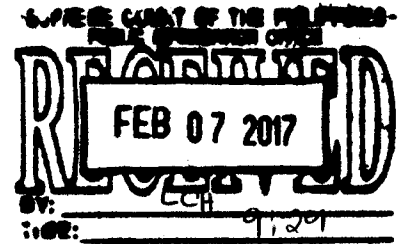




Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION



REPUBLIC OF THE PHILIPPINES,

OF THE

G.R. No. 213209

Petitioner,

Present:

- versus -

SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 PERLAS-BERNABE, and
 CAGUIOA, JJ.

GERTRUDES V. SUSI,
 Respondent.

Promulgated:

JAN 16 2017

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DECISION

PERLAS-BERNABE, J.:

Before the Court is a petition for review on *certiorari*¹ assailing the Decision² dated February 13, 2014 and the Resolution³ dated June 25, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 127144, which upheld the Order⁴ dated July 5, 2012 of the Regional Trial Court of Quezon City, Branch 77 (RTC): (a) denying petitioner Republic of the Philippines' (Republic) Motion to Vacate Judgment in LRC Case No. Q-20493(05); and (b) upholding the Decision⁵ dated January 12, 2011, granting respondent Gertrudes V. Susi's (Susi) petition for reconstitution of Transfer Certificate of Title (TCT) No. 118999.

¹ Rollo, pp. 11-37.

² Id. at 42-49. Penned by Associate Justice Francisco P. Acosta with Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez concurring.

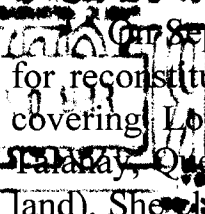
³ Id. at 84-85.

⁴ Id. at 169-170. Penned by Acting Presiding Judge Ma. Belen Ringpis-Liban.

⁵ Id. at 125-128. Penned by Judge Vivencio S. Baclig.

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The Facts

On September 27, 2005 Susi filed before the RTC a verified Petition⁶ for reconstitution of TCT No. 118999 purportedly registered in her name, covering Lot 25⁷ of plan Psu-32606 located in Barrio (now Barangay) Palanay, Quezon City (QC), with an area of 240,269 square meters (subject land). She claimed that the original copy of TCT No. 118999 was destroyed by the fire that gutted the Registry of Deeds of Quezon City (RD-QC) on June 11, 1988;⁸ hence, the petition based on the owner's duplicate copy of TCT No. 118999,⁹ docketed as LRC Case No. Q-20493(05).

Finding the petition to be sufficient in form and substance, the RTC issued an Order¹⁰ dated October 13, 2005: (a) setting the case for initial hearing on February 2, 2006; (b) directing that the concerned government offices be furnished a copy thereof; and (c) directing that the said order be published in the Official Gazette once a week for two (2) consecutive weeks and posted at least thirty (30) days prior to the scheduled hearing at the main entrance of the Quezon City Hall, the bulletin boards of the RTC, as well as the Sheriff's Office of the RTC of QC, and the Barangay Hall of the barangay where the subject land is situated.¹¹ The notice was published in the December 19 and 26, 2005 issues of the Official Gazette (Vol. 101, Nos. 51 and 52),¹² and posted as required.¹³

On January 16, 2006, the Land Registration Authority (LRA) filed with the RTC a Manifestation¹⁴ dated December 5, 2005 stating that respondent filed similar petitions for reconstitution covering the subject land before Branches 88 and 220 of the same RTC, for which it had previously issued Reports dated March 1, 1995¹⁵ and December 12, 1995,¹⁶ respectively.

⁶ Dated September 12, 2005. Id. at 107-112.

⁷ Mentioned as "Lot 35" in the said reconstitution petition; id. at 108.

⁸ See id. at 110.

⁹ Id. at 80-81.

¹⁰ Records, Vol. 1, pp. 24-25.

¹¹ Id. at 25.

¹² See Certificate of Publication dated December 28, 2005 of the National Printing Office; id. at 34.

¹³ See Certification dated October 24, 2005 issued by RTC's Sheriff IV, Angel L. Doroni; id. at 28.

¹⁴ See records, Vol. 1, p. 29 and *rollo*, p. 115.

¹⁵ *Rollo*, pp. 272-273.

¹⁶ Id. at 274.

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On February 2, 2006, Susi presented proof of the jurisdictional requirements without any opposition.¹⁷ The City Government of QC (QC Government) thereafter filed an Opposition¹⁸ dated February 3, 2006 on the ground of *res judicata*.¹⁹ However, the latter was subsequently declared to be without any *locus standi* to oppose the reconstitution petition.²⁰

After Susi was allowed to formally offer her evidence,²¹ the Office of the Solicitor General (OSG) entered its appearance in the case, and manifested that it had deputized the Office of the City Prosecutor of QC to appear on its behalf, subject to its supervision and control.²²

The RTC Ruling

In a Decision²³ dated January 12, 2011 (January 12, 2011 Decision), the RTC granted Susi's petition, and directed the RD-QC to reconstitute the lost/destroyed original copy of TCT No. 118999.²⁴

The RTC ruled that the presentation of the owner's copy of TCT No. 118999²⁵ and the Certification²⁶ from the RD-QC that the original of TCT No. 118999 was burned during the fire that razed the QC Hall on June 11, 1988 were sufficient to warrant the reconstitution sought. It held that the subject petition was not barred by the dismissal by Branch 220 of the same RTC of a similar petition anchored on her failure to: (a) comply with the technical requirements of the law, specifically, her omission to allege matters required under Sections 11 and 12 of Republic Act No. (RA) 26;²⁷ and (b) convince the court that TCT No. 118999 sought to be reconstituted was valid and existing at the time it was destroyed, holding that both objections have been sufficiently overcome in the present case.²⁸

¹⁷ See Order dated February 2, 2006; records, Vol. 1, p. 38.

¹⁸ See records, Vol. I, pp. 39-46 and *rollo*, pp. 226-232.

¹⁹ See records, Vol. I, pp. 39-40 and *rollo*, pp. 226-227.

²⁰ See Order dated December 13, 2010; records, Vol. I, pp. 243-244.

²¹ See Order dated May 14, 2008; *id.* at 143.

²² See Notice of Appearance dated May 6, 2008; *id.* at 147.

²³ *Rollo*, pp. 125-128.

²⁴ See *id.* at 128.

²⁵ *Id.* at 80-81.

²⁶ Dated March 31, 1997 issued by Register of Deeds Samuel C. Cleofe. *Id.* at 114.

²⁷ Entitled "AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED" (September 25, 1946).

²⁸ *Rollo*, pp. 127-128.

Dissatisfied, the QC Government filed a motion for reconsideration,²⁹ while the Republic, through the OSG, filed its Notice of Appeal,³⁰ which were both denied in an Order³¹ dated July 8, 2011. The QC Government's subsequent Notice of Appeal³² was also denied in an Order³³ dated September 15, 2011, on the grounds that (a) it has no authority to appear or to bring or defend actions on behalf of the Republic; and (b) the appeal was belatedly filed, hence, not perfected. The RTC likewise declared the January 12, 2011 Decision as having attained finality.

On October 25, 2011, the Republic, through the OSG, filed a Motion to Vacate Judgment,³⁴ insisting that the January 12, 2011 Decision should be set aside and vacated on the ground of *res judicata*.³⁵ On March 8, 2012, Sunnyside Heights Homeowner's Association, Inc. moved³⁶ to join the OSG's motion, claiming to be registered owners and occupants of various portions of the subject land.

Meanwhile, on March 31, 2011, the LRA filed a Manifestation³⁷ (a) expressing its unwillingness to comply with the directive contained in the January 12, 2011 Decision; and (b) praying that the RTC set aside the same and dismiss Susi's petition on the ground that her owner's duplicate of TCT No. 118999 is of doubtful authenticity.³⁸ Consequently, the LRA maintained that there was a need to comply with the mandatory and jurisdictional requirements under Sections 3 (f), 12, and 13 of RA 26, without which the RTC did not have jurisdiction over the subject petition.³⁹

In an Order⁴⁰ dated July 5, 2012 (July 5, 2012 Order), the RTC denied the Motion to Vacate Judgment, considering that the January 12, 2011 Decision had become final and executory after the Republic's appeal had been denied due course. Thereafter, the corresponding Writ of Execution⁴¹ was issued on July 20, 2012.

²⁹ Dated January 27, 2010. Records, Vol. 1, pp. 352-365.

³⁰ Dated January 28, 2011. *Rollo*, pp. 129-130.

³¹ Id. at 140-141. Issued by Acting Presiding Judge Ma. Belen Ringpis-Liban.

³² Dated August 15, 2011. Records, Vol. 2, pp. 436-437.

³³ *Rollo*, pp. 142-143.

³⁴ Dated October 21, 2011. Id. at 144-152.

³⁵ See id. at 148-149.

³⁶ See Motion to Join the OSG in its Motion to Vacate Judgment (dated October 21, 2011) dated March 5, 2012; records, Vol. 2, pp. 519-525.

³⁷ Dated March 24, 2011. See records, Vol. 2, pp. 410-418 and *rollo*, pp. 131-139.

³⁸ See *rollo*, p. 138.

³⁹ See id. at 133-137.

⁴⁰ Id. at 169-170.

⁴¹ Records, Vol. 2, pp. 693-695. Issued by Branch Clerk of Court Virgilio R. Follosco.

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Unperturbed, the Republic filed a Petition for *certiorari* with prayer for Temporary Restraining Order and Writ of Preliminary Injunction⁴² before the CA, docketed as CA-G.R. SP No. 127144.

The CA Ruling

In a Decision⁴³ dated February 13, 2014, the CA found no reversible error, much less, grave abuse of discretion on the part of the RTC in granting the petition for reconstitution, considering that Susi was able to sufficiently establish that the certificate of title sought to be reconstituted was valid and existing under her name at the time it was destroyed.⁴⁴

The CA found the principle of *res judicata* to be inapplicable to this case since the dismissal of the prior similar petition was based on Susi's failure to comply with the technical requirements of the law. Hence, the latter was not precluded from filing another petition to prove the necessary allegations for the reconstitution of the subject title, which the RTC correctly found to have been fully established.⁴⁵

The Republic filed a motion for reconsideration,⁴⁶ attaching therewith a copy of a Resolution⁴⁷ issued by the LRA *en consulta*, stating, among others, that: (a) the subject land is also covered by subsisting titles and occupied by a number of persons;⁴⁸ and (b) Susi has two (2) uncertified reproduced owner's duplicate copies of TCT No. 118999, but bearing different serial numbers⁴⁹ – *i.e.*, a copy bearing serial number 1775634⁵⁰ which was earlier presented before Branch 220, and another one with serial number 1121955⁵¹ adduced in evidence *a quo*.

In a Resolution⁵² dated June 25, 2014, the CA denied the said motion; hence, this petition.

⁴² Dated October 22, 2012. *Rollo*, pp. 171-198.

⁴³ *Id.* at 42-49.

⁴⁴ *Id.* at 47.

⁴⁵ See *id.* at 46.

⁴⁶ Dated February 28, 2014. *Id.* at 50-67.

⁴⁷ Signed by Administrator Eulalio C. Diaz III on December 20, 2013; *id.* at 68-75.

⁴⁸ *Id.* at 74.

⁴⁹ *Id.* at 74-75.

⁵⁰ *Id.* at 81.

⁵¹ *Id.* at 80.

⁵² *Id.* at 84-85.

The Issue Before the Court

The essential issue for the Court's resolution is whether or not the CA erred in finding that the RTC committed no grave abuse of discretion in: (a) issuing the Order dated July 5, 2012 denying the Republic's Motion to Vacate Judgment in LRC Case No. Q-20493(05); and (b) upholding the January 12, 2011 Decision granting Susi's petition for reconstitution.

The Court's Ruling

The petition is impressed with merit.

A. The Republic is not estopped from assailing the propriety of the order of reconstitution.

At the outset, it is well to emphasize that the State cannot be put in estoppel by the mistakes or errors of its officials or agents, absent any showing that it had dealt capriciously or dishonorably with its citizens.⁵³ Thus, whether or not the OSG's motion to vacate was the proper remedy under the Rules of Court (Rules) does not bar the Republic from assailing the propriety of the reconstitution ordered by the RTC which it claimed to have acted without jurisdiction in hearing and, thereafter, resolving the case. Moreover, it bears to emphasize that even assuming that no opposition was filed by the Republic or a private party, the person seeking reconstitution is not relieved of his burden of proving not only the loss or destruction of the title sought to be reconstituted, but that also at that time, she was the registered owner thereof. As such, the Republic is not estopped from assailing the decision granting the petition if, on the basis of the law and the evidence on record, such petition has no merit.⁵⁴

B. Procedures and requirements for reconstitution of lost or destroyed certificates of title; effect of non-compliance.

The judicial reconstitution of a Torrens title under RA 26 means the restoration in the original form and condition of a lost or destroyed Torrens certificate attesting the title of a person to registered land. The purpose of the reconstitution is to enable, **after observing the procedures prescribed by**

⁵³ *Republic of the Phils. v. Verzosa*, 573 Phil. 503, 508 (2008).

⁵⁴ *Republic of the Phils. v. Tuastumban*, 604 Phil. 491, 509 (2009).

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law, the reproduction of the lost or destroyed Torrens certificate in the same form and in exactly the same way it was at the time of the loss or destruction.⁵⁵

RA 26 provides two procedures and sets of requirements in the reconstitution of lost or destroyed certificates of title depending on the **source** of the petition for reconstitution.⁵⁶ Section 10 in relation to Section 9 provides the procedure and requirements for sources falling under Sections 2 (a), 2 (b), 3 (a), 3 (b), and 4 (a). On the other hand, Sections 12 and 13 lay down the procedure and requirements for sources falling under Sections 2 (c), 2 (d), 2 (e), 2 (f), 3 (c), 3 (d), 3 (e), and 3 (f).⁵⁷ Thus, before the court can properly act, assume, and acquire jurisdiction or authority over the petition and grant the reconstitution prayed for, petitioner must observe the above procedures and requirements prescribed by the law.⁵⁸

In numerous cases, the Court has held that the non-compliance with the prescribed procedure and requirements deprives the trial court of jurisdiction over the subject matter or nature of the case and, consequently, all its proceedings are rendered null and void. The rationale underlying this rule concerns the nature of the conferment in the trial court of the authority to undertake reconstitution proceedings. In all cases where the authority to proceed is conferred by a statute and the manner of obtaining jurisdiction is mandatory, the same must be strictly complied with, or the proceedings will be utterly void.⁵⁹ As such, the court upon which the reconstitution petition is filed is duty-bound to examine thoroughly the same, and review the record and the legal provisions laying down the germane jurisdictional requirements.⁶⁰

C. The petition for reconstitution failed to comply with the applicable procedures and requirements for reconstitution.

The present reconstitution petition was anchored on a purported owner's duplicate copy of TCT No. 118999 (questioned certificate) which is a source for reconstitution of title under Section 3 (a)⁶¹ of RA 26, prompting

⁵⁵ See *Republic of the Phils. v. Mancao*, G.R. No. 174185, July 22, 2015, 763 SCRA 475, 480; emphasis supplied.

⁵⁶ *Republic of the Phils. v. Domingo*, 697 Phil. 265, 271 (2012); emphasis supplied.

⁵⁷ See *id.*

⁵⁸ See *Sta. Lucia Realty and Development, Inc. v. Cabrigas*, 411 Phil. 369, 388 (2001).

⁵⁹ See *id.* at 389. See also *Castillo v. Republic of the Phils.*, 667 Phil. 729, 745-746 (2011); and *Dordas v. CA*, 337 Phil. 59, 66-67 (1997).

⁶⁰ *Heirs of Navarro v. Go*, 577 Phil. 523, 532 (2008).

⁶¹ 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[.]

Branch 77 to follow the procedure outlined in Sections 9⁶² and 10⁶³ of the said law.

However, records show that as early as January 16, 2006, the LRA, in a Manifestation⁶⁴ dated December 5, 2005, had already called the court's attention to its Report⁶⁵ dated March 1, 1995 in the previous reconstitution petition before Branch 88, expressing serious doubts on the authenticity of Susi's duplicate title, and informing it of the existence of other titles over the subject land.⁶⁶

It is well to point out that **trial courts hearing reconstitution petitions under RA 26 are duty-bound to take into account the LRA's report.**⁶⁷ Notably, both the RTC and the CA overlooked the fact that while the petition for reconstitution before Branch 77 was filed on the basis of Susi's purported owner's duplicate copy of TCT No. 118999 bearing **Serial No. 1121955**, Susi's prior reconstitution petitions, as stated in the LRA's Report, were anchored on an owner's duplicate certificate bearing a different

⁶² Section 9. A registered owner desiring to have his reconstituted certificate of title freed from the encumbrance mentioned in section seven of this Act, may file a petition to that end with the proper Court of First Instance, giving his reason or reasons therefor. A similar petition may, likewise, be filed by a mortgagee, lessees or other lien holder whose interest is annotated in the reconstituted certificate of title. Thereupon, the court shall cause a notice of the petition to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land lies, at least thirty days prior to the date of hearing, and after hearing, shall determine the petition and render such judgment as justice and equity may require. The notice shall specify, among other things, the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have. The petitioner shall, at the hearing, submit proof of the publication and posting of the notice: *Provided, however,* That after the expiration of two years from the date of the reconstitution of a certificate of title, if no petition has been filed within that period under the preceding section, the court shall, on motion *ex parte* by the registered owner or other person having registered interest in the reconstituted certificate of title, order the register of deeds to cancel, proper annotation, the encumbrance mentioned in section seven hereof.

⁶³ Section 10. Nothing hereinbefore provided shall prevent any registered owner or person in interest from filing the petition mentioned in section five of this Act directly with the proper Court of First Instance, based on sources enumerated in sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act: *Provided, however,* That the court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section nine hereof: *And provided, further,* That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in section seven of this Act.

⁶⁴ See records, Vol. 1, p. 29; and *rollo*, p. 115.

⁶⁵ The said report was submitted in the earlier reconstitution petition filed by Susi before Branch 88 of the same RTC. See *rollo*, pp. 72-273.

⁶⁶ The said report stated, *inter alia*, that: (a) the owner's duplicate of TCT No. 118999 bearing **Serial No. 1775634** is of doubtful authenticity as it could not have been issued by the RD-QC on June 16, 1967 because the judicial form bearing the said serial number was issued by the LRA to the RD-San Carlos, Negros Occidental only on October 13, 1970; and (b) the subject land, *i.e.*, "Lot 25, Psu-32606, when plotted in MIS 2754 appears to have been originally **subdivided** into parcels A to L where TCT Nos. 40476 and 49480 were among the titles issued. It also appears that sub-lots 25-A to 25-L were subsequently subjected to several subdivisions and/or consolidations, one of which is Pcs-13-000571, as surveyed for Filinvest Land Inc. (now Filinvest Dev. Corp.) being a consolidation and subdivision of the parcels covered by TCT Nos. 304657, 304785, 305195, 305203, 385220, and 306097 covering a total area of 187,523 square meters." (See *id.* at 272.)

⁶⁷ See *Republic of the Phils. v. Sps. Sanchez*, 527 Phil. 571, 592 (2006).

serial number, i.e., Serial No. 1775634. Indeed, a perusal of the said certificates⁶⁸ of title, which were attached to the Republic's motion for reconsideration of the CA's Decision dated February 13, 2014, reveals that save for the serial number, all the entries therein are the same. The Court notes that Susi did not refute the existence of the said certificates bearing different serial numbers in her comment⁶⁹ to the said motion.

In cases where the LRA challenges the authenticity of the applicant's purported owner's duplicate certificate of title, the reconstitution petition should be treated as falling under Section 3 (f)⁷⁰ of RA 26, and the trial court should require compliance with the requisites under Sections 12⁷¹ and 13⁷² of RA 26.⁷³

In particular, the reconstitution petition and the published and posted notice of hearing in compliance with the October 13, 2005 Order failed to show that notices were sent to the other occupants, possessors, and persons who may have an interest in, or who have buildings or improvements on the

⁶⁸ *Rollo*, pp. 80-81 and records, Vol. 2, pp. 894-895.

⁶⁹ See Comments on the Petitioner's Motion for Reconsideration (Dated February 28, 2014) dated April 1, 2014; records, Vol. 2, pp. 898-901.

⁷⁰ Section. 3. Transfer certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

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(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.

⁷¹ 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 assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owners 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 of the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property. (Emphases supplied)

⁷² Section 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area, and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court.

⁷³ See *Republic of the Phils. v. Sps. Sanchez*, supra note 67 at 591.

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land covered by the certificate of title sought to be reconstituted, as well as the owners of adjoining properties.⁷⁴

Jurisprudence is replete with cases underscoring the indispensability of **actual and personal notice of the date of hearing of the reconstitution petition to actual owners and possessors of the land involved in order to vest the trial court with jurisdiction** thereon.⁷⁵ If no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void.⁷⁶

Thus, in light of the LRA's report of the subsistence of other certificates of title over the subject land, it behooved the RTC to notify the registered land owners of the reconstitution proceedings, in observance of diligence and prudence;⁷⁷ however, it failed to act accordingly. But more than this, courts have the inherent power to correct fatal infirmities in its proceedings in order to maintain the integrity thereof.⁷⁸

In view of the failure to comply with the requirements of Sections 12 and 13 of RA 26, particularly, on the service of notices of hearing on the registered owners and/or actual possessors of the land subject of the reconstitution case, the RTC, did not acquire jurisdiction over the case, and all proceedings held thereon are null and void. That being said, the Court finds it unnecessary to delve on the other matters raised in the petition.

WHEREFORE, the petition is **GRANTED**. The Decision dated February 13, 2014 and the Resolution dated June 25, 2014 of the Court of Appeals in CA-G.R. SP No. 127144, upholding the Order dated July 5, 2012 of the Regional Trial Court of Quezon City, Branch 77 in LRC Case No. Q-20493(05) which denied the Motion to Vacate Judgment filed by petitioner Republic of the Philippines, and sustained the grant of the petition for reconstitution filed by respondent Gertrudes V. Susi, are hereby **SET ASIDE**. A new judgment is entered **DISMISSING** the petition for reconstitution for lack of jurisdiction.

⁷⁴ The Court notes that while the RTC issued an Order dated October 7, 2005 requiring Susi to: (a) amend her petition to state the necessary information; and (b) submit a technical description of the subject land pending the issuance of the Notice of Hearing (records, Vol. 1, p. 19), it subsequently set aside the said order upon a finding that the petition falls under Sections 9 and 10 of RA 26 (see *id.* at 23) in view of Susi's representation that the petition is anchored on her owner's duplicate original of TCT No. 118999.


⁷⁵ See *Opriasa v. The City Government of Quezon City*, 540 Phil. 256, 265-266 (2006); *Republic of the Phils. v. CA*, 368 Phil. 412, 424 (1999); and *Republic of the Phils. v. Marasigan*, 275 Phil. 243, 253 (1991).

⁷⁶ See *Manila Railroad Co. v. Moya*, 121 Phil. 1122, 1128 (1965).


⁷⁷ See *Republic of the Phils. v. De Asis, Jr.*, 715 Phil. 245, 258 (2013)..

⁷⁸ See *Republic of the Phils. v. Sps. Sanchez*, *supra* note 67 at 593.

SO ORDERED.

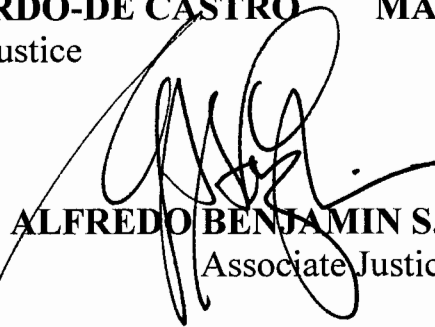

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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.


MARIA LOURDES P. A. SERENO
Chief Justice