



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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THIRD DIVISION

**REPUBLIC OF THE PHILIPPINES,**  
 represented by the **DEPARTMENT**  
**OF TRANSPORTATION (DOTr),**  
*Petitioner,*

**G.R. No. 240331**

Present:

LEONEN, *Chairperson,*  
 LAZARO-JAVIER,  
 LOPEZ, M,  
 LOPEZ, J.  
 KHO, JR., A. *JJ.*

*-versus-*

**GUILLERMA LAMA CLAMAC**  
**AND THE LAND REGISTRATION**  
**AUTHORITY,**  
*Respondents.*

Promulgated:

March 16, 2022

*Mis-DCBatt*

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**D E C I S I O N**

**LOPEZ, J. J.:**

This Court resolves a Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated June 21, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 04462-MIN, which affirmed the Decision<sup>3</sup> dated June 26, 2015 and Order<sup>4</sup> dated July 12, 2016 of the Regional Trial Court (RTC) of Initao, Misamis Oriental, Branch 44, that dismissed the complaint for Cancellation of Decree filed by the Republic of the Philippines, represented by the Department of Transportation and Communications (DOTr), against Guillerma Lamaclamac (*Lamaclamac*) and the Land Registration Authority (LRA), for insufficiency of evidence.

*Facts*

The present case stemmed from a Complaint for Cancellation of Decree filed by the Republic of the Philippines, represented by the DOTr, against

<sup>1</sup> *Rollo*, pp. 22-39.

<sup>2</sup> Penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Romulo V. Borja and Oscar V. Badelles, concurring, *id.* at 41-48.

<sup>3</sup> Penned by Presiding Judge Marissa P. Estabaya, *id.* at 129-146.

<sup>4</sup> *Id.* at 147-151.

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Lamaclamac and the LRA, before the RTC of Initao, Misamis Oriental, Branch 44 and docketed as MC Case No. 2008-736.<sup>5</sup>

The subject of the complaint is a parcel of land located at Alubijid, Misamis Oriental, which was brought under cadastral proceedings, and designated as Lot No. 12446, Cadastral No. 27, with an area of 9,386 square meters (*subject lot*).<sup>6</sup> On August 26, 1941, the cadastral court issued Decree No. 756523 in favor of Lamaclamac.<sup>7</sup> Thereafter, the LRA recorded Decree No. 756523, in its book.<sup>8</sup>

Sadly, Lamaclamac died in 1947.<sup>9</sup> She was survived by her heirs who later on sold the subject lot to the government.<sup>10</sup> At present, the subject lot is being utilized for the fulfillment of the Laguindingan Airport Development Project.<sup>11</sup>

On July 7, 2006, the DOTr secured a *Certification*<sup>12</sup> (*LRA Certification*) from the LRA Administrator which states, among others, that Decree No. 756523, issued in the name of Lamaclamac, is not among those salvaged decrees on file, and thus, is presumed to have been lost or destroyed as a consequence of the last World War, *viz.*:

#### CERTIFICATION

To Whom It May Concern:

This is to certify that the copies of the decrees listed hereunder covering parcels of land situated in Alubijid Province of Misamis Oriental under Cadastral Case No. 27, LRC Cadastral Record No. 1592, are not among those salvaged decrees on file in this Authority. The copies of the same are presumed to have been lost or destroyed as a consequence of the last World War.

<u>DECREE NUMBER</u>	<u>Lot Number</u>	<u>Date Issued</u>
-756519-	12440	August 27, 1941
-756523-	12446	August 26, 1941
-756525-	12448	August 27, 1941
-756276-	12463	August 26, 1941
-756524-	12447	September 1, 1941

Issued upon the request of DOTC PMO LAOP whose address is TI Judge Juan Luna St., SFDM, Q.C.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of this Authority, this 7<sup>th</sup> day of July 2006.

<sup>5</sup> *Id.* at 10-11.

<sup>6</sup> *Id.* at 129.

<sup>7</sup> *Id.* at 130.

<sup>8</sup> *Id.* at 24.

<sup>9</sup> *Id.* at 52.

<sup>10</sup> *Id.* at 54-80.

<sup>11</sup> *Id.* at 147.

<sup>12</sup> *Id.* at 107.

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BENEDICTO B. ULEP  
Administrator

x x x x

On August 17, 2007, the Registrar of Deeds of Misamis Oriental issued a similarly worded *Certification*<sup>13</sup> (*RD Certification*) which reads:

CERTIFICATION

To Whom It May Concern:

This is to CERTIFY that per records and file of this registry, Decree Nos. listed on the attached document, all lots located at Alubijid, Laguindingan, Misamis Oriental, Philippines are not and can no longer be located in this registry.

It is deduced that if ever Original Certificates of Titles were previously issued and delivered to this registry, the same, had not survived the passage of time due perhaps to the ravages of the Second World War or the flimsy materials used in the said titles. It is hereby recommended that recourse may be made to the Land Registration Authority, Diliman, Quezon City for possible reconstitution of the same.

This certification is hereby issued upon request of the Engr. Della P. Capicencio, Project Manager, Project Management Office – Laguindingan Airport Development Project for whatever legal purpose it may serve.

Issued this 17<sup>th</sup> day of August, 2007 at the province of Misamis Oriental, Philippines.

RAMON B. NERI  
Registrar of Deeds II  
RD-Misamis Oriental

On the strength of these documents, the Republic of the Philippines, represented by the DOTr, filed the above-mentioned Complaint, alleging that Lamaclamac abandoned her right over the subject lot, as borne by the fact that she failed to secure a certificate of title over the same after more than 65 years.<sup>14</sup> The pertinent portions of the Complaint are quoted hereunder:

x x x x

7. The records of the Registry of Deeds of Cagayan De Oro City would reveal however that no title to Lot 12446 was issued in favor of defendant.

x x x

12. In the present case, although defendant Lamaclamac did not obtain a decree in his [sic] favor, his [sic] failure to obtain his [sic] certificate of title after

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<sup>13</sup> *Id.* at 51.

<sup>14</sup> *Id.* at 11.

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the lapse of more than 65 years is tantamount to an abandonment of such right. For which reason, the principle of laches operates against him [sic].<sup>15</sup>

Meanwhile, no one filed any responsive pleading on behalf of Lamaclamac, which led the RTC to declare her in default.<sup>16</sup> In contrast, the LRA, by way of a Manifestation in lieu of an Answer, asserted that the tenor of the RD Certification did not categorically state that no original certificate of title was ever issued pursuant to the decrees instituted thereon.<sup>17</sup> It even implied that the original may have been issued, only that it was lost or destroyed during World War II.<sup>18</sup> Hence, the contention that Lamaclamac abandoned her right because she failed to obtain a certificate of title over the subject lot, had no factual basis.

After due proceedings, the RTC rendered a Decision<sup>19</sup> dated June 26, 2015, which dismissed the complaint for Cancellation of Decree due to insufficiency of evidence. The RTC pointed out that DOTr failed to prove that Lamaclamac did not secure an original certificate of title over the subject lot, since she obtained a decree in her favor.<sup>20</sup> Once a decree is issued, it becomes a ministerial duty on the part of the LRA to issue the title.<sup>21</sup> Consequently, the fact that the title is not on file in the Office of the Register of Deeds does not give rise to the conclusion that a certificate of title has never been issued. Thus, it cannot be said that Lamaclamac is guilty of laches.<sup>22</sup>

Not satisfied, the Republic, through the OSG, filed a Motion for Reconsideration, which was denied by the RTC, in its Order<sup>23</sup> dated July 12, 2016.

Unyielding, the OSG appealed before the CA.

In its Decision<sup>24</sup> dated June 21, 2018, the CA affirmed the ruling of the RTC. The CA gave credence to the RD Certification dated August 17, 2007 which acknowledged that an original certificate of title has been issued pursuant to the decree previously awarded to Lamaclamac, only that it may have been lost or destroyed during World War II.<sup>25</sup> After the issuance of the decree in her name, no further step is required on her part to confirm her ownership of the land awarded in her favor, since it becomes a ministerial duty on the part of the land registration court to order the issuance of, and the LRA to issue, the decree

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 43.

<sup>17</sup> *Id.*

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

<sup>19</sup> *Id.* at 129-146.

<sup>20</sup> *Id.* at 131.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 132.

<sup>23</sup> *Id.* at 147-151.

<sup>24</sup> *Id.* at 41-48.

<sup>25</sup> *Id.* at 47.



of registration.<sup>26</sup> For this reason, private respondent cannot be held guilty of laches owing to the fact that she is not obliged to do anything in the first place.<sup>27</sup>

Hence, the instant petition.

### *Issue*

Whether the [CA] gravely erred in affirming the RTC decision denying the complaint for cancellation of decree considering the absence of evidence to prove that the decree issued to private respondent had actually been transcribed in the registry books of the Register of Deeds.

Petitioner asserts in the main that the CA relied heavily on the supposed grant of Decree No. 746523 to private respondent, despite the absence of any document that would establish that the said decree has actually been transcribed in the registration book of the Register of Deeds and that the corresponding certificate of title was issued therefor.<sup>28</sup> If there had been a copy of the decree, the successors-in-interest of private respondent would have seen or have a copy thereof in their possession.<sup>29</sup> The absence of the decree inevitably point to the conclusion that title has not been finally adjudicated.<sup>30</sup> Since there was no adjudication of the title to the property in this case, the suit for cancellation of Decree No. 756523 is therefore justified.<sup>31</sup>

The LRA refuted the contention aforesaid, by way of a Comment,<sup>32</sup> where it maintained that the Court should take exceptional notice of the RD Certification dated August 17, 2007. In the said Certificate, there was no categorical statement that no Original Certificate of Title was ever issued pursuant to the decrees listed. In fact, the Certificate even stated that it may even be deduced that original titles were issued by the Registry, but the same could have been destroyed or lost due to the ravages of World War II.<sup>33</sup>

### *Our Ruling*

The petition is bereft of merit.

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<sup>26</sup> *Id.* at 44.

<sup>27</sup> *Id.* at 47.

<sup>28</sup> *Id.* at 27.

<sup>29</sup> *Id.* at 27-28.

<sup>30</sup> *Id.* at 28.

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

<sup>32</sup> *Id.* at 189-190.

<sup>33</sup> *Id.* at 189.

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The Cadastral System established by Act No. 2259, is an offspring of the Torrens System, which “aims to serve public interest by requiring titles to any lands be settled and adjudicated and by decreeing land titles to be final, irrevocable and indisputable.”<sup>34</sup> Under a Cadastral System, the government initiates the process of having titles for all land within a stated area adjudicated, regardless of whether people living within the area desire to have titles issued.<sup>35</sup> The government initiates the process of cadastral proceedings as follows:

The proceedings are initiated by a notice of survey. When the lands have been surveyed and plotted, the Director of Lands, represented by the Attorney General, files a petition in court praying that the titles to the lands named be settled and adjudicated. Notice of the filing of the petition is then published twice in successive issues of the Official Gazette in both the English and Spanish languages. All persons interested are given the benefit of assistance by competent officials and are informed of their rights. A trial is had. “All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the bases of original certificates of title in favor of said persons.” (Act No. 2259, Sec. 11.) Aside from this, the commotion caused by the survey and a trial affecting ordinarily many people, together with the presence of strangers in the community, should serve to put all those affected on their guard.<sup>36</sup>

Once the cadastral court has adjudicated all conflicting interests, it issues decrees to the claimants entitled to the subject lands. In this regard, this Court, elucidated in *Alberto v. Spouses Flores*,<sup>37</sup> on when title to the land in a cadastral proceeding is vested to the claimants, to wit:

After trial in a cadastral case, three actions are taken. The first adjudicates ownership in favor of one of the claimants. This constitutes the decision – the judgment — the decree of the court, and speaks in a judicial manner. The second action is the declaration by the court that the decree is final and its order for the issuance of the certificates of title by the Chief of the Land Registration Office. Such order is made if within thirty days from the date of receipt of a copy of the decision no appeal is taken from the decision. This again is judicial action, although to a less degree than the first.

The third and last action devolves upon the General Land Registration Office. This office has been instituted “for the due effectuation and accomplishment of the laws relative to the registration of land.” (Administrative Code of 1917, sec. 174.)

The judgment in a cadastral survey, including the rendition of the decree, is a judicial act. As the law says, the judicial decree when final is the base of the certificate of title. The issuance of the decree by the Land Registration Office is a ministerial act. The date of the title prepared by the Chief Surveyor is unimportant,

<sup>34</sup> *Javier v. Director of Lands*, G.R. No. 233821, June 14, 2021, citing *Government of the Philippine Islands v. Abural*, 39 Phil. 996, 1001 (1919).

<sup>35</sup> *Id.* at 1001.

<sup>36</sup> *Supra* note 34.

<sup>37</sup> G.R. No. 237514, February 10, 2021, citing *De la Merced v. Court of Appeals*, 115 Phil. 229, 236-237 (1962), citing *Government of the Philippine Islands v. Abural*, *supra* note 34, at 1001-1003.

for the adjudication has taken place and all that is left to be performed is the mere formulation of technical description.

As a general rule, registration of title under the cadastral system is final conclusive, and indisputable, after the passage of the thirty-day period allowed for an appeal from the date of receipt by the party of a copy of the judgment of the court adjudicating ownership without any step having been taken to perfect an appeal. The prevailing party may then have execution of the judgment as of right and is entitled to the certificate of title issued by the Chief of the Land Registration Office. The exception is the special provision providing for fraud.

**Under the foregoing pronouncement, the title of ownership on the land is vested upon the owner upon the expiration of the period to appeal from the decision or adjudication by the cadastral court, without such an appeal having been perfected. The certificate of title would then be necessary for purposes of effecting registration of subsequent disposition of the land where court proceedings would no longer be necessary.** (Emphases in the original)

Prescinding therefrom, title of ownership over the adjudicated lot is vested upon the adjudicatee when the decision of the cadastral court attains finality, which takes place when the 30-day reglementary period to appeal from such decision or adjudication had lapsed. In this case, the court adjudicated ownership of the subject lot to private respondent, by virtue of Decree No. 756523, which it issued on August 26, 1941. Notably, the records are silent whether a timely appeal was interposed. In *Republic v. Yap*,<sup>38</sup> this Court held that the issuance of the subject decree creates a strong presumption that the decision in the cadastral case had become final and executory and made it incumbent upon the oppositor to prove otherwise, *viz.*:

The issuance of the said decree creates a strong presumption that the decision in Cadastral Case No. 1 had become final and executory. Thus, it is incumbent upon the OSG to prove otherwise. However, no evidence was presented to support its claims that the decision in Cadastral Case No. 1 and the issuance of Decree No. 99500 had not attained finality.<sup>39</sup>

Lamentably, the Republic failed to present evidence to prove its claim that Decree No. 756523 had not become final and executory. Resultantly, title of ownership over the subject lot was vested on private respondent when Decree No. 756523 attained finality. On this score, this Court in *Alberto*, stressed that a cadastral case is a proceeding *in rem*,<sup>40</sup> and consequently, any decision rendered by the cadastral court is binding against the whole world, including the government,<sup>41</sup> *viz.*:

In *Nieto v. Quines*, this Court held that the proceedings under the Cadastral Act, at the initiative of the government, are judicial. Process is served by publication upon all persons who may have interest in the land, including the

<sup>38</sup> 825 Phil. 778 (2018).

<sup>39</sup> *Id.*

<sup>40</sup> *Alberto v. Spouses Flores*, *supra* note 37, citing *Cano v. Camacho*, 150 Phil. 457, 463 (1972).

<sup>41</sup> *Id.*, citing *Nieto v. Quines*, 110 Phil. 823 (1961).

government, to appear and prove or oppose the claims of ownership that may be filed therein. The action is one *in rem* and any decision rendered therein by the cadastral court is binding against the whole world, including the government. (citations omitted)

Nevertheless, the Republic seeks to have Decree No. 756523 cancelled on the following grounds: *first*, its existence cannot be established due to lack of any document to prove that it has actually been transcribed in the registration book of the Register of Deeds, intimating that a property becomes registered land only upon transcription of the decree in the original registration book of the Register of Deeds,<sup>42</sup> and *second*, private respondent failed to obtain a certificate of title after more than 77 years from the issuance of such decree, hence, she is deemed to have abandoned her right, because laches has already set in against her.<sup>43</sup>

This Court remains unswayed.

*A land becomes registered land once the decision of the cadastral court declaring the adjudicatee as owner of the subject lot attains finality.*

Once the title of ownership is vested upon the adjudicatee, the land, for all intents and purposes, had become, from that time, registered property, which could not be acquired by adverse possession.<sup>44</sup> As discussed, title of ownership is vested once the decision of the cadastral court declaring the adjudicatee as owner of the subject lot attains finality.

In *Alberto*, this Court stressed that the requirement of registration to bind the land applies only when public land is conveyed through a patent, but “does not apply in cadastral proceedings, wherein the court confirms private ownership of land, which, upon finality, renders the land as registered property.”<sup>45</sup> Therefore, the subject lot became a registered property when Decree No. 756523 attained finality.

After the judgment has become final and executory, Presidential Decree (PD) No. 1529 enjoins the court to cause the issuance of the corresponding certificate of title in favor of the person adjudged entitled to registration, by observing the rules specified in the following provisions of the said law:

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<sup>42</sup> *Rollo*, pp. 26-29.

<sup>43</sup> *Id.* at 29.

<sup>44</sup> *Alberto v. Spouses Flores*, *supra* note 37.

<sup>45</sup> *Id.*



Section 30. *When judgment becomes final; duty to cause issuance of decree.* The judgment rendered in a land registration proceeding becomes final upon the expiration of thirty days to be counted from the date of receipt of notice of the judgment. An appeal may be taken from the judgment of the court as in ordinary civil cases.

After judgment has become final and executory, it shall devolve upon the court to forthwith issue an order in accordance with Section 39 of this Decree to the Commissioner for the issuance of the decree of registration and the corresponding certificate of title in favor of the person adjudged entitled to registration.

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 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.

As can be gleaned therefrom, once the decree issued to the owner attains finality, the obligation to cause the issuance of the certificate of title devolves upon the government, particularly the Land Registration Authority, as elucidated by this Court in *Republic v. Nillas*,<sup>46</sup> in this wise:

The provision lays down the procedure that interposes between the rendition of the judgment and the issuance of the certificate of title. No obligation whatsoever is imposed by Section 39 on the prevailing applicant or oppositor even as a precondition to the issuance of the title. **The obligations provided in the Section are levied on the land court (that is to issue an order directing the Land Registration Commissioner to issue in turn the corresponding decree of registration), its clerk of court (that is to transmit copies of the judgment and the order to the Commissioner), and the Land Registration Commissioner (that is to cause the preparation of the decree of registration and the transmittal thereof to the Register of Deeds). All these obligations are ministerial on the officers charged with their performance and thus generally beyond discretion of amendment or review.**

**The failure on the part of the administrative authorities to do their part in the issuance of the decree of registration cannot oust the prevailing party from ownership of the land. Neither the failure of such applicant to follow up with said authorities can.** The ultimate goal of our land registration system is geared towards the final and definitive determination of real property ownership in the country, and the imposition of an additional burden on the owner after the

<sup>46</sup> 541 Phil. 277 (2007).

judgment in the land registration case had attained finality would simply frustrate such goal.<sup>47</sup> (Emphases in the original)

Tersely put, “upon the finality of a decision adjudicating such ownership, **no further step is required** to effectuate the decision and a ministerial duty exists alike on the part of the land registration court to order the issuance of, and LRA to issue, the decree of registration.”<sup>48</sup> In setting the issuance of the decree of registration in motion, the Court in *Yap*, underscored that “there is nothing in the law that limits the period within which the court may order or issue a decree.”<sup>49</sup>

From this logic flows two significant legal consequences:

*First*, the adjudicatee need not file a motion to execute the final judgment of the cadastral court, because the duty to forward the decree to the LRA for the issuance of the corresponding title does not lie with the adjudicatee.<sup>50</sup> Verily, P.D. No. 1529 does not contain any provision on execution of final judgments, “the reason being [that] there is no need for the prevailing party to apply for a writ of execution in order to obtain the title,”<sup>51</sup> as the same is a ministerial function of the court.

*Second*, neither laches nor the statute of limitations applies to a decision in a land registration case.<sup>52</sup>

Jurisprudence has defined laches as “the negligence or omission to assert a right within a reasonable period, warranting the presumption that the party entitled to assert it has either abandoned or declined to assert it.”<sup>53</sup>

Expounding on this point, this Court in *Alberto*, explained that land registration is a special proceeding, that necessarily leads to the declaration of ownership by a person of a parcel of land, in line with the nature of a special proceeding that seeks to establish a status, condition, or fact by judicial fiat.<sup>54</sup> Owing to this peculiarity, once a decision in land registration cases becomes final, it is inevitably “complete in itself and does not need to be filled in,”<sup>55</sup> because “the judgment is merely declaratory in character and does not need to

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<sup>47</sup> *Id.* at 288.

<sup>48</sup> *Id.* at 287. (Emphasis supplied).

<sup>49</sup> *Republic v. Yap*, *supra* note 38, citing *Sta. Ana v. Menla*, G.R. No. L-15564, April 29, 1961, 1 SCRA 1297.

<sup>50</sup> *Alberto v. Spouses Flores*, *supra* note 37, citing *Republic v. Yap*, 825 Phil. 778, 789 (2018), citing *Ting v. Heirs of Diego Lirio*, 547 Phil. 237, 241-243 (2007); *Heirs of Cristobal Marcos v. De Banuvar*, 134 Phil. 257, 262 (1968).

<sup>51</sup> *Republic v. Nillas*, *supra* note 46.

<sup>52</sup> *Id.* at 284 (2007).

<sup>53</sup> *Ocampo v. Ocampo Sr.*, 813 Phil. 390 (2017).

<sup>54</sup> *Alberto v. Spouses Flores*, *supra* note 37, citing *Sta. Ana v. Menla*, 111 Phil. 947 (1961).

<sup>55</sup> *Id.*, citing *Republic v. Yap*, *supra* note 38 at 759; *Republic v. Nillas*, *supra* note 46 at 288.

be enforced against the adverse party.”<sup>56</sup> For this reason, the rules on prescription and laches do not apply to land registration cases which this Court, extensively discussed in *Sta. Ana v. Menla*,<sup>57</sup> ratiocinating in this manner:

This provision of the Rules refers to civil actions and is not applicable to special proceedings, such as a land registration case. This is so because a party in a civil action must immediately enforce a judgment that is secured as against the adverse party, and his failure to act to enforce the same within a reasonable time as provided in the Rules makes the decision unenforceable against the losing party. In special proceedings[,] the purpose is to establish a status, condition or fact; in land registration proceedings, the ownership by a person of a parcel of land is sought to be established. After the ownership has been proved and confirmed by judicial declaration, no further proceeding to enforce said ownership is necessary, except when the adverse or losing party had been in possession of the land and the winning party desires to oust him therefrom.

Furthermore, there is no provision in the Land Registration Act similar to Sec. 6, Rule 39, regarding the execution of a judgment in a civil action, except the proceedings to place the winner in possession by virtue of a writ of possession. The decision in a land registration case, unless the adverse or losing party is in possession, becomes final without any further action, upon the expiration of the period for perfecting an appeal.

Over the years, the *Sta. Ana* doctrine on the inapplicability of the rules on prescription and laches to land registration cases has been repeatedly affirmed as exemplified in the following cases:

The doctrine that neither prescription nor laches may render inefficacious a decision in a land registration case was reiterated five (5) years after *Sta. Ana*, in *Heirs of Cristobal Marcos, etc., et al. v. De Banuvar, et al.* In that case, it was similarly argued that a prayer for the issuance of a decree of registration filed in 1962 pursuant to a 1938 decision was, among others, barred by prescription and laches. In rejecting the argument, the Court was content in restating with approval the above-cited excerpts from *Sta. Ana*. A similar tack was again adopted by the Court some years later in *Rodil v. Benedicto*. These cases further emphasized, citing *Demoran v. Ibanez, etc., and Poras and Manlapas and Tolentino v. Llorente*, respectively, that the right of the applicant or a subsequent purchaser to ask for the issuance of a writ of possession of the land never prescribes.

Within the last 20 years, the *Sta. Ana* doctrine on the inapplicability of the rules on prescription and laches to land registration cases has been repeatedly affirmed. Apart from the three (3) cases mentioned earlier, the *Sta. Ana* doctrine was reiterated in another three (3) more cases later, namely: *Vda. de Barroga v. Albano*, *Cacho v. Court of Appeals*, and *Paderes v. Court of Appeals*. The doctrine of stare decisis compels respect for settled jurisprudence, especially absent any compelling argument to do otherwise.<sup>58</sup> (citations omitted)

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<sup>56</sup> *Republic v. Nillas*, supra note 46, citing *Sta. Ana v. Menla*, 111 Phil. 947 (1961).

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

<sup>58</sup> *Id.*

Indeed, a land becomes registered land once the decision of the cadastral court declaring the adjudicatee as owner of the subject lot attains finality. Once title of ownership is vested in the prevailing party, inaction on his or her part cannot be construed as laches or abandonment, owing to the fact that he or she is not required to undertake any steps to effectuate such decision. From that point on, “a ministerial duty exists alike on the part of the land registration court to order the issuance of, and the LRA to issue, the decree of registration.”<sup>59</sup>

*Proceedings for land registration that led to the issuance of a registration decree are presumed to have been regularly and properly conducted.*<sup>60</sup>

At this juncture, it bears to stress that the LRA and RD certifications presented did not categorically state that there was no certificate of title issued pursuant to the subject decree.<sup>61</sup> Indeed, the tenor of both certifications even implied that the original may have been issued, only that it was destroyed or lost during the last World War.<sup>62</sup> In fact, the RD even recommended that a reconstitution of title should be made, instead of a cancellation of the deed.<sup>63</sup> Hence, the LRA and RD certifications do not belie the existence of Decree No. 756523.

Assuming otherwise, this is not the first time that this Court allowed the execution of a final and executory decision for registration, despite the lack of records of the decision or decree of registration on file with the government agency concerned. In the recent case of *Republic v. Heirs of Sta. Ana*,<sup>64</sup> the LRA had no available records of Cadastral Case No. 10, Cadastral Record No. 984, or the decision or decree of registration or title issued therein. The only entry was found on page 80 of the LRA Record Book of Cadastral Lots that reads: “a portion of said lot is already covered by a certificate of title pursuant to the decision rendered in Cad. Case No. 10.”<sup>65</sup> Evidently, it cannot be deduced 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.”<sup>66</sup> This notwithstanding, this Court allowed the execution of the final and executory decision pertaining to the registration of the subject lot, reasoning in this manner:

<sup>59</sup> *Id.*

<sup>60</sup> *Republic v. Heirs of Sta. Ana*, G.R. No. 233578, March 15, 2021, citing *Tichangco v. Enriquez*, 477 Phil. 379, 391 (2004).

<sup>61</sup> *Rollo*, p. 47.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Republic v. Heirs of Sta. Ana*, *supra* note 60.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

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.<sup>67</sup>

In addressing the hiatus caused by the lack of government records, this Court considered the purpose of land registration laws, which is to finally settle title to real property, so that “once the title is registered under the said law, owners can rest secure on their ownership and possession.”<sup>68</sup> To achieve this purpose, it is imperative to presume that proceedings for land registration that led to the issuance of a registration decree, especially one that was concluded 67 years ago, were regularly and properly conducted.

In *Herce, Jr. v. Municipality of Cabuyao*,<sup>69</sup> this Court held:

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.<sup>70</sup>

Notably, it has been 80 years, more or less, since Decree No. 756523 was issued to private respondent on August 26, 1941. Guided by the foregoing doctrines, it is logical for this Court to presume that the subject decree had been issued by accountable public officers who enjoy the presumption of regularity in the performance of their functions, only that it was destroyed or lost during the last World War. To put it differently will impair vested rights and undermine the fundamental purpose of our land registration laws.

**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated June 21, 2018 in CA-G.R. CV No. 04462-MIN, is hereby **AFFIRMED**. Accordingly, the Complaint for Cancellation of Decree filed by the Republic of the Philippines, represented by the Department of

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<sup>67</sup> *Id.*

<sup>68</sup> *Supra* note 60.

<sup>69</sup> *Herce, Jr. v. Municipality of Cabuyao, Laguna*, 511 Phil. 420 (2005).

<sup>70</sup> *Id.* at 431-432, as cited in *Republic v. Heirs of Sta. Ana*, *supra* note 60.

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Transportation and Communications against Guillerma Lamaclamac in MC Case No. 2008-736 is **DISMISSED**.

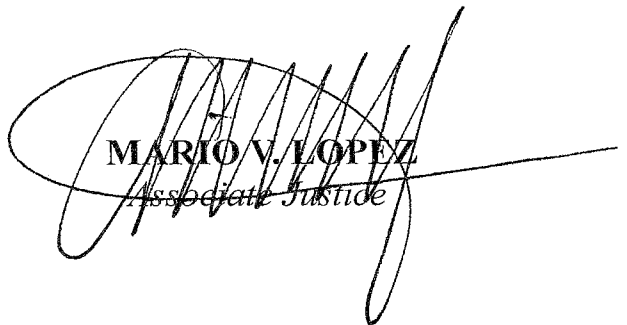
**SO ORDERED.**

  
**JHOSEP Y. LOPEZ**  
*Associate Justice*

WE CONCUR:

  
**MARVIC MARIO VICTOR F. LEONEN**  
*Associate Justice*  
*Chairperson*


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

  
**MARIO V. LOPEZ**  
*Associate Justice*

  
**ANTONIO T. KHO, JR.**  
*Associate Justice*

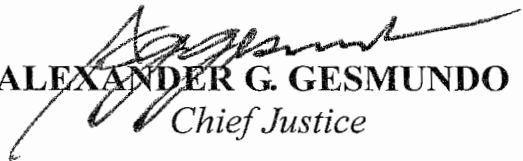
**ATTESTATION**

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.

  
**MARVIC MARIO VICTOR F. LEONEN**  
*Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 14, 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*

