



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

REPUBLIC OF THE  
PHILIPPINES,

Petitioner,

- versus -

HEIRS OF JULIAN STA.  
ANA and MERCEDES STA.  
ANA,

Respondents.

G.R. No. 233578

Present:

PERLAS-BERNABE, S.A.J.,  
*Chairperson*  
GESMUNDO,  
LAZARO-JAVIER,  
LOPEZ, M., and  
ROSARIO, JJ.

Promulgated:

MAR 15 2021

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for Review assails the Decision<sup>1</sup> dated August 14, 2017 of the Court of Appeals in CA-G.R. SP No. 139385 entitled “*Republic of the Philippines v. Hon. Maria Gracia A. Cadiz-Casaclang in her capacity as Presiding Judge of the Regional Trial Court, Branch 155, Pasig City, and the Heirs of Julian Sta. Ana and Mercedes Sta. Ana.*” The Court of Appeals dismissed the petition for *certiorari* of the Republic of the Philippines and

<sup>1</sup> Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (a retired member of this Court) and Pedro B. Corales, all members of the Special Seventeenth Division, *rollo*, pp. 39-45.

affirmed the trial court's directive for the Land Registration Authority (LRA) to issue a title on the subject lot in the name of respondents.

### Proceedings before the Trial Court

Respondents Heirs of Julian Sta. Ana and Mercedes Sta. Ana filed with the Regional Trial Court (RTC), Pasig City an application for registration of Lot 459, Pasig Cadastre, Psc-14 docketed as LRC Case No. N-5999.<sup>2</sup> It was raffled to Branch 155.

On March 22, 1999, respondents filed an Urgent Ex Parte Motion for Issuance of a Decree<sup>3</sup> on the basis of a final and executory Decision dated October 26, 1967 previously rendered by the trial court in a similar application for registration of the same lot initiated by their predecessors-in-interest Julian Sta. Ana and Mercedes Sta. Ana.<sup>4</sup> Its dispositive portion reads:

WHEREFORE, the Court hereby declares applicants Julian Sta. Ana and Mercedes, both single, of legal age and residents of Sta. Cruz, Pasig, Rizal, the true and absolute owners of the parcel of land covered by Plan-AP 16200, in equal shares, pro-indivisio, and orders the registration thereof in (their) names.

Once this decision becomes final, let an order for the issuance of Decree issue.

SO ORDERED.<sup>5</sup>

According to respondents, the aforesaid decision was assailed before the Court of Appeals in CA-G.R. SP No. 24531. By Decision dated October 8, 1991, the Court of Appeals affirmed. It also denied the subsequent motion for reconsideration filed by a certain Anita Gonzal. On May 19, 1992, the corresponding entry of judgment was issued.<sup>6</sup>

Back to respondents' Urgent Ex Parte Motion for Issuance of a Decree in LRC Case No. N-5999, the trial court granted it and consequently issued an Order for the Issuance of Decree<sup>7</sup> dated May 19, 1999. There, the trial court directed the Commissioner of the LRA to comply with Section 39<sup>8</sup> of Presidential Decree No. 1529 (PD 1529).

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<sup>2</sup> *Id.* at 12.

<sup>3</sup> dated March 22, 1999, *id.* at 52-53.

<sup>4</sup> *Id.* at 52.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 52-53.

<sup>7</sup> *Id.* at 103.

<sup>8</sup> Section 39. Preparation of decree and Certificate of Title. After the judgment directing the registration of title to land has become final, the court shall, within fifteen days from entry of judgment, issue an order directing the Commissioner to issue the corresponding decree of registration and certificate of title. The clerk of court shall send, within fifteen days from entry of judgment, certified copies of the judgment and of the order of the court directing the Commissioner to issue the corresponding decree of registration and certificate of title, and a certificate stating that the decision has not been amended, reconsidered, nor appealed, and has become final. Thereupon, the Commissioner shall cause to be prepared the decree of registration as well as the original and duplicate of the corresponding original certificate of title. The original certificate of title shall be a true copy of the decree of registration. The decree of registration shall

In response, the Director of LRA's Department on Registration, Felino Cortez submitted his Supplementary Report<sup>9</sup> dated October 11, 2000, informing the trial court that a portion of subject lot was already covered by a prior registration proceeding in Cadastral Case No. 10, Cadastral Record No. 984 and that a second registration thereof on the basis of the trial court's Decision dated October 26, 1967 would result in double registration, thus:

2. It is gleaned from the foregoing annotation that portion of Lot 459, Pasig, Cadastre is already covered by a certificate of title pursuant to the cadastral decision rendered in Cadastral Case No. 10, Cadastral Record No. 984, a copy of page 80 of the Record Book of Cadastral Lots, Book K, wherein said lot and notation appear is attached hereto as Annex "A";<sup>10</sup>

x x x x

8. To issue the decree of registration sought by the petitioner pursuant to the decision in the case at bar, it would result in the duplication of titles over the same parcel of land, and thus, contravene the policy and purpose of the Torrens registration system, and destroy the integrity of the same (G.R. No. 63189 (*Pedro E. San Jose vs. Hon. Eutropio Migrino, et al.*)).<sup>11</sup>

Director Cortez also made mention of LRA's earlier report to the court bearing the following recommendation:

3. In said report it was respectfully recommended to the Honorable Court that the applicants in Case No. N-5999 be ordered to present an emended plan of Lot 459, Pasig Cadastre, Psc-14, together with its technical descriptions, duly approved by the Director of Lands and by this Honorable Court segregating therefrom the titled portion included in Lot 459, Pasig Cadastre;<sup>12</sup>

x x x x

Too, he informed the court of the steps taken by the LRA to ascertain the details pertaining to the prior registration of the subject portion, viz.:

4. On January 4, 1989, a letter of this Authority was sent to the Regional Technical Director, National Capital Region, a copy is attached hereto as Annex "B", informing that per our Records of Cadastral lots, a portion of Lot 459, Psc-14, Pasig Cadastre is already covered by patent title pursuant to the cadastral decision rendered in Cad. Case No. 10, GLRO Cadastral Record No.984. However, copy of the cadastral decision is not among our available records, and requested that this Authority be informed which portion of Lot 459 is covered by the isolated survey plan covered by

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be signed by the Commissioner, entered and filed in the Land Registration Commission. The original of the original certificate of title shall also be signed by the Commissioner and shall be sent, together with the owner's duplicate certificate, to the Register of Deeds of the city or province where the property is situated for entry in his registration book.

<sup>9</sup> *Id.* at 56-57.

<sup>10</sup> *Id.* at 56.

<sup>11</sup> *Id.* at 57.

<sup>12</sup> *Id.* at 56.

patent title, and furnished us with a print copy of the cadastral map wherein said Lot 459 was projected.

5. In reply to our follow-up letter dated November 6, 1989, the Regional Technical Director, in its letter dated May 9, 1991, a copy is attached hereto as Annex "C", informed that they cannot furnish our office the equivalent highest lot number of Lot 459, Pasig Cadastre because the said highest number is not available as per record in their file, and requested that their office be furnished with a Xerox copy of Records of Cadastral Lots, a portion of Lot 459, Psc-14, Pasig Cadastre is already covered by Patent title pursuant to the Cadastral decision rendered in Cadastral Case No. 10, GLRO Cadastral Record No. 984. In said letter, it was further informed that they cannot furnish our office the Cadastral Map (CM) because the Cadastral Survey of Pinagbuhatan, Pasig Cadastre is still in progress.

6. On June 4, 1991, another letter of this Authority was sent to the Regional Technical Director, a copy is attached hereto as Annex "D", furnishing a Xerox copy of page 80 of our Record Book of Cadastral Lots containing the information regarding Lot 459, Psc-14, Pasig Cadastre that a portion of said lot is already covered by a certificate of title pursuant to the decision rendered in Cad. Case No. 10, and informed also that Pasig cadastre, Psc-14, was surveyed on December 1, 1927 to July 1928;

7. In reply, the Regional Technical Director, in its letter dated 16 June 1992, a copy is attached hereto as Annex "E", informed that as per area sheet book of Lot 459, Psc-14, Pasig Cadastre on file in the Technical Records Section, it has no notation of previous subdivision as verified from among the files of highest Lot No. Therefore, there is no record of subdivision of Lot 459, Pasig Cadastre;<sup>13</sup>

x x x x

Acting thereon, the court, by Order<sup>14</sup> dated December 5, 2013, directed respondents to submit, within twenty (20) days from notice, the amended plan of Lot 459, Pasig Cadastre, Psc-14, together with its technical description, segregating the already titled portion of the subject lot per Cadastral Case No. 10, Cadastral Record No. 984.

In their Manifestation with Urgent Motion for Reconsideration<sup>15</sup>, respondents posited that their painstaking effort to comply with the said order was all in vain because: 1) there was no copy of the decision in Cadastral Case No. 10, Cadastral Record No. 984; 2) no record of the decision can be found either in the files of the concerned government agencies, except a notation on page 80 of Book "K" of the Record Book of Cadastral Lots; and 3) the Regional Technical Director for Lands has no record of any public land application or patent on the subject lot.

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<sup>13</sup> *Id.* at 56-57.

<sup>14</sup> *Id.* at 74.

<sup>15</sup> dated March 7, 2014, *id.* at 75-83.

In its Opposition,<sup>16</sup> the Republic countered that the urgent motion for reconsideration was filed out of time and respondents did not comply with the directive.

In their respective reply<sup>17</sup> and rejoinder,<sup>18</sup> the parties reiterated their arguments.

### **The Ruling of the Trial Court**

By Order<sup>19</sup> dated August 17, 2014, the court required the LRA to issue a title in the name of respondents' predecessors-in-interest over Lot 459, Pasig Cadastre, Psc-14 consistent with its final and executory Decision dated October 26, 1967, thus:

Acting on the Manifestation With Urgent Motion for Reconsideration filed by the applicants, through counsel, and it appearing that it was filed by applicants specifically to reconsider the Order of this Court dated December 5, 2013, hence, the same was seasonably filed contrary to the position of the oppositor Republic of the Philippines, represented by the Office of the Solicitor General, and it appearing further that herein applicants have exhausted all possible means and exerted all efforts to comply with the said Order of this Court dated December 5, 2013 but they did not pursue for the amendment of the plan of Lot 459 pursuant thereof because the segregated portion refers to the portion of land covered by Tax Declaration No.E-016-00025 issued to Ma. Jovita F. Fontanilla, et. al. who have no title nor any document to show ownership thereof and which portion of land herein applicants are contesting, and it appearing further that the Regional Trial Court, Branch 155, Pasig City (this Court) issued a certification that based on its existing files there is no record of a CFI Decision dated April 11, 1934 pertaining to Lot 459, Pasig Cadastre PSC-14 (Annex "B" Manifestation), and it appearing further that the Records Management Division, Land Management Bureau, the Land Surveys Division, DENR has no record appearing on their files of application of title nor was there any patent issued covering a portion of Lot 459, Cad 579, Pasig Cadastre (Annex "C", Manifestation), and it appearing further that the LRA has no record of the Cadastral decision supposedly rendered in Cadastral Case No. 10, Cadastral Record No. 984, and it appearing finally that, under the premises, the issuance of the decree of registration covering Lot 459, Cad 579 pursuant to the Decision of this Court dated October 26, 1967 would not result in the duplication of titles over the same parcel of land, the same is hereby GRANTED.<sup>20</sup>

In its subsequent Motion for Reconsideration,<sup>21</sup> the Republic pointed out that respondents failed to comply with the Order dated December 5, 2013 and the LRA's Supplemental Report dated October 1, 2013. The court

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<sup>16</sup> dated March 24, 2014, *id.* at 85-89.

<sup>17</sup> *Id.* at 90-98.

<sup>18</sup> *Id.* at 99-103.

<sup>19</sup> *Id.* at 46-47.

<sup>20</sup> *Id.* at 46.

<sup>21</sup> dated September 24, 2014, *id.* at 104-109.



therefore should not have directed the issuance of title in their favor for the same would result in two (2) overlapping titles.

In their Comment/Opposition,<sup>22</sup> respondents countered that the issuance of a registration decree pursuant to the Decision dated October 26, 1967 will not result in duplication of titles because no previous title had actually been issued yet on the lot. In fact, the Records Management Division, Land Management Bureau, the Land Records Information and Statistics Section, and the Department of Environment and Natural Resources (DENR) and its Surveys Division had all certified that no record of public land application nor home patent on the subject lot exists.

By Order<sup>23</sup> dated December 9, 2014, the court denied the Republic's motion for reconsideration.

### **The Ruling of the Court of Appeals**

By its assailed Decision<sup>24</sup> dated August 14, 2017, the Court of Appeals dismissed the Republic's petition for *certiorari*, ratiocinating, thus:

A cursory reading of the LRA's report revealed the LRA's declaration that a portion of Lot 459 was supposedly covered by a certificate of title pursuant to the cadastral Decision rendered in Cadastral Case No. 10. Later, in a letter sent to the Regional Technical Director, the LRA went on to state that: "However, a copy of said cadastral decision is not among our available records, and [sic] requested that this Authority be informed which portion of Lot 459 is covered by the isolated survey plan covered by patent title, and furnished [sic] us with a print copy of the cadastral map wherein said lot 459 was projected."

It is a basic principle under Presidential Decree No. 1529 that the LRA is the central repository of all land records involving registered or titled lands. As such, it keeps the title history or records of transaction involving titled or registered lands. Thus, it is specifically called upon to extend assistance to courts in ordinary and cadastral land registration proceedings.

Nevertheless, as can be gleaned from available details, private respondents exerted meticulous efforts to comply with the previous RTC Order to present an amended plan and technical description of Lot 459, Psc-14, Pasig Cadastre which segregated the supposed titled portion of the lot pursuant to the alleged Decision in Cadastral Case No. 10. However, as previously underscored by the assailed RTC Order, there was no such Decision on record in any of the concerned government agencies.

Necessarily, the Court cannot therefore help but wonder how private respondents can produce an amended plan about the portion of Lot 459, to the exclusion of the titled area, pursuant to the supposed Decision in

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<sup>22</sup> dated November 19, 2014, *id.* at 110-113.

<sup>23</sup> *Id.* at 114.

<sup>24</sup> *Id.* at 39-45.

Cadastral Case No. 10 when such Decision in Cadastral Case No. 10 was admittedly unavailable with the LRA.

**Further, the reply letter of the Regional Technical Director informed the LRA that the equivalent highest lot number of Lot 459, Pasig Cadastre was not available on file. Likewise, there was failure to furnish a copy of the Cadastral Map because the Cadastral Survey of Pinagbuhatan, Pasig Cadastre was still in progress; and as per area sheet book of Lot 459, Psc-14, Pasig Cadastre, Lot 459 did not have a notation of a previous subdivision.**

**Essentially, then, what petitioner aired before Us revolved on a subtle attempt towards fact-discovery over crucial matters which task was best left to the court below. Apart from the acknowledged norm in adjective law that factual findings of the lower courts are entitled to great weight and respect on appeal, and in fact accorded finality when supported by substantial evidence on the record, an attempt on Our part to even assay the veracity of the LRA report, as well as the truth and probative weight of the statements contained on the document, will perforce be antithetical to the very core of a Petition for Certiorari inasmuch as only established facts can be considered under Rule 65.<sup>25</sup> (Emphasis supplied)**

### **The Present Petition**

The Republic, through Solicitor General Jose Calida, Senior State Solicitor Alexander Salvador, and State Solicitor Jose Antonio Blanco now seeks affirmative relief *via* Rule 45. It argues that a land registration court has no jurisdiction to order the registration of a lot already decreed in the name of another through an earlier land registration case. The LRA reported on three (3) separate occasions that a portion of subject lot is already covered by a title issued in Cadastral Case No. 10, Cadastral Record No. 984. The LRA has invariably recommended that respondents submit an amended plan of the subject lot, together with its technical description, segregating the already titled portion to ascertain which part of the subject lot is covered by the trial court's Decision dated October 26, 1967. The trial court even ordered respondents to comply with the LRA's recommendation but they failed to do so.<sup>26</sup>

In their Comment<sup>27</sup> dated June 14, 2018, respondents defend the dispositions of the Court of Appeals. They posit that despite exerting earnest effort to comply with the directive, they could not find a copy of the decision in Cadastral Case No. 10, Cadastral Record No. 984, nor the registration decree or title itself or even the technical description of the portion of Lot 459 subject of the case in the name of their predecessors-in-interest. They also did not pursue the application for amendment of the plan because they discovered that Tax Declaration No. E-016-30025 covering a portion of the lot exists in

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<sup>25</sup> *Id.* at 42-44.

<sup>26</sup> *Id.* at 10-35.

<sup>27</sup> *Id.* at 195-207.

the name of Ma. Jovita Fontanilla, *et. al.* They have vehemently challenged these persons' claim of ownership over that portion.

### Issue

Did the Court of Appeals commit reversible error when it affirmed the trial court's directive to issue a registration decree on the entire Lot 459 in the name of respondents' predecessors-in-interest?

### Ruling

We affirm.

The issue hinges on whether respondents are legally entitled to a registration decree issued in the name of their predecessors-in-interest covering the whole Lot 459, Pasig Cadastre, Psc-14. The LRA though had reported to the court that a portion of Lot 459, Psc-14, Pasig Cadastre is already covered by a certificate of title issued in Cadastral Case No. 10, Cadastral Record No. 984. Both the trial court and the Court of Appeals nonetheless adopted that portion of the same LRA report as well as the factual finding of the trial court that no single record exists bearing this proceeding, much less, a copy of the purported title or decree. The courts thus ruled that the issuance of a registration decree or title in the name of respondents' predecessors-in-interest over the entire Lot 459 per Decision dated October 26, 1967 is the correct and logical thing to do.

We agree that indeed, there are no available records bearing the so called Cadastral Case No. 10, Cadastral Record No. 984 or the decision or decree of registration or title issued therein. The only single entry in the records is found on page 80 of the LRA Record Book of Cadastral Lots: "*a portion of said lot is already covered by a certificate of title pursuant to the decision rendered in Cad. Case No. 10.*" But no matter how we look at it, we cannot deduce therefrom the actual text of the decision, the exact portion of Lot 459 affected, or the parties in whose favor the supposed title was issued, including the details of this supposed title. For sure, it would be the height of injustice for respondents to be held hostage or punished by reason of the plain scarcity of the records on file with the government agencies concerned. It is certainly illegal, immoral, and against public policy and order for respondents who have been vested with a legal right to be precluded from exercising it, sans any real remedy under the law.

In *Tichangco v. Enriquez*,<sup>28</sup> this Court emphasized that the fundamental purpose of the land registration law is to finally settle title to real property. Consequently, once the title is registered under the said law, owners can rest secure on their ownership and possession. The Court also held that

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<sup>28</sup> 477 Phil. 379, 391 (2004).



proceedings for land registration that led to the issuance of a registration decree - ninety (90) years ago – were presumed to have regularly and properly been conducted. To overturn this legal presumption carelessly, will not only endanger judicial stability, but also violate the underlying principle of the Torrens system. Indeed, to do so would reduce the vaunted legal indefeasibility of Torrens titles to meaningless verbiage.

Here, the trial court's Decision dated October 26, 1967 in LRC Case No. N-5999 was rendered almost sixty-seven (67) years ago. Surely, to challenge its validity now and to deny a registration decree to respondents would be an affront to the fundamental purpose of the registration law. The sentiment in *Tichangco* was reiterated in *Herce, Jr. v. Municipality of Cabuyao*.<sup>29</sup>

In the absence of evidence to the contrary, the Ordinary Decree Book, LRC (CLR) Rec. No. 6763, showing that Decree No. 4244 was issued on March 3, 1911, is presumed to have been regularly issued by the accountable public officers who enjoy the legal presumption of regularity in the performance of their functions. Thus, the proceedings that led to the issuance of Decree No. 4244 in favor of the Municipality of Cabuyao cannot be overturned without any countervailing proof to the contrary. In the words of *Tichangco v. Enriquez*:

To overturn this legal presumption carelessly – more than 90 years since the termination of the case – will not only endanger judicial stability, but also violate the underlying principle of the Torrens system. Indeed, to do so would reduce the vaunted legal indefeasibility of Torrens titles to meaningless verbiage.

Although we recognize that a final and executory decision in a land registration case does not ever become extinct,<sup>30</sup> here, again, the records are simply too scarce for any court of law or the LRA itself to ascertain what exactly should be executed in terms of the text of the decision, the technical description of the portion of Lot 459, the party or parties in whose favor the lot had been supposedly titled, and the details of the purported title, among others. Besides, even a reconstitution of the records is not feasible considering that there are no available records from which a reconstitution may be drawn.

We therefore fully concur with the trial court and the Court of Appeals that the only right and logical thing to do under the circumstances is to allow the execution of the final and executory Decision dated October 26, 1967 for registration of the entire Lot 459 filed by the same Julian Sta. Ana and Mercedes Sta. Ana who are respondents' predecessors-in-interest thereto. Remarkably, no private party has ever come forward to oppose the claim of ownership invariably asserted by respondents' predecessors-in-interest over the entire Lot 459 or a portion thereof. In any event, whatever decision, if any, may have been issued over a portion of Lot 459 in Cadastral Case No. 10, Cadastral Record No. 984, there is no existing title found in the records


<sup>29</sup> 511 Phil. 420, 431-432 (2005).

<sup>30</sup> *Sta. Ana v. Menla*, 111 Phil. 947 (1961).

pertaining to that portion. Consequently, there can be no double titling to speak of resulting from the order of execution in LRC Case No. N-5999 (in relation to the Decision dated October 26, 1967), as affirmed in CA-G.R. SP No. 139385.

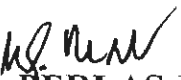
**ACCORDINGLY**, the petition is **DENIED**, and the Decision dated August 14, 2017 of the Court of Appeals in CA-G.R. SP No. 139385, **AFFIRMED**.

**SO ORDERED.**



**AMY C. LAZARO-JAVIER**  
Associate Justice

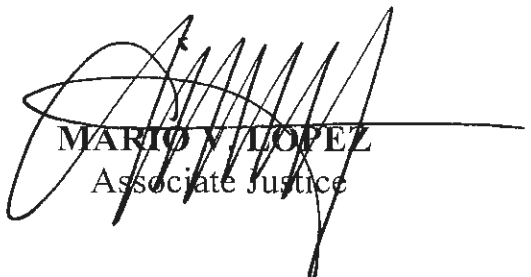
**WE CONCUR:**



**ESTELA M. BERLAS-BERNABE**  
Senior Associate Justice  
Chairperson



**ALEXANDER G. GESMUNDO**  
Associate Justice




**MARIO V. LOPEZ**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice

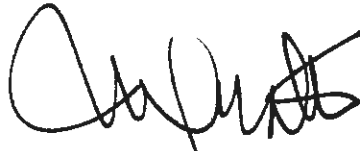
**ATTESTATION**

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.

  
**ESTELA M. PERLAS-BERNABE**  
Senior 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.

  
**DIOSDADO M. PERALTA**  
Chief Justice

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