



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

FAUSTINO CO SHU KIAM,
Petitioner,

G.R. No. 279277

Present:

- versus -

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

REPUBLIC OF THE PHILIPPINES,
Respondent.

Promulgated:

JUN 29 2026

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DECISION

HERNANDO, J.:

The instant Petition for Review on *Certiorari*¹ seeks the reversal of the Decision² and the Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 121270.

The CA reversed and set aside the Decision⁴ of the Regional Trial Court, Branch 15, Malolos, Bulacan (RTC) which granted Faustino Co Shu Kiam's

¹ *Rollo*, pp. 11–45 (sans annexes).

² *Id.* at 46–62. The August 30, 2024 Decision in CA-G.R. CV No. 121270 was penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Tita Marilyn B. Payoyo-Villordon and Emily L. San Gaspar-Gito of the Seventh Division, Court of Appeals, Manila.

³ *Id.* at 66–67. The March 12, 2025 Resolution in CA-G.R. CV No. 121270 was penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Tita Marilyn B. Payoyo-Villordon and Emily L. San Gaspar-Gito of the Former Seventh Division, Court of Appeals, Manila.

⁴ *Id.* at 327–330. The December 27, 2022 Decision in Civil Case No. P-282-2019 was penned by Judge Alexander P. Tamayo of Branch 15, Regional Trial Court, Malolos City.

(Faustino) "Petition for Reconstitution of the Lost/Destroyed Original and Owner's Duplicate Copy of Transfer Certificate of Title [TCT] No. T-23536 Registered in the Name of Juan Aglipay & Socorro Resurrection."⁵

The Factual Antecedents

On May 15, 2019, Faustino filed a petition for the reconstitution of TCT No. T-23536, which was allegedly registered in the name of Juan Aglipay (Juan) and Socorro Resurrection Aglipay (Socorro) (collectively, spouses Aglipay).⁶

Faustino alleged that the late spouses Aglipay were the previous registered owners in fee simple of a parcel of land under TCT No. T-23536 issued by the Register of Deeds (ROD) of Bulacan, with an area of 14,233 square meters, and situated in Barrio Bagbaguin, Pandi, Bulacan (subject property). Spouses Aglipay allegedly bought the subject property on December 5, 1958 from its previous owner, a certain "Tomas Delos Santos."⁷

The subject property was more particularly described in the *Kasulatan ng Tuhayang Bilihan ng Isang Lagay ng Lupa*⁸ (*Kasulatan*) executed on the same date. TCT No. T-23536 was allegedly issued pursuant to the said *Kasulatan*,⁹ as shown in the dorsal portion thereof as follows:

It is hereby certified that this instrument has been duly registered, [TCT] No. 19405 cancelled, and [TCT] No. T-23536 issued. Reg. Book RT-118, Title No. 23536.

Malolos, Bulacan, Dec. 11, 1958.

(Signed)
Soledad B. de Jesus
Register of Deeds¹⁰

Faustino averred that spouses Aglipay were in actual, open, continuous, adverse, and exclusive possession of the subject property since 1958; they had also declared the same in their name for taxation purposes and paid the real property taxes therefor.¹¹ When Juan died intestate on August 9, 2009,¹² he left the subject property to Socorro as his sole heir. Socorro then executed an

⁵ *Id.* at 95–101 (sans annexes).

⁶ *Id.* at 47.

⁷ *Id.* at 95.

⁸ *Id.* at 102–103.

⁹ *Id.* at 96.

¹⁰ *Rollo*, pp. 96, 102–103; RTC records, p. 0010. (A copy of the alleged back portion of the "*Kasulatan ng Tuhayang Bilihan ng Isang Lagay ng Lupa*" was not reproduced and attached to the Petition for Review on *Certiorari*.)

¹¹ *Rollo*, pp. 96, 104–114.

¹² *Id.* at 116.

Affidavit of Self-Adjudication,¹³ placing the ownership of the subject property in her name.¹⁴

However, a fire gutted the building of the subject ROD on March 7, 1987 resulting in the loss and destruction of the original copy of TCT No. T-23536 on file with the said office, and hence cannot be found.¹⁵ As proof, Faustino attached Certifications dated December 13, 2018¹⁶ and January 17, 2019¹⁷ all issued by the ROD of Bulacan.

Meanwhile, the owner's duplicate copy of TCT No. T-23536 was entrusted by Socorro to her nephew Lauro Resurrection-Pasco (Lauro) for safekeeping. Faustino alleged that Lauro's house was badly hit by typhoon "*Ondoy*" in 2010 and all their belongings, including the Owner's Duplicate Copy of TCT No. T-23536, were submerged and were lost.¹⁸ To prove this, Faustino attached an Affidavit of Loss¹⁹ executed by Lauro.

On May 3, 2016, Faustino purchased the subject property from Socorro through Lauro, as evidenced by a Special Power of Authority²⁰ and a Deed of Absolute Sale²¹ of even date. He had also settled all taxes related to the sale.²² Although Faustino is currently occupying and is in possession and control of the subject property, he alleged that the transfer of the title to his name cannot be completed considering that the original copy and the owner's duplicate copy of TCT No. T-23536 have been lost or destroyed.²³

In further support of his petition, Faustino claimed that there are no co-owner's, mortgagee's, or lessee's duplicate copy of TCT No. T-23536 that had been issued, and that there is no record of any petition/application for reconstitution pertaining to TCT No. T-23536.²⁴ Moreover, the subject property is free from all liens and encumbrances, and is duly supported by a sketch plan²⁵ and technical description.²⁶ He also claimed that there are no structures, buildings, or any improvements existing on the property.²⁷

¹³ *Id.* at 117–118.

¹⁴ *Id.* at 97.

¹⁵ *Id.*

¹⁶ *Id.* at 122.

¹⁷ *Id.* at 121.

¹⁸ *Id.* at 97.

¹⁹ *Id.* at 123–124.

²⁰ *Id.* at 136–137.

²¹ *Id.* at 128–133.

²² *Id.* at 138–141.

²³ *Id.* at 98.

²⁴ *Id.*

²⁵ *Id.* at 144–145.

²⁶ *Id.* at 146.

²⁷ *Id.* at 99.

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Ruling of the Regional Trial Court

The RTC issued its Decision dated December 27, 2022, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the court finds merit in the instant petition and hereby GRANTS the same.

The Register of Deeds of Bulacan (Meycauayan Branch), is directed to reconstitute the destroyed original copy of Transfer Certificate of Title No. T-23536 in the names of Juan Aglipay and Socorro Resurreccion in exactly the same terms and conditions, on the basis of the pertinent documents presented and thereafter to issue an owner's duplicate copy thereof in lieu of the destroyed one, which is hereby declared of no force and effect and ordered cancelled, upon finality of this Decision and after payment of all the legal fees prescribed by law.

SO ORDERED.²⁸

The trial court found the documents presented by Faustino sufficient to support the allegations in his petition, particularly the previous existence of the original certificate of title on file with the ROD as duly described and identified therein and in due compliance with Sections 12 and 13 of Republic Act No. 26.²⁹ The trial court also ascertained that Faustino is the buyer of the subject property, and thus has interest to file the instant petition.³⁰

The Republic, through the Office of the Solicitor General (OSG), appealed the RTC Decision to the CA on January 20, 2023.³¹

Ruling of the Court of Appeals

The appellate court reversed the trial court's ruling in the assailed Decision dated August 30, 2024, the dispositive portion of which reads:

WHEREFORE, premises considered, the appeal is **GRANTED**. The assailed Decision dated December 27, 2022 of the Regional Trial Court of Malolos City, Branch 15, in Civil Case No. P-282-2019 is **REVERSED and SET ASIDE**. The Petition for Reconstitution of Title is **DISMISSED**.

SO ORDERED.³² (Emphasis in the original)

²⁸ *Id.* at 330.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 331-332.

³² *Id.* at 62.

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In so ruling, the CA held that the trial court failed to observe the guidelines laid down in *Republic v. Spouses Bercede*³³ for the judicial reconstitution of original or transfer certificates of titles. Reliance on “other documents” mentioned in Section 3(f)³⁴ of Republic Act No. 26 should be the last resort. The documents enumerated in Section 3(a) to (e)³⁵ of the same law should be presented in their order or should have been exhausted and proven to have been lost or missing by clear and convincing evidence before resorting to “other documents.” Moreover, these “other documents” must refer to similar documents referred to in Section 3(a) to (e) under the principle of *ejusdem generis* as held in *Bercede*.³⁶

Here, the CA found that Faustino failed to sufficiently prove, by clear and convincing evidence, that the documents referred to in Section 3(a) to (e) are lost or missing. The documents presented by Faustino are unclear, unreliable or inconsistent, to wit: 1) the Certification dated January 17, 2019 from the ROD did not affirm the existence of TCT No. T-23536 from any logbook or document that might have contained the list of titles lost during the fire; Faustino also failed to present the records officer who allegedly issued such certificate;³⁷ 2) the Certification dated December 13, 2018 that “TCT No. T-23536 as appearing under Tax Declaration/ARP No. 2018-16002-00858 cannot be found nor located, therefore, does not exist” runs counter to Faustino’s claim that the title sought to be reconstituted existed;³⁸ 3) the publication notice did not strictly comply with the requirements under the law;³⁹ 4) the attached survey plan and technical description pertained to “Lot No. 3082-C, Psd 46509” and prepared for one “Tis Delos Santos”; these documents do not establish that at the time of the loss of TCT No. T-23536, spouses Aglipay were the registered owners of the subject property or that “Tis Delos Santos” was the same person as “Tomas Delos Santos,” the alleged predecessor-in-interest of spouses Aglipay;⁴⁰ and 5)

³³ 932 Phil. 851, 869–877 (2023) [Per J. Kho, Jr., *En Banc*].

³⁴ Section 3. Transfer certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

....

(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.

³⁵ 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;

(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; . . .

³⁶ 932 Phil. 851, 869 (2023) [Per J. Kho, Jr., *En Banc*].

³⁷ *Rollo*, p. 61.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 62.

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the tax declaration and receipt for realty payment do not serve as valid bases for reconstitution because these are executed for taxation purposes only.⁴¹

Thus, the CA found that the documents attached by Faustino are lacking and are insufficient to warrant the reconstitution of title to the subject property. His motion for reconsideration having been denied, Faustino filed the instant Petition.

Issue

Whether the appellate court erred in dismissing petitioner's petition for reconstitution of TCT No. T-23536.

Our Ruling

The Petition has merit.

The CA relied on the Court's ruling in *Bercede* in dismissing petitioner's petition for reconstitution. As correctly argued by petitioner, however, the factual milieu of *Bercede* is not in all fours with the present case.

It has been held that for a judicial reconstitution of transfer certificates of title, as in this case, Section 3 of Republic Act No. 26 expressly listed the acceptable bases or sources, as follows:

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;
- (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.

⁴¹ *Id.*

In relation to the foregoing, Section 12 of the same law provides:

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 proper Court of First Instance, by the registered owner, his/[her] 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 of all persons who may have 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 to 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 [Commissioner of Land Registration], or with a certified copy of the description taken from a prior certificate of title covering the same property.

It is held that among the sources enumerated in Section 3 of Republic Act No. 26, the owner's duplicate of the transfer certificate of title is given primacy because such document is, by all accounts, an exact reproduction of the original copy of the transfer certificate of title. It is required, however, that the owner's duplicate certificate itself, and not a mere photocopy thereof, be presented to the court. This is to preclude any question as to the genuineness and authenticity of the owner's duplicate certificate and bar the possibility of reconstitution based on a fraudulent or forged owner's duplicate certificate.⁴²

Meanwhile, *Bercede* discussed that Section 3 (f) of Republic Act No. 26 only refers to documents that are like those mentioned in paragraphs (a) to (e). In addition, the "document" referred to in paragraph (f) can only be resorted to in the absence of those preceding in order.⁴³ The Court held that if a party seeking to reconstitute a title fails to show that such prior documents had been sought and had not been found, then the presentation of the succeeding documents as substitutionary evidence is proscribed.⁴⁴

⁴². *Republic v. Verzosa*, 573 Phil. 503, 511 (2008) [Per J. Tinga, Second Division].

⁴³ 932 Phil. 851, 864 (2023) [Per J. Kho, Jr., *En Banc*].

⁴⁴ *Id.*

The Court also pronounced that the unavailability or loss of the source documents listed prior in the list than the one being offered as the source for a petition for reconstitution must be proved by clear and convincing evidence.⁴⁵ Evidence is clear and convincing if it produces in the mind of the trier of fact a firm belief or conviction as to the allegation sought to be established.⁴⁶ Thus, the court where a petition for reconstitution was filed must satisfy itself that indeed, the source document being offered is the one prior in the list and no other source document in the enumeration which precedes the one being offered is available.⁴⁷

Notably, the respondents in *Bercede* presented a photocopy of OCT No. 4275 and a certification from the ROD that the copy of the said title is lost or missing, in requesting its reconstitution. The Court found this insufficient considering that respondents failed to show that the owner's duplicate copy of OCT No. 4275 is likewise missing, or that indeed, no other copy of OCT No. 4275 is available to justify presenting the photocopy.

In the case at bar, however, We find that petitioner sufficiently proved that the owner's duplicate copy of TCT No. T-23536 has been lost or destroyed.

Here, the Affidavit of Loss executed by Lauro on May 3, 2016 established that the owner's duplicate copy of TCT No. T-23536 was among those lost or destroyed due to typhoon "*Ondoy*" in 2010. It has not been shown that Lauro was compelled or forced to execute the said Affidavit, or that the same was forged or falsified.

It is settled that a notarized document carries the evidentiary weight conferred upon it with respect to its due execution, and documents acknowledged before a notary public have in their favor the presumption of regularity.⁴⁸ Nevertheless, while notarized documents enjoy the presumption of regularity, this presumption is disputable.⁴⁹ They can be contradicted by evidence that is clear, convincing, and more than merely preponderant.⁵⁰ In this case, there was no evidence to refute the regularity or authenticity of the Affidavit of Loss executed by Lauro.

Moreover, it was sufficiently proven by petitioner that the subject property was not mortgaged nor leased by Socorro or Lauro to third persons when he bought the same from them. The subject property was also not co-owned by

⁴⁵ *Id.* at 865.

⁴⁶ *Id.*

⁴⁷ *Id.* at 865–866.

⁴⁸ *Valenzuela v. Spouses Pabilani*, 932 Phil. 52, 67 (2022) [Per C.J. Gesmundo, First Division], citing *Basilio v. Court of Appeals*, 400 Phil. 120, 124 (2000) [Per J. Pardo, First Division].

⁴⁹ *Id.*, citing *Heirs of Cipriano Trazona v. Heirs of Dionisio Cañada*, 723 Phil. 388, 397 (2013) [Per C.J. Sereno, First Division].

⁵⁰ *Id.*, citing *Basilio v. Court of Appeals*, 400 Phil. 120, 124 (2000) [Per J. Pardo, First Division].

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Socorro with any other person as evidenced by her Affidavit of Self-Adjudication where she attested that she is the sole heir of Juan. Otherwise, third persons having interest over the subject property would have already come forward to establish or claim their rights, if any.

Meanwhile, We also find the Certification dated January 17, 2019 issued by the ROD sufficient to prove that the building was gutted by the fire on March 7, 1987; consequently, the documents kept therein, including the original copy of TCT No. T-23536, got lost or destroyed.

In denying petitioner's petition, the CA held that the Certification dated January 17, 2019 issued by the ROD "failed to categorically state whether or not the original copy on its file of TCT No. T-23536 actually existed, or whether it was in force at the time it was lost and destroyed."⁵¹ It also held that "[n]owhere did the [ROD] for Bulacan affirm the existence of TCT No. T-23536 based on any logbook or document that might have contained the list of titles lost during the fire that destroyed its records in 1987."⁵² It observed that petitioner also failed to present the records officer as witness "who may have given a clearer idea of whether such title existed prior to the fire or not."⁵³

We cannot subscribe to the CA's observations.

Rule 132, Section 28 of the 1997 Rules⁵⁴ provides how lack of record may be proved. It states:

Section 28. *Proof of lack of record.* — A written statement signed by an officer having the custody of an official record or by his or her deputy that, after diligent search, no record or entry of a specified tenor is found to exist in the records of his or her office, accompanied by a certificate as above provided, is admissible as evidence that the records of his or her office contain no such record or entry. (Emphasis in the original)

Specifically in cases of reconstitution of title, the Court has held that the ROD must submit written findings on the status of the title sought to be reconstituted.⁵⁵ Thus, certifications issued by the Land Registration Authority (LRA) or by the ROD for this purpose shall be signed and shall explicitly and

⁵¹ *Rollo*, p. 61.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ As revised by A.M. No. 19-08-15-SC (2019 Proposed Amendments to the Revised Rules on Evidence, October 8, 2019) to incorporate gender-neutral language. Prior to said revision, Section 28, Rule 132 read: SEC. 28. *Proof of lack of record.* — A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.

⁵⁵ See *Republic v. Sanchez*, 527 Phil. 571, 575 (2006) [Per J. Carpio, Third Division], citing Clause 12 of LRA Circular No. 35.

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categorically state *whether the original copy on its file of the certificate of title sought to be reconstituted actually existed and that it was in force at the time it was lost and destroyed*, and if it actually existed on file, a brief explanation on why and/or how the same was lost or destroyed. This certification shall likewise state the name of the registered owner, if known from the other records in its files.⁵⁶

We observe, however, that these standards imposed on certifications issued by the LRA or the ROD in cases of reconstitution of title cannot reasonably be expected to be met if the entire records or the building where such records were stored were destroyed by fire. It should be noted that the ROD stated in the Certification dated January 17, 2019 that “all titles and documents in the office of the [ROD] were destroyed by [the] March 7, 1987 fire conflagration.”⁵⁷ Thus, it is possible that not only the titles were destroyed, but also all possible records, logbooks, or documents which may have contained a list of the titles stored therein.

Indeed, the records officer would be incapable of categorically stating whether TCT No. T-23536 existed or was in force before it got destroyed by the fire; presenting him as a witness would likewise be futile.

We cannot also subscribe to the CA’s reliance on the Certification dated December 13, 2018 issued by the ROD, Meycauyan, Bulacan as one of the reasons for denying the reconstitution. The said Certification states that “TCT No. T-23536 as appearing under Tax Declaration/ARP No. 2018-16002-00858 cannot be found nor located, therefore, does not exist.” It is possible, however, that when jurisdiction over the properties located in Pandi, Bulacan was transferred to the ROD of Meycauyan, Bulacan in 1995, only the records that existed after the March 7, 1987 fire were transferred. This can explain why the ROD of Meycauyan, Bulacan cannot locate any record of TCT No. T-23536.

Considering the foregoing, petitioner was able to establish that he cannot present, as it has been lost or destroyed, the owner’s duplicate copy of TCT No. T-23536, a co-owner’s, mortgagee’s, or lessee’s duplicate of the said title, or a certified copy of the said title in the ROD, as required by Section 3(a), (b), and (c) of Republic Act No. 26, respectively.

Meanwhile, We find the following documents presented by petitioner sufficient to establish his interest over the subject property: 1) the *Kasulatan*⁵⁸

⁵⁶ See SC Administrative Circular No. 7-96, July 15, 1996, Strict Observance of Land Registration Authority (LRA) Circulars on Reconstitution and Land Registration Cases, Clause II, which quotes in part Land Registration Authority Circular (LRA Circular) No. 35, June 13, 1983. SC Administrative Circular No. 7-96 and LRA Circular No. 35 have both been cited as recently as the ruling in *Republic v. Manansala*, 901 Phil. 794, 805–806 (2021) [Per J. Caguioa, First Division] which cites *Republic v. Spouses Sanchez*, 527 Phil. 571, 593–594 (2006) [Per J. Carpio, Third Division]. (Emphasis supplied)

⁵⁷ *Rollo*, p. 121. (Emphasis supplied)

⁵⁸ *Id.* at 102–103

executed on December 5, 1958 between spouses Aglipay and a certain “Tomas Delos Santos”; 2) the Death Certificate⁵⁹ of Juan; 3) the Affidavit of Self-Adjudication⁶⁰ executed by Socorro; 4) the Special Power of Attorney⁶¹ and the Deed of Absolute Sale⁶² both dated May 3, 2016 executed between Socorro and Faustino; and 5) capital gains tax return and tax receipts⁶³ showing that Faustino had paid all taxes related to the sale.

We agree with the trial court that these documents adequately trace the origins of the ownership of the subject property until petitioner’s present claim of ownership.

As to the *Kasulatan*, a perusal of the said document reveals 1) the description of the subject property, its location, as well as its metes and bounds; 2) that the subject property was previously owned by “Tomas Delos Santos” and covered by TCT No. 19405; 3) that the subject property was sold to spouses Aglipay on December 5, 1958 for PHP 5,000.00; 4) that the same was signed by “Tomas Delos Santos” and his wife, “Olimpia Mendoza”; and 5) that the same was notarized by “Atty. Fabio S. Santos” on December 31, 1959.”⁶⁴ The dorsal portion of the *Kasulatan* also states:

It is hereby certified that **this instrument has been duly registered, [TCT] No. 19405 cancelled, and [TCT] No. T-23536 issued. Reg. Book RT-118, Title No. 23536.**

Malolos, Bulacan, Dec. 11, 1958.

(Signed)
Soledad B. de Jesus
Register of Deeds⁶⁵ (Emphasis supplied)

Section 3(d) of Republic Act No. 26 provides that a petitioner can present a “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.”

Here, it is clearly stated that the *Kasulatan* was registered with the ROD, and that pursuant thereto, TCT No. 19405 was cancelled, and TCT No. T-23536 was issued. Moreover, no one questioned the authenticity of the *Kasulatan* or

⁵⁹ *Id.* at 116.

⁶⁰ *Id.* at 117–118.

⁶¹ *Id.* at 136–137.

⁶² *Id.* at 128–133.

⁶³ *Id.* at 138–141.

⁶⁴ RTC records, pp. 0008-0009.

⁶⁵ *Rollo*, pp. 96, 102–103. RTC records, p. 0010. (A copy of the alleged back portion of the “*Kasulatan ng Tuluyang Bilihan ng Isang Lagay ng Lupa*” was not reproduced and attached to the Petition for Review on *Certiorari*.)

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contested the statements in the back portion thereof as to the fact of its registration with the ROD, and the cancellation of TCT No. 19405 or the issuance of TCT No. T-23536.

Rule 130, Section 4(c)⁶⁶ of the Revised Rules on Evidence provides that a duplicate is admissible as the original unless there is a genuine question about the original's authenticity, or it would be unfair to use the duplicate.⁶⁷ These exceptions were not shown in this case.

In any case, the technical description⁶⁸ and sketch plan⁶⁹ presented by petitioner clearly showed the description of the subject property and were duly approved by the LRA. The CA's observation that there is a discrepancy as to the name of the original owner, "Tis delos Santos" is not significant since the description and the plan clearly pertain to the same property being claimed by petitioner. Likewise, Atty. Jayferson F. Medrano, assistant chief, Reconstitution Division of the LRA, submitted a Report⁷⁰ dated February 26, 2020 to the trial court where he verified that the plan and technical description of Lot 3082-C of the subdivision plan Psd-46509 are correct and pertain to the same lot as described in petitioner's petition.

The Court in *Bercede* provided that the Fourth Guideline (E) requires that if the source or basis for reconstitution falls under Section 2(f) of Republic Act No. 26, *the petition must be accompanied with a plan and technical description of the property duly approved by the LRA*. Notably, the respondents in *Bercede* did not submit any document showing compliance with this requirement which proved fatal to their petition.

In the present case, the details in the plan and technical description pointed out by the CA to be vague or inconsistent are negligible considering that the LRA itself submitted a Report to confirm and verify the plan and technical description as correct and pertaining to the same property as described in petitioner's petition.

Moreover, We find that the allegations in petitioner's petition satisfied the requirements of the Fourth Guideline (B) as laid down by the Court in *Bercede*:

⁶⁶ Section 4. *Original of document*. —

....
(c) A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances, it is unjust or inequitable to admit the duplicate in lieu of the original.

⁶⁷ See *People v. Lastimosa*, G.R. No. 265758, February 3, 2025 [Per C.J. Gesmundo, First Division].

⁶⁸ *Rollo*, p. 146.

⁶⁹ *Id.* at 144–145.

⁷⁰ *Id.* at 165–166.

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IV. If the source or basis for reconstitution falls under paragraph (f) of Sections 2 and 3 of [Republic Act No.] 26, then the applicable procedure is that provided under Sections 12 and 13 of [Republic Act No.] 26. Thus:

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- (B) The petition shall state or contain, among other things:
 - (1) That the owner's duplicate of the certificate of title had been lost or destroyed[;]
 - (2) That there is no duplicate of the certificate of title issued to a co-owner, mortgagee, or lessee, *or if any had been issued*, that the same had been lost or destroyed[;]
 - (3) The location, area, and boundaries of the property[;]
 - (4) The nature and description of the buildings or improvements, if any, which do not belong to the owner of the land[;]
 - (5) The names and addresses of the owners of such buildings or improvements indicated in (B) (4)[;]
 - (6) The names and addresses of the occupants or persons in possession of the property[;]
 - (7) The names and addresses of the owners of the adjoining properties[;]
 - (8) The names and addresses of all persons who may have any interest in the property[;]
 - (9) A detailed description of the encumbrances, if any, affecting the property[; and]
 - (10) A statement that no deeds or other instruments affecting the property have been presented for registration *or, if there be any*, that the registration thereof has not been accomplished as yet.⁷¹ (Emphasis in the original)

In his petition, petitioner also alleged and provided the following: a Certificate⁷² that there are no structures, building, or any improvement existing on the property; the names and addresses of the owners of the adjoining properties;⁷³ a statement that there are no encumbrances, deeds, or other instruments affecting the property; and a Certification⁷⁴ that there is no other petition for reconstitution of title concerning the property.

Based on the foregoing, and taking all the pieces of evidence together, We find that petitioner's petition and the documents he submitted satisfactorily comply with Republic Act No. 26 and the guidelines set in *Bercede*. Thus, the trial court properly granted the reconstitution of TCT No. T-23536.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated August 30, 2024 and the Resolution dated March 12, 2025 of the Court of Appeals in CA-G.R. CV No. 121270 are **REVERSED** and **SET ASIDE**. The Decision dated December 27, 2022 of the Regional Trial Court, Branch 15, Malolos City, Bulacan in P-282-2019 is **REINSTATED**.

⁷¹ *Republic v. Bercede*, 932 Phil. 851, 873–874 (2023) [Per J. Kho, Jr., *En Banc*].

⁷² RTC records, p. 0048.

⁷³ *Id.* at 0004.

⁷⁴ *Id.* at 0047.

W

SO ORDERED.

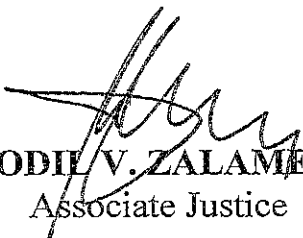


RAMON PAUL L. HERNANDO
Associate Justice
Working Chairperson

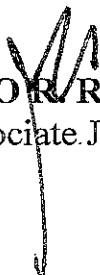
WE CONCUR:



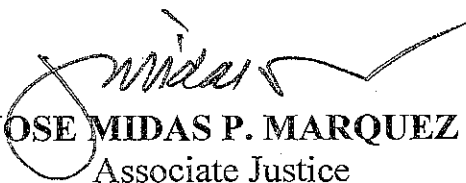
ALEXANDER G. GESMUNDO
Chairperson
Chief Justice



RODIL V. ZALAMEDA
Associate Justice



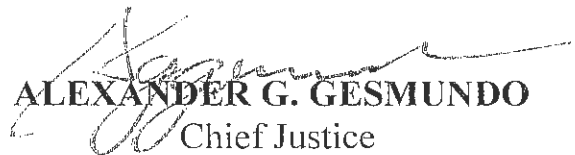
RICARDO R. ROSARIO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY


MARIA TERESA B. SIBULO
DIVISION CLERK OF COURT
OCC-FIRST DIVISION