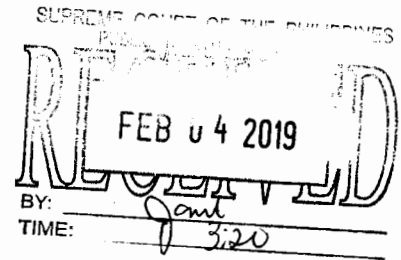




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



**VIRGILIA T. AQUINO,
NAZARIA T. AQUINO,
AVELINA A. RONQUILLO,
PATROCINIO T. AQUINO, and
RAMONCITO T. NEPOMUCENO,**
Petitioners,

G.R. No. 232060


Present:

**BERSAMIN, C.J.,
DEL CASTILLO,
JARDELEZA,
GISMUNDO, and
CARANDANG, JJ.**

- versus -

ESTATE OF TOMAS B. AGUIRRE,
Respondent.

Promulgated:
JAN 14 2019

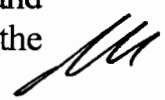
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DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*¹ assails the December 7, 2015 Decision² and May 15, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 136103, which respectively granted the herein respondent's Petition for Annulment of Judgment and thus nullified, reversed, and set aside the March 21, 2014 Order⁴ and all other orders of the Bacoor, Cavite Regional Trial Court (RTC), Branch 19 in LRC Case No. 8843-2009-59 and denied herein petitioners' Motion for Reconsideration.⁵

Factual Antecedents

In 2009, petitioners Virgilia Aquino, Nazaria Aquino, Avelina Ronquillo, Patrocinio Aquino, Manuela Aquino, Lucita Bamba, Ramoncito Nepomuceno, and Domingo Manimbao filed LRC Case No. 8843-2009-59 for reconstitution of the 

¹ *Rollo*, pp. 3-38.

² Id. at 103-118; penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Mario V. Lopez and Elihu A. Ybañez.

³ Id. at 39-46; penned by Associate Justice Mario V. Lopez and concurred in by Associate Justices Jane Aurora C. Lantion and Elihu A. Ybañez.

⁴ Id. at 61-63; penned by Presiding Judge Matias M. Garcia II.

⁵ Id. at 119-147.

lost Cavite Registry of Deeds copy of Transfer Certificate of Title (TCT) No. T-3269 registered in the name of their deceased parents.

On March 21, 2014, the RTC issued an Order, decreeing as follows:

x x x [I]t has been established that petitioners are the children of deceased Spouses Basilio A. Aquino and Ambrosia Tantay. The deceased spouses left a parcel of land located at Bacoor, Cavite, containing an area of Three Hundred Thousand Eight Hundred Twenty Four (300,824) square meters, covered by and embraced in Transfer Certificate of Title No. T-3269, as evidenced by the owner's duplicate copy of the title, which has been presented to the Branch Clerk of Court for comparison with the xerox copy submitted to the Land Registration Authority. The subject property has been declared for taxation purposes in the name of the Spouses Basilio [A. Aquino] and Ambrosia Tantay under Tax Declaration No. 238-0015-125611 and the realty tax thereto had been paid until the year 2014. Petitioners and their predecessors-in-interest have been in possession of the subject property since the year 1930's up to the present. That upon verification with the Office of the Registry of Deeds for the Province of Cavite, where the original copy of the said title is supposedly on file, the said title is allegedly not existing and does not form part of their records. However, a Report dated March 5, 2014 issued by the Land Registration Authority, states that:

'(2) The entire Imus Friar Land Estate of which Lot 5800 is a portion, appears in the records of this Office to have been applied for registration of title in LRC (CLR) Record No. 8843 for which Decree No. 101200 was issued on August 8, 1921.

(3) The technical description of Lot No. 5800 of the Imus Friar Land Estate, appearing on the reproduction of Transfer Certificate of Title No. T-3269 was found correct after examination and due computation. Said technical description when plotted on the Municipal Index Sheet Nos. 9421, 12834, 17787 and 11772, does not appear to overlap previously plotted/decreed properties in the area;'

The Government did not adduce any contrary evidence.

Considering the finding of the LRA that the technical description on TCT No. T-3269 was found correct and does not overlap with other properties in the area, the petition is granted.

WHEREFORE, premises considered, the Office of the Registry of Deeds for the Province of Cavite is hereby ordered to reconstitute the original copy of Transfer Certificate of Title No. T-3269, registered in the name of Basilio Aquino married to Ambrosia Tantay, using as basis the owner's duplicate copy of the title, upon payment of the corresponding legal fees.

SO ORDERED.⁶



⁶ Id. at 61-63.

On the claim that the property subject of the petition for reconstitution is covered by another existing title - TCT No. T-6874 - respondent Estate of Tomas B. Aguirre filed an Urgent Motion to Lift Order of General Default with Motion to Admit Attached Opposition,⁷ which the trial court denied in a May 22, 2014 Order.⁸ Respondent filed a Motion for Reconsideration.⁹

Ruling of the Court of Appeals

However, before the above motion for reconsideration of the RTC's May 22, 2014 Order could be resolved, respondent filed a Petition for Annulment of Judgment¹⁰ with prayer for injunctive relief before the CA.

On December 7, 2015, the CA issued the assailed Decision, decreeing as follows:

Petitioner¹¹ asserts that there was extrinsic fraud committed in obtaining the assailed trial court's order in the reconstitution proceedings because petitioner never had knowledge of the same or that petitioner was kept ignorant of the suit. Thus, petitioner [claims] it was deprived of its day in court to oppose the petition.

Petitioner contends that the trial court lacked jurisdiction over the subject matter of the case because private respondents¹² failed to state the jurisdictional facts in their petition as required under Republic Act No. 26.¹³

THIS COURT'S RULING

The issue to be resolved before us is whether or not the trial court's order directing the Office of the Register of Deeds of the Province of Cavite to reconstitute the original copy of Transfer Certificate of Title No. T-3269, registered in the name of Basilio Aquino married to Ambrocia Tantay, should be annulled.

We rule in the affirmative.

Under Rule 47, Section 1 of the Rules of Civil Procedure, a party may file an action with the Court of Appeals to annul judgments or final orders and resolutions of Regional Trial Courts in civil actions. This remedy is only available if 'the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.' Here, the remedies of new trial, appeal, petition for relief are not available to petitioner without its fault because it was not made a party to the reconstitution

⁷ Id. at 64-76.

⁸ Id. at 77-80.

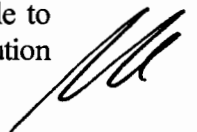
⁹ Id. at 81-83.

¹⁰ Id. at 84-100.

¹¹ Herein respondent.

¹² Herein petitioners.

¹³ An Act Providing a Special Procedure For The Reconstitution of Torrens Certificate of Title Lost or Destroyed.



proceedings. Thus, the only remedy left to petitioner in this case is a petition for annulment of judgment under Rule 47, which it, in fact, filed.

x x x x

Petitioner invoked both grounds of extrinsic fraud and lack of jurisdiction to support its petition.

x x x x

There are badges of fraud present in the case at bar which are committed by private respondents, such as: 1) they never made petitioner estate a party to the reconstitution proceedings; 2) they never mentioned that they were not in possession of the subject property; 3) they never divulged to the court that it was petitioner estate who is presently occupying and in open, exclusive and adverse possession of the subject property; and 4) they never stated that there are other persons claiming rights over the property subject of their reconstitution proceedings. All these tactics were employed by private respondents, not only to induce the trial court in approving their petition, but also to prevent petitioner from participating in the proceedings or opposing the petition. Here, petitioner estate was kept away from the reconstitution proceedings, was ignorant thereof, and had no knowledge of the suit until 7 April 2014. These circumstances warrant the granting of the petition.

We disagree with the contentions of private respondents that this petition is premature and that petitioner is guilty of forum shopping. Petitioner need not await the resolution of its motion for reconsideration because it is not a condition precedent in filing a petition for annulment. x x x

x x x The present petition for annulment is also based on lack of jurisdiction over the subject matter.

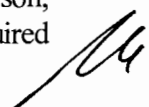
x x x x

The governing law for judicial reconstitution of title is R.A. No. 26. Section 15 thereof provides when an order for reconstitution shall issue, as follows:

x x x x

From the foregoing, the following must be present for an order for reconstitution to issue: (a) that the certificate of title had been lost or destroyed; (b) that the documents presented by petitioner are sufficient and proper to warrant the reconstitution of the lost or destroyed certificate of title; (c) that the petitioner is the registered owner of the property or had an interest therein; (d) that the certificate of title was in force at the time it was lost and destroyed; and (e) that the description, area and boundaries of the property are substantially the same as those contained in the lost or destroyed certificate of title.

In reconstitution proceedings, the Supreme Court has repeatedly ruled that before jurisdiction over the case can be validly acquired, it is a condition *sine qua non* that the certificate of title has not been issued to another person. If a certificate of title has not been lost but is in fact in the possession of another person, the reconstituted title is void and the court rendering the decision has not acquired



jurisdiction over the petition for issuance of new title. x x x The existence of a prior title *ipso facto* nullifies the reconstitution proceedings. The proper recourse is to assail directly in a proceeding before the regional trial court the validity of the Torrens title already issued to the other person.

In the case at bench, the RTC lacked jurisdiction to order the reconstitution of the original copy of TCT No. T-3269 registered in the name of Basilio Aquino, there being another certificate of title, TCT No. T-6874, covering the subject property in this case in the name of a different owner, registered in the name of Tomas Aguirre. This was indicated in the Register of Deeds' Manifestation dated 1 April 2014 which was filed before the trial court.

x x x Accordingly, the RTC never acquired jurisdiction over the same, and its judgment rendered thereafter is null and void, which may be attacked anytime.

Section 12 of R.A. No. 26 provides for the contents of the petition for reconstitution, while Section 13 provides for the statements which shall be indicated in the notice of the petition.

The petition of private respondents failed to state the following: 1) the location, area and boundaries of the property; 2) 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; 3) 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; and 4) a statement that no deeds or other instruments affecting the property have been presented for registration.

It is noteworthy that during the Clarificatory Hearing before this Court held last 4 February 2014, the following were established and admitted: 1) petitioner made improvement on the subject property, put up a fence, and assigned security guards thereat; 2) petitioner is in possession of the subject property; and 3) Transfer Certificate of Title No. T-3269 being reconstituted, is actually covered by, identical to and/or the same as the real property covered by TCT No. T-6874 registered in the name of Tomas Aguirre.

Similarly, the notice of hearing failed to state the following: 1) the names of the occupants or persons in possession of the property; 2) the owners of the adjoining properties; 3) all other interested parties [including herein petitioner]; 4) the location, area and boundaries of the property. No proof was presented that the adjoining owners and actual occupants of the subject property were notified of the hearing.

In *Director of Lands vs. Court of Appeals, et al.*, the Supreme Court ruled that the requirements of Section 12 and Section 13 of R.A. No. 26 are mandatory and jurisdictional and non-compliance therewith would render all proceedings utterly null and void. The Highest Court reiterated this rule in *Tahanan Development Corp. vs. Court of Appeals, et al.*, and re-affirmed said doctrine in *MWSS vs. Sison, et al.*, as follows, to wit:

x x x x

x x x Thus, the RTC lacked jurisdiction in the reconstitution proceedings.



Its orders were null and void.

It need not be emphasized that the RTC hastily acted on the petition for reconstitution because it did not act on the Register of Deeds' Manifestation dated 1 April 2014 informing the Court of the existence of TCT No. T-6874 registered in the name of Tomas Aguirre married to Adelita C. Aguirre, which also covers the same property covered by TCT No. T-3269 in the name of Basilio Aquino married to Ambrocia Tantay. x x x The validity of the certificate of title can be threshed out only in a direct proceeding filed for the purpose. A Torrens title cannot be attacked collaterally.

It is also a well-known doctrine that the issue as to whether the title was procured by falsification or fraud can only be raised in an action expressly instituted for the purpose. x x x

Indeed, the reconstitution proceeding constituted a collateral attack on the Torrens title of Tomas Aguirre. The proper recourse of the private respondents to contest the validity of the certificate of title is not through the subject petition for reconstitution, but in a proper proceeding instituted for such purpose.

The conflict between the two sets of titles has to be resolved. The present standoff cannot remain indefinitely under a titling system that assures the existence of only one valid title for every piece of registered land.

Based on the foregoing, the petition for annulment is warranted.

There is no need to rule upon the other incidents in this case. The injunctive reliefs prayed for were already denied by this Court during the Clarificatory Hearing held on 4 February 201[4].

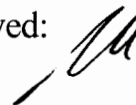
WHEREFORE, premises considered, the Petition for Annulment of Judgment is hereby GRANTED. The assailed Order dated 21 March 2014 and all other orders issued by the Regional Trial Court Branch 19, City of Bacoor, Cavite, in LRC Case No. 8843-2009-59 are REVERSED and SET ASIDE for being NULL and VOID. Accordingly, the Petition for Reconstitution of Transfer Certificate of Title (TCT) No. T-3269 is DISMISSED. Costs against private respondents.

SO ORDERED.¹⁴ (Citations omitted)

Petitioners moved to reconsider, but in a May 15, 2017 Resolution, the CA held its ground. Hence, the present Petition.

Issues

Petitioners submit the following issues to be resolved:



¹⁴ *Rollo*, pp. 108-117.

I.

THE MISAPPREHENSION OF FACTS BY THE HONORABLE COURT OF APPEALS IN ITS DECISION AND RESOLUTION COMPELLED HEREIN PETITIONERS X X X TO PRAY FOR THE HONORABLE SUPREME COURT TO EXERCISE ITS POWER TO REVIEW FACTUAL FINDINGS OF APPELLATE COURTS.

II.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN GRANTING THE PETITION FOR ANNULMENT OF JUDGMENT DESPITE NON-COMPLIANCE WITH THE REQUIREMENTS SET FORTH UNDER RULE 47 IN ORDER FOR THE PETITION TO PROSPER.

III.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN NOT HOLDING RESPONDENT GUILTY OF FORUM SHOPPING.

IV.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT SECTIONS 12 AND 13 OF R.A. NO. 26 ARE APPLICABLE IN THE PRESENT CASE.

V.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN HOLDING THAT THE RECONSTITUTION PROCEEDINGS CONSTITUTED A COLLATERAL ATTACK AGAINST THE ALLEGED TITLE OF TOMAS AGUIRRE.

VI.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN OPTING NOT TO MAKE A RULING ON THE UNLAWFUL PARTICIPATION OF THE FIRM M.A. AGUINALDO & ASSOCIATES AND THEIR USURPATION OF THE UNDERSIGNED LAW FIRM'S AUTHORITY TO REPRESENT THE PETITIONERS.¹⁵

Petitioners' Arguments

Petitioners contend that under Section 1 of Rule 47 of the 1997 Rules of Civil Procedure,¹⁶ the remedy of annulment of judgment is available only when the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the party seeking annulment; that the CA erred in granting respondent's petition for annulment of judgment as it was not without other appropriate remedies which it could have availed of, such as its pending motion for reconsideration of the May 22, 2014 Order which it filed and remains pending before the RTC, as well as the availability of the remedy of appeal

¹⁵ Id. at 8-9.

¹⁶ RULE 47 - ANNULMENT OF JUDGMENTS OR FINAL ORDERS AND RESOLUTIONS

Section 1. Coverage. - This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

in the event of denial of the said motion for reconsideration; that respondent preempted the ruling of the RTC; that its petition for annulment of judgment was thus premature; that their title (TCT No. T-3269) actually exists under the name of their parents, based on Patent No. 47326 which was awarded by the government in favor of Basilio Aquino pursuant to Decree No. 101200 issued on August 8, 1921 as per LRC (CLR) Record No. 8843, and as such, they had the right to rely on their title and claim that no other individual had an interest in the property covered thereby; that the Land Registration Authority (LRA) itself confirmed that the subject property was indeed registered in the name of their father and the technical description thereof did not overlap with any other titled properties; that the LRA issued a Certification¹⁷ to the effect that respondent's title (TCT No. T-6874) did not exist and did not form part of the records within LRA's registry, and for this reason, respondent could not have any interest in petitioners' title; that they complied with the requirements prescribed by law for the proper prosecution of their petition for reconstitution; that respondent was guilty of forum shopping for not declaring in its CA petition for annulment that its motion for reconsideration was still pending with the RTC; that in petitions for reconstitution of title where the source is the owner's duplicate copy - such as in this case - there is no need for the petitioner to notify the occupant and/or the adjoining landowners of the petition; and that it was erroneous for the CA to rule that their petition for reconstitution constituted a collateral attack on respondent's TCT No. T-6874, for in the first place, their title was registered prior to respondent's supposed title, and second, said respondent's title did not actually exist or formed part of the records of LRA's registry.

Petitioners thus pray that the assailed dispositions be annulled; and in lieu thereof, the respondent's CA petition for annulment of judgment be dismissed.

Respondent's Arguments

Respondent, on the other hand, failed to file its written comment to the Petition despite directives issued by this Court.¹⁸

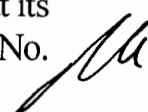
Our Ruling

The Petition is granted.

In its Urgent Motion to Lift Order of General Default with Motion to Admit Attached Opposition filed before the RTC, respondent alleged and admitted that its title - TCT No. T-6874 - was derived from the same Original Certificate of Title No.

¹⁷ *Rollo*, p. 148.

¹⁸ *Id.* at 190, Resolution of August 16, 2017, as well as the Court's June 6, 2018 Resolution granting respondent additional time within which to file comment.



1002, pursuant to the same Decree No. 101200, and was issued from the same LRC Record No. 8843 as petitioners' title, TCT No. T-3269. The only difference is that its TCT No. T-6874 was entered only on March 21, 1963, while petitioners' TCT No. T-3269 was entered on March 21, 1956, or much earlier.

On its face, therefore, respondent's title - TCT No. T-6874 - is null and void, for it was issued upon land that had been earlier titled in the name of another, namely, Basilio Aquino - petitioners' supposed predecessor-in-interest.

In this jurisdiction, it is settled that in the case of two certificates of title purporting to include the same land, the earlier in date prevails.

In *Degollacion v. Register of Deeds of Cavite* we held that if two certificates of title purport to include the same land, whether wholly or partly, the better approach is to trace *the original certificates* from which the certificates of title were derived. Citing our earlier ruling in *Mathay v. Court of Appeals* we declared:

x x x where two *transfer* certificates of title have been issued on different dates, to two different persons, for the same parcel of land even if both are presumed to be title holders in good faith, *it does not necessarily follow that he who holds the earlier title should prevail*. On the assumption that there was regularity in the registration leading to the eventual issuance of subject transfer certificates of title, the better approach is *to trace the original certificates* from which the certificates of title in dispute were derived. Should there be only one common original certificate of title, x x x, the *transfer* certificate issued on an earlier date along the line must prevail, absent any anomaly or irregularity tainting the process of registration.¹⁹ (Citations omitted)

By respondent's own admission, its title is subordinate to petitioners'. In fact, it is patently null and void on its face, because it could not have acquired title upon land already earlier registered in the name of another. *Primus tempore, potior jure* - first in time, stronger in right. For this reason, respondent has no right - and no personality - to intervene in the reconstitution proceedings instituted by the petitioners.

It was evident from respondent's own pleadings filed with the courts that its purported rights to the property were non-existent, having for their basis a title that was issued upon property that was already previously registered in the name of another. Indeed, respondent has no conceivable right to the property, having for its basis a void title that came after the same property was already transferred to and owned by another - in this case, the petitioners' predecessor-in-interest Basilio

¹⁹ *Top Management Programs Corporation v. Fajardo*, 667 Phil. 144, 162 (2011).

Aquino.

As for the sufficiency of the petition for reconstitution, the Court agrees with petitioners' argument that, since the source of reconstitution is the owner's duplicate copy, there is no need to give notice to other parties. "[T]he service of notice of the petition for reconstitution filed under R.A. 26 to the occupants of the property, owners of the adjoining properties, and all persons who may have any interest in the property is not required if the petition is based on the owner's duplicate certificate of title or on that of the co-owner's, mortgagee's, or lessee's."²⁰

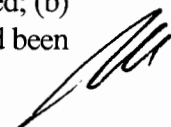
Respondent and the CA contend that notices to owners of adjoining lots are mandatory in the judicial reconstitution of a title. They cite as authority Section 13 of Republic Act No. 26, which we reproduce hereunder:

'SEC. 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.'

The clear language of the law militates against the interpretation of respondent and the appellate court. The first sentence of Section 13 provides that the requirements therein pertain only to petitions for reconstitution filed under 'the preceding section,' Section 12, which in turn governs those petitions based on specified sources. We quote Section 12 below:

'SEC. 12. Petition for reconstitution from sources enumerated in Section 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

²⁰ *Republic v. Sanchez*, 527 Phil. 571, 585 (2006).



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 name and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have interest in 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 to the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Commissioner of Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property.'


In other words, the requirements under Sections 12 and 13 do not apply to *all* petitions for judicial reconstitution, but only to those based on any of the sources specified in Section 12; that is, 'sources enumerated in Section 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act.'

Sections 2 and 3 of RA 26 provide as follows:

'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
- (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.

'SEC. 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 documents which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.' (Italics supplied)

In the present case, the source of the Petition for the reconstitution of title was petitioner's duplicate copies of the two TCTs mentioned in Section 3(a). Clearly, the Petition is governed, not by Sections 12 and 13, but by Section 10 of RA 26. We quote said Section 10 in full:

'SEC. 10. Nothing hereinabove 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 Section 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.'

Nothing in this provision requires that notices be sent to owners of adjoining lots. Verily, that requirement is found in Section 13, which does not apply to petitions based on an existing owner's duplicate TCT.²¹

Having disposed of the relevant issues in the foregoing manner, the Court finds it unnecessary to delve into the other allegations in the Petition. They are irrelevant to a complete and effective determination of the case.

WHEREFORE, the Petition is **GRANTED**. The assailed December 7, 2015 Decision and May 15, 2017 Resolution of the Court of Appeals in CA-G.R. SP No. 136103 are **REVERSED and SET ASIDE**. The March 21, 2014 Order and all other orders of the Bacoor, Cavite Regional Trial Court, Branch 19 in LRC Case No. 8843-2009-59 are **REINSTATED**. 

²¹ *Puzon v. Sta. Lucia Realty and Development, Inc.*, 406 Phil. 263, 271-274 (2001).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice

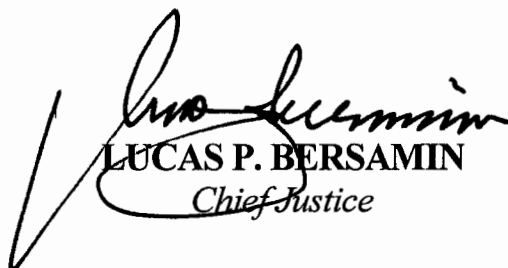

FRANCIS H. JARDELEZA
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice


ROSMARI D. CARANDANG
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.


LUCAS P. BERSAMIN
Chief Justice