



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 25, 2023**, which reads as follows:*

“G.R. No. 241516 (Melinda Quilang Aquino, Petitioner v. Julia Estanislao Aquino, Respondent).— This Petition for Review on *Certiorari*¹ assails the Decision² and the Resolution³ of the Court of Appeals (CA), which granted the Petition for Annulment of Judgment⁴ filed by respondent Julia Estanislao Aquino (Julia), and denied the Motion for Reconsideration⁵ thereof, respectively, in CA-G.R. SP No. 148635.

The instant controversy emanated from a verified Petition⁶ under Section 109 of Presidential Decree (PD) No. 1529⁷ for the issuance of a new owner’s duplicate copy of Transfer Certificate of Title (TCT) No. T-38951, covering a parcel of land located in Caritan Sur, Tuguegarao City, with an area of 527.20 square meters. It was filed by petitioner Melinda Quilang Aquino (Melinda) before the Regional Trial Court of Tuguegarao City, Cagayan, which was docketed as LRC Cadastral Record No. 440⁸ and raffled off to Branch 1.

The subject realty was originally owned by the spouses Pedro B. Aquino (Pedro) and Tecla A. Aquino (Tecla) (collectively, spouses Aquino). When they died, they were survived by their only son, Quintin Aquino (Quintin). On April 20, 2005, he executed an Affidavit of Adjudication with Sale of a Portion of Registered Land⁹ (Affidavit), transferring part of the property to his daughter-in-law, Melinda, who is the second wife of his son Pedro. Effectively, Melinda became a co-owner of a portion of the same land with an area of 69.25 square meters.¹⁰

¹ *Rollo*, pp. 27–39.

² *Id.* at 43–51. The November 21, 2017 Decision was penned by Associate Justice Rosmari D. Carandang (now a retired Member of this Court), with the concurrence of Associate Justices Mario V. Lopez (now a Member of the Court) and Myra V. Garcia-Fernandez.

³ *Id.* at 54–55. Dated August 15, 2018.

⁴ *Id.* at 86–103.

⁵ *Id.* at 221–225.

⁶ *Id.* at 57–58.

⁷ THE PROPERTY REGISTRATION DECREE. Signed on June 11, 1978.

⁸ *Rollo*, pp. 44 & 57.

⁹ *Id.* at 134.

¹⁰ *Id.* at 44 & 28–29.

After the Affidavit was executed, Quintin entrusted the owner's duplicate copy of TCT No. T-38951 to Melinda so that she may have the title to the portion of the land transferred in her name. She then stored the document inside a cabinet within her residence. However, during a disagreement with her husband, she transferred all her personal effects, including the owner's duplicate copy of TCT No. T-38951, to her mother's house.¹¹

As it happened, Melinda and her husband reconciled, but upon moving her personal belongings back to their family home, it emerged that the owner's duplicate copy of TCT No. T-38951, previously kept in one of her mother's cabinets, was nowhere to be found. Despite diligent efforts to locate the same, it could no longer be recovered. Thus, on February 19, 2008, Melinda immediately notified the Office of the Register of Deeds of Cagayan regarding such loss, which was annotated on the dorsal part of the original copy of TCT No. T-38951.¹²

In due course, the trial court rendered its Decision,¹³ granting Melinda's petition and directing the Register of Deeds of Cagayan to issue another owner's duplicate of TCT No. T-38951,¹⁴ to wit—

Based on the uncontroverted evidence (sic) presented, the Court finds that [Melinda] had sufficiently established that she is a co-owner of the subject property covered by TCT No. T-38951 and that the owner's duplicate copy of the title was lost.

WHEREFORE, in light of the foregoing, finding that [Melinda] has complied with all the requirements of law, pursuant to Sec. 109 of Presidential Decree No. 1529, as amended, the Court hereby directs the Register of Deeds of Cagayan to issue another owner's duplicate copy of Transfer Certificate of Title No. T-38951 in lieu of the lost one in exactly the same words as it is found in the original on file in the said office. The lost owner's duplicate copy of TCT No. T-38951 is hereby declared null and void and [of] no force and effect.

SO DECIDED.¹⁵

A Certificate of Finality of the foregoing judgment was issued on August 26, 2008.¹⁶

Seeking the nullification of the trial court's judgment in LRC Cadastral Record No. 440 based on lack of jurisdiction, Julia filed with the CA on December 6, 2016 a petition for annulment of judgment under Rule

¹¹ *Id.* at 44 & 29.

¹² *Id.* at 44-45 & 29.

¹³ *Id.* at 72-73. The July 31, 2008 Decision was penned by Presiding Judge Jimmy Henry F. Luczon, Jr.

¹⁴ *Id.* at 45 & 29.

¹⁵ *Id.* at 73.

¹⁶ *Id.* at 45.

47 of the Rules of Court. She contended that the owner's duplicate of TCT No. T-38951 was never lost. In this wise, Julia asseverated that when her grandfather Pedro died on August 8, 1980, her grandmother Tecla and father Quintin jointly executed an "Extrajudicial Settlement of Estate of Pedro Aquino with Deed of Adjudication of a Registered Land" in favor of Tecla, which transferred full ownership of the subject realty to her. The next day, Tecla executed a Deed of Donation conveying the same property to Julia. Consequently, the owner's duplicate of TCT No. T-38951 was delivered to her custody.¹⁷

In the meantime, multiple spurious documents about the disputed realty cropped up, *i.e.*, a Deed of Absolute Sale dated April 3, 1997, supposedly signed by Tecla, which made it appear that she sold a 60-square meter portion of the property in issue to Pedro; and the aforementioned Affidavit executed by Quintin and Melinda, whereby the former adjudicated a portion of the same property to the latter. However, the foregoing instruments could not be registered since the owner's duplicate of TCT No. T-38951 was in Julia's possession and was not lost as falsely claimed by Melinda to secure a favorable pronouncement. In truth, when Julia discovered the issuance of the trial court's decision in LRC Cadastral Record No. 440, she filed a criminal case for perjury against Melinda. While Melinda was acquitted therein, it was nevertheless established that the owner's duplicate of TCT No. T-38951 was not really lost since Julia was able to present the same in court.¹⁸

For her part, Melinda claimed that the petition for annulment of judgment filed by Julia was barred by laches or estoppel, having been filed eight years after the promulgation of the trial court decision in LRC Cadastral Record No. 440. Further, Melinda stressed that Julia did not file an opposition to, or avail of any other remedy against the petition for the issuance of a new owner's duplicate copy of TCT No. T-38951 despite her prior knowledge thereof.¹⁹

Thence, preliminary conference ensued, after which the parties were required to submit their respective memoranda. Eventually, the CA rendered the impugned Decision, which found merit in Julia's petition and declared the decision of the trial court in LRC Cadastral Record No. 440 null and void for want of jurisdiction,²⁰ thus:

In sum, [Julia] was able to prove that the original owner's duplicate copy of TCT No. T-38951 is still in existence and not in fact lost[,] but in her possession. Consequently, the RTC of Tuguegarao City,

¹⁷ *Id.* at 45 & 91. See *id.* at 30.

¹⁸ *Id.* at 45-46 & 91-95.

¹⁹ *Id.* at 46-47 & 124-127.

²⁰ *Id.* at 48-50.

Branch 1, had no jurisdiction to grant the petition for issuance of new title in lieu of the lost one and to order the Register of Deeds of Cagayan to issue a new owner's duplicate of TCT No. T-38951. The RTC Decision dated July 31, 2008[,] could not have become final and executory, it being void for lack of jurisdiction.

WHEREFORE, premises considered, the instant petition for annulment of judgment is **GRANTED**. The assailed Decision dated July 31, 2008[,] of the Regional Trial Court of Tuguegarao City, Branch 1, is hereby declared **NULL** and **VOID** for **lack of jurisdiction**.

SO ORDERED.²¹

Melinda's motion for reconsideration was rebuffed by the CA in the assailed Resolution.²²

Disgruntled, Melinda now comes to this Court, avowing that the CA gravely erred in declaring the trial court's decision in LRC Cadastral Record No. 440 a nullity, given that it had jurisdiction to grant the issuance of a new owner's duplicate copy of TCT No. T-38951. Moreover, Julia's petition for annulment of judgment was already barred by laches, prescription, and estoppel.²³

After an assiduous review of the case, the Court sustains the ruling of the CA.

At the outset, Melinda raised factual issues which are beyond the purview of a Rule 45 petition. By contending that the CA erred in its ruling that the trial court lacked jurisdiction to grant the petition for the issuance of the owner's duplicate copy of TCT No. T-38951, she is in essence controverting the factual finding of the CA that the subject TCT was in existence and had not been lost. On this score, it is doctrinally established that in a petition for review on *certiorari* under Rule 45, only questions of law may be raised.²⁴ Moreover, it is not the Court's function to analyze or weigh all over again evidence already considered in the proceedings below, as this Court's power is confined to the review of errors of law that may have been committed in the judgment under review.²⁵

At any rate, the Petition is doomed to fail on the merits.

The governing law for notice and replacement of a lost duplicate

²¹ *Id.* at 50.

²² *Id.* at 54-55.

²³ *Id.* at 31.

²⁴ See *Bugaoisan v. OWI Group Manila*, 825 Phil. 764, 773 (2018) [Per J. Reyes, Jr., Second Division].

²⁵ See *F.F. Cruz & Co., Inc. v. Philippine Iron Construction and Marine Works, Inc.*, 817 Phil. 392, 397 (2017) [Per. J. Jardeleza, First Division].

certificate of title is Section 109²⁶ of PD No. 1529, which sets forth two distinct requirements: “the first paragraph refers to the notice requirement, *i.e.*, submission of an Affidavit of Loss to the Register of Deeds while the second paragraph pertains to the procedure for the replacement, *i.e.*, filing a petition for the issuance of a new duplicate certificate. The second paragraph contemplates the conduct of a full-blown hearing wherein *petitioner must prove the fact of loss or theft through preponderant evidence.*”²⁷

In fine, the reconstitution of a certificate of title denotes restoration in the original form and condition of a lost or destroyed instrument attesting the title of a person to a piece of land. The purpose of the reconstitution of title is to have, after observing the procedures prescribed by law, the title reproduced in exactly the same way it has been when the loss or destruction occurred.²⁸

Flowing from the above disquisition, it is evident that **the fact of loss or destruction of the owner’s duplicate certificate of title** is crucial in clothing the Regional Trial Court with jurisdiction over the judicial reconstitution proceedings.²⁹ Intimately related thereto, one of the grounds for the annulment of judgment under Section 2,³⁰ Rule 47 of the Rules of Court is lack of jurisdiction, which refers to either lack of jurisdiction over the person of the defending party or over the subject matter of the claim. In case of absence or lack of jurisdiction, a court should not take cognizance of the case. Thus, the prevailing rule is that where there is want of jurisdiction over a subject matter, the judgment is rendered null and void. 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 anyone and under which all acts performed and all claims flowing out are void. It is not a decision in contemplation of law and, hence, it can never become executory.³¹

²⁶ *Notice and replacement of lost duplicate certificate.* — In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree.

²⁷ See *Republic v. Ciruelas*, G.R. No. 239505, February 17, 2021 [Per J. Delos Santos, Third Division].

²⁸ See *Gairan v. Court of Appeals*, G.R. No. 215925, March 7, 2022 [Per J. Hernando, Second Division].

²⁹ See *id.* at 7.

³⁰ *Grounds for annulment.* — The annulment may be based only on the grounds of extrinsic fraud and lack of jurisdiction.

³¹ See *Gairan v. Court of Appeals*, *supra* note 28.

Upon that point, the Court has held that if a certificate of title has not been lost but is in fact in the possession of another person, then the reconstituted certificate is void and the court that rendered the decision had no jurisdiction.³² After all, reconstitution can validly be made only in case of loss of the original certificate.³³ Hence, the existence of a prior title *ipso facto* nullifies the reconstitution proceedings.³⁴

In the case at bench, the CA properly considered the fact that Julia was able to show during the preliminary conference that she was in possession of the original owner's duplicate copy of TCT No. 38951, the existence of which was not denied by Melinda. In particular, Julia proffered the Judgment³⁵ dated November 6, 2015, in the perjury case, demonstrating that she was able to present in court the original owner's duplicate copy of TCT No. T-38951.³⁶ Thusly, with proof that the owner's duplicate copy of the TCT No. T-38951 actually exists and under Julia's custody, the trial court's decision in LRC Cadastral Record No. 440 is indeed null and void for lack of jurisdiction.

For the aforementioned reasons, the Court agrees with the CA that Julia correctly availed of the remedy of annulment of judgment under Rule 47 sans the exhaustion of other remedies such as new trial, appeal, or petition for relief, because the trial court's judgment was a nullity to begin with. In the same breath, the Court echoes with approbation the following explication of the CA on the issues of estoppel and laches:

What [Melinda] vigorously asserts is, the instant petition should be dismissed for failure of [Julia] to avail of the other remedies of appeal, new trial[,] or petition for relief [from judgment] without any justification. In short, [Julia] is estopped from pursuing the instant petition for annulment of judgment.

[Julia] was not estopped from assailing the July 31, 2008 Decision of the RTC. Be it noted that she was not a party to the reconstitution case. Therefore, [Julia] cannot avail of the remedies of appeal, new trial[,] or petition for relief [from judgment]. Moreover, jurisprudence dictates that where a petition for annulment of judgment or a final order of the RTC filed under Rule 47 of the Rules of Court is grounded on lack of jurisdiction over the person of the [Melinda] or over the nature or subject of the action, the [Julia] need not allege in the petition that the ordinary remedy of new trial or reconsideration of the final order or judgment[,] or

³² See *id.*

³³ See *Tamayao v. Lacambra*, G.R. No. 244232, November 3, 2020 [Per J. Caguioa, First Division] at 21. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

³⁴ See *Sebastian v. Spouses Cruz*, 807 Phil. 738, 745 (2017) [Per J. Perlas-Bernabe, First Division].

³⁵ *Rollo*, pp. 77-85. The November 6, 2015 Judgment in Criminal Case No. 27852 was penned by Presiding Judge Maita Grace A. Deray-Israel of Branch 3 of the Municipal Trial Court in Cities of Tuguegarao City, Cagayan.

³⁶ *Id.* at 49.

appeal therefrom is no longer available through no fault of his own. Precisely because the judgment rendered or the final order issued by the RTC without jurisdiction is null and void and may be assailed at any time either collaterally or in direct action or by resisting such judgment or final order in any action or proceeding whenever it is invoked.

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In the same way, laches does not attach when the judgment is null and void for want of jurisdiction.³⁷

All told, the CA did not egregiously err when it granted Julia's petition for annulment of judgment and declared the July 31, 2008 decision of the trial court in LRC Cadastral Record No. 440 as null and void for want of jurisdiction.

ACCORDINGLY, the Petition for Review on *Certiorari* is hereby **DENIED**. The Decision dated November 21, 2017, and the Resolution dated August 15, 2018, of the Court of Appeals in CA-G.R. SP No. 148635 are **AFFIRMED**.

SO ORDERED."

By authority of the Court:

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³⁷ *Id.* at 49–50.