



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 23 February 2022 which reads as follows:

“G.R. No. 242653 (*Magdalena J. Javillonar vs. Rogelio Libertino*.)
— This Petition for Review on *Certiorari*¹ seeks the reversal of the Decision² dated 22 January 2018 and Resolution³ dated 24 September 2018 of the Ninth Division of the Court of Appeals (CA) in CA-G.R. CV No. 107298. The CA reversed and set aside the Decision⁴ dated 04 April 2016 of Branch 25, Regional Trial Court (RTC), Tagudin, Ilocos Sur, in LRC Case No. 01442-T granting the petition for nullification of the second owner’s duplicate of Original Certificate of Title (OCT) No. 70 registered in the name of Narciso Bulagsay (Narciso).

Antecedents

On 11 March 2011, petitioner Magdalena J. Javillonar (Magdalena) filed a petition/motion before the RTC in LRC Case No. 01442-T wherein she alleged: that Rogelio Libertino (Rogelio), on 04 July 2006, executed an Affidavit of Loss which was eventually used as basis for the issuance of a *second* owner’s duplicate copy of OCT No. 70; that the owner’s duplicate copy of said title was not, in fact, lost but was actually in Magdalena’s possession; that, in 1972, the property covered by OCT No. 70 was sold to her and Benjamin Turgano, Alfredo Damilig, and Manuel Lagon, collectively, Magdalena, et al. by Narciso’s only legitimate child, Trinidad Daoa Bulagsay (Trinidad), as evidenced by an Extrajudicial Settlement of Estate with Confirmation of Previous Sale. Magdalena thus prayed for: (1) the nullification of the owner’s duplicate copy of OCT No. 70 issued in favor of Rogelio by virtue of the trial court’s Decision in LRC Case No. 01158-T; and (2) the restoration of the owner’s duplicate copy of OCT No.

¹ *Rollo*, pp. 25-42.

² *Id.* at 7-13; penned by Associate Justice Samuel H. Gaerlan (now a Member of this Court) and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Marie Christine Azcarraga Jacob of the Ninth (9th) Division, Court of Appeals, Manila.

³ *Id.* at 21-22.

⁴ *Rollo*, pp. 97-104; rendered by Presiding Judge Mario Anacleto M. Bañez.

70 in her possession.⁵

In his answer, Rogelio maintained that he had no knowledge or information that the owner's duplicate copy was in Magdalena's possession. He specifically denied that his mother, Trinidad, sold the property and that she surrendered the owner's duplicate copy to Magdalena, et al., as vendees. According to Rogelio, his mother only ever went by the names Trinidad Daoa or Trinidad Libertino, not Trinidad Daoa Bulagsay; there was no evidence of the sale between Trinidad and Magdalena, et al., thereby making the alleged sale (assuming it did happen) unenforceable; Magdalena's possession of the owner's duplicate copy of OCT No. 70 could only have been due to unlawful means; and that Magdalena, et al., never caused the annotation of their interest over the property on the title itself. Finally, Rogelio alleged that the Extrajudicial Settlement of Estate with Confirmation of Previous Sale was falsified and that Trinidad's signature appearing thereon was a forgery.⁶

Ruling of the RTC

In an Order⁷ dated 24 June 2013, the RTC initially ordered the dismissal of Magdalena's petition, finding the same to be an action for the annulment of a decision previously issued by the court:

The petition has to be **DISMISSED**; not on the grounds invoked by [Rogelio] **but on jurisdictional grounds.**

The decision in Special Proceeding Case No. 01158-T has long become final. In fact, as [Magdalena] herself alleges, the Register of Deeds of Ilocos Sur has issued a new owner's duplicate as he was ordered to do in the decision of the court in the petition for the issuance of a new owner's duplicate certificate. It is true, as [Magdalena] claims, that the court may recall its own decision on jurisdictional grounds. However, a decision that has become final, such as the decision under consideration, may no longer be recalled. It may be annulled on jurisdictional grounds. However, the court has no jurisdiction over actions involving the annulment of its own decision.⁸ (Emphasis supplied)

⁵ *Id.* at 98.

⁶ *Id.* at 52-56.

⁷ *Id.* at 75-76; rendered by Judge Policarpio P. Martinez.

⁸ *Id.* at 75-76.

Magdalena filed a motion seeking reconsideration of the RTC's Order. Before the court could resolve her motion, Magdalena filed a subsequent motion praying that she be allowed "to withdraw her prayer for the recall and/or nullification of the decision x x x and retain the prayer for the nullification of the second owner's duplicate copy of OCT No. 70, and the restoration of the owner's duplicate copy x x x in the possession of the owner."⁹

Finding the rule on misjoinder of causes of action applicable, the RTC, in its Order¹⁰ dated 30 January 2014, reconsidered and gave due course to Magdalena's petition. Rogelio thus filed a motion seeking reconsideration of this Order. The RTC, however, in its Order¹¹ dated 17 July 2014, denied Rogelio's motion and ordered the setting of the case for pre-trial.

On 04 April 2016, the court *a quo* issued its Decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing considerations, the second owner's duplicate copy of Original Certificate of Title No. 70 issued in this Court's decision dated July 9, 2007, docketed as Special Proceeding Case No. 01158-T, In Re: Issuance of New Owner's Duplicate Copy of Certificate of Title No. 70 of the Register of Deeds of Ilocos Sur, Rogelio Libertino, Petitioner, is hereby declared NULL and VOID, and the owner's duplicate copy of OCT No. 70 in the possession of the petitioner Magdalena J. Javillonar is hereby further ordered RESTORED.

The Register of Deeds of Ilocos Sur is hereby ordered to cause the cancellation of the second owner's duplicate copy of OCT No. 70 and the restoration of the owner's duplicate copy of the same.

SO ORDERED.¹²

Aggrieved, Rogelio filed an appeal before the CA, arguing that the RTC erred in assuming jurisdiction over the petition filed by Magdalena.¹³

⁹ *Id.* at 10.

¹⁰ *Id.* at 85-86; rendered by Judge Policarpio P. Martinez.

¹¹ *Id.* at 93-94; rendered by Judge Mario Anacleto M. Bañez.

¹² *Id.* at 103-104.

¹³ *Id.* at 107-114.

Ruling of the CA

After examining Magdalena's petition, as amended, the CA found that it is essentially an action for the annulment of an RTC's judgment which falls within the exclusive original jurisdiction of the CA, thus:

WHEREFORE, premises considered, the instant appeal is **GRANTED**. Accordingly, the assailed Decision dated 04 April 2016 is hereby **REVERSED and SET ASIDE**. The amended petition for nullification of the new owner's duplicate copy of OCT No. 70, docketed as LRC Case No. 01442-T and filed by [Magdalena], is hereby **DISMISSED**.

SO ORDERED.¹⁴

Magdalena filed a motion for reconsideration but this was denied by the CA in its Resolution dated 24 September 2018.¹⁵ Hence, this Petition.

Issue

The Court is asked to determine whether the CA committed reversible error when it granted Rogelio's appeal and ordered the dismissal of the petition in LRC Case No. 01442-T filed by Magdalena, et al., to nullify Rogelio's reconstituted title.

Ruling of the Court

We **DENY** the Petition. The CA correctly granted Rogelio's appeal.

The nature of an action is determined by the principal relief sought in the complaint, irrespective of the other causes of actions that may also crop up as a consequence of the principal relief prayed for.¹⁶ As gleaned from the averments of the petition filed before the trial court, we agree with the CA that Magdalena's action is in essence an action for annulment of the RTC's judgment in LRC Case No. 01158-T. We quote the petition in relevant part:

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 21-22.

¹⁶ *First Sarmiento Property Holdings, Inc. v. Philippine Bank of Communications*, 833 Phil. 400 (2018).

PETITION/MOTION TO NULLIFY
SECOND OWNER'S DUPLICATE COPY OF TITLE

COMES NOW, [Magdalena], through counsel, unto this Honorable Court, and by way of this Petition/Motion, most respectfully asseverates:

x x x x

2. That [Rogelio] filed before this Honorable Court a petition for the issuance of a second owner's duplicate copy of Original Certificate of Title (OCT) No. 70, on the ground that the owner's duplicate copy was lost. x x x

3. That the petition was based on the Affidavit of Loss executed by Rogelio x x x.

4. **That sometime on July 5, 2007, this Honorable Court had issued a Decision, granting the petition, and ordered for the issuance of second owner's duplicate copy of Original Certificate of Title (OCT) No. 70.** x x x

5. That as a matter of fact, a Second Owner's Duplicate Copy of OCT No. 70 was already issued by the Register of Deeds for the Province of Ilocos Sur, Vigan City, Ilocos Sur, on the basis of the aforesaid Decision, as may be gleaned in the certified true copy of OCT No. 70. x x x

6. **That the Owner's Duplicate Copy of OCT No. 70 was not actually lost but the ___ was delivered to [Magdalena];**

7. That it is indispensable to point out, that sometime on September 1, 1972, Trinidad Daoa Bulagsay, who claimed to be the only legitimate children of the deceased registered owner Narciso Bulagsay, sold the parcel of land, designated as Lot No. Plan G-___, then situated at Brgy. Kabugao, Suyo, Ilocos Sur, in favor of [Magdalena]. x x x

8. That upon the execution of the said sale, sometime on September 1, 1972, Trinidad Daoa Bulagsay, had gave (sic), delivered and surrendered the owner's duplicate copy of OCT No. 70 in favor of [Magdalena] and the vendees. x x x

x x x x

10. **That with all due and utmost respect, this Honorable Court has no jurisdiction to entertain the said Petition for Issuance of Second Owner's Duplicate Copy of OCT No. 70 because the owner's duplicate copy xxx was not actually lost, but was delivered to [Magdalena]. Clearly, the subject Decision was issued on the basis of the false and fraudulent misrepresentation of [Rogelio], and therefore, the same is null and void, and this Honorable Court has no jurisdiction to entertain the same.**

x x x x

12. x x x the Decision issued by this Honorable Court directing for the issuance of another owner's duplicate copy

of OCT No. 70 was clearly void, and can be attacked anytime, as this Honorable Court has no jurisdiction. [Magdalena]'s presentation of the original owner's duplicate certificate of title showed to this Honorable Court the physical existence, and [Magdalena]'s possession, of the certificate of title. Considering that a void judgment is in legal effect no judgment, by which no rights are divested, from which no right can be obtained, which neither binds nor bars any one, and under which all acts performed and all claims flowing out are void. The same can be attacked at any time, or even after final judgment. x x x¹⁷ (Emphases supplied)

Magdalena is correct in that it is the fact of loss or destruction of the owner's duplicate certificate of title that clothes the RTC with jurisdiction over the judicial reconstitution proceedings.¹⁸ If the title sought to be reconstituted was not in fact lost, but, as Magdalena claims, surrendered to her by Trinidad was in her possession, then the RTC in LRC Case No. 01158-T could not have acquired jurisdiction over the subject matter of the proceeding filed by Rogelio.

Section 9 of Batas Pambansa Blg. 129, as amended, vests in the CA "[e]xclusive jurisdiction over actions for annulment of judgments of regional trial courts x x x"¹⁹ Since the title sought to be annulled was issued as a consequence of a decision rendered by the RTC in the reconstitution proceedings instituted by Rogelio, Magdalena's complaint to annul said title should have been filed with the CA and not with the RTC. This is precisely the reason why Magdalena's petition/motion was initially (and correctly) denied by the RTC in its Order dated 24 June 2013.

Magdalena sought to remedy this by amending her petition to remove her prayer for the nullification of the RTC Decision. However, and as the CA correctly pointed out, the reconstituted second owner's duplicate copy of OCT No. 70 issued in favor of Rogelio cannot be nullified without annulling the Decision which ordered its reconstitution in the first place. In fact, an examination of the RTC's Decision would show that it concerned itself primarily with the RTC's lack of jurisdiction to order the reconstitution which, in turn, turned on the fact of loss of the title sought to be reconstituted:

[Magdalena] has proven that the owner's duplicate copy of OCT No. 70 was not lost but delivered and surrendered in favor

¹⁷ *Rollo*, pp. 43-47.

¹⁸ See *Sebastian v. Spouses Cruz*, 807 Phil. 738 (2017).

¹⁹ *Nery v. Leyson*, 393 Phil. 644 (2000). See also *Adlawan v. Joaquin*, 787 Phil. 599 (2016).

and in the possession of [Magdalena] herself. Xxx This Court has consistently held that when the owner's duplicate certificate of title has not been lost but is in fact in the possession of another person, then the reconstituted certificate is void, **because the court that rendered the decision had no jurisdiction.** x x x

The assertion of [Rogelio] that the Extrajudicial Settlement of Estate with Confirmation of Sale was fake because the signature of his mother Trinidad Daoa Bulagsay was forged or his claim that his mother used the name Trinidad Daoa or Trinidad Libertino cannot be taken into consideration by this court because, even if it is true that her (sic) mother's signature was forged, the same was not the issue in reconstitution of title proceedings.²⁰

Clearly, and her attempt to amend her petition notwithstanding, Magdalena's action was one for the annulment of the Decision allegedly rendered by the RTC without jurisdiction. In *Imperial v. Armes*,²¹ this Court ruled that while a void judgment is no judgment at all in legal contemplation, any action to challenge it must be done through the **correct** remedy and filed before the **appropriate** tribunal.²²

We hasten to clarify, however, that ownership should not be confused with a certificate of title,²³ nor the issue of ownership determined in a reconstitution proceeding.²⁴ Registering land under the Torrens System does not create or vest title because registration is not a mode of acquiring ownership. A certificate of title is merely an evidence of ownership or title over the particular property described therein. In *Heirs of Toring v. Heirs of Boquilaga*,²⁵ this Court held that:

[T]he decision in the reconstitution case is not a bar to the adjudication of the issue of ownership raised in the present case. The nature of judicial reconstitution proceedings is the restoration of an instrument or the reissuance of a new duplicate certificate of title which is supposed to have been lost or destroyed in its original form and condition. **Its purpose is to have the title reproduced after proper proceedings in the same form they were when the loss or destruction occurred and not to pass upon the ownership of the land covered by the lost or destroyed title.**²⁶

²⁰ *Rollo*, pp. 103-104.

²¹ 804 Phil. 439 (2017). Emphases supplied.

²² *Id.*

²³ *Heirs of Tuazon v. Court of Appeals*, 465 Phil. 114 (2004).

²⁴ See *Heirs of Abadilla v. Galarosa*, 527 Phil. 264 (2006).

²⁵ 645 Phil. 518 (2010).

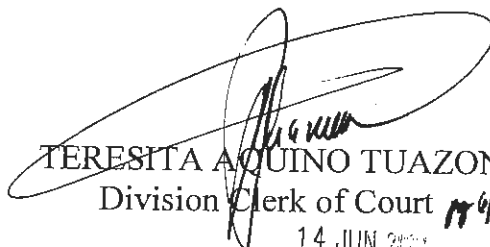
²⁶ *Id.*

Any question involving the issue of ownership must be threshed out in a separate suit, via a full-blown trial wherein the parties will present their respective evidence on the issue of ownership of the subject properties to enable the court to resolve the said issue.²⁷

WHEREFORE, premises considered, the petition is **DENIED**. The Decision dated 22 January 2018 and Resolution dated 24 September 2018 of the Ninth Division of the Court of Appeals in CA-G.R. CV No. 107298 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
14 JUN 2022

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HON. PRESIDING JUDGE (reg)
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(LRC Case No. 01442-T)

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²⁷ See *supra* note 23.