



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated October 11, 2023, which reads as follows:

“G.R. No. 244701 (CARLITO J. AGUINALDO, Petitioner v. DELFIN A. AGUINALDO and REGISTER OF DEEDS, PROVINCE OF CAVITE, Respondents).— This Petition for Review on *Certiorari*¹ and Supplemental Petition² impugn the Decision³ and the Resolution⁴ of the Court of Appeals (CA) in CA-G.R. SP No. 151205, which dismissed the Petition for Annulment of Judgment⁵ filed by petitioner Carlito J. Aguinaldo (Carlito), and denied the Motion for Reconsideration⁶ thereof, respectively.

The present controversy has its provenance in a Petition⁷ for the issuance of new owner’s duplicate copies of various Transfer Certificates of Title (TCT), *i.e.*, TCT Nos. T-687460, T-687461, T-687464, T-686463, T-687455, T-687456, T-687457, T-687465, T-674302, T-674303, T-674305, T-674303, T-636859, T-636860, T-636861, T-636858, T-674300, T-675301, T-687458, and T-663775, which covered parcels of land in Naic, Cavite with a total land area of approximately 1,701,673 square meters. It was filed by respondent Delfin A. Aguinaldo (Delfin) with the Regional Trial Court (RTC) of Naic, Cavite, Branch 15, and docketed as LRC Case No. 8340-631.⁸

Delfin averred that he acquired the subject realties from his aunt, Felicidad F. Aguinaldo (Felicidad), through a deed of donation. However, he could no longer locate the copies of the owner’s duplicates of the aforementioned TCTs after diligent efforts to search for them. Delfin further avowed that the TCTs were never delivered to any other party. On this score, he executed an affidavit⁹ narrating the circumstances leading to the loss of the

¹ *Rollo*, pp. 12–39.

² *Id.* at 183–187.

³ *Id.* at 77–91. The May 30, 2018 Decision was penned by Associate Justice Magdangal M. De Leon, with the concurrence of Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles.

⁴ *Id.* at 92–93. The February 7, 2019 Resolution was penned by Associate Zenaida T. Galapate-Laguilles, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Franchito N. Diamante.

⁵ *Id.* at 197–222.

⁶ *Id.* at 40–53.

⁷ *Id.* at 121–125.

⁸ *Id.* at 78, CA Decision dated May 30, 2018.

⁹ *Id.* at 150–151.

titles. Such fact was annotated upon the originals of the titles with the Register of Deeds of Cavite.¹⁰

There being no opposition filed, the RTC rendered an Order¹¹ granting the Petition and ordering the Register of Deeds to issue new owner's duplicate copies of the titles in question, save for TCT No. T-687459, which was not alleged in the Petition; as well as TCT Nos. T-663775 and T-687452, since electronic copies thereof were not attached to the Petition,¹² to wit:

The applicable provision of law is Section 109 of Presidential Decree [No.] 1529, to wit:

“Sec. 109. 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 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 respect be entitled to like faith and credit as the original certificate, and shall thereafter be regarded as such for all purposes of this decree.”

WHEREFORE, after due consideration of the oral and documentary evidence submitted in support of the petition, this Court hereby finds that the [Carlito] is entitled to the relief prayed for. Accordingly, the petition is GRANTED and the Register of Deeds for the Province of Cavite is directed to issue another owner's duplicate copy of the [sic] Transfer Certificates of Titles Nos. T-687462, T-636861, T-674305, T-674302, T-674303, T-636860, T-636858, T-687463, T-687455, T-687456, T-687457, T-687458, T-636859, T-674301, T-687461, T-687464, T-674300, T-687465, T-674306[,] and T-687460 in the name of the registered owner, with the annotation at the back thereof that the same were issued in lieu of the lost ones which are hereby declared null and void for all intents and purposes.

With respect to the other titles, specifically TCT Nos. T-687459[,] although an electronic copy of the same was attached in the record but, it was not alleged in the petition [sic], while TCT Nos. T-663775 and T-687452, no electronic copy of the titles were submitted. Thus, the Court cannot grant the issuance of the same.

¹⁰ *Id.* at 78, CA Decision dated May 30, 2018.

¹¹ *Id.* at 141–144. The January 30, 2017 Order was penned by Presiding Judge Lerio C. Castigador.

¹² *Id.* at 97–98 and 144, CA Decision dated May 30, 2018 and RTC Order dated January 30, 2017, respectively.

SO ORDERED.¹³

A certification¹⁴ that the trial court's January 30, 2017 Order had become final and executory was issued on March 17, 2017.¹⁵

Seeking the nullification of the RTC's January 30, 2017 Order based on lack of jurisdiction, Carlito filed a Petition for annulment of judgment under Rule 47 of the Rules of Court, and a supplemental petition¹⁶ thereto, with the CA, contending that the owner's duplicate copies of the subject TCTs were not lost or destroyed, but was in truth in his safe possession since 2000, rendering the trial court's Order null and void. In this regard, Carlito asseverated that, in truth, he inherited the properties from his father Carlos Aguinaldo, the sole heir of Miguel Aguinaldo, to whom Felicidad assigned or donated the lots. Moreover, Delfin was guilty of extrinsic fraud for failing to include Carlito in the petition for issuance of new owner's duplicate titles before the RTC. There being no notice, summons, or orders emanating from the RTC and the subject Order being spurious, Carlito could not have availed of the ordinary remedies of new trial, appeal, or petition for relief from judgment.¹⁷

For his part, Delfin claimed that the petition for annulment of judgment filed by Carlito should be dismissed for lack of merit, because the latter failed to avail of other remedies before resorting to a Rule 47 petition.¹⁸

In due course, the CA issued the challenged Decision, dismissing the Petition for lack of merit and affirming the ruling of the RTC. The appellate court found that the evidence submitted by Carlito was insufficient to show that the RTC lacked subject matter jurisdiction or to prove extrinsic fraud,¹⁹ thus:

To grant the instant petition merely on the basis of unsubstantiated allegations and insufficient evidence provided by [Carlito] would be inconsistent with the abovementioned extraordinary nature of annulment of judgment as a remedy in equity.

WHEREFORE, the instant petition for annulment of judgment is **DISMISSED**. The *Order* dated January 30, 2017 issued by the Regional Trial Court, Branch 15, Naic, Cavite is hereby **AFFIRMED**.

SO ORDERED.²⁰ (Emphasis in the original)

Carlito's Motion for Reconsideration was rebuffed by the CA in the assailed Resolution.²¹

¹³ *Id.* at 143–144, RTC Order dated January 30, 2017.

¹⁴ *Id.* at 145.

¹⁵ *Id.*

¹⁶ *Id.* at 113–118.

¹⁷ *Id.* at 79–82 and 200, CA Decision dated May 30, 2018 and Petition for Annulment of Judgment, respectively.

¹⁸ *Id.* at 82, CA Decision dated May 30, 2018.

¹⁹ *Id.* at 85–90.

²⁰ *Id.* at 90.

Disgruntled, Carlito now comes to this Court, praying for the assailed Decision to be set aside and an order be entered annulling the RTC's Order in LRC Case No. 8340-631. The petition additionally prays for the annulment of the certificate of finality dated March 17, 2017 issued by the RTC, as well as the nullification of the new owner's certificates of title, or, in the alternative, the remand of the case to the CA for further proceedings. Carlito vigorously asserts that the CA gravely erred when it dismissed his Rule 47 petition and affirmed the RTC's January 30, 2017 Order.²²

In his Comment,²³ Delfin asseverates that the instant Petition deserves outright dismissal for merely reiterating grounds already passed upon by the CA and for raising factual questions.²⁴

The Petition is impressed with merit.

Under Section 2, Rule 47²⁵ of the Rules of Court, the only grounds for annulment of judgment are extrinsic fraud and lack of jurisdiction. Lack of jurisdiction as a ground for annulment of judgment refers to either lack of jurisdiction over the person of the defending party or over the subject matter of the claim.²⁶ In the latter instance, lack of jurisdiction means absence of or no jurisdiction, that is, the court should not take cognizance of the petition because the law does not vest it with jurisdiction over the subject matter.²⁷ Thus, the prevailing rule is that where there is a want of jurisdiction over a subject matter, the judgment is rendered null and void.²⁸

Here, the Petition for Annulment of Judgment filed by Carlito was grounded on lack of jurisdiction of the RTC over the subject matter of the case. As will be explained hereunder, the CA committed a serious error in dismissing the Petition.

At the outset, Rule 47, Section 1²⁹ of the Rules of Court requires that a petitioner in a petition for annulment of judgment should be able to show that the ordinary remedies of new trial, appeal, petition for relief, or other appropriate remedies are no longer available through no fault of petitioner.³⁰ In the case at bench, it must be stressed that Carlito was not able to avail at all of the remedies of new trial, appeal, petition for relief or any other remedy

²¹ *Id.* at 93, CA Resolution dated February 7, 2019.

²² *Id.* at 27–28 & 38, Petition for Review on *Certiorari*.

²³ *Id.* at 302–319.

²⁴ *Id.* at 303, Comment.

²⁵ *Grounds for annulment.* — The annulment may be based only on the grounds of extrinsic fraud and lack of jurisdiction.

²⁶ *See Heirs of Borrás v. Heirs of Borrás*, G.R. No. 213888, April 25, 2022.

²⁷ *Id.*

²⁸ *See Gaoiran v. Court of Appeals*, G.R. No. 215925, March 7, 2022.

²⁹ *Coverage.* — This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

³⁰ *See Fernando v. Paguyo*, 863 Phil. 642 (2019).

against the RTC's Order, not due to his own fault or negligence, but precisely because he was not impleaded by Delfin.

Besides, as above adumbrated, the ground relied upon by Carlito for his Petition for annulment of judgment is lack of jurisdiction. It is axiomatic that "where a petition for annulment of a 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 respondent or over the nature or subject of the action, the petitioner *need not allege in the petition that the ordinary remedy of new trial or reconsideration of the final order or judgment or 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 any time either collaterally or in a direct action or by resisting such judgment or final order in any action or proceeding whenever it is invoked, unless barred by laches."³¹

Going now into the merits of the case, the governing law in case of loss of the owner's duplicate certificate of title is Section 109³² of Presidential Decree No. 1529,³³ 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*."³⁴

In relation thereto, 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. A reconstitution of title does not pass upon the ownership of land covered by the lost or destroyed title but merely determines whether a re-issuance of such title is proper.³⁵

Certainly, it is the fact of loss or destruction of the owner's duplicate certificate of title which is crucial in clothing the RTC with jurisdiction over

³¹ See *Spouses Paulino v. Court of Appeals*, 735 Phil. 448 (2014). Emphasis supplied.

³² *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.

³³ THE PROPERTY REGISTRATION DECREE, June 11, 1978.

³⁴ See *Republic v. Ciruelas*, G.R. No. 239505, February 17, 2021.

³⁵ See *Heirs of Borras v. Heirs of Borras*, *supra* note 26.

the judicial reconstitution proceedings.³⁶ Thus, in *Gaoiran v. Court of Appeals*,³⁷ where it was found that the owner's duplicate copy of the supposedly lost TCT was actually in the possession of petitioner therein, the Court declared null and void the trial court decision ordering the issuance of the new owner's duplicate certificate of title.³⁸ The Court elucidated that if a certificate of title has not been lost or destroyed, but is in fact in the possession of another person, the reconstituted title is void because the court that rendered the order of reconstitution had no jurisdiction over the subject matter of the case.³⁹

Time and again, the Court has ruled that before jurisdiction over the case can be validly acquired in reconstitution proceedings, it is a condition *sine qua non* that the certificate of title has not been issued to another person.⁴⁰ Therefore, the existence of a prior title *ipso facto* nullifies the reconstitution proceedings. The proper recourse in such a case is to assail directly in a proceeding before the trial court the validity of the Torrens title already issued to the other person.⁴¹

In the case at bench, Carlito claimed in his Petition before the CA that the owner's duplicate copies of the subject TCTs were not really lost but were in truth in his possession all along. Evidently, his Petition for Annulment of Judgment was grounded on lack of jurisdiction. To bolster this cause of action, Carlito submitted an "Affidavit of Non-Loss,"⁴² as well as copies⁴³ of the subject TCTs. In this regard, the issues concerning the existence and/or loss of the titles in question are factual in nature which necessitate a trial and reception of evidence.

However, the CA easily brushed aside these issues and dismissed the Petition based on insufficient evidence, as follows:

Petitioner submits that the trial court lacked jurisdiction to rule on the petition for the issuance of owner's duplicate TCTs filed by respondent because the subject TCTs were not in fact lost but were in petitioner's possession and safe custody since 2000. This was stated in his *Affidavit of Non-Loss*. **To prove this, he submitted copies of the subject TCTs which were in his possession.** Likewise, to show how these titles came to his possession, petitioner submitted Felicidad Aguinaldo's (registered owner of the subject properties) *Sinumpaang Salaysay* wherein she allegedly donated/assigned the subject properties to Miguel Aguinaldo. Petitioner also submitted a copy of *Self-Adjudication by Sole Heir of Estate of Miguel D. Aguinaldo* as well as the *Publisher's Affidavit* corresponding to the publication of the same, as proof of how he inherited the properties of Miguel D. Aguinaldo who died on October 17, 1972. To prove the

³⁶ See *Gaoiran v. Court of Appeals*, *supra* note 28.

³⁷ See *id.*

³⁸ See *id.* at 8, citing *Spouses Paulino v. Court of Appeals*, *supra* note 31, at 460.

³⁹ See *id.* at 7.

⁴⁰ See *Sebastian v. Spouses Cruz*, 807 Phil. 738, 745 (2017), citing *Spouses Paulino v. Court of Appeals*, *supra* note 31, at 448-465.

⁴¹ See *id.*

⁴² *Rollo*, pp. 133-134.

⁴³ *Id.* at 155-176.

authenticity of Felicidad Aguinaldo's *Sinumpaang Salaysay* wherein she assigned the properties to Miguel Aguinaldo, a *Certification* from the Office of the Clerk of Court of Manila confirmed that the said affidavit was entered into the Notarial Report of Atty. Macario Guevarra on March 1, 1952 (as Doc. No. 176, Page 138, Book No. Iv, Series of 1952). Finally, in his *Supplemental Petition*, petitioner submitted a *Certification* from the National Archives of the Philippines which certifies that there is no copy of the *Sinumpaang Salaysay* allegedly executed by Felicidad Aguinaldo on December 3, 1952 wherein he allegedly assigned the subject properties to respondent.

The evidence submitted by petitioner failed to convince this Court. Upon closer examination of said documents, they appear to be self-serving and inadequate to demonstrate how respondent committed fraud by making false claims before the trial court. These pieces of evidence fail to overcome the factual finding of the trial court that the subject titles were once in respondent's possession but can no longer be located despite diligent search. We note that the trial court's assailed decision was arrived at after due examination of documentary and testimonial evidence, and the same cannot be overcome by self-serving allegations made by another party.⁴⁴

While petitioner's averments, coupled with the appropriate supporting documents, ineluctably gave rise to a *prima facie* case that the RTC did not have jurisdiction over the subject matter in this case, the Court believes and so holds that the appellate court failed to consider the question of whether or not the copies of the prior TCTs attached to the Petition for annulment of judgment were genuine or authentic when it ruled that there was insufficient evidence to grant the same. As intimated in detail above, the fact of loss of the owner's duplicate certificate of title is fundamental in conferring the trial court with jurisdiction over reconstitution proceedings.

In *Coombs v. Castañeda*,⁴⁵ where the petitioner therein likewise alleged that the trial court did not have jurisdiction, by submitting a copy of the TCT alleged to have been lost, the Court therein held that "if allegations of this nature turned out to be true, the RTC Decision would be void and the [CA] would have been duty-bound to strike it down."⁴⁶

Similarly, in the case at bench, should Delfin's allegation of loss be proven false and the allegations of Carlito, *i.e.*, that the titles were not lost and were in his possession the whole time, turned out to be true, then there would be no other conclusion than that the trial court had no jurisdiction over the subject matter of LRC Case No. 8340-631; and the January 30, 2017 Order of the RTC therein should have been stricken down by the CA as null and void. This is precisely the situation that an annulment of judgment aims to remedy.⁴⁷ After all, the existence of a prior title *ipso facto* nullifies the reconstitution proceedings.

⁴⁴ *Id.* at 86–88, CA Decision dated May 30, 2018. Emphasis supplied.

⁴⁵ 807 Phil. 383 (2017).

⁴⁶ *Id.* at 393–394.

⁴⁷ *Id.* at 392.

Indeed, while the mere filing of a petition for annulment of judgment does not guarantee the conduct of a trial or reception of evidence, the appellate court in this case should have taken cognizance of the questions of fact which petitioner raised before it, empowered as it were by Section 6, Rule 47 of the Rules of Court, *viz.*:

Procedure. — The procedure in ordinary civil cases shall be observed. Should a trial be necessary, the reception of the evidence may be referred to a member of the court or a judge of a Regional Trial Court.⁴⁸

From the foregoing disquisitions, the Court finds it more prudent to remand the case to the CA for further reception of evidence, in accordance with Section 6, Rule 47 of the Rules of Court, all the more so since it is an age-old doctrine that the Court is not empowered to address questions of fact or to re-examine evidence under a Rule 45 petition. Thusly, the CA is better equipped to resolve questions of fact, as in this case.⁴⁹

WHEREFORE, the instant Petition for Review on *Certiorari* is **PARTLY GRANTED**. The Decision dated May 30, 2018, and the Resolution dated February 7, 2019, of the Court of Appeals in CA-G.R. SP No. 151205 are hereby **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for further proceedings.

SO ORDERED.”

By authority of the Court:

Micael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
 2-7-24

Atty. Gerry A. Aguilar
 Counsel for Petitioner
 Unit 26, R.B. Torres St.
 Jestra Villas Valley 5
 Barangay San Antonio
 1700 Paranaque City

COURT OF APPEALS
 CA G.R. No. 151205
 1000 Manila

LICAYU LAW OFFICE
 Counsel for Respondent
 Unit F6 LTO Commercial Complex
 Phase 2, Palico IV
 4103 Imus, Cavite

⁴⁸ Emphasis supplied.

⁴⁹ See *Aala v. Uy*, 803 Phil. 36 (2017).

The Presiding Judge
REGIONAL TRIAL COURT
Branch 15, Naic
4110 Cavite
(LRC Case No. 8340-631)

REGISTER OF DEEDS
Province of Cavite, Capitol
4105 Trece Martirez, Cavite

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

G.R. No. 244701

anna

ca
(193)
URES

FEB 14 2024