



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

DAVID PATUNGAN,
Petitioner,

G.R. No. 235520

Present:

- versus -

LEONEN, J., *Chairperson,*
HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

THE REGISTER OF DEEDS
OF THE PROVINCE OF
PANGASINAN,
Respondent.

Promulgated:

June 28, 2021

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DECISION

INTING, J.:

This is a Petition for Review¹ on *Certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the following Orders of Branch 45, Regional Trial Court (RTC), Urdaneta City, Pangasinan in LRC Case No. U-1507: (1) Order² dated September 14, 2017 which dismissed the *petition for the issuance of a new owner's duplicate copy of Original Certificate of Title (OCT) No. 31510 in lieu of the lost one* (petition for issuance); and (2) Order³ dated October 30, 2017 which dismissed the motion for reconsideration of the Order dated September 14, 2017.

¹ *Rollo*, pp. 3-8.

² *Id.* at 10-11; penned by Presiding Judge Tita S. Obinario.

³ *Id.* at 12-13.

The Antecedents

David Patungan (petitioner) filed a petition for issuance before the RTC. The petition was docketed as LRC Case No. U-1507. Records showed that OCT No. 31510 was issued pursuant to Certificate of Land Ownership Award (CLOA) No. 00150832 and granted to petitioner, among others.⁴

RTC Ruling

In its Order⁵ dated September 14, 2017, the RTC dismissed the petition for issuance for lack of jurisdiction. The RTC ruled that it is the Department of Agrarian Reform Adjudication Board (DARAB) that has exclusive and primary jurisdiction over such petition as provided under Section 1(f), Rule II of the 2009 DARAB Rules of Procedure (2009 DARAB Rules).⁶ Specifically, the DARAB has jurisdiction over cases which involve “*the correction, partition, secondary and subsequent issuances such as reissuance of lost/destroyed owner’s duplicate copy and reconstitution of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority.*”⁷

The RTC held that to continue hearing the petition for issuance, although the petitioner had already presented evidence, would be futile as all proceedings would be considered null and void.⁸

The dispositive portion of the Order dated September 14, 2017 provides:

WHEREFORE, in view of the foregoing, the present petition is hereby DISMISSED, for lack of jurisdiction.

Let copies of this Order be furnished the Register of Deeds in Lingayen, Pangasinan; the Administrator of the Land Registration Authority, Quezon City; the petitioner; and petitioner’s counsel.

⁴ *Id.* at 10.

⁵ *Id.* at 10-11.

⁶ The 2009 Department of Agrarian Reform Adjudication Board (DARAB) Rules of Procedure, approved on September 1, 2009.

⁷ *Rollo*, pp. 10-11.

⁸ *Id.* at 11.

SO ORDERED.⁹

Petitioner filed a motion for reconsideration, but the RTC denied it in its Order¹⁰ dated October 30, 2017. The RTC explained that the land subject matter of the petition for issuance was awarded to the registered owners under Republic Act No. (RA) 6657, as amended. Thus, RA 6657, a special law, governs its existence. Moreover, the 2009 DARAB Rules remain valid unless and until declared null and void by a court of competent jurisdiction.¹¹

As to petitioner's argument that OCT No. 31510 is already registered with the Register of Deeds (RD) and no longer a CLOA, the RTC ruled that the jurisdiction of the DARAB includes CLOAs registered with the Land Registration Authority (LRA). The RD is under the organization of the LRA being its registration arm.¹²

Hence, the petition for review.

The Petition

Petitioner argues as follows: the law that governs the issuance and reconstitution of lost owner's duplicate copies of titles registered with the RD is Presidential Decree No. (PD) 1529.¹³ Further, Section 1(f), Rule II of the DARAB Rules which was relied upon by the RTC is not sufficient to strip the RTC of its jurisdiction over the petition for issuance. Specifically, the rule cited may only pertain to CLOAs and EPs registered with the LRA, but no Torrens title are issued yet. On the other hand, those CLOAs and EPs registered with the LRA for which there were already Torrens title issued are no longer under the jurisdiction of the DARAB, but already under that of the RTC.¹⁴

Petitioner maintains that the petition for issuance he filed before the RTC is merely for the replacement of a lost owner's duplicate

⁹ *Id.*

¹⁰ *Id.* at 12-13.

¹¹ *Id.* at 13.

¹² *Id.*

¹³ Property Registration Decree, approved on June 11, 1978.

¹⁴ *Rollo*, p. 5.

certificate of title. As such, Section 109, Chapter X of PD 1529 governs.¹⁵

Lastly, petitioner argues that all periods pertaining to the indefeasibility of the title and the prohibitions to sell or encumber it have long expired because the title was issued way back in 2004.¹⁶

Comment of the RD

In its Comment,¹⁷ the RD of the Province of Pangasinan (respondent) agrees with petitioner's contention that it is the RTC and not the DARAB which has jurisdiction over the petition for issuance.¹⁸

Respondent explains that the jurisdiction of the RTC in land registration cases is conferred by Section 2 of PD 1529.¹⁹

The Court's Ruling

The Court grants the petition.

The sole issue to be resolved in the present case is a pure question of law *i.e.*, whether the RTC has jurisdiction over petitions for the issuance of an owner's duplicate copy of an OCT which was issued pursuant to a CLOA. Thus, the petition for review on *certiorari* under Rule 45 of the Rules of Court filed by petitioner before the Court is the proper remedy.²⁰

In this case, petitioner's OCT emanated from a CLOA.

In *Lebrudo, et al. v. Loyola*,²¹ the Court defined a CLOA as "a document evidencing ownership of the land granted or awarded to the beneficiary by the [Department of Agrarian Reform (DAR)], and

¹⁵ *Id.*

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 23-29.

¹⁸ *Id.* at 23.

¹⁹ *Rollo*, pp. 24-25.

²⁰ Section 1, Rule 45 of the Rules of Court.

²¹ 660 Phil. 456 (2011).

contains the restrictions and conditions provided for in RA 6657 and other applicable laws.”²²

Section 2 of PD 1529 vests the RTC with the exclusive jurisdiction in land registration cases. Section 2 specifically provides for the *exclusive jurisdiction* of the RTC not only over all applications for original registration of title to lands, including improvements and interests therein but also *over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions*. Notably, Section 2 does not make any qualification as to the source of the title, *e.g.*, whether it emanated from a CLOA, in order for the RTC to exercise its jurisdiction. Section 2 states:

SECTION 2. *Nature of Registration Proceedings; Jurisdiction of Courts.* — Judicial proceedings for the registration of lands throughout the Philippines shall be *in rem* and shall be based on the generally accepted principles underlying the Torrens system.

Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and *over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions*. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration with the exception of stenographic notes, within five days from the filing or issuance thereof. (Emphasis supplied)

Section 109 of PD 1529 governs the procedure before the RTC for the replacement of a lost or destroyed owner's duplicate certificate of title. Section 109 provides:

Section 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 for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such

²² *Id.* at 462.

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. (Italics supplied.)

The Court is aware that under Section 1(f), Rule II of the 2009 DARAB Rules, the DARAB has jurisdiction over the reissuance of a lost or destroyed owner's duplicate copy of CLOAs and EPs which are registered with the LRA.

Section 1(f), Rule II of the DARAB Rules relied upon by the RTC in dismissing the petition for issuance provides:

SECTION 1. *Primary and Exclusive Original and Appellate Jurisdiction.* — The Board shall have primary and exclusive jurisdiction, both original and appellate, to determine and adjudicate all agrarian disputes involving the implementation of the Comprehensive Agrarian Reform Program (CARP) under R.A. No. 6657, as amended by R.A. No. 9700, E.O. Nos. 228, 229, and 129-A, R.A. No. 3844 as amended by R.A. No. 6389, Presidential Decree No. 27 and other agrarian laws and their Implementing Rules and Regulations. Specifically, such jurisdiction shall include but not be limited to cases involving the following:

X X X X

- f. Those involving the correction, partition, secondary and subsequent issuances such as reissuance of lost/destroyed owner's duplicate copy and reconstitution of Certificates of Land Ownership Award (CLOAs) and Emancipation Patents (EPs) which are registered with the Land Registration Authority; (Emphasis supplied.)

Thus, there appears to be an overlapping of jurisdiction between the RTC and the DARAB as to the petition for issuance filed by petitioner. However, guided by jurisprudence as to the limits of the quasi-judicial jurisdiction of the DARAB, the Court finds that the jurisdiction over petitions for the issuance of a lost/destroyed owner's duplicate copy of a title which emanated from a CLOA rests with the RTC and not the DARAB.

It must be emphasized that the DARAB has jurisdiction to try and decide any agrarian dispute or any incident involving the implementation of the Comprehensive Agrarian Reform Program (CARP).²³

Such jurisdiction of the DARAB has been categorically identified by the Court in *Dept. of Agrarian Reform v. Hon. Judge Abdulwahid, et al.*²⁴ In the said case, the Court elucidated on the jurisdiction of the DARAB in relation to Section 50²⁵ of RA 6657 which provides for the quasi-judicial powers of the DAR. The Court explained:

Under Section 50 of R.A. No. 6657, "all matters involving the implementation of agrarian reform" are within the DAR's primary, exclusive and original jurisdiction, and at the first instance, *only the DARAB—as the DAR's quasi-judicial body, can "determine and adjudicate all agrarian disputes, cases, controversies, and matters or incidents involving the implementation of the Comprehensive Agrarian Reform Program under R.A. No. 6657, E.O. Nos. 229, 228 and 129-A, R.A. No. 3844 as amended by R.A. 6389, P.D. No. 27 and other agrarian laws and their implementing rules and regulations."*²⁶ (Emphasis supplied)

²³ *Centeno v. Centeno*, 397 Phil. 170, 177 (2000), citing *Central Mindanao University v. The Department of Agrarian Reform Adjudication Board*, 289 Phil. 253, 538-539 (1992).

²⁴ 570 Phil. 356 (2008).

²⁵ Section 50 of RA 6657, as amended by RA 9700 provides:

SECTION 50. Quasi-Judicial Powers of the DAR. – The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination of every action or proceeding before it.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena duces tecum, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempts in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible farmer leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the DAR: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any DAR proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the DAR shall be immediately executory.

²⁶ *Dept. of Agrarian Reform v. Hon. Judge Abdulwahid, et al.*, *supra* note 24 at 363, citing *Centeno v. Centeno*, *supra* note 23

Again, in *Department of Agrarian Reform v. Robles (Robles)*,²⁷ the Court clarified that the DARAB's jurisdiction is not limited to agrarian disputes where tenancy relationship between the parties exists. The Court explained that under Section 1(1.13),²⁸ Rule II of the 2003 DARAB Rules, the relevant rule in *Robles*, the DARAB also has jurisdiction over agrarian reform matters referred to it by the Secretary of DAR.²⁹

In the present case, the applicable provision, Section 1(k), Rule II of the 2009 DARAB Rules provides that the DARAB has jurisdiction over “[s]uch other agrarian cases, disputes, matters or concerns referred to it by the Secretary of the DAR.”

It is reasonable to conclude that the DAR Secretary, by virtue of being the Chair of the DARAB, has expressly referred and/or acceded to referring to the DARAB the determination of the propriety of reissuance of lost/destroyed owner's duplicate copy of CLOAs and EPs which are registered with the LRA. However, the referral of a particular matter to the jurisdiction of the DARAB must ultimately be consistent with the limits of its jurisdiction and must not be contrary to law and jurisprudence.

Thus, in determining whether the DARAB has jurisdiction over the petition for issuance, it is necessary to determine whether the petition filed by petitioner before the RTC involves an agrarian dispute, matter or incident involving the implementation of the CARP.

Section 3(a) of RA 6657 defines “agrarian reform” while Section 3(d) of the same law defines “agrarian dispute.” Section 3 provides in part:

²⁷ G.R. No. 190482, December 9, 2015.

²⁸ Section 1 (1.13), Rule II of the 2003 DARAB Rules provides:

Section 1. Primary and Exclusive Original Jurisdiction. - The Adjudicator shall have primary and exclusive original jurisdiction to determine and adjudicate the following cases:

X X X

1.13 Such other agrarian cases, disputes, matters or concerns referred to it by the Secretary of DAR.

X X X X

²⁹ *Id.*

SECTION 3. Definitions. - For the purpose of this Act, unless the context indicates otherwise:

(a) Agrarian Reform means the redistribution of lands, regardless of crops or fruits produced to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stocks, which will allow beneficiaries to receive a just share of the fruits of the lands they work.

XXXX

(d) Agrarian Dispute refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship or otherwise, over lands devoted to agriculture, including disputes concerning farmworkers' associations or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under this Act and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other agrarian reform beneficiaries, whether the disputants stand in the proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.

Applying the abovestated definitions, the Court finds that the petition for issuance does not involve an agrarian dispute as it does not relate to "any controversy relating to tenurial arrangements." It does not relate to the compensation of the land acquired by petitioner under RA 6657 or the terms and conditions of transfer of ownership. Petitioner is simply praying for the issuance of a new duplicate owner's copy of his OCT which emanated from a CLOA.

The Court also does not find the petition for issuance as falling under the category of an agrarian reform matter. Albeit categorically included in Section 1(f), Rule II of the 2009 DARAB Rules as belonging to the jurisdiction of the DARAB, the petition for issuance in this case does not involve the "redistribution of lands, regardless of crops or fruits produced[,] to farmers and regular farmworkers who are landless." Petitioner is already the registered owner of a parcel of land considering that he was already issued an OCT and he is merely praying for the

issuance of a duplicate copy of the OCT.

To be clear, the jurisdiction of the RTC over all petitions for the issuance of a new duplicate certificate of title is exclusive. The fact that the title emanated from a CLOA will not negate the RTC's jurisdiction in favor of the DARAB simply because the matter of issuance of a new duplicate certificate of title in lieu of a lost or destroyed copy does not constitute an agrarian dispute or an agrarian reform matter. It does not involve an implementation of the CARP.

I share the reasoning of my esteemed colleague, Associate Justice Marvic M.V.F. Leonen that: once a CLOA is registered and an original certificate of title is already issued, the mandate of the DAR is already terminated and the OCT which emanated from a CLOA must be treated like any other title to the land; and, that once a CLOA is registered with the RD, the latter is already in possession of relevant information which are sufficient to inform the trial court as to the propriety of granting a petition filed for the purpose of obtaining a new owner's duplicate copy of the title.

Given the foregoing, the Court finds that the RTC erred in dismissing the petition for issuance on the ground that the jurisdiction over the petition rests with the DARAB and not the RTC. Thus, a remand of the case to the RTC is proper.

WHEREFORE, the petition is **GRANTED**. The Orders dated September 14, 2017 and October 30, 2017 of Branch 45, Regional Trial Court, Urdaneta City, Pangasinan in LRC Case No. U-1507 are **REVERSED** and **SET ASIDE**. Let this case be **REMANDED** to the Regional Trial Court which shall proceed with dispatch to resolve the *petition for the issuance of a new owner's duplicate copy of Original Certificate of Title No. 31510 in lieu of the lost one* filed by petitioner David Patungan.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice




EGARDO L. DELOS SANTOS
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest 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.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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

