



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila  
**SECOND DIVISION**

**HEIRS OF SPOUSES GERVACIO A. RAMIREZ AND MARTINA CARBONEL, REPRESENTED BY CESAR S. RAMIREZ AND ELMER R. ADUCA,**  
Petitioners,

**G.R. No. 222916**

Present:

CARPIO, *J.*, Chairperson,  
PERLAS-BERNABE,  
CAGUIOA,  
J. REYES, JR., and  
LAZARO-JAVIER, *JJ.*

- versus -

**JOEY ABON AND THE REGISTER OF DEEDS OF NUEVA VIZCAYA,**  
Respondents.

Promulgated:

24 JUL 2019 

X-----X

**DECISION**

**CAGUIOA, J.:**

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> (Petition) under Rule 45 of the Rules of Court filed by petitioners Heirs of Spouses Gervacio A. Ramirez and Martina Carbonel (Heirs of the Sps. Ramirez), as represented by Cesar S. Ramirez (Cesar) and Elmer R. Aduca (Elmer), against respondents Joey T. Abon (Abon) and the Register of Deeds of Nueva Vizcaya (RD), assailing the Decision<sup>2</sup> dated July 29, 2015 (assailed Decision) and Resolution<sup>3</sup> dated February 15, 2016 (assailed Resolution) rendered by the Court of Appeals, Former Fourteenth Division (CA, Former 14<sup>th</sup> Division) in CA-G.R. SP No. 132961.

**The Facts and Antecedent Proceedings**

As narrated by the CA, Former 14<sup>th</sup> Division in its assailed Decision, and as culled from the records of the instant case, the essential facts and antecedent proceedings of the case are as follows:

<sup>1</sup> *Rollo*, pp. 3-17.  
<sup>2</sup> *Id.* at 133-141. Penned by Associate Justice Melchor Q.C. Sadang with Associate Justices Celia C. Librea-Leagogo and Franchito N. Diamante, concurring.  
<sup>3</sup> *Id.* at 172-173.

[The petitioners Heirs of the Sps. Ramirez] allege that Original Certificate of Title No. T-4480<sup>4</sup> (OCT, for brevity) is registered in the names of the late spouses Gervacio Ramirez and Martina Carbonel [(Sps. Ramirez)] and covers a 1,266-square meter lot (Lot 1748) located in Barrio Sta. Lucia, Bagabag, Nueva Vizcaya [(subject property)]. On May 30, 1978, Angel Abon, the father of [respondent Abon], requested the [RD] to issue a new owner's duplicate of the OCT on the basis of a document denominated as “Confirmation of Previous Sale”<sup>5</sup> (CPS, for brevity) whereby the [Sps. Ramirez] had allegedly sold Lot 1748 to him (Angel). Using the new owner's duplicate of the OCT, Angel was able to segregate a 135-square meter portion [(Lot 1748-A)] from Lot 1748 and obtain title thereto—Transfer Certificate of Title No. T-50359<sup>6</sup> (TCT, for brevity). In June 2013, [the petitioners Heirs of the Sps. Ramirez] were furnished a copy of the CPS. Having been informed that respondent [Abon] would use the CPS to transfer title to the rest of Lot 1748, [the petitioners Heirs of the Sps. Ramirez] filed a [C]omplaint<sup>7</sup> [for Annulment of Confirmation of Previous Sale, Issuance of another Owner’s Duplicate Copy of OCT No. 4480, Damages with Prayer for Issuance of Preliminary Mandatory Injunction] to have said CPS annulled on the ground of forgery. Unfortunately, the [Regional Trial Court of Nueva Vizcaya (RTC), Branch 27] dismissed the complaint *motu proprio* for lack of jurisdiction. [The petitioners Heirs of the Sps. Ramirez] filed a certiorari petition<sup>8</sup> [before the CA, Fourth (4<sup>th</sup>) Division], docketed as CA G.R. CV No. 131624. [According to the Case Status Inquiry System of the CA, on May 2, 2014, the CA, 4<sup>th</sup> Division rendered a Decision<sup>9</sup> denying the petitioners Heirs of the Sps. Ramirez’ certiorari petition for lack of merit. On September 29, 2014, the CA, Special Former 4<sup>th</sup> Division issued a Resolution<sup>10</sup> denying the petitioners Heirs of the Sps. Ramirez’ Motion for Reconsideration. As indicated by the Entry of Judgment,<sup>11</sup> the Decision and Resolution of the CA, 4<sup>th</sup> Division and Special Former 4<sup>th</sup> Division, respectively in CA-G.R. SP No. 131624 became final and executory on November 1, 2014.] Meanwhile, on July 5, 2013, respondent [Abon] filed before the [RTC, Branch 28], a petition<sup>12</sup> for reconstitution [(Petition for Reconstitution)] of the lost owner's duplicate of the OCT. [The case was docketed as LRC No. 6847.] Respondent [Abon] alleged in his petition that his father, Angel Abon, acquired the lot covered by said OCT under the CPS and [caused the subdivision of 135 square meters of the subject property, with TCT No. T-50359 covering the said subdivided portion of the subject property having been issued. Respondent Abon further alleged that his mother, Nellie T. Abon, left for Canada sometime in 2006 and entrusted to him the owner’s duplicate of OCT No. 4480, which he kept in his cabinet. Respondent Abon then alleged that when his mother arrived in the Philippines in January 2013, she requested the former to bring out the owner’s duplicate copy of OCT No. 4480 for purposes of

<sup>4</sup> Id. at 33.

<sup>5</sup> Id. at 34.

<sup>6</sup> Id. at 102-105.

<sup>7</sup> Id. at 156-162.

<sup>8</sup> CA *rollo*, pp. 34-44.

<sup>9</sup> Penned by Associate Justice Amelita G. Tolentino with Associate Justices Ricardo R. Rosario and Leoncia Real-Dimagiba, concurring.

<sup>10</sup> Penned by Associate Justice Ricardo R. Rosario with Associate Justices Marlene Gonzales Sison and Leoncia Real-Dimagiba, concurring.

<sup>11</sup> *Rollo*, p. 192.

<sup>12</sup> CA *rollo*, pp. 16-17.



an extrajudicial settlement of the estate of Angel. However, respondent Abon could not find the said owner's duplicate copy in his cabinets. Respondent Abon allegedly exerted diligent efforts to look for the owner's duplicate copy to no avail. Respondent Abon then executed an Affidavit of Loss<sup>13</sup> and had the same registered with the RD. x x x

• On October 4, 2013, the RTC, Branch 28 issued its Decision<sup>14</sup> granting respondent Abon's petition, ordering the RD to issue a new owner's duplicate copy of OCT No. 4480 in lieu of the lost one.

The RTC, Branch 28's aforesaid Decision was not subjected to appeal. Hence, as indicated in the Certificate of Finality<sup>15</sup> dated November 19, 2013, the Decision dated October 4, 2013 became final and executory.

On December 3, 2013, the petitioners Heirs of the Sps. Ramirez filed a Petition for Annulment of Judgment<sup>16</sup> under Rule 47 of the Rules of Court before the CA, Former 14<sup>th</sup> Division. The case was docketed as CA-G.R. SP No. 132961.]

[The petitioners Heirs of the Sps. Ramirez] further allege that the CPS does not state the area bought by Angel Abon from the spouses Ramirez and respondent [Abon]'s claim that the lot is owned by his parents is belied by the OCT itself which shows that the owners thereof are the spouses Ramirez. [The petitioners Heirs of the Sps. Ramirez] argue that if the intention under the CPS was to transfer the entire lot to Angel Abon then the title should have been totally cancelled and a new one issued in lieu thereof; however, the CPS was annotated on the OCT and the TCT was issued to cover only a 135-square meter portion of the lot.

[The petitioners Heirs of the Sps. Ramirez] finally contend that the [RTC, Branch 28] abused its discretion in granting respondent [Abon]'s petition for want of jurisdiction. Citing Sec. 12 of Republic Act (RA) No. 26 which requires that the petition for reconstitution shall be filed by the registered owner, his assigns, or any person having an interest in the property, [the petitioners Heirs of the Sps. Ramirez] contend that the [H]eirs of [S]pouses Ramirez were neither included as petitioners nor notified and this shows respondent [Abon]'s illicit desire to appropriate the entire lot. [The petitioners Heirs of the Sps. Ramirez] further allege that respondent [Abon] did not comply with the jurisdictional requirements of RA 26 thus: 1) proof of publication of the petition; 2) proof of posting of the petition; 3) name of the registered owner; 4) names of the occupants or persons in possession of the property; 5) names of the owners of adjoining properties and all other interested persons; and 6) the date when persons having interest must appear and file their objections to the petition.<sup>17</sup>

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<sup>13</sup> Id. at 20.

<sup>14</sup> Id. at 12-14. Penned by Presiding Judge Fernando F. Flor, Jr.

<sup>15</sup> Id. at 15.

<sup>16</sup> *Rollo*, pp. 18-24.

<sup>17</sup> Id. at 133-135.

### **The Ruling of the CA, Former 14<sup>th</sup> Division**

In the assailed Decision, the CA, Former 14<sup>th</sup> Division denied the petitioners Heirs of the Sps. Ramirez' Petition for Annulment of Judgment for lack of merit. The dispositive portion of the assailed Decision reads:

**WHEREFORE**, the petition is **DISMISSED** for lack of merit.

**SO ORDERED.**<sup>18</sup>

In sum, the CA, Former 14<sup>th</sup> Division held that there was no valid ground for the annulment of the RTC, Branch 28's Decision dated October 4, 2013, finding that "the RTC-Br. 28 had jurisdiction over the subject matter of the petition in LRC No. 6748."<sup>19</sup>

Feeling aggrieved, the petitioners Heirs of the Sps. Ramirez filed their Motion for Reconsideration<sup>20</sup> dated September 1, 2015, which was denied by the CA, Former 14<sup>th</sup> Division in the assailed Resolution.

Hence, the instant appeal before the Court.

Respondent Abon filed his Comment<sup>21</sup> dated November 12, 2016, to which the petitioners Heirs of the Sps. Ramirez responded to with their Reply to Comment<sup>22</sup> dated March 3, 2016.

### **Issue**

Stripped to its core, the sole issue to be decided by the Court in the instant case is whether the CA, Former 14<sup>th</sup> Division erred in denying the petitioners Heirs of the Sps. Ramirez' Petition for Annulment of Judgment.

### **The Court's Ruling**

Upon exhaustive review of the facts and the law surrounding the instant case, the Court finds the instant Petition meritorious.

It must be emphasized that the central issue in the instant case is whether there is any ground under Rule 47 to annul the RTC, Branch 28's

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<sup>18</sup> Id. at 141.

<sup>19</sup> Id. at 138.

<sup>20</sup> Id. at 142-155.

<sup>21</sup> Id. at 179-190.

<sup>22</sup> Id. at 200-212.



final and executory Decision dated October 4, 2013, which ordered the RD to issue a new owner's duplicate copy of OCT No. 4480 in favor of respondent Abon.

Under Rule 47 of the Rules of Court, the remedy of annulment of judgment "is resorted to in cases where the ordinary remedies of new trial, appeal, petition for relief from judgment, or other appropriate remedies are no longer available through no fault of the petitioner, and is based on only two grounds: extrinsic fraud, and lack of jurisdiction or denial of due process."<sup>23</sup> According to Section 3 of Rule 47, if based on extrinsic fraud, the action must be filed within four (4) years from its discovery; and if based on lack of jurisdiction, before it is barred by laches or estoppel.

In the instant case, the petitioners Heirs of the Sps. Ramirez maintain that the RTC, Branch 28 *did not acquire jurisdiction* over LRC Case No. 6847.

Jurisprudence holds that **Section 109 of Presidential Decree No. (PD) 1529** "is the law applicable in petitions for issuance of new *owner's duplicate* certificates of title which are lost or stolen or destroyed."<sup>24</sup>

To clarify, in the instant case, what has been lost is the owner's duplicate copy of the subject OCT, and not the original copy of the OCT on file with the RD. As held in *Billote v. Solis*,<sup>25</sup> "[a] reading of the provisions clearly reveals that Sections 18 and 19 of RA 26 applies only in cases of reconstitution of lost or destroyed *original* certificates of title on file with the Register of Deeds, while Section 109 of PD 1529 governs petitions for the issuance of new owner's *duplicate* certificates of title which are lost or destroyed."<sup>26</sup> Hence, the petitioners Heirs of the Sps. Ramirez' original position in their Petition for Annulment of Judgment that RA 26 applies in the instant case, a theory they entirely abandoned in the instant Petition, is incorrect.

Section 109 of PD 1529, which is the applicable law in the instant case, reads:

SEC. 109. *Notice and replacement of lost duplicate certificate.*—In case of loss or theft of an owner's duplicate certificate of title, **due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered.** If a duplicate certificate is lost or destroyed, or cannot be produced by a person

<sup>23</sup> *Alaban v. Court of Appeals*, 507 Phil. 682, 694 (2005).

<sup>24</sup> *New Durawood Co., Inc. v. CA*, 324 Phil. 109, 118 (1996).

<sup>25</sup> 760 Phil. 712 (2015).

<sup>26</sup> *Id.* at 723.

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.<sup>27</sup>

As explained by the CA, Former 14<sup>th</sup> Division in the assailed Decision, the requirements for the replacement of a lost owner's duplicate certificate of title can be summarized in the following manner:

The requirements for the replacement of lost owner's duplicate certificate of title may be summarized, thus: a) the registered owner or other person in interest shall send notice of the loss or destruction of the owner's duplicate certificate of title to the Register of Deeds of the province or city where the land lies as soon as the loss or destruction is discovered; b) the corresponding petition for the replacement of the lost or destroyed owner's duplicate certificate shall then be filed in court and entitled in the original case in which the decree of registration was entered; c) the petition shall state under oath the facts and circumstances surrounding such loss or destruction; and d) the court may set the petition for hearing after due notice to the Register of Deeds and all other interested parties as shown in the memorandum of encumbrances noted in the original or transfer certificate of title on file in the office of the Register of Deeds; and e) after due notice and hearing, the court may 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 or destroyed certificate and shall in all respects be entitled to the same faith and credit as the original duplicate.<sup>28</sup>

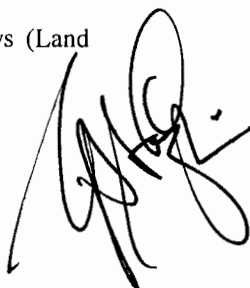
In the instant case, it is not disputed that respondent Abon sent a notice of loss of the owner's duplicate certificate of the subject OCT to the RD in the form of an Affidavit of Loss dated June 3, 2013 executed by respondent Abon under oath, detailing the facts and circumstances surrounding the loss of the owner's duplicate certificate. With the RD being duly notified of respondent Abon's Affidavit of Loss, the fact of execution of the said notice was entered into the Memorandum of Encumbrances<sup>29</sup> of the subject OCT as Entry No. 2013003397.

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<sup>27</sup> Emphasis supplied.

<sup>28</sup> *Rollo*, p. 140; citing Oswaldo D. Agcaoili, *Property Registration Decree and Related Laws (Land Titles and Deeds)*, 2006, ed., p. 753.

<sup>29</sup> *CA rollo*, p. 23.



With respect to the notice and due hearing requirement, it is likewise not disputed that a copy of respondent Abon's Petition for Reconstitution, together with a copy of RTC, Branch 28's Order<sup>30</sup> dated July 17, 2013, was publicly posted, as certified by the RTC's Office of the Clerk of Court in its Certification<sup>31</sup> dated August 23, 2013. Moreover, it is not disputed that copies of the aforementioned documents were furnished to the RD, the Land Registration Authority (LRA), and the Office of the Provincial Prosecutor. A Notice of Hearing<sup>32</sup> dated August 23, 2013 was likewise issued by the RTC, Branch 28.

Nevertheless, it is also not disputed that **the subject OCT remains to be registered in the name of the predecessors-in-interest of the petitioners Heirs of the Sps. Ramirez, i.e., the Sps. Ramirez.** In other words, regardless of the sale of the subject property in favor of the father of respondent Abon, Angel, **the registered owners of the subject property remained to be the Sps. Ramirez,** aside from the 135-square meter portion of the subject property that was subdivided and now covered by TCT No. T-50359 registered in the name of Angel. It is similarly not in dispute that **the Notice of Hearing was not sent to the petitioners Heirs of the Sps. Ramirez.** **Otherwise stated, the petitioners Heirs of the Sps. Ramirez were not notified of the Petition for Reconstitution.**

Therefore, the critical question now redounds to whether the petitioners Heirs of the Sps. Ramirez, being the successors-in-interest of the registered owners of the subject property, should be considered interested parties that should have been notified of the Petition for Reconstitution proceedings.

The Court answers in the affirmative.

According to Section 41 of PD 1529, "[t]he owner's duplicate certificate of title shall be delivered to the registered owner or to his duly authorized representative." Because the owner's duplicate copy of a certificate of title is given to and possessed by the registered owner, ordinarily, when an owner's duplicate copy is lost or destroyed, it is the registered owner who files the petition for reconstitution. In such a situation, other persons who have an interest in the property, such as mortgagees, must be notified of the proceedings. This is to amply protect their interests and to ensure that the encumbrances evidencing these interests, which are annotated in the owner's duplicate copy, will be carried over to the reconstituted owner's duplicate copy.

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<sup>30</sup> Id. at 25.

<sup>31</sup> Id. at 29.

<sup>32</sup> Id. at 26.



However, Section 109 of PD 1529 also contemplates a situation wherein the petition for reconstitution is filed by another person having an interest in the property who is not the registered owner. In other words, when an owner's duplicate certificate of title is lost or destroyed, a person who is a transferee of the ownership over the property, who is not necessarily the registered owner, may also file the petition for reconstitution. Similarly, in this situation, the other persons having interest in the property should be notified of the proceedings. In this situation, the registered owner must also be duly notified of the proceedings. By his or her very status as registered owner, the latter is an interested party in the petition for reconstitution case.

The registered owner is an interested party in the petition for reconstitution case because, as held by the Court in *Reyes v. Reyes*,<sup>33</sup> **“the owner of the land in whose favor and in whose name said land is registered and inscribed in the certificate of title has a more preferential right to the possession of the owner's duplicate than one whose name does not appear in the certificate and has yet to establish his right to the possession thereof.”**<sup>34</sup>

While it is true that registration does not vest title and it is merely evidence of such title,<sup>35</sup> a Torrens certificate, as compared to a mere deed evidencing a contract of sale or any other private document, is still the best evidence of ownership over registered land.<sup>36</sup> Such title is entitled to respect and great weight until someone else can show a better right to the lot.<sup>37</sup> The Court has previously held that a certificate of registration accumulates in one document a precise and correct statement of the exact status of the fee held by its owner which, in the absence of fraud, is the evidence of title showing exactly the owner's real interest over the property covered thereby.<sup>38</sup> Therefore, the person who is registered as the owner of the property in a certificate of title is presumed to be the owner of such property. Needless to say, the presumed owner of the property is, at the very least, an interested party. Since Section 41 of PD 1529 mandates that the owner's duplicate certificate of title shall be delivered to the registered owner, the latter is presumed to be in possession thereof. Thus, the registered owner will be in the best position to account for the whereabouts of the owner's duplicate certificate.

The rationale of requiring the notification of the registered owner in a petition for the reconstitution of a lost or destroyed owner's duplicate certificate of title is not hard to understand.

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<sup>33</sup> 124 Phil. 521 (1966).

<sup>34</sup> Id. at 525; emphasis and underscoring supplied.

<sup>35</sup> *Republic of the Phils. v. CA*, 328 Phil. 238, 250 (1996).

<sup>36</sup> *Guizano v. Veneracion*, 694 Phil. 658, 667 (2012).

<sup>37</sup> *Spouses Abad v. Court of Appeals*, 259 Phil. 445, 456 (1989).

<sup>38</sup> *Manipor v. Sps. Ricafort*, 454 Phil. 825, 835 (2003).



With the legal presumption that the registered owner is the owner of the property, thus affording him preferential right over the owner's duplicate, duly notifying him would prevent a person who wrongfully purports to be the owner of the property to commit fraud. It would offer the registered owner sufficient opportunity to contest the supposed interest of the person filing the petition for reconstitution. The rule on the mandatory notification of the registered owner in a petition for reconstitution of a lost or destroyed owner's duplicate certificate filed by another person who is not the registered owner is to ensure an orderly proceeding and to safeguard the due process rights of the registered owner. It prevents the commission of fraud.

Therefore, being the registered owners of the subject property, the Sps. Ramirez, whose rights are now transferred by succession to the petitioners Heirs of the Sps. Ramirez, should have, at the very least, been given sufficient opportunity to be heard in the Petition for Reconstitution.

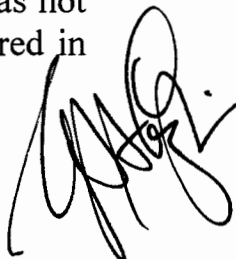
Respondent Abon, in arguing that the petitioners Heirs of the Sps. Ramirez have no more interest in the subject property, puts much emphasis in the CPS to show that the Sps. Ramirez already completely divested their interest in the subject property when they sold the same to Angel.

This argument is misplaced.

As already explained above, persons registered as owners in a certificate of title, by their very status as registered owners, are interested parties in a petition for the reconstitution of a lost or destroyed owner's duplicate certificate of title because they are legally presumed to be the owners of the property. To restate once more, while registration does not vest title and it is merely evidence of such title, a Torrens certificate is still the best evidence of ownership over registered land as compared to a mere deed evidencing a contract of sale. The registered owner has a preferential right to the possession of the owner's duplicate than one whose name does not appear in the certificate.

This does not mean however that persons who are not registered owners of the property cannot successfully seek for the reconstitution of a lost or destroyed owner's duplicate certificate of title. If the court is satisfied that the registered owner has indeed completely divested his/her interest in the property, that the requesting party has sufficient interest in the subject property, and that the owner's duplicate certificate of title is indeed lost or destroyed, then the petition for reconstitution should be granted in favor of the requesting party having interest in the subject property.

Be that as it may, in such a situation, if the certificate of title was not yet transferred in the name of the requesting party and is still registered in



the name of the original owner, owing to the established doctrine that a Torrens certificate is still the best evidence of ownership over registered land, the original registered owner, having preferential status over the owner's duplicate, is still considered an interested party that should be notified in so far as the petition for reconstitution is concerned. This will ensure that the registered owner will have sufficient opportunity to contest the claim of the requesting party.

Neither can respondent Abon argue that the final and executory Decision of the CA, 4th Division in CA G.R. CV No. 131624, which affirmed the denial of the petitioners Heirs of the Sps. Ramirez' Complaint for Annulment of the CPS, incontrovertibly and irrefutably established beyond dispute the transfer of the subject property *via* a contract of sale between the Sps. Ramirez and Angel.

To recall, the dismissal of the petitioners Heirs of the Sps. Ramirez' Complaint was not due to any categorical and definitive finding on the veracity and validity of the CPS. The dismissal of the petitioners Heirs of the Sps. Ramirez' Complaint was solely due to lack of jurisdiction. In fact, the dismissal of the petitioners Heirs of the Sps. Ramirez' Complaint was a *motu proprio* dismissal.

Further, in his Comment, respondent Abon relies heavily on the case of *Office of the Court Administrator v. Judge Matas*,<sup>39</sup> which held that the notice requirement under Section 109 of PD 1529 is sent to the Register of Deeds and only to those persons who have an interest in the property "as shown in the Memorandum of encumbrances at the back of the original or transfer certificate of title on file in the office of the Register of Deeds. From a legal standpoint, there are no other interested parties who should be notified, except those abovementioned since they are the only ones who may be deemed to have a claim to the property involved."<sup>40</sup>

It is an opportune time for the Court to clarify its prior holding that only persons who have an interest in the property as shown in the memorandum of encumbrances can be considered persons in interest that must be notified in a petition for reconstitution of a lost or destroyed owner's duplicate certificate of title.

In *Office of the Court Administrator v. Judge Matas*, the alleged owner of the subject property therein, *i.e.*, J.K. Mercado and Sons Agricultural Enterprises (J.K. Mercado), was alleging that the respondent Judge therein, *i.e.*, Judge Jesus V. Matas of the Regional Trial Court of Tagum, Davao del Norte, Branch 2, acted without jurisdiction when it failed to notify J.K.

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<sup>39</sup> 317 Phil. 9 (1995).

<sup>40</sup> *Id.* at 18.



Mercado as regards the petition for the issuance of a new owner's duplicate of the subject certificate of title.

Agreeing with the findings of the investigating Justice therein,<sup>41</sup> the Court agreed that J.K. Mercado was not an interested party because its claim of ownership was not indicated whatsoever in the certificate of title. The only piece of evidence presented by J.K. Mercado was a private Memorandum of Agreement that was never inscribed in the subject certificate of title and filed with the Register of Deeds:

The only piece of evidence that would show the alleged ownership of the J.K. Mercado over the four (4) parcels of land, subject of Misc. Case No. 1626 is the alleged private Memorandum of Agreement entered on November 19, 1981 by and between George Mercado and J.K. Mercado. Said agreement was never entered on the Certificate of Titles in the name of their original/former owners on file with the Register of Deeds at the time of the filing or pendency of Misc. Case No. 1626. As such, how can private complainant expect to be notified.<sup>42</sup>

In short, in the aforesaid case, J.K. Mercado had no registered interest whatsoever in the subject property therein that would justify its status as an interested party in the petition for the issuance of a new owner's duplicate certificate of the subject title. J.K. Mercado was not the registered owner. Its only claim of ownership over the subject property therein was a private, unregistered document. In sharp contrast, in the instant case, the predecessors-in-interest of the petitioners Heirs of the Sps. Ramirez are the very registered owners of the subject certificate of title, the owner's duplicate certificate of which is sought to be reconstituted by respondent Abon.

Hence, it is clear from the foregoing that the Court's holding in *Office of the Court Administrator v. Judge Matas* should not be understood as excluding as an interested party the very person or entity whose name is indicated in the OCT or TCT as the registered owner. Verily, the inscription of the name of the owner on the OCT or TCT is the proof of the registration of his/her interest in the property. The Court's holding in *Office of the Court Administrator v. Judge Matas* simply means that an alleged party-in-interest, whose interest in the property is not registered, not inscribed on the certificate of title, and is based on a mere private document, should not be considered an interested party that must be notified in a petition for reconstitution case.

Stated differently, the actual registered owner appearing on the certificate of title is always an interested party that must be notified by the

<sup>41</sup> Court of Appeals Associate Justice Jorge S. Imperial.

<sup>42</sup> *Office of the Court Administrator v. Judge Matas*, supra note 39, at 19.



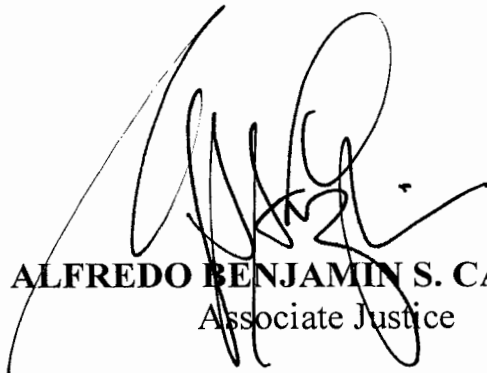
court hearing the petition for reconstitution. Otherwise, such court does not acquire jurisdiction to hear and try the petition for reconstitution case.

To restate, the instant ruling of the Court does not mean that respondent Abon cannot successfully seek the reconstitution of the owner's duplicate certificate of the subject OCT. He can. But the RTC hearing his application must notify the parties who appear on the OCT to be the registered owners. And if the RTC, after such notice and hearing, is satisfied that the Sps. Ramirez had truly divested all of their interest in the subject property, that respondent Abon has sufficiently established his interest over the subject property, that the owner's duplicate certificate of title was indeed lost, and that the jurisdictional requirements under Section 109 of PD 1529 had been sufficiently met, then the Petition for Reconstitution should be granted in favor of respondent Abon. However, without properly notifying the estate of the Sps. Ramirez, who continue to be the registered owners of the subject property, the RTC fails to acquire jurisdiction over the Petition for Reconstitution.

Therefore, as the RTC, Branch 28 failed to acquire jurisdiction over LRC Case No. 6847 because of its failure to notify the petitioners Heirs of the Sps. Ramirez, the latter's Petition for Annulment of Judgment is meritorious.

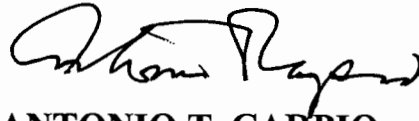
**WHEREFORE**, the instant Petition is **GRANTED**. The Decision dated July 29, 2015 and Resolution dated February 15, 2016 rendered by the Court of Appeals, Former Fourteenth Division in CA-G.R. SP No. 132961 are hereby **REVERSED and SET ASIDE**. The Regional Trial Court of Bayombong, Nueva Vizcaya, Branch 28's Decision dated October 4, 2013 in LRC Case No. 6847 is hereby **ANNULLED** without prejudice to the refiling of another petition for reconstitution of a lost owner's duplicate certificate of title with proper notice to all interested parties.

**SO ORDERED.**

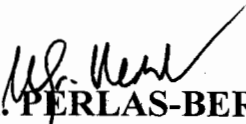


**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

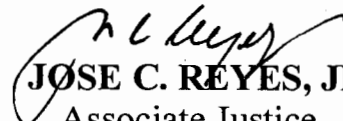
WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson

**ESTELA M. PERLAS-BERNABE**  
Associate Justice


**JOSE C. REYES, JR.**  
Associate Justice

**AMY C. LAZARO-JAVIER**  
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, Second Division

**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.

**LUCAS P. BERSAMIN**  
Chief Justice

