



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**REPUBLIC OF THE PHILIPPINES,**  
Petitioner,

**G.R. No. 181891**

Present:

- versus -

VELASCO, JR., J., *Chairperson*,  
PERALTA,  
ABAD,  
MENDOZA, and  
LEONEN, JJ.

**ZOOMAK R.P.C., INC.,**  
Respondent.

Promulgated:

05 December 2012

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***DECISION***

**ABAD, J.:**

This case concerns the reconstitution of a certificate of title from a source other than a copy of said certificate of title or of the decree of registration.

**The Facts and the Case**

On January 7, 1930 the land registration court of Sta. Cruz, Laguna, rendered a decision in a cadastral case (GLRO Cad. Rec. 201, Cad. Case 10), adjudicating Lot 1950 of the Longos Cadastre, Laguna, having an area of almost one hectare, in favor of one Teresa Macawili. On December 26, 1930 the Court issued Decree 416517 in her favor. During World War II, however, Teresa Macawili's copy of the Original Certificate Title (OCT)

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and the copy of the Register of Deeds (RD) covering the lot were lost or destroyed.

In 1996 respondent Zoomak R.P.C., Inc. (Zoomak) bought the land from Nestor Macawili, Jr., who in turn had bought it from his uncle, Galicano Macatangga, Teresa Macawili's sole heir.<sup>1</sup> On February 26, 1998 Zoomak filed with the Regional Trial Court (RTC) of Sta. Cruz, Laguna, a petition for reconstitution of the original or RD copy of the title of the land, the number of which was unknown, as well as the owner's duplicate copy.

On January 18, 2000 the RTC granted Zoomak's petition and ordered the Laguna RD to reconstitute the OCT covering the subject property. But the Republic of the Philippines, represented by the Office of the Solicitor General (OSG), appealed the order to the Court of Appeals (CA). On May 31, 2007 the CA dismissed the appeal and affirmed the RTC Decision, hence, this petition.

### **The Issue Presented**

The only issue presented in this case is whether or not the CA erred in affirming the RTC's Decision that granted Zoomak's application for the reconstitution of Teresa Macawili's lost title over the subject property.

### **The Ruling of the Court**

The reconstitution of a certificate of title under Republic Act (R.A.) 26<sup>2</sup> denotes the restoration in the original form and condition of a lost or destroyed instrument, thus attesting the title of a person to a piece of land. Its purpose is to have the title reproduced in exactly the same way it was

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<sup>1</sup> CA *rollo*, p. 49.

<sup>2</sup> Entitled AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST OR DESTROYED.

before its loss or destruction after observing the procedures prescribed by law.<sup>3</sup>

One of the evidence Zoomak presented is a Land Registration Authority (LRA) certification dated August 28, 1997. The certification stated that, based on LRA records, on December 26, 1930 the land registration court of Sta. Cruz, Laguna, issued in a cadastral case before it Decree 416517 covering Lot 1950 in favor of Teresa Macawili. The OSG contends, however, that the certification has no force and effect and cannot bind the LRA since it was not signed by the Acting Chief of the Ordinary and Cadastral Decree Division, the officer authorized to issue the same for and in behalf of the LRA Administrator. The OSG also points out that the RTC Certification dated August 28, 1997 adjudicating Lot 1950 in favor of Teresa Macawili was a mere photocopy.

But, notably, the Government did not object to the admission of the separate LRA and RTC certifications when they were presented and offered in evidence at the hearing of the reconstitution case. The rule is that when the adverse party fails to object to the evidence when it is offered, such party may be deemed to agree to its admission. This is true even if by its nature the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.<sup>4</sup>

The OSG of course argues that admissibility is different from probative value and that the certifications mentioned are of no value to the application for reconstitution of title. But the determination of probative value or the evidentiary weight of a piece of evidence depends, not on the

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<sup>3</sup> *Republic of the Philippines v. Court of Appeals*, 368 Phil. 412, 420 (1999).

<sup>4</sup> *Interpacific Transit, Inc. v. Aviles*, 264 Phil. 753, 760 (1990).

party making a belated objection to such evidence, but on the court or courts that decide the merit of the case.<sup>5</sup>

Here, both the trial court and the CA found such certifications worthy of belief and essential proof of the existence of the lost title that respondent sought to reconstitute. Indeed, these courts can under Section 2(f) of R.A. 26<sup>6</sup> consider the LRA Certification of August 28, 1997 as evidence that Lot 1950 was issued Decree 416517 pursuant to the decision in the cadastral case. They may also consider the RTC Certification of the same date as evidence that the docket entry of Lot 1950 with Decree 416517 appeared in Teresa Macawili's name.

The OSG likewise contends that the RD's Certification of September 16, 1997, which states that Lot 1950 was not covered by any title, serves as proof that such lot has never been titled. But, as the CA aptly held, such certification merely states that Lot 1950 was not covered by any title as of September 16, 1997. The same is true with the *Kasulatan ng Bilihang Patuluyan ng Lupa* and *Kasulatan ng Pagbibilihan*. This private document merely shows that Lot 1950 was not covered by a registered title at the time the transaction was entered into. These private documents merely show that Lot 1950 was not registered at the time of their execution, precisely because the title was yet to be reconstituted following its loss or destruction. These

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<sup>5</sup> Evidence (A Restatement for the Bar), Willard B. Riano, 2006, p. 16; citing *Heirs of Lourdes Saez Sabanpan v. Comorposa*, 456 Phil. 161, 172 (2003).

<sup>6</sup> **Section 2.** Original 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) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original 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.** (Emphasis ours)

documents could not possibly be taken as conclusive evidence that Lot 1950 has never been issued a registered title in the past as the OSG would have it.

With respect to the issue on the LRA's non-submission of a report on the plan and technical descriptions, the RTC considered the non-submission as a waiver on the part of the LRA, an agency of oppositor Republic, of the opportunity to contest their correctness when it failed to submit the requested report despite being furnished with all the documents it needed. The OSG of course insists that the RTC should have used its compulsory processes to extract compliance. But the RTC cannot be faulted because the plan for Lot 1950 and its technical descriptions are mere additional requirements of the law if reconstitution is to be made under Section 2(f), and not by themselves sources for reconstitution of title.<sup>7</sup>

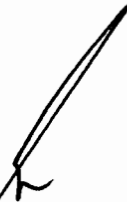
**WHEREFORE**, the Court **DENIES** the petition and **AFFIRMS** the Court of Appeals decision in CA-G.R. CV 66572 dated May 31, 2007.

**SO ORDERED.**



**ROBERTO A. ABAD**  
Associate Justice

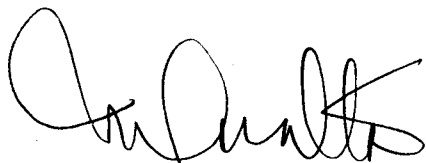
**WE CONCUR:**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

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<sup>7</sup> *Dordas v. Court of Appeals*, 337 Phil. 59, 66 (1997).



**DIOSDADO M. PERALTA**  
Associate Justice



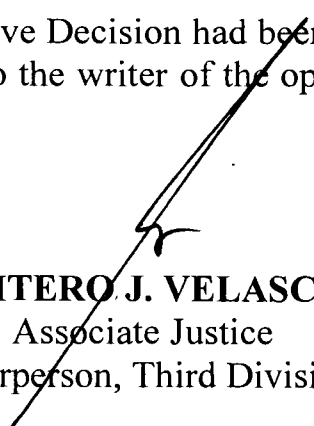
**JOSE CATRAL MENDOZA**  
Associate Justice



**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice

### ***ATTESTATION***

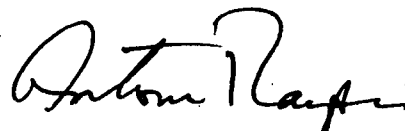
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

### ***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.



**ANTONIO T. CARPIO**  
Acting Chief Justice