



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

REPUBLIC
PHILIPPINES,

OF

THE

G.R. No. 205817

Petitioner,

Present:

PERLAS-BERNABE, SAJ.,
Chairperson,
HERNANDO,
INTING,
LOPEZ, J. Y.,* and
DIMAAMPAO, JJ.

- versus -

LUISA ABELLANOSA AND
GENEROSO MANALO by FIL-
ESTATE PROPERTIES, INC.,
Respondents.

Promulgated:

OCT 08 2021

X ----- X

DECISION

HERNANDO, J.:

Challenged in this appeal is the August 2, 2012 Decision¹ of the Court of Appeals in CA-GR CV No. 91686 which upheld the May 27, 2008 Order² of the Regional Trial Court (RTC), Branch 53 of Lucena City, granting the Petition for Reconstitution³ of respondents spouses Luisa Abellanosa and Generoso Manalo (spouses Manalo) by Fil-Estate Properties, Inc. (FEPI) (collectively, respondents), and its January 30, 2013 Resolution⁴ denying the motion for reconsideration thereof.

* Designated as additional Member per raffle dated September 22, 2021 vice J. Gaerlan who recused due to prior action in the Court of Appeals.

¹ *Rollo*, pp. 58-68; penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Magdangal M. De Leon and Myra V. Garcia-Fernandez.

² *CA rollo*, pp. 78-81.

³ Records, pp. 2-4.

⁴ *Id.* at 69-70.

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The Antecedents:

The instant case stemmed from the filing of a petition for reconstitution on January 12, 2006 docketed as M.C. No. 2006-08, entitled "In Re: Petition for Judicial Reconstitution of Original Copies of Original Certificate of Title Nos. 7001 (963) and 7632 and Issuance of New Owners Duplicate Copies Thereof Issued by the Register of Deeds for the Province of Tayabas, Now Registry of Deeds for Lucena City/Luisa Abellanosa and Generoso Manalo by: Fil-Estate Properties, Inc."⁵

In the petition for reconstitution, the spouses Manalo claimed that they were once registered owners of two parcels of land in Barangay Bocoohan, Lucena City, Quezon Province, more particularly described as Lot Nos. 1457 and 1249 with a total land area of 55,086 square meters and covered by Original Certificate of Title Nos. 7001 (963) and 7362, respectively (collectively, subject lots). They sold the subject lots to one Marina Valero (Valero) for which the corresponding tax declaration was issued under the latter's name. Valero later on sold Lot No. 1457 to FEPI, while Lot No. 1249 was developed into a first class subdivision with FEPI as the developer. However, Valero was unable to surrender the owner's duplicate copy of the titles to FEPI because the documents were lost beyond retrieval per the September 16, 2005 Certification of the Register of Deeds of Lucena City, which states that the titles of the subject lots "are among those presumed burned during the fire that razed the City Hall Building of the City of Lucena on August 30, 1983."⁶

On May 17, 2006, respondents sought to amend (first amendment) the petition for reconstitution by attaching thereto the respective sketch plans of the subject lots including the technical descriptions thereof. The RTC later issued the June 16, 2006 Order acknowledging the amended petition for reconstitution.⁷

Subsequently, the RTC set the petition for reconstitution for hearing and directed the posting and publication of the notices in the Official Gazette. It then summoned Valero and Thaddeus Aquino, as FEPI's representative, to shed light on the issues surrounding the loss of the titles. After respondents offered their exhibits, the Land Registration Authority (LRA) submitted a report informing the RTC that the "plans and technical description of Lots 1457 and 1249, Cad. 112, Lucena Cadastre, were verified correct by this Authority to represent the aforesaid lot and the same have been approved under (LRA) PR-08-01602-R and (LRA) PR-08-01603-R, respectively, pursuant to the provisions of Section 12 of Republic Act No. 26."⁸

⁵ Id. at 59.

⁶ Id.

⁷ Id. at 59-60.

⁸ Id. at 60.

On April 28, 2008, the counsel for respondents filed a motion to admit a second amended petition (second amendment) to propose the substitution of parties by impleading Valero as co-petitioner following the death of the spouses Manalo and to use the LRA-verified plans and technical descriptions of the subject lots as bases for the reconstitution of the lost titles. The RTC admitted the motion and the second amendment to the petition as per Order dated May 5, 2008.⁹

Ruling of the Regional Trial Court:

In its May 27, 2008 Order, the RTC found merit in the petition for reconstitution. The dispositive portion of the Order reads:

WHEREFORE, the Court hereby orders the Register of Deeds of Lucena City, upon payment of the prescribed fees, to reconstitute the Original Certificates of Title No. 7001 (963) and 7632 registered in the names of Luisa Abellanosa and Generoso Manalo, respectively, in accordance with the Report and Recommendation of the Land Registration Authority, that the plans and technical description of Lots 1457 and 1249, Cad. 112, Lucena City, as verified correct by the Land Registration Authority, be the source of the reconstitution pursuant to Section 2(f) of Republic Act 26.

Further, it is ordered that the reconstituted titles be subject to such encumbrance/s as may be subsisting and that no certificate of title covering the same parcels of land exist in the Office of the Register of Deeds of Lucena City.

After the reconstitution of OCT Nos. 7001 (963) and 7632, it is also ordered that second owner's duplicate copies of the two titles be issued in lieu of the first ones which were lost.

SO ORDERED.¹⁰

On July 28, 2008, the Republic of the Philippines, through the Office of the Solicitor General (petitioner), filed a notice of appeal assailing the said Order.

In petitioner's appeal, it claimed that the RTC did not acquire jurisdiction over the case since the second amendment of the Petition for Reconstitution was not posted and published in accordance with Sections 12 and 13 of Republic Act No. (RA) 26, otherwise known as An Act Providing for a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed. It argued that there were substantial changes and annexes in the second amendment that were not attached to the first amendment, thus necessitating the compliance of the requisites of posting and publication in RA 26.¹¹ Petitioner also contended that there was no sufficient basis for the reconstitution of the titles of the subject lots because the grounds for the

⁹ Id.

¹⁰ Id. at 60-61 and 151-152.

¹¹ Id. at 61.

reconstitution of titles indicated in the second amendment, such as plans and technical descriptions, are not grounds for filing a petition for reconstitution.¹² Thus, petitioner asserted that the RTC erred in granting the prayer for the issuance of a second owner's duplicate of title.¹³

Ruling of the Court of Appeals:

In the August 2, 2012 Decision, the CA dismissed petitioner's appeal. The *fallo* reads:

WHEREFORE, premises considered, the instant appeal is hereby **DISMISSED** for lack of merit. Accordingly, the Order of the Regional Trial Court (RTC) of Lucena City, Branch 53, dated May 27, 2008, is **AFFIRMED**.

SO ORDERED.¹⁴

Petitioner moved for reconsideration which the appellate court denied in its January 30, 2013 Resolution.¹⁵

Aggrieved, petitioner filed the instant petition for review on *certiorari* under Rule 45 of the Rules of Court which raises the following –

Issues:

- i.) Whether or not the CA erred when it ruled that the RTC acquired jurisdiction over the case; and
- ii.) Whether or not the CA erred when it ruled that there is sufficient basis for reconstitution.¹⁶

The pivotal issue in this case is whether the RTC erred in granting respondents' petition for reconstitution.

Our Ruling

The instant petition is devoid of merit.

In *Republic v. Mancao*,¹⁷ the Court explained that the –

[T]he judicial reconstitution of a Torrens title under Republic Act No. 26 means the restoration in the original form and condition of a lost or destroyed Torrens certificate attesting the title of a person to registered land. The purpose of the reconstitution is to enable, after observing the procedures prescribed by

¹² Id. at 65.

¹³ Id. at 61.

¹⁴ Id. at 67.

¹⁵ Id. at 69-70.

¹⁶ Id. at 35.

¹⁷ 764 Phil. 523 (2015).

law, the reproduction of the lost or destroyed Torrens certificate in the same form and in exactly the same way it was at the time of the loss or destruction.¹⁸

For the judicial reconstitution of an existing and valid original certificate of Torrens title, Section 2 of RA 26 enumerates the acceptable bases, while Sections 12 and 13 provide for the procedure for the reconstitution:

SECTION 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.

SECTION 12. Petitions for reconstitution from sources enumerated in sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e) and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's, or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: *Provided*, That in case the reconstitution is to be made exclusively from sources enumerated in section 2(f) or 3(f) of this Act, the petition shall be further be accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.

¹⁸ Id. at 528.

SECTION 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the *Official Gazette*, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court.

In *Sebastian v. Spouses Cruz*,¹⁹ We pointed out that the following requisites must be complied with for an order for reconstitution to be issued: (a) that the certificate of title had been lost or destroyed; (b) that the documents presented by petitioner are sufficient and proper to warrant 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. Petitioner claims that the RTC did not acquire jurisdiction over the case because the second amended petition contained substantial changes and annexes and yet said petition was not posted and published as required under Sections 12 and 13 of RA 26.

We disagree.

A review of the second amendment shows the following main revisions:

1. Petitioner Marina S. Valero (hereinafter referred to as "Petitioner Valero") is a Filipino, of legal age and a resident of No. 3 Amsterdam Street, Merville Park Subdivision, Paranaque, Metro Manila, where she may be served with notices and other processes emanating from this Honorable Court.²⁰

x x x x

9. OCT Nos. 7001 (963) and 7362 are both registered in the name of Luisa Abellanosa and Generoso Manalo of No. 31 Lirio Street, Tahanan Village, Paranaque City, Metro Manila. Both spouses Luisa Abellanosa and Generoso Manalo are now deceased.²¹

x x x x

¹⁹ 807 Phil. 738, 744 (2017).

²⁰ *Rollo*, pp. 28-29. Underscoring in the original.

²¹ *Id.* at 31. Underscoring in the original.

17. It is imperative that the Original Copy of OCT Nos. 7001 (963) and 7362 be reconstituted, and that the plans and technical descriptions of Lots 1457 and 1249, Cad. 112, Lucena City, as verified correct by the Land Registration Authority be the source of reconstituting the two (2) certificates of title, pursuant to Sec. 2, paragraph (f) of R.A. No. 26, entitled "An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed".²²

WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed unto this Honorable Court, that after due notice, publication, posting and hearing, an Order be issued.²³

x x x x

2. Directing the Register of Deeds for Lucena City to reconstitute the Original Copy of Original Certificates of Title Nos. 7001 (963) and 7362 using as bases the plans and technical descriptions of Lots 1457 and 1249, Cad. 112, Lucena City, as verified correct by the Land Registration Authority, pursuant to Sec. 2, paragraph (f) of R.A. No. 26.²⁴

This Court finds, as the CA did, that the foregoing does not affect the nature of the action that necessitates another posting and publication.²⁵ The revisions merely refer to the substitution of the parties in view of the deaths of the spouses Manalo and the mention of RA 26 as the applicable law. These are minor matters that simply tend to assist and guide the RTC in conducting the proceeding. Hence, the earlier posting and publication of the petition for reconstitution prior to the second amendment were sufficient for the RTC to acquire jurisdiction on the subject matter of the case.

Nevertheless, assuming *arguendo* that another posting and publication was necessary in view of the second amendment, the absence of the same does not divest the RTC of its jurisdiction that it validly acquired in the first instance. Settled is the rule that jurisdiction once acquired is not lost upon the instance of the parties but continues until the case is terminated.²⁶ Moreover, the use of the technical descriptions as embodied in the blue prints and such other documents adduced as bases for the production of the new title, likewise does not necessitate another posting and publication because while they were newly mentioned in the second amendment, the same were already available for the court to scrutinize during the first amendment.

The reconstitution of title is an action *in rem*, which means it is one directed not only against particular persons, but against the thing itself.²⁷ The essence of posting and publication is to give notice to the whole world that

²² Id. at 32. Underscoring in the original.

²³ Id.

²⁴ Id. at 33. Underscoring in the original.

²⁵ See also *rollo*, p. 62.

²⁶ *Flores v. Montemayor*, 666 Phil. 393, 402 (2011), citing *Office of the Ombudsman v. Estandarte*, 549 Phil. 664, (2007), citing *Deltaventures Resources, Inc. v. Hon. Cabato*, 384 Phil. 252, 261 (2000).

²⁷ See *Muñoz v. Yabut, Jr.*, 665 Phil. 488, 514 (2011).

such petition has been filed and that interested parties may intervene or oppose in the case. This purpose was achieved in this case when notices on the first and second amendments were duly served upon the parties in interest of the case and proper posting and publication was made to the original petition for reconstitution. In view of this, We find that the court validly acquired jurisdiction over the case.

Petitioner's assertion that the bases of the second amendment, such as plans and technical descriptions, are not grounds for filing the petition for reconstitution, is just as unacceptable.

For the judicial reconstitution of an existing and valid original certificate of Torrens title, Section 2 of RA 26 has expressly listed the acceptable bases:

SECTION 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;

x x x x

(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.

In the instant case, the contents of the second amendment and the original petition for reconstitution, along with their respective supporting documents, were considered collectively by the RTC. Thus, the bases for the reconstitution of the title were not only the plans and technical descriptions but also the legible duplicate copies of the titles and a host of other official documents.²⁸

In sum, the Court finds that there was sufficient basis for the RTC to grant the petition for reconstitution.

WHEREFORE, the instant Petition is hereby **DENIED**. The assailed August 2, 2012 Decision and the January 30, 2013 Resolution of the Court of Appeals in CA-G.R. CV No. 91686 are hereby **AFFIRMED**.

Respondents' Motion for Prior Leave of Court (to file [1] Notice of Death of Marina S. Valero; [2] Motion to Allow Substitution of Movants as Compulsory Heirs of the Decedent; and [3] Entry of Appearance of Undersigned Counsel or Movants),²⁹ is **NOTED**.

No pronouncement as to costs.

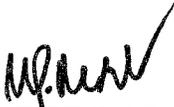
²⁸ *Rollo*, p. 66.

²⁹ *Id.*, unpaginated.

SO ORDERED.

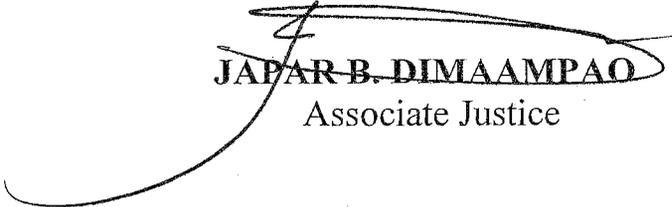

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
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.


ALEXANDER G. GESMUNDO
Chief Justice