



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 13, 2023 which reads as follows:

“G.R. No. 231668 (HEIRS OF THE LATE PABLO RAMOS, NAMELY, LEONARDO A. MAALA, REYNALDO A. LIMOSNERO, ROSARIO G. ARCIAGA, SANTOS G. ARCIAGA AND ADORACION G. ARCIAGA, REPRESENTED BY ATTORNEY-IN-FACT ROSARIO G. ARCIAGA, Petitioners v. REPUBLIC OF THE PHILIPPINES, Respondent). – Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45, Rules of Court, seeking the reversal of the Decision² and Resolution³ of the Court of Appeals (CA). The assailed Decision affirmed the Orders⁴ of the Regional Trial Court (RTC) dismissing the petition for reconstitution of Original Certificate of Title (OCT) No. 2947 filed by petitioners Leonardo A. Maala, Reynaldo A. Limosnero, Rosario G. Arciaga, Santos G. Arciaga, and Adoracion G. Arciaga, the heirs of the late Pablo Ramos. The assailed Resolution denied reconsideration.

As narrated by the CA in its Decision,⁵ the facts are as follows:

On December 7, 2012, the Heirs of Pablo filed the judicial reconstitution case alleging that they are the grandchildren of Pablo whose estate includes a 59,747-square meter parcel of land in Las Piñas City. They claimed that OCT No. 2947 was issued pursuant to Pablo’s application for registration of title under Record No. 17869, published in the Official Gazette sometime in January 1921. The Court of First

¹ *Rollo*, pp. 14–41.

² *Id.* at 44–58. The December 7, 2016 Decision in CA-G.R. CV No. 103939 was penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesonando E. Villon and Renato C. Francisco of the Special Eleventh Division, Court of Appeals, Manila.

³ *Id.* at 60–63. The May 16, 2017 Resolution in CA-G.R. CV No. 103939 was penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesonando E. Villon and Renato C. Francisco of the Former Special Eleventh Division, Court of Appeals, Manila.

⁴ *Id.* at 140–143. The June 30, 2014 Order in LRC Case No. M-211 was penned by Pairing Judge Emily Reyes Aliño-Geluz, Branch 275, RTC, Las Piñas City. The October 30, 2014 Order was penned by Acting Presiding Judge Marjorie T. Uyengco-Nolasco, Branch 275, RTC, Las Piñas City.

⁵ *Id.* at 44–58.

Instance of the Province of Rizal granted the application for registration through Decree No. 108413 issued on April 19, 1921 as shown by the **March 7, 2001 Certification of the Ordinary Decree Section (ODS) of the Land Registration Authority (LRA)**. The Heirs of Pablo further claimed that the owner's duplicate copy of OCT No. 2947 was kept by Pablo's niece, Irene SJ Garcia (Irenea), who lost it on May 7, 1974. They exhausted all efforts to locate the owner's duplicate copy but the same proved futile. Worse, the "real and true copy" of OCT No. 2947 supposedly "intact" with the RD of Binangonan was already torn and substantially damaged. **Claiming that they have been in actual and peaceful possession of the lot in question since 1918 and disavowing knowledge of any mortgage, encumbrance, or other parties' interest affecting the same, the Heirs of Pablo prayed that the RD of Binangonan, Rizal and/or Las Piñas be ordered to reconstitute in their records OCT No. 2947 and that the owner's duplicate thereof be issued to them.**⁶ (Emphasis supplied)

After trial, the RTC rendered its March 17, 2014 Decision⁷ in favor of petitioners. The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, the instant Petition is hereby GRANTED. The Register of Deeds of Binangonan, Rizal is directed to reconstitute the lost original copy of OCT No. 2947 which was kept in file in their office, in its original form and condition using as basis the technical description and verification plan both issued by the DENR NCR and LRA as well as other relevant documents presented by the petitioners. Thereafter, the Register of Deeds is directed to issue the corresponding owner's duplicate copy of OCT No. 2947 and deliver the same to the petitioners upon payment of proper fees and taxes thereon.

SO ORDERED.⁸

In its June 30, 2014 Order,⁹ however, the RTC granted respondent's motion for reconsideration and reversed and set aside its Decision,¹⁰ ruling that "a second hard look at [the evidence] reveals that they are not reliable sources for reconstitution for lack of authentication."¹¹ The RTC also cited a Report¹² issued by the LRA on June 15, 2007, which reads:

The Land Registration Authority, to the Honorable Court, respectfully reports that:

- (1) The present petition seeks the reconstitution of Original Certificate of Title No. 2947, purportedly registered in the name of Pablo Ramos, covering Lot No. 1 plan Psu-13668, situated at Almanza, Las Piñas City;

⁶ Id. at 45-46.

⁷ Id. at 135-139. The March 17, 2014 Decision was penned by Judge Bonifacio Sanz Maceda of Branch 275, RTC, Las Piñas City.

⁸ Id. at 139.

⁹ Id. at 140-142.

¹⁰ Id. at 135-139.

¹¹ Id. at 141.

¹² Neither party attached a copy of this Report to their pleadings filed before this Court. However, it was quoted by the RTC in its Order dated June 30, 2014.

- (2) As per Record Book of Surveys on file at the Plan Examination Section, this Authority, Lot 1, Psu-13668 was applied for registration of title under GLRO Record No. 17869;
- (3) As per Record Book of Decree for Ordinary Land Registration, on file at the Ordinary Decree Section, this Authority, **GLRO Record No. 17869 was not issued a decree of registration because it was dismissed, hence, no title could have been duly issued;**
- (4) The purported Certification appearing to be issued on March 7, 2001, stating that GLRO Record No. 17869 was issued Decree No. 108413 on April 19, 1921 (Annex "E" of the petition) **is not duly recorded in the concerned offices of this Authority.**¹³ (Emphasis in the original)

The dispositive portion of June 30, 2014 Order¹⁴ reads:

Premises considered, the instant Motion is GRANTED. The Decision dated March 17, 2014 is REVERSED and SET ASIDE.

Accordingly, the instant petition is hereby DISMISSED.

SO ORDERED.¹⁵

The RTC denied reconsideration in its October 30, 2014 Order.¹⁶

Before the CA, petitioners filed a Motion for New Trial (Under Rule 53 of the Rules of Court)¹⁷ on the ground of newly-discovered evidence, seeking to present a certified true copy of Decree of Registration No. 108413¹⁸ and Affidavit of Recovery executed by Eduardo A. Santos, Jr., Chief of the Vault and Docket Section of the LRA.¹⁹ The CA denied this motion.²⁰ According to the CA, the foregoing documents are not newly-discovered evidence that would justify the holding of a new trial, as they were already in existence at the time of trial and petitioners could have discovered them and produced them before the RTC if they had exercised due diligence.²¹

¹³ Id. at 141.

¹⁴ Id. at 140–142.

¹⁵ Id. at 142.

¹⁶ Id. at 143.

¹⁷ Id. at 191–195.

¹⁸ Id. at 199–200.

¹⁹ Id. at 198.

²⁰ Id. at 202–206. The April 6, 2016 Resolution was penned by Associate Justice Pedro B. Corrales and concurred in by Associate Justices Sesonando E. Villon and Rodil V. Zalameda (now a member of this Court) of the Eleventh Division, Court of Appeals, Manila.

²¹ Id. at 205.

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On the merits, the CA affirmed the Orders of the RTC. The dispositive portion of the CA's Decision²² reads:

WHEREFORE, the instant appeal is hereby **DENIED**. The June 30, 2014 and October 30, 2014 Orders of the Regional Trial Court, Branch 275, Las Piñas City in LRC Case No. M-211 are **AFFIRMED**.

SO ORDERED.²³ (Emphasis in the original)

The CA reiterated its denial of petitioners' motion for new trial in its Decision,²⁴ adding that the unexplained circumstances of discovery of the Decree of Registration, as well as petitioners' failure to present the blue book in which said Decree was allegedly found, "appear to be a dubious effort on the part of [petitioners] which hardly convinces Us that the purportedly new evidence are of such weight that would probably change the judgment if admitted."²⁵

The CA further held that petitioners were unable to present any evidence to support their case for judicial reconstitution:

To recall, the Heirs of Pablo mainly predicated their petition on the following documents: certified Original Certificate of Title (OCT) No. 2947, Decree No. 108413, technical description, lot data, November 22, 2013 Certification, blue print/sepia film of the survey plan, and microfilm of OCT No. 2947.

Among these documents, We can only admit in evidence the blue print/sepia film of the survey plan, microfilm copy of OCT No. 2947, and November 22, 2013 Certification. The rest of the sources presented were mere photocopies, hence, inadmissible under Sections 3 and 5 of Rule 130 of the Rules of Court, as discussed at length.

At any rate, We agree with the RTC that none of the aforementioned admissible evidence satisfactorily supports the Heirs of Pablo's application for judicial reconstitution of OCT No. 2947 under Section 2 of R.A. No. 26.²⁶ (Emphasis supplied)

Citing jurisprudence, the CA stated that: (a) survey plans are not competent and sufficient sources of reconstitution when the petition is based on Sec. 2(f), R.A. No. 26;²⁷ (b) the microfilm copy of OCT No. 2947 is also not sufficient basis for reconstitution as it is torn and does not contain any data pertaining to the circumstances which brought about its issuance or confirming that Lot 1, Psu-13668 in Binangonan, Rizal was decreed in the name of Pablo under the subject title;²⁸ and (c) the November 22, 2013

²² Id. at 44-58.

²³ Id. at 57.

²⁴ Id. at 44-58.

²⁵ Id. at 53.

²⁶ Id. at 54-55.

²⁷ Id. at 55.

²⁸ Id.

Certification²⁹ issued by the Register of Deeds merely stated that OCT No. 2947 could not be located as of even date, and that it was presumed torn when the Register made an inventory and segregation of all titles.³⁰

The CA gave more credence to the June 15, 2007 Report issued by the LRA, which “states in plain and unmistakable [sic] terms that **GLRO Record No. 17869, the basis for which OCT No. 2947 was supposedly issued to Pablo, was dismissed, hence, no title could have been duly issued pursuant thereto.**”³¹

The CA denied reconsideration in its assailed Resolution.³² Hence, this Petition.³³

On the denial of their motion for new trial, petitioners argue that they exercised due diligence in attempting (but to no avail) to secure a copy of the *Decree of Registration*, which is a public document in the custody of the LRA. Thus, petitioners’ efforts “to ask the court for a subpoena to the appropriate government agency, as well as to go out of their way and exert the extra effort of repeatedly inquiring personally with the said office of the whereabouts and status of the subject document, are more than sufficient compliance with the reasonable diligence required by law.”³⁴ The subsequent discovery of the subject Decree of Registration during the pendency of the appeal before the CA “is all but a fortunate event which petitioners can legally take advantage of thru [sic] the filing of a motion for new trial on the ground of its discovery, as provided for under Rule 53 of the Rules of Court,”³⁵ and the Decree of Registration has “such degree of relevance to the present case”³⁶ that “it would have been more prudent to allow the petitioners to utilize this newly discovered evidence to prove the merit of their cause instead of summarily brushing it aside,”³⁷ as “[t]he magnitude of the Decree of Registration to the present case is of such nature as to probably alter the result of the decision.”³⁸

In addition, the presentation of the certified true copy of the Decree of Registration, with the corresponding Affidavit of Recovery executed by Mr. Santos, Jr., “is both sufficient and sanctioned by the rules,”³⁹ and “there would be no basis for the appellate court to declare these newly-found evidence as dubious in character as these documents were accomplished in the performance of regular duties of a public official, thereby presumed to be done regularly, and is a sworn statement made and certified under oath, likewise presumed duly executed.”⁴⁰

²⁹ Id. at 115. The CA erroneously referred to this certification as having been issued by the LRA.

³⁰ Id. at 55.

³¹ Id. at 56; emphasis supplied.

³² Id. at 60–63.

³³ Id. at 34–40.

³⁴ Id. at 26.

³⁵ Id. at 27.

³⁶ Id. at 28.

³⁷ Id.

³⁸ Id.

³⁹ Id. at 30–31.

⁴⁰ Id. at 31.

Finally, petitioners argue that the CA erred in admitting the June 15, 2007 Report of the LRA, as this was never marked and formally offered as evidence.⁴¹ No witness from the LRA or any interested party came forward and identified the report, and “no genuine opportunity was ever given to [petitioners] in contemplating such scenario since the letter remained to be a mere scrap of paper as far as the present case is concerned.”⁴² Consequently, “the declaration of the Court of Appeals [...] that ‘generally no evidence shall be considered unless it has been formally offered if the same is repeatedly referred to in the course of the trial’ is a correctible error.”⁴³

On the other hand, respondent Republic of the Philippines contends that the evidence presented by petitioners before the RTC lacked probative value, and are “mostly either irrelevant or incompetent, and thus, failed to prove their entitlement to the relief [petitioners] prayed for.”⁴⁴ In contrast, the LRA’s June 15, 2007 Report is an official publication that need not be authenticated by its custodian,⁴⁵ which was prepared in accordance with an order of the RTC⁴⁶ and is “relevant, material and competent evidence, establishing that there is no basis for the filing of the subject application for reconstitution.”⁴⁷

The instant Petition lacks merit.

Section 1, Rule 53, Rules of Court, provides:

SECTION 1. *Period for filing; ground.* — At any time after the appeal from the lower court has been perfected and before the Court of Appeals loses jurisdiction over the case, a party may file a motion for a new trial *on the ground of newly discovered evidence which could not have been discovered prior to the trial in the court below by the exercise of due diligence and which is of such a character as would probably change the result.* The motion shall be accompanied by affidavits showing the facts constituting the grounds therefor and the newly discovered evidence. (Emphasis supplied)

In *Crispino, et al. v. Tansay*,⁴⁸ the Court explained the phrase “newly discovered evidence” as follows:

Newly discovered evidence has a specific meaning under the law. Under Rule 53 of the Rules of Court, the following criteria must be satisfied for evidence to be considered newly discovered: **(a) the evidence could not have been discovered prior to the trial in the court below by exercise of due diligence; and (2) it is of such character as would probably change the result.**⁴⁹ (Citations omitted; emphasis supplied)

⁴¹ Id. at 31–34.

⁴² Id. at 33.

⁴³ Id.

⁴⁴ Id. at 237–238.

⁴⁵ Id. at 239.

⁴⁶ Id. at 240.

⁴⁷ Id.

⁴⁸ 801 Phil. 711 (2016) [Per J. Leonen, Second Division].

⁴⁹ Id. at 730.

In this case, the CA found that the alleged new evidence, *i.e.*, the certified true copy of Decree of Registration No. 108413⁵⁰ and Affidavit of Recovery executed by Mr. Santos, Jr.,⁵¹ “do not qualify as newly discovered evidence that would justify the holding of a new trial.”⁵² The CA also emphasized that Mr. Santos, Jr. did not explain how the Decree of Registration was found in one of the LRA’s blue books,⁵³ and that the blue book allegedly containing the Decree of Registration was not presented with the Decree and Affidavit of Recovery.⁵⁴ Petitioners have not proffered to the Court any compelling reason to disturb the CA’s conclusion that “the unexplained circumstances of discovery appear to be a dubious effort on the part of [petitioners] which hardly convinces Us that the purportedly new evidence are of such weight that would probably change the judgment if admitted.”⁵⁵

On the merits, both the RTC (upon reconsideration) and the CA found the evidence presented by petitioners insufficient to justify reconstitution of the claimed title. These factual findings should be considered binding on the Court. As explained in *Tan v. Hermano*:⁵⁶

The prevailing rule is that **findings of fact of the trial court, particularly when affirmed by the Court of Appeals, are binding upon the Supreme Court.** As a rule, the jurisdiction of this Court in cases brought to it from the Court of Appeals is limited to the review and revision of errors of law allegedly committed by the appellate court as its findings of fact are deemed conclusive. As such, **this Court is not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below. Unless, the case falls within the exceptions laid down by jurisprudence, We will not scrutinize the factual arguments made by the parties.**⁵⁷ (Citations omitted; emphasis supplied)

The Court has always accorded great weight and respect to the findings of fact of trial courts.⁵⁸ Indeed, the general rule is that the trial court’s findings of fact are entitled to great weight and will not be disturbed on appeal.⁵⁹ Moreover, when supported by substantial evidence, the findings of fact of the CA are conclusive and binding on the parties and are not reviewable by this Court.⁶⁰ Thus, “a petition for review under Rule 45 is limited only to questions of law. Factual questions are not the proper subject of an appeal by *certiorari*. This Court will not review facts, as it is not our function to

⁵⁰ *Rollo*, pp. 199–200.

⁵¹ *Id.* at 198.

⁵² *Id.* at 52.

⁵³ *Id.*

⁵⁴ *Id.* at 53.

⁵⁵ *Id.*

⁵⁶ G.R. No. 251517, June 10, 2020 [Unsigned Resolution, Second Division].

⁵⁷ *Id.*

⁵⁸ *Gatan v. Vinarao*, 820 Phil. 257, 293 (2017) [Per J. Leonardo-De Castro, First Division].

⁵⁹ *People v. Lumikid*, 875 Phil. 467, 480 (2020) [Per C.J. Peralta, First Division].

⁶⁰ *Valencia (Bukidnon) Farmers Cooperative Marketing Association, Inc. v. Heirs of Cabotaje*, 851 Phil. 95, 102 (2019) [Per J. Caguioa, Second Division].

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analyze or weigh all over again evidence already considered in the proceedings below.”⁶¹

The RTC and CA thoroughly discussed the probative value of the evidence presented by both parties and found petitioners’ evidence insufficient to justify reconstitution of OCT No. 2947. These rulings are in consonance with the Court’s jurisprudence explaining that reconstitution of title requires the presentation of clear and convincing evidence.⁶² In fact, the Court has cautioned lower courts against the hasty and reckless grant of petitions for reconstitution.⁶³

Even if We were to concede that the LRA’s Report—which both the RTC and CA relied on—lacks probative value due to lack of authentication, petitioners were unable to present any evidence to warrant reconstitution of OCT No. 2947, much less “clear and convincing” evidence of their entitlement to reconstitution of this title. In the words of the CA, “[e]ven if We disregard the [LRA’s Report] the fact remains that [petitioners] miserably failed to adduce clear proof that the title they sought to be restored was indeed issued in their names.”⁶⁴

ACCORDINGLY, the instant Petition is **DENIED**. The Decision dated December 7, 2016 and Resolution dated May 16, 2017 of the Court of Appeals in CA-G.R. CV No. 103939 are **AFFIRMED**.

SO ORDERED.” (*Zalameda, J., no part; Kho, J., designated additional Member per Raffle dated August 22, 2023.*)

By authority of the Court:



MARIA TERESA B. SIBULO
Division Clerk of Court

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⁶¹ *Gatan v. Vinarao*, supra note 62, at 266, citing *Miro v. Vda. De Erederos*, 721 Phil. 772, 785-787 (2013) [Per J. Brion, Second Division].

⁶² See *Republic v. Manansala*, G.R. No. 241890, May 3, 2021 [Per J. Caguioa, First Division] citing *Dela Paz v. Republic*, 820 Phil. 907 (2017) [Per J. Martires, Third Division].

⁶³ *Dela Paz v. Republic*, 820 Phil. 907, 918-919 (2017) [Per J. Martires, Third Division].

⁶⁴ *Rollo*, p. 62.

* Vice J. Zalameda, who recused himself due to prior action in the CA.

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