



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 8, 2022, which reads as follows:

“G.R. No. 257607 (Heirs of Mamerto S. Miranda & Ligaya M. Miranda, et al., petitioners, versus Republic of the Philippines, respondent). – The Court resolves to **GRANT** petitioners’ motion for an extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

The Court further resolves to require counsel for petitioners to **SUBMIT** to the Court: a) clearly legible duplicate originals or certified true copies of the assailed decision and resolution; and b) a clearly legible duplicate original or certified true copy of the Secretary's Certificate which authorizes petitioners’ representatives, Erlinda M. Dalag and Imelda U. Galang, to sign the verification of the petition with certification of non-forum shopping for and on behalf of their co-petitioners (as the attached Secretary’s Certificate is a machine copy of the original), both within five (5) days from notice.

The Court of Appeals¹ (CA) committed no reversible error.

The Court agrees with petitioners that Section 3 of Republic Act (R.A.) No. 26² provides the sources from which lost or destroyed transfer certificates of title may be reconstituted, to wit:

SECTION 3. Transfer 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;

¹ Special Fifteenth Division and Former Special Fifteenth Division.

² AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED, September 25, 1946.

(c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;

(d) The deed of transfer or other document, on file in the registry of deeds, containing the description of the property, or an authenticated copy thereof, showing that its original had been registered, and pursuant to which the lost or destroyed transfer 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.

Petitioners point out in their Petition³ that pursuant to the aforementioned Section 3 of R.A. No. 26, in the absence of other primary sources, such as the owner's duplicate of the certificate of title or certified copy of the certificate of title, any other document which, in the judgment of the court, may be sufficient and proper basis for reconstituting the lost or destroyed certificate of title. They insist that a photocopy of Transfer Certificate of Title (TCT) No. 284375 is sufficient and proper basis for reconstituting the said TCT.⁴

The CA has correctly ruled against petitioners' submission, viz.:

In this case, appellees [(herein petitioners)] categorically stated in their petition that they seek reconstitution "on the basis of the copy of the Owner's Duplicate Certificate of Title x x x." Taking in mind that Section 3(c) of R.A. No. 26 requires a certified copy of the certificate of title sought to be reconstituted, appellees' submission only of machine copies [or photocopies] of the same was fatal.

Emphasis is laid that, even if We were to consider appellees' submission in this appeal that the machine copy is sufficient as it can fall under Section 3(f) which allows "any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title", still, the grant of the reconstitution is improper.

While a machine copy of a certificate of title may be made a source for reconstitution as it can fall under Section 3(f) of R.A. No. 26, the requirements prescribed in Section 12 of R.A. No. 26 must likewise be met. Thus:

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

³ Denominated as "Petition for Review on Certiorari Under Rule 45," *rollo*, pp. 9-26.

⁴ *Rollo*, p. 21.

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 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. (Emphasis and underscoring added.)

Here, a perusal of the aforequoted provision *vis-à-vis* the allegations in appellees' petition reveals that the latter complied only with items (a), (c) and (e). In paragraph 9 of the petition, they alleged the loss or destruction of TCT No. 284375 and, in paragraphs 8 and 10, they indicated their possession of the property and the owners of the adjoining properties. The rest of the paragraphs, however, merely traced the particulars as to how they acquired the property and described the attachments of their petition. The petition, however, did not mention anything pertaining to items (b), (d), (f) and (g).

Appellees' failure to fully comply with the requirements prescribed in Section 12 of R.A. No. 26 was fatal, as such incomplete compliance resulted in the RTC's non-acquisition of jurisdiction over their petition. Jurisprudence is replete with rulings regarding the mandatory character of the requirements of R.A. No. 26. Note as well that the principle providing for a liberal construction of the rules does not apply to land registration cases by express provision in the Rules of Court.⁵

Moreover, there has been no compliance with the indispensable requirement of the presentation of the Land Registration Authority (LRA) Report in the reconstitution of lost or destroyed certificates of title pursuant

⁵ Id. at 37-38. Citations omitted.

to LRA Circular No. 35 and the Court's Administrative Circular No. 7-96 as discussed in the recent case of *Republic v. Manansala, et al.*⁶ LRA Circular No. 35 requires that the RD shall submit "written findings" on the status of the title sought to be reconstituted and a mere certification that the original TCT was among those destroyed in a particular fire is insufficient.⁷ As cited in *Republic v. Sanchez*,⁸

[LRA] Circular [No.] 35 pertinently provides:

3. Within five (5) days from receipt of the petition, the Clerk of Court shall forward to this Commission [(LRA)] a signed copy of the petition together with the necessary requirements as prescribed in Secs. 4 and 5 hereof;

X X X X

8. Upon receipt of the petition, the Records Section of this Commission shall, after the same is recorded in a separate book used exclusively for reconstitution cases, forward all the papers to the Clerks of Court Division for processing. If the Chief, Clerks of Court Division, finds that the requirements as called for by these guidelines have not been complied with, or that the plan and technical description as submitted by the petitioner are deficient or defective, the Court shall be immediately informed thereof so that action on the petition may be held in abeyance until after the requirements shall have been complied with.

9. Thereafter, the Chief, Clerks of Court Division, shall forward the entire records of the case, properly foldered, to the Head Geodetic Engineer of the Division of Original Registration for examination and verification.

10. After the processing and approval of the plan and technical description pursuant to Administrative Order No. 13, dated July 7, 1969 and the verification and examination of the documents to be used as the source of the reconstitution shall have been accomplished, the Head Geodetic Engineer shall return the entire records of the case, together with his written comments and/or findings, to the Chief, Clerks of Court Division, for the preparation of the corresponding report.

11. All papers, together with the Report, shall be forwarded to the Chief, Docket Division, the Commission, who shall transmit the same to the proper Regional Trial Court, thru the Records Section.

12. The Register of Deeds, upon receipt of a copy of the petition and notice of hearing, shall verify the status of the title—whether valid and subsisting at the time of the alleged loss; whether or not another title exists in the said office covering the same property; and as to the existence of transactions registered or

⁶ G.R. No. 241890, May 3, 2021.

⁷ See *Republic v. Sanchez*, G.R. No. 146081, July 17, 2006, 495 SCRA 248, 270.

⁸ *Id.*

pending registration which may be adversely affected thereby. He shall submit his written findings to the Court on or before the date of initial hearing of the petition.

13. The Court, after considering the report of the Land Registration Commission and [the] comments and findings of the Register of Deeds concerned, as well as the documentary and parol evidence presented by the petitioner, may take such action on the petition as it may deem proper.⁹

The non-presentation of the LRA Report is also a fatal defect in the reconstitution sought in the instant case.

WHEREFORE, the instant Petition is **DENIED**. The Decision¹⁰ dated February 15, 2021 and Resolution¹¹ dated October 19, 2021 of the Court of Appeals in CA-G.R. CV No. 110595 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

MisDcBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

IP 8/21/22

Atty. Francis G. Aguilar
Counsel for Petitioners
EONMAC MACHINERIES PHILS., INC.
No.10, 3/F Marmic Building, E. Rodriguez
Jr. Avenue cor. C. Caparas St., Ugong
1604 Pasig City

COURT OF APPEALS
CA G.R. CV No. 110595
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 83, 1100 Quezon City
(LRC Case No. RQZN-14-12178-LR)

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

(2)
URES

G.R. No. 257607
len

⁹ Id. at 267-268.

¹⁰ *Rollo*, pp. 32-40. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Myra V. Garcia-Fernandez and Angelene Mary W. Quimpo-Sale.

¹¹ Id. at 28-29.