court *a quo* the following error:

THE TRIAL COURT ERRED IN NOT FINDING THAT [RESPONDENTS] FAILED TO PRESENT COMPETENT EVIDENCE TO SHOW THAT THE ALLEGED LOST CERTIFICATE OF TITLE WAS VALID AND SUBSISTING AT THE TIME OF ITS ALLEGED LOSS AND THAT A MERE COPY OF DECREE NO. 339880 IS NOT A SUFFICIENT BASIS FOR RECONSTITUTING ORIGINAL CERTIFICATE OF TITLE NO. 8450.⁸

Ruling of the Court of Appeals

After both parties filed their respective Briefs, the CA rendered the assailed Decision dismissing the appeal. It gave credence to the pieces of documentary evidence presented by the respondents and the report of the LRA which provides in part and quoted by the CA as follows:

2. From Book No. 52 of the 'Record Book of Cadastral Lots' on file at the Cadastral Decree Section, this Authority, it appears that Decree No. 339880 was issued for Lot 1921, Tuguegarao Cadastre on September 12, 1928, in Cadastral Case No. 4, GLRO Cad. Record No. 415. However, copy of said decree is no longer available in this Authority;⁹

It thus ratiocinated as follows:

We find no reason not to give the LRA's determination full faith and credit. The OSG ought to remember that: the LRA exists for the sole purpose of implementing and protecting the Torrens system of land titling and registration; it is the **central repository of all land records involving registered or titled lands; it keeps the title history** or records of transaction involving titled or registered lands x x x and; it is specifically called upon to extend assistance to

⁷ Id. at 55.

⁸ CA *rollo*, p. 23.

⁹ Id. at 81-82; citations omitted, underscoring in the original.

courts in ordinary and cadastral land registration proceedings. x x x

Moreover, We constantly adhere to the established rule that ‘factual findings of administrative officials and agencies that have acquired expertise in the performance of their official duties and the exercise of their primary jurisdiction are generally accorded not only respect but, at times, even finality if such findings are supported by substantial evidence. x x x

What made the case stronger for the appellees was the lower court’s granting of the prayer for the reconstitution and issuance of certificates of title. After a thorough examination of the presented evidence and testimony, pursuant as well on the report made by the LRA, the lower court concluded that the **petition was sufficient in substance.**

Findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise [a]ffect the results of the case, **those findings should not be ignored.** In this case, We give great weight on the lower court’s findings of fact as the latter was in a better position to examine the real evidence, and observed whether the witness was telling the truth or not. x x x

Upon the foregoing, We are persuaded to believe and so hold that sufficient basis thus exists to allow the reconstitution and issuance of certificates of title in favor of the appellees. For failure of the OSG to prove otherwise, the Court has no recourse but to deny its appeal.¹⁰

Hence, this Petition.

Issue

The OSG interposed the present recourse anchored on the ground that:

THE COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL COURT’S FINDING THAT RECONSTITUTION IS JUSTIFIED ON THE BASIS OF A COPY OF AN UNAUTHENTICATED DECREE AND THE EVIDENCE ON RECORD.¹¹

The OSG’s Arguments

The OSG contends that the CA erred in affirming the Decision of the trial court granting respondents’ Petition for Reconstitution considering that “the decree which [the LRA] certified as a true copy did not previously form part of its records.” In refuting the lower court’s finding of authenticity of the decree of registration, the OSG argues, thus:

¹⁰ Id. at 82-83; citations omitted, emphases and underscoring in the original.

¹¹ *Rollo*, p. 27.

x x x The machine copy of the decree that was attached to the petition for reconstitution itself became the source of a document that was forwarded to the LRA, which document was, in turn, made the basis of a decree that was released by LRA as a certified true copy of its records. Indeed, there is no authentic decree to speak of in the instant case. At best, the certification made by LRA on the decree submitted as Exhibit A merely proves the subsequent appearance thereof in the records of the LRA. But it can never serve to prove its authenticity for purposes of reconstitution under Section 2 (d) of Republic Act No. 26.¹²

The OSG also insists that respondents failed to present competent proof of the loss of OCT No. 8450. It maintains that the non-execution of an affidavit of loss before the Register of Deeds in accordance with Section 12¹³ of Republic Act No. 26 (RA 26),¹⁴ as well as the absence of any “testimony on record setting forth the circumstances that led to such loss”¹⁵ cast doubt on respondents’ claim that the owner’s duplicate of OCT No. 8450 is indeed lost.

Respondents’ Arguments

For their part, respondents assert that petitioner never questioned the recommendation of the LRA, “especially that portion of the report that the Honorable Court may use the authenticated decree as a source of the desired reconstitution.”¹⁶ This thus renders the OSG’s objection to the same as “already late in the day.”¹⁷

¹² Id. at 31.

¹³ **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) of 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property. Emphasis supplied.

¹⁴ AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED.

¹⁵ *Rollo*, p. 35.

¹⁶ Id. at 150.

¹⁷ Id.

Our Ruling

The Petition is meritorious.

The absence of opposition from the government does not bar it from assailing the decision granting the Petition for Reconstitution.

Before we delve into the merits of the Petition, it would be best to address respondents' argument that "no person came forward to contest the reconstitution of the subject title even after the requirements of posting and publication have been complied with," in light with our ruling in *Macawadib v. Philippine National Police Directorate for Personnel and Records Management*,¹⁸ thus:

On the question of whether or not respondent is estopped from assailing the decision of the RTC for failure of the OSG, as government representative, to participate in the proceedings before the trial court or to file an opposition to petitioner's petition for correction of entries in his service records, this Court rules that such an apparent oversight has no bearing on the validity of the appeal which the petitioner filed before the CA. Neither can the State, as represented by the government, be considered in estoppel due to the petitioner's seeming acquiescence to the judgment of the RTC when it initially made corrections to some of petitioner's records with the PNP. **This Court has reiterated time and again 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. Nor is the Republic barred from assailing the decision granting the petition for correction of entries if, on the basis of the law and the evidence on record, such petition has no merit.**¹⁹

That having been said, we now discuss the merits of this Petition.

The instant Petition falls under the exceptions to the general rule that factual findings of the appellate court are binding on this Court.

"Ordinarily, this Court will not review, much less reverse, the factual findings of the CA, especially where such findings coincide with those of the trial court. The findings of facts of the CA are, as a general rule, conclusive and

¹⁸ G.R. No. 186610, July 29, 2013, 702 SCRA 496.

¹⁹ Id. at 505; Citations omitted, emphasis supplied.

binding upon this Court, since this Court is not a trier of facts and does not routinely undertake the re-examination of the evidence presented by the contending parties during the trial of the case.”²⁰

“The above rule, however, is subject to a number of exceptions, such as (1) when the inference made is manifestly mistaken, absurd or impossible; (2) when there is grave abuse of discretion; (3) when the finding is grounded entirely on speculations, surmises, or conjectures; (4) when the judgment of the CA is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the CA, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both parties; (7) when the findings of the CA are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the CA manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion; and (10) when the findings of fact of the CA are premised on the absence of evidence and are contradicted by the evidence on record.”²¹

This case falls under the ninth exception; hence, we opt to take cognizance of the question brought to us by the OSG.

Respondents failed to present a competent source of reconstitution.

Section 2 of RA 26 enumerates the sources from which reconstitution of lost or destroyed original certificates of title may be based:

SEC. 2. Original certificates of title shall be reconstituted from (such of) the sources hereunder enumerated as may be available in the following order:

- (a) The owner’s duplicate of the certificate of title;
- (b) The co-owner’s, mortgagee’s, or lessee’s duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;
- (e) A document, on file in the registry of deeds by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and

²⁰ *Republic v. Heirs of Julio Ramos*, supra note 1 at 133. Citations omitted.

²¹ *Id.* at 133-134.

(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.

Respondents predicate their Petition for Reconstitution on a decree of registration under Section 2(d) of RA 26. As both the original and the owner's duplicate of OCT No. 8450 are lost or destroyed, it is only proper, no doubt, that we scrutinize the authenticity of Decree No. 339880.

A review of the records of this case shows that the CA did not directly address the issue of the decree's authenticity. In fact, it merely stated that the pieces of evidence presented before the trial court "were further sustained by the unmistakable and reliable findings of the Land Registration Authority (LRA)."²²

However, a cursory reading of the LRA's report would reveal that the LRA made an admission only as to the existence of Decree No. 339880. Then, it went on to state that "[h]owever, [a] copy of said decree is no longer available in this Authority."²³ The Court cannot therefore help but wonder how can a decree that is undisputedly unavailable with the LRA – the "central repository of all land records involving registered or titled lands [which] keeps the title history or records of transaction involving titled or registered lands."²⁴ – be suddenly presented before the trial court and accepted by it as authentic?

As if this was not disconcerting enough, what is more mind boggling would be the LRA's recommendation that "if the Honorable Court, after notice and hearing, finds justification pursuant to Section 15 of Republic Act No. 26 to grant the same, an authenticated copy of Decree No. 339880 may be used as a source of the desired reconstitution pursuant to Section 2(d) of said Act"²⁵ *despite its admission of the decree's absence in its records.*

Now, the underlying question is: *Where did respondents really secure Decree No. 339880 which they presented before the trial court?* As testified by Cesar, he was allegedly able to secure Decree No. 339880 from the LRA, to wit:

ATTY. AGUSTIN:

q When you discovered x x x the loss of said title[,] what did you do next?

a I tried to secure a copy of the Decree of this title, sir.

q Were you able to secure one?

a Yes, sir.

²² CA *rollo*, p. 81.

²³ Records, p. 40.

²⁴ CA Decision, citing Land Registration Authority, Department of Justice, http://www.lra.gov.ph/index.php?page=about_us_mission, CA *rollo*, p. 82.

²⁵ Records, pp. 40-41.

- q I am showing to you a copy of this Decree No. 339880 of lot 1921[,] will you please go over it and tell if this is the one?
- a **That is the same certified xerox copy I have taken from the Land Registration Authority[,] which was already marked as Exhibit A, Sir.**²⁶

Clearly, this contradicts the LRA's admission that a copy of the decree is no longer available on its file.

Further, on the strength of the claim that the decree came from the LRA, respondents argue that it need not be authenticated since it is in the nature of a public document.

While respondents may have raised a valid point, this Court, given the fact that the source of the subject decree is questionable, finds the necessity of applying the requirements for authenticating a private document to dispel or confirm any doubts on the decree's genuineness.

Section 20, Rule 132 of the Rules of Court states:

Section 20. Proof of private document. – Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

- (a) By anyone who saw the document executed or written; or
- (b) By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be.

Therefore, presentation of either the testimony of “anyone who saw the document executed or written” or of “evidence of the genuineness of the signature or handwriting of the maker” would have addressed the issue before the Court. However, none was presented. Instead, what is glaring from the decree itself is that it was not signed by the Chief of the General Land Registration Office (GLRO) – who, by law,²⁷ is tasked to issue decrees of registration. It only bears

²⁶ TSN, September 7, 2004, pp. 5-6; emphasis supplied.

²⁷ ACT NO. 2347, *An Act to Provide for the Reorganization of the Courts of First Instance and of the Court of Land Registration*. Chapter 2, Section 21 provides:

SEC. 21. **Of the decree.** - Immediately after final decision by the court directing the registration of any property, the clerk shall send a certified copy of such decision to the chief of the General Land Registration Office, who shall prepare the decree in accordance with section forty of Act Numbered four hundred and ninety-six, and he shall forward a certified copy of said decree to the register of deeds of the province or city in which the property is situated. The register shall then comply with the duties assigned to him in section forty-one of Act Numbered Four hundred and ninety-six.

the signature of the Deputy Chief of the GLRO who merely signed to certify that the document is a true copy. Even then, the genuineness of the said signature was not ascertained. Further, the decree is without the signature of the witness – Honorable Catalino Sevilla, the Judge of First Instance of Cagayan who supposedly ordered its issuance.²⁸ The lack of evidence of its authenticity, the above-mentioned flaws in the decree, the admission of the LRA that the said document is not available in their records and, the conflicting testimony of Cesar as to the source thereof, all cast serious doubts as to the genuineness of Decree No. 339880. In view of the same, respondents would then have to present evidence under Section 2(f) of RA 26, *i.e.*, any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the loss or destroyed OCT.

The next question, thus, is: *Do the pieces of evidence presented by respondents constitute “[a]ny other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title?”*²⁹

We find that they do not.

Respondents’ other documentary evidence such as the technical description, sepia film and tax declarations are not sufficient pieces of evidence to grant a Petition for Reconstitution under Section 2(f) of RA 26.

This Court finds that the other pieces of documentary evidence submitted by respondents do not warrant the reconstitution of their alleged lost title. The Court has pronounced in *Republic v. Heirs of Julio Ramos*,³⁰

Respondents predicate their Petition for Reconstitution on Section 2(f) of RA 26. And to avail of its benefits, respondents presented survey plan, technical description, Certification issued by the Land Registration Authority, Lot Data Computation, and tax declarations. Unfortunately, these pieces of documentary evidence are not similar to those mentioned in subparagraphs (a) to (e) of Section 2 of RA 26, which all pertain to documents issued or are on file with the Registry of Deeds. Hence, respondents’ documentary evidence cannot be considered to fall under subparagraph (f). Under the principle of *ejusdem generis*, where general words follow an enumeration of persons or things by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same kind or class as those specifically mentioned. Thus, in *Republic of the Philippines v. Santua*, we held that when Section 2(f) of RA 26 speaks of “any

²⁸ See Records, p. 49.

²⁹ REPUBLIC ACT NO. 26, Section 2(f).

³⁰ *Supra* note 1.

other document,” the same must refer to similar documents previously enumerated therein, that is, those mentioned in Sections 2(a), (b), (c), (d), and (e).

Also, the survey plan and technical description are not competent and sufficient sources of reconstitution when the petition is based on Section 2(f) of RA 26. They are mere additional documentary requirements. This is the clear import of the last sentence of Section 12, RA 26 earlier quoted. Thus, in *Lee v. Republic of the Philippines*, where the trial court ordered reconstitution on the basis of the survey plan and technical description, we declared the order of reconstitution void for want of factual support.³¹

Furthermore, the Certification³² issued by the LRA stating that Decree No. 339880 was issued for Lot No. 1921 would not serve to help respondents’ Petition for Reconstitution any better. Again, as we have already discussed in *Republic v. Heirs of Julio Ramos*,³³ a vague Certification by the LRA without stating the nature of the decree, as well as the claimant in such case cannot be considered as a sufficient and proper basis for reconstituting a lost or destroyed certificate of title.³⁴ To reiterate our ruling there, we quote:

Moreover, the Certification issued by the LRA stating that Decree No. 190622 was issued for Lot 54 means nothing. **The Land Registration Act expressly recognizes two classes of decrees in land registration proceedings, namely, (i) decrees dismissing the application and (ii) decrees of confirmation and registration. In the case at bench, we cannot ascertain from said Certification whether the decree alluded to by the respondents granted or denied Julio Ramos’ claim. Moreover, the LRA’s Certification did not state to whom Lot 54 was decreed. Thus, assuming that Decree No. 190622 is a decree of confirmation, it would be too presumptuous to further assume that the same was issued in the name and in favor of Julio Ramos.** Furthermore, said Certification did not indicate the number of the original certificate of title and the date said title was issued. In *Tahanan Development Corporation v. Court of Appeals*, we held that the absence of any document, private or official, mentioning the number of the certificate of title and date when the certificate of title was issued, does not warrant the granting of such petition.³⁵

Neither do the tax declarations submitted support respondents’ cause. As held in *Republic of the Philippines v. Santua*,³⁶ a tax declaration can only be *prima facie* evidence of claim of ownership, which, however, is not the issue in a reconstitution proceeding. A reconstitution of title does not pass upon the ownership of land covered by the lost or destroyed title but merely determines whether a re-issuance of such title is proper. Besides, the tax declaration submitted by respondents only serve to bolster the OSG’s claim that no such decree exists as to serve as basis of the alleged OCT of Pedro. This is considering that the tax declarations submitted cover only the years 1974 to 2000.³⁷ Notably,

³¹ Id. at 137-138; emphasis supplied, citations omitted.

³² Records, p. 62.

³³ Supra note 1.

³⁴ Id. 138-139.

³⁵ Id; emphasis supplied, citations omitted.

³⁶ 586 Phil. 291, 299 (2008).

³⁷ Records, p.11.

no tax declarations for the years 1928 to 1973 were presented. Needless to state, the submission of tax declarations for the year 1928 and the years immediately following could have supported respondents' allegation that Pedro was issued a decree in 1928 and eventually an OCT. However, no such documents were submitted. On the other hand, the tax declarations submitted pertaining to years 1974 to 2000 were paid only on March 30, 2000 or just shortly before the filing of the petition for reconstitution. One can only reasonably conclude that the same was made in anticipation of the filing of the petition.

We also share the OSG's observation that the non-submission of an affidavit of loss by the person who was allegedly in actual possession of OCT No. 8450 at the time of its loss casts doubt on respondents' claim that OCT No. 8450 once existed and subsequently got lost. Under Section 109³⁸ of Presidential Decree No. 1529,³⁹ the owner must file with the proper Registry of Deeds a notice of loss executed under oath. In this case, the presentation of such affidavit becomes even more important considering the doubtful testimony of Cesar that OCT No. 8450 was lost, viz:

- q Where is the owner's copy of this original certificate of title?
a It was lost, sir.
- q Will you please explain how that owner's copy of OCT No. 8450 was lost?
a The title was in our possession and later on it was lost in our possession.
- q What happened when you discovered the loss of said title?
a We exerted efforts to locate but we were not able to locate the same.⁴⁰

As can be gleaned from the above, Cesar's testimony was very vague. It utterly lacks details as to how the title got lost and fails to specify the efforts they supposedly undertook in searching for the title's whereabouts. Indeed, his testimony is highly suspect and cannot be given the expected probative weight. An affidavit of loss, in a way, could have helped explain the loss. But as

³⁸ Section 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.

³⁹ AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES.

⁴⁰ TSN, September 7, 2004, pp. 4-5.

mentioned, none was submitted.

At this point, it is imperative to remind trial courts that granting Petitions for Reconstitution is not a ministerial task. It involves diligent and circumspect evaluation of the authenticity and relevance of all the evidence presented, lest the chilling consequences of mistakenly issuing a reconstituted title when in fact the original is not truly lost or destroyed.

Here, the CA should have been more cautious in deliberating on the appeal taken by the OSG. It should not have hastily denied the same merely because of the LRA's report recommending the reconstitution of OCT No. 8450 and the trial court's approval of such recommendation. It should have taken note that the same report contains a crucial admission on the part of the LRA that the decree of registration which was the main evidence used for respondents' petition was not available in their records.

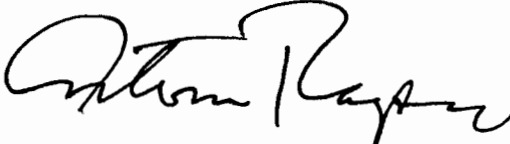
In fine, we are not convinced that respondents adduced competent evidence to warrant reconstitution of the allegedly lost OCT.


WHEREFORE, the instant Petition is **GRANTED**. The September 6, 2011 Decision of the Court of Appeals in CA-G.R. CV No. 84120 is **REVERSED and SET ASIDE** and a new one is entered **DISMISSING** respondents' Petition for Reconstitution.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V. F. LEONEN
Associate Justice

ATTESTATION

I attest 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.

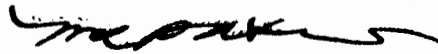


ANTONIO T. CARPIO
Associate Justice
Chairperson



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



MARIA LOURDES P. A. SERENO
Chief Justice

