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manifest themselves[57] for a marriage, no matter how unsatisfactory, is not a null and void marriage. Thus, absent sufficient evidence establishing psychological incapacity within the context of Article 36, the Court is compelled to grant the present petition.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 30, 2017 and the Resolution dated December 12, 2017 of the Court of Appeals in CA-G.R. CV No. 04183-MIN are **REVERSED** and **SET ASIDE**. Accordingly, the petition for declaration of nullity of marriage filed under Article 36 of the Family Code, as amended, is **DISMISSED**.

SO ORDERED.

Carpio (*Chairperson*), *Caguioa, Reyes, Jr., J.,* and *Lazaro-Javier, JJ.*, concur.

SECOND DIVISION

[G.R. No. 236516. March 25, 2019]

ASUNCION Z. JURADO, joined by her husband REX[*] A. JURADO, CATALINA Z. ALILING, JOINED BY HER HUSBAND JOSE P. O. ALILING IV, AND THE HEIRS OF FERNANDO M. ZAMORA, NAMELY: CECILIA F. ZAMORA, RAFAEL VICTOR F. ZAMORA, FRANCIS NOEL F. ZAMORA, AND CARLA MARIE F. ZAMORA, *petitioners, vs.* **SPOUSES VICENTE AND CARMEN CHAI,** *respondents.*

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[57] See *Republic v. Spouses Romero*, *supra* note 37, 749 (2016), citing *Perez-Ferraris v. Ferraris*, 527 Phil. 722, 732-733 (2006).

[*] "Rez" in some part of the records.

SYLLABUS

1. **CIVIL LAW; LAND TITLES; PERSONS DEALING WITH ADMINISTRATIVELY RECONSTITUTED TITLES SHOULD CONDUCT AN INQUIRY OR INVESTIGATION AS MIGHT BE NECESSARY TO ACQUAINT THEMSELVES WITH THE DEFECTS IN THE TITLES OF THE VENDORS. —** Case law states that **reconstituted titles shall have the same validity and legal effect as to the originals thereof unless the reconstitution was made extrajudicially, or administratively**. This is because administrative reconstitution is essentially *ex-parte* and without notice, and thus, administratively reconstituted titles do not share the same indefeasible character of the original certificates of title. Anyone dealing with such copies are put on notice of such fact and warned to be extra-careful. In this case, Pariñas OCT 3429 was judicially reconstituted on February 28, 1974. However, following the fire that razed the RD-Ilagan on December 4, 1976, the same was administratively reconstituted on June 2, 1977. x x x Subsequently, it turned out that there is no Pariñas OCT 3429 on file x x x **and said title is totally inexistent.** That it was reconstituted is of no moment because an administrative reconstitution of title is merely a restoration or replacement of a lost or destroyed title **in its original form at the time of the loss or destruction**. The issuance of a reconstituted title vests no new rights and determines no ownership issues, and shall always be without prejudice to any party whose right or interest in the property was duly noted in the original, at the time it was lost or destroyed, but entry or notation of which has not been made on the reconstituted certificate of title, as expressly provided under Section 7 of RA 26, which was duly noted on the reconstituted Pariñas OCT 3429.

2. **ID.; ID.; TITLE THAT TRACES ITS SOURCE TO A VOID TITLE IS ALSO VOID. —** [T]he Court finds that petitioners' evidence, which convincingly prove their claim of ownership over Lot 4900, should clearly prevail over that of respondents', whose title was competently shown to have emanated from an ultimately inexistent and void title. Jurisprudence states that any title that traces its source to a void title, as respondents' in this case, is also void since the spring cannot rise higher than

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its source. *Nemo potest plus juris ad alium transferre quam ipse habet*. Consequently, TCT No. T-194346 in the name of respondent Vicente Chai should be declared null and void, having been derived from the inexistent Pariñas OCT 3429. On the other hand, having convincingly proven their claim of ownership over Lot 4900, petitioners' ownership and their entitlement to possession thereof should be confirmed.

APPEARANCES OF COUNSEL

Yulo Aliling Pascua & Zuñiga for respondents.

The Law Firm Of Cabucana, Cabucana & Cabucana for respondents.

D E C I S I O N

PERLAS-BERNABE, *J.*:

Assailed in this petition for review on *certiorari*[1] are the Decision[2] dated May 12, 2016 and the Resolution[3] dated January 10, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 103042, which reversed the Decision[4] dated February 25, 2014 of the Regional Trial Court of Santiago City, Branch 36 (RTC) in Civil Case No. Br. 2438 and consequently, dismissed the Amended Complaint[5] for annulment of Transfer Certificate of Title (TCT) Nos. T-194346, T-194348, and T-194349,[6]

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[1] *Rollo*, pp. 12-107.

[2] *Id*. at 113-129. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan, concurring.

[3] *Id.* at 131-136. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Fernanda Lampas-Peralta and Mario V. Lopez, concurring.

[4] *Id*. at 143-162. Penned by Judge Bonifacio T. Ong (CESO IV).

[5] Dated March 8, 2004. Records, Vol. II, pp. 2-9.

[6] The Amended Complaint originally included TCT No. T-194347 among the subjects thereof but was excepted in the CA Decision on account of its

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mandatory injunction, and damages (annulment case) filed by petitioners Asuncion Z. Jurado (Asuncion), joined by her husband Rex A. Jurado; Catalina Z. Aliling (Catalina), joined by her husband Jose P. O. Aliling IV; and the Heirs of Fernando M. Zamora, namely: Cecilia F. Zamora, Rafael Victor F. Zamora, Francis Noel F. Zamora, and Carla Marie F. Zamora (collectively, petitioners) against respondents Spouses Vicente and Carmen Chai (respondents).

The Facts

Petitioners Asuncion and Catalina claimed to be the registered owners, together with their deceased brother Fernando Zamora (Fernando; collectively, the Zamoras), of a 7,086-square meter (sq. m.) parcel of land denominated as Lot 4900 of the Cadastral Survey of Santiago, located in Santiago City, Isabela (Lot 4900), covered by TCT No. T-65150 which they inherited from their father, Dominador Zamora (Dominador). Dominador held the same under TCT No. T-2291 after acquiring it from the original owners, Spouses Antonio Pariñas and Maura Balbin (Spouses Pariñas).[7]

Sometime in 1997, they discovered that respondents unlawfully caused the subdivision of Lot 4900 into several parcels of land under four (4) certificates of title (derivative titles), to wit: (1) TCT No. T-194346[8] in the name of Vicente Chai, married to Carmen T. Chai; (2) TCT No. T-194347[9] in the name of Eduardo Sarmiento, married to Josefina M. Sarmiento (Spouses Sarmiento); (3) TCT No. T-l94348[10] in the name of Anastacio Palermo (Anastacio); and (4) TCT No. T-194349[11] in the names of Leonora Pariñas and Margarita Pariñas (Pariñas heirs). This

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earlier declaration as null and void by the same court in another case, docketed as CA-G.R. SP No. 104344, which has attained finality; see *rollo*, p. 121.

[7] *Rollo*, p. 114.

[8] Records, Vol. VI, pp. 67-69.

[9] *Id*. at 70-71, including dorsal portion.

[10] *Id*. at 72, including dorsal portion.

[11] *Id*. at 73, including dorsal portion.

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prompted the Zamoras to file an annulment case against respondents, Spouses Sarmiento, Anastacio, the Pariñas heirs with their spouses, and the Register of Deeds (RD) for Isabela in Santiago City, Isabela (RD-Santiago), which was later amended to include the lessee, Petron Corporation (Petron), as defendant (collectively, Chai, *et al*.). They claimed that the titles of Chai, *et al*. proceeded from a fake Original Certificate of Title (OCT) No. 3429 that was reconstituted judicially and administratively without notice to all concerned parties, and without following the prescribed procedure.[12]

In support of their claim, the Zamoras presented the following, among others: (*a*) the owner's duplicate copy (ODC) of TCT No. T-65150[13] in Judicial Form No. 109-D bearing serial number 2273614 entered in the Registry of Deeds for Isabela in Ilagan, Isabela (RD-Ilagan)[14] on March 13, 1973 at 11:20 a.m., purporting to be a transfer from TCT No. T-2291 derived from OCT No. 6142 pursuant to Decree No. 689655 issued in Land Registration Commission (LRC) Cadastral Record No. 1496, which was originally registered on February 11, 1939; (*b*) Land Registration Authority (LRA) Certification[15] dated February 16, 2004, stating that Judicial Form No. 109-D with serial number 2273614 was issued to the RD-Ilagan on January 18, 1972; (*c*) Extrajudicial Settlement of the Estates of the Late Spouses Dominador Zamora and Victoria Mistica[16] which included Lot 4900 among the properties inherited by the Zamoras from their parents;[17] (*d*) Official Receipt (OR) No. 482515[18] dated August 25, 1947 in

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[12] See *rollo*, pp. 114-116.

[13] Records, Vol. VI, p. 52, including dorsal portion.

[14] Notably, the RD-Santiago was created only in the mid-year of 2003 (see *rollo*, p. 153), hence, while it is the present custodian of titles pertaining to registered lands in Santiago City, it was not actually the RD which issued the said title.

[15] Records, Vol. VI, p. 53.

[16] Dated April 9, 1969. *Id*. at 54-58.

[17] See *id*. at 57.

[18] *Id*. at 59.

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the amount of P3.00, representing the docket fee paid by Dominador for his petition for issuance of the owner's duplicate of TCT No. T-2291; (*e*) certified microfilm copy of Decree No. 689655,[19] decreeing the registration of Lot 4900 in the name of the conjugal partnership of Spouses Pariñas; (*f*) Tax Declaration (TD) No. 5746[20] dated October 12, 1949 in the name of Dominador over the land covered by TCT No. T-2291, which cancelled Tax No. 16978;[21] (*g*) Tax No. 16978[22] in the name of Antonio Pariñas (Antonio); (*h*) real property tax (RPT) receipts in the name of Antonio for the years 1942 to 1944,[23] and in the name of Dominador for the years 1949 to 1974;[24] (*i*) OR No. 0811990[25] dated May 2, 1944 in the amount of P1.06, representing the payment by Antonio for Cadastral Title No. 6142 in his name; (*j*) ODCs[26] of TCT Nos. T-65146 to T-65149[27] (inclusive), and T-65151[28] in the names of the Zamoras, covering parcels of land in: the municipalities of Santiago and San Manuel, Isabela, to show that TCT No. T-65150 is one of the six (6) consecutively numbered TCTs issued by the RD-Ilagan to them on February 13, 1973; (*k*) certified true copy of OCT No. 0-3429[29] over Lot No. 7069 (Lot 7069) in the name of the conjugal partnership of Spouses Jose Calma and Crisanta Tumacder (Spouses Calma) pursuant to Decree No. N-167495 issued in

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[19] *Id*. at 74-75.

[20] *Id*. at 60, including dorsal portion.

[21] See *id*. at 60, dorsal portion.

[22] *Id*. at 129, including dorsal portion.

[23] See *id*. at 130-131.

[24] See *id*. at 61-66 and 132-134.

[25] *Id*. at 80.

[26] The ODCs of said certificates of title (save for TCT No. T-65149 which was a mere photocopy) were duly identified in court; see TSN, February 21, 2012, pp. 35-39.

[27] See records, Vol. VI, pp. 101-110.

[28] See *id*. at 111-113.

[29] *Id*. at 76-77, including dorsal portions.

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LRC Cadastral Record No. 1474; and (*l*) Decree No. N-167495,[30] decreeing the registration of title over Lot 7069 of the subdivision survey of Santiago, Cadastral Case No. 23, LRC Cadastral Record No. 1474, with an area of 9,155 sq. m. in the name of the conjugal partnership of Spouses Calma.

For their part, respondents raised the defense of denial, and claimed that a portion[31] of Lot 4900, which was originally registered under OCT No. 3429 in the names of Spouses Pariñas (Pariñas OCT 3429), was transferred to them on October 19, 1990, through an Extrajudicial Settlement of Estate with Simultaneous Sale[32] executed by the Heirs of Spouses Pariñas who gave them a photocopy of Pariñas OCT 3429.[33] They alleged that they inspected Lot 4900 and inquired its status from the adjoining owners, who informed them that the same was owned by Spouses Pariñas. After the ocular inspection, they instructed a certain Teresita Masa (Ms. Masa) to verify the existence and genuineness of Pariñas OCT 3429 with the RD-Ilagan which issued a Certification[34] dated March 21, 1990 (RD-Ilagan Certification) stating that the subject 7,086-sq. m. Lot 4900 situated in Poblacion, Santiago Isabela covered by Pariñas OCT 3429 is free from any liens and encumbrances except Section 7 of Republic Act No. (RA) 26[35] inscribed at the back of said title. Masa likewise went to the Office of the Municipal Assessor

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[30] *Id*. at 78-79.

[31] The 6,361-sq. m. Lot 4900-A was acquired by Vicente Chai pursuant to the Extrajudicial Settlement of Estate with Simultaneous Sale dated October 19, 1990 executed by the Heirs of Spouses Pariñas (see records, Vol. VI, p. 223). He likewise supposedly acquired the parcel of land formerly covered by TCT No. T-194348 in the name of Anastacio (see records, Vol. I, p. 158) by virtue of a Deed of Absolute Sale dated November 19, 1990 (see records, Vol. I, p. 165).

[32] Dated October 19, 1990. Records, Vol. VI, pp. 222-225.

[33] See *rollo*, p. 115.

[34] *Id*. at 189. Issued by Deputy Register of Deeds Amado C. Vallejo, Jr.

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

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of Santiago, Isabela and found that the same was declared for taxation purposes in the name of Spouses Pariñas. Thereafter, respondents purchased the said land.[36]

To support their allegations, respondents adduced the following documents, among others: (*a*) the Affidavit[37] of Ms. Masa dated September 13, 2012; (*b*) the RD-Ilagan Certification;[38] (*c*) the Extrajudicial Settlement of Estate with Simultaneous Sale[39] dated October 19, 1990; (*d*) TD No. 89-11075-R[40] in the name of Spouses Pariñas covering Lot 4900, effective 1990; (*e*) TCT No. T-194346;[41] and (*f*) RPT receipts[42] for the years 1991 to 2012.

On the other hand, defendant Leonora Pariñas-Dela Peña (source of right of respondents) maintained the primacy of OCT No. 3429 over OCT No. 6142 for having been issued earlier.[43] However, she was subsequently declared in default for failure to appear during the pre-trial.[44] On the other hand, Spouses Sarmiento were declared in default for failure to file their answer,[45] while the cases against Anastacio,[46] and Margarita Pariñas and her husband Melecio Pinto[47] (Spouses Pinto) were eventually dropped.

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[36] See *id*. at 150.

[37] Records, Vol. VI, pp. 189-190.

[38] *Rollo*, p. 189.

[39] Records, Vol. VI, pp. 222-225.

[40] *Rollo*, p. 190, including dorsal portion.

[41] Records, Vol. VI, pp. 67-69.

[42] See *id.* at 227-248.

[43] See Answer with Counterclaim dated June 24, 2004; records, Vol. II, p. 59.

[44] See Order dated May 29, 2007 issued by Judge Fe Albano Madrid; records, Vol. III, pp. 64-70.

[45] See Order dated April 10, 2006; records, Vol. II, p. 205.

[46] The case against Anastacio was dropped as he cannot be served with summons; see records, Vol. III, p. 4. See also *rollo*, p. 144.

[47] In view of their demise. See Order dated May 21,2007; records, Vol. III, p. 57.

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For its part, Petron averred[48] that prior to the execution of the 20-year Lease Agreement[49] over a 2,000-sq. m. portion of Lot 4900, it conducted due diligence verification on respondents' title and was able to confirm the authenticity of TCT No. T-194346. Thus, it claimed to be an innocent lessee for value entitled to the full protection of the law.[50]

During the proceedings before the RTC, petitioners filed a Request for Admission[51] dated June 4, 2007, seeking admission from the RD-Santiago, among others, that: (*a*) there is no record or entry of Pariñas OCT 3429 existing in their records; and (*b*) OCT No. 3429 on file with it is OCT No. 0-3429 over Lot 7069 in the names of Spouses Calma (Calma OCT) fojr a parcel of land in San Mateo, Isabela.[52] A reply[53] thereto was submitted by the RD-Santiago, admitting such facts, with the qualification that OCT No. O-3429 was transmitted to it by the RD-Ilagan.[54]

Subsequently, petitioners filed a Motion for Summary Judgment[55] and a supplement[56] thereto, contending that no genuine issue of fact exists in view of, among others: (*a*) Leonora Pariñas-Dela Peña's *implied* admission[57] that: (*i*) the heirs of

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[48] See Answer with Compulsory Counter-claim and Cross-claim dated July 30, 2004; records, Vol. II, pp. 72-78.

[49] Dated September 20, 1996 but notarized on March 14, 1997; records, Vol. VI, pp. 81-84.

[50] See records, Vol. II, pp. 73-75.

[51] Records, Vol. III, pp. 72-74.

[52] See *id.* at 73.

[53] See Reply to the Request for Admission dated June 26, 2007; *id*. at 97-98. Signed by Registrar Atty. Rodrigo F. Pascua, Jr.

[54] See *id*. at 97.

[55] Dated August 9. 2007. *Id*. at 149-177.

[56] See Supplemental Motion for Summary Judgment dated October 1, 2007. Records, Vol. IV, pp. 2-10.

[57] Pursuant to Section 2, Rule 26 of the Rules of Court (see records, Vol. III, p. 152), considering, her failure to file a Reply (see *rollo*, p. 138) to the Request for Admission dated June 5, 2007 (see records, Vol. III, pp. 121-124).

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Spouses Pariñas were not aware and did not participate in the reconstitution of Pariñas OCT 3429, as it was respondent Vicente Chai who authored the Extrajudicial Settlement of Estate with Simultaneous Sale, produced Pariñas OCT 3429, and caused the survey and subdivision of Lot 4900; and (*ii*) she has nothing to do with Pariñas OCT 3429 considering that the actual title of Spouses Pariñas to the land is OCT No. 6142;[58] (*b*) the RD-Santiago's*express* admission that there is no record or entry of Pariñas OCT 3429 existing in its records as what is on file with it is the Calma OCT;[59] (*c*) Spouses Chai's *express*admission that the origin of the derivative titles of Chai, *et al*. was Pariñas OCT 3429;[60] and (*d*) Spouses Sarmiento's *express* admission of petitioners' ownership and title over Lot 4900, which they derived from Dominador who held the same under TCT No. 2291 in his name. Thus, petitioners claimed that they are entitled to a judgment as a matter of law.[61] However, in a Resolution[62] dated February 27, 2008, the RTC denied the motions for lack of merit.[63] The matter was elevated to the CA via a petition for *certiorari*,[64] docketed as CA-G.R. No. SP No. 104344, which

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[58] See records, Vol. III, pp. 152-153.

[59] See *id*. at 156.

[60] See *id*. at 150-151.

[61] See *id*. at 149-157. They attached among others, a *Magkasamang Simanpaang Salaysay* dated July 9, 2007 executed by Spouses Sarmiento (*id*. at 178-179), admitting petitioners' ownership of Lot 4900. They claimed that: (a) Fernando Zamora charged them to watch over the said land, and they built their house on the southern portion thereof near the highway; (b) Vicente Chai allotted to them a piece of land on the eastern portion of Lot 4900, and gave them ₱8,000.00 which they used to build their house in the allotted portion; (c) in December 1990, respondent Spouses Chai, together with their lawyer, Atty. Edmar Cabucana, handed to them TCT No. T-194347 as their Christmas gift; and (d) since 1991, they had been paying the taxes due on the allotted portion, but ceased to do so after being served with summons in connection with Civil Case No. 2438 (See *id*.).

[62] Records, Vol. IV, pp. 119-136. Penned by Presiding Judge Anastacio D. Anghad.

[63] See *id*. at 135.

[64] Dated July 15, 2008. *Id*. at 251-309.

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resulted to the Amended Decision[65] dated July 20, 2009, *inter alia*, declaring TCT No. T-194347 in the name of Spouses Sarmiento null and void,[66] finding that summary judgment is proper only with respect to them in view of their admission of petitioners' ownership of Lot 4900.[67]

The RTC Ruling

In a Decision[68] dated February 25, 2014, the RTC: (a) declared null and void TCT Nos. T-194346, T-194348, and T-194349; (b) confirmed petitioners' ownership over Lot 4900 covered by TCT No. T-65150; and (c) ordered Petron to pay petitioners the rentals stipulated in the Lease Agreement dated September 20, 1996, or to consign the rentals in court while the case is under litigation.[69]

The RTC observed that the judicial reconstitution proceedings of Pariñas OCT 3429 was attended with irregularity, considering that the Order granting the reconstitution was issued only in a span of 28 days from the date of filing of the petition,[70] which was contrary to the provisions[71] of RA 26. It likewise ruled

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[65] *Rollo*, pp. 137-141. Penned by Associate Justice Josefina Guevara-Salonga with Associate Justices Arcangelita M. Romilla-Lontok and Romeo F. Barza, concurring.

[66] See *id*. at 140.

[67] See *id*. at 138.

[68] *Id*. at 143-162.

[69] *Id*. at 161-162.

[70] See *id*. at 158.

[71] Particularly, the publication, posting, and notice requirements at least 30 days prior to the date of hearing set forth in Section 13 of RA 26, to wit:

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

that respondents were not purchasers in good faith, pointing out that the fact that Pariñas OCT 3429 was a reconstituted title should have alerted them to make an investigation in the Register of Deeds, which could have disclosed such irregularity but they failed to do so. Consequently, it ruled that Chai, *et al*. did not acquire valid title to Lot 4900, and declared their titles null and void for having been derived from a spurious and fake reconstituted title.[72]

On the other hand, the RTC ruled that petitioners were able to discharge their burden of proving their claim of ownership over Lot 4900 by preponderance of evidence. While it noted that TCT No. T-65150 is not intact with the RD-Santiago, it held that petitioners were able to show that they and their predecessors-in-interest were issued certificates of title over the said land.[73]

Finally, the RTC found that Petron had the right to rely on respondents' title at the time the Lease Contract was entered.[74] Aggrieved, petitioners and herein respondents separately moved for reconsideration,[75] which were, however, denied in an Order[76] dated May 20, 2014.

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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. (Emphasis supplied)

[72] See *rollo*, p. 159.

[73] See *id*. at 159-160.

[74] See *id*. at 161.

[75] See Motion for Partial Reconsideration dated March 25, 2014 filed by petitioners and Motion for Reconsideration (of the Decision dated February 25, 2014) dated March 27, 2014 filed by herein respondents; records, Vol. VI, pp. 405-420 and 423-442, respectively.

[76] *Id*. at 471-474.

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Only herein respondents elevated the matter to the CA.[77]

The CA Ruling

In a Decision[78] dated May 12, 2016, the CA reversed the RTC decision[79] and dismissed the annulment case for lack of merit.[80]

The CA ruled that respondents were purchasers in good faith despite the irregularity which attended the reconstitution of Pariñas OCT 3429. It ratiocinated that respondents had the right to believe that the said title was duly reconstituted since reconstituted certificates of titles have the same validity and legal effect as the originals thereof. Moreover, it observed that their act of verifying the existence of the title with the RD and their honest belief that the sellers could legally convey the title to the land proved that respondents were buyers in good faith.[81]

On the other hand, the CA held that petitioners were not able to prove their right or interest in Lot 4900, pointing out that TCT No. T-65150 was not on file with the RD-Ilagan and notwithstanding, they had not taken any immediate action to reconstitute the same. It further noted that: (*a*) TCT No. T-2291, which is the origin of petitioners' title, was defective;[82] and (*b*) there was discrepancy in the date of issuance of Decree No. 689655 and the date of registration indicated in TCT Nos. T-65150 and T-2291;[83] and (*c*) petitioners did not take steps to exercise possession over the premises and pay the corresponding real property taxes starting 1975.[84]

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[77] See Notice of Appeal dated June 2, 2014; *id*. at 475-477.

[78] *Rollo*, pp. 113-129.

[79] Except for the disposition relative to TCT No. T-194347, which has been declared null and void in the Amended Decision dated July 20, 2009 in CA-G.R. No. SP No. 104344 that has attained finality. See *Id*. at 129.

[80] *Id*.

[81] See *id*. at 124-125.

[82] See *id*. at 126.

[83] See *id*. at 127.

[84] See *id*. at 127-128.

Unperturbed, petitioners moved for reconsideration[85] but the same was denied in a Resolution[86] dated January 10, 2018; hence, this petition.

The Issue Before the Court

The issues for the Court's resolution are whether or not the CA erred in declaring that: (*a*) respondents are purchasers in good faith; and (*b*) petitioners have not proven their claim of ownership over Lot 4900.

The Court's Ruling

In the present case, the CA ruled that respondents had the right to believe that Pariñas OCT 3429 was duly reconstituted since reconstituted certificates of titles have the same validity and legal effect as the originals thereof, and consequently adjudged them to be purchasers in good faith despite the irregularity which attended its reconstitution.

The Court disagrees

I. Persons dealing with administratively reconstituted titles should conduct an inquiry or investigation as might be necessary to acquaint themselves with the defects in the titles of their vendors.

Case law states that **reconstituted titles shall have the same validity and legal effect as to the originals thereof unless the reconstitution was made extrajudicially, or administratively**. This is because administrative reconstitution is essentially *ex-parte* and without notice, and thus, administratively reconstituted titles do not share the same indefeasible character of the original certificates of title. Anyone dealing with such copies are put on notice of such fact and warned to be extra-careful.[87]

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[85] See Motion for Reconsideration dated June 7, 2016; CA *rollo*, pp. 259-307.

[86] *Rollo*, pp. 131-136.

[87] See *Barstowe Philippines Corporation v. Republic of the Philippines,* 548 Phil. 86, 123 (2007).

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In this case, Pariñas OCT 3429 was judicially reconstituted on February 28, 1974.[88] However, following the fire that razed the RD-Ilagan on December 4, 1976,[89] the same was administratively reconstituted on June 2, 1977.[90] As such, said reconstituted title does not share the same indefeasible character of the original certificates of title and such fact should have alerted respondents to conduct an inquiry or investigation as might be necessary to acquaint themselves with the defects therein.

However, respondents only relied on a mere *plain photocopy*[91] of Pariñas OCT 3429 when they purchased Lot 4900. Aside from instructing Ms. Masa to verify the existence and genuineness of the said title with the RD-Ilagan, who claimed that she was shown the original copy thereof,[92] respondents had not conducted any other inquiry or investigation to acquaint themselves with the defects of the said title. They had not even secured a certified true copy thereof, and merely relied on the RD-Ilagan Certification[93] stating that the 7,086-sq. m. Lot 4900 situated in Poblacion, Santiago, Isabela covered by Pariñas OCT 3429 is free from any liens and encumbrances except Section 7 of RA 26 inscribed at the back of said title on June 2, 1977.

Subsequently, it turned out that there is no Pariñas OCT 3429 on file with the RD-Santiago. While the mere fact that the RD does not have the original of a certificate of title does not necessarily mean that such title never existed,[94] the inexistence of Pariñas OCT 3429 was sufficiently established with the express

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[88] See records, Vol. VI, p. 116.

[89] See *rollo*, p. 15.

[90] See records, Vol. VI, p. 127.

[91] See *rollo*, pp. 185-188.

[92] Notably, the Affidavit dated September 13, 2012 executed by Teresita Masa averred that she was "shown the original copy of [OCT] No. **3439** (not 3429) then on file with the said office." See records, Vol. VI, p. 189.

[93] Dated March 21, 1990. *Rollo*, p. 189.

[94] See *Chan v. Court of Appeals*, 359 Phil. 242, 257 (1998).

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admission by the RD-Santiago[95] that what was transmitted to it by the RD-Ilagan that is now on file with it is the Calma OCT[96] over a 9,155-sq. m. parcel of land located in Barrio Marasat Grande, San Mateo, Isabela,[97] issued pursuant to Decree No. N-167495[98] in Cadastral Case No. 23, LRC Cadastral Record No. 1474, and registered on November 7, 1977 at 11:30 am.[99] Between the above admission from the government office responsible for safeguarding the OCTs and TCTs in its possession,[100] and respondents' RD-Ilagan Certification[101] which does not bear the seal of office of the RD-Ilagan[102] nor indicate that the required documentary stamp,[103] as well as the certification fee[104] had been paid, the admission of the RD-Santiago should prevail.

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[95] See Reply to the Request for Admission dated June 26, 2007; records, Vol. III, pp. 97-98.

[96] See records, Vol. VI, pp. 76-77, including dorsal portions.

[97] See *id*. at 76, dorsal portion.

[98] See *id*. at 78-79.

[99] See *id*. at 76.

[100] See *Escobar v. Luna*, 547 Phil. 661, 672 (2007).

[101] See *rollo*, p. 189.

[102] See TSN, September 25, 2012, p. 16.

[103] Pursuant to Section 188 of the National Internal Revenue Code, as amended:

SECTION 188. *Stamp Tax on Certificates*. - On each certificate of damages or otherwise, and on every other certificate or document issued by any customs officer, marine surveyor, or other person acting as such, and on each certificate issued by a notary public, and on each certificate of any description required by law or by rules or regulations of a public office, or which is **issued for the purpose of giving information, or establishing proof of a fact, and not otherwise specified herein**, there shall be collected a documentary stamp tax of Fifteen pesos (P15.00). [now Thirty pesos (P30.00) pursuant to Section 61 of RA 10963, otherwise known as the Tax Reform for Acceleration and Inclusion (TRAIN) Law]. (Emphasis supplied)

[104] Pursuant to Section 111 (C) (20) of Presidential Decree No. (PD) 1529 entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES" (June 11, 1978), which provides:

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Moreover, aside from the irregularity which attended its reconstitution, a perusal of Pariñas OCT 3429 shows that it was purportedly transcribed in the Registration Book for the Province of Isabela[105] on **February 19, 1937**,[106] or more than

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Section 111. *Fees payable*. - The fees payable to the Clerk of Court, the Sheriff, the Register of Deeds and the Land Registration Commission shall be as follows:

x x x x x x x x x

C. Fees payable to the Register of Deeds. - The Register of Deeds shall collect fees for all services rendered by him under this Decree in accordance with the following schedule:

x x x x x x x x x

20. Certification. — For issuing a certificate relative to, or showing the existence or nonexistence of, an entry in the registration books or a document on file, for each such certificate containing not more than two hundred words, five pesos; if it exceeds that number an additional fee of one peso shall be collected for every hundred words, or fraction thereof, in excess of the first two hundred words.

x x x x x x x x x

LRA Circular No. 11-2002 dated September 10, 2002 increased the rates for securing such certifications, to wit:

C. Fees payable to the Register of Deeds. - The Register of Deeds shall collect fees for all services rendered by him under this Decree in accordance with the following schedule.

x x x x x x x x x

19. Certification - For issuing a **certification relative to or showing the existence or non-existence of**, an entry in the registration books or a document on file, for each such certificate containing not more than two hundred words 30.00

If this exceeds that number an additional fee shall be collected for every hundred words, or fraction thereof, in excess of the first two hundred words 6.00

x x x x x x x x x (Emphasis supplied)

[105] See *rollo*, p. 185. The same was made pursuant to Act No. 496, entitled "AN ACT TO PROVIDE FOR THE ADJUDICATION AND REGISTRATION OF TITLES TO LANDS IN THE PHILIPPINE ISLANDS," otherwise known as "The Land Registration Act," enacted on November 6, 1902.

[106] See *id*.

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one (1) year *before* the issuance on **November 17, 1938** of Decree No. 689655, decreeing the registration of Lot 4900 in the name of the conjugal partnership of Spouses Pariñas.[107] It cannot be overemphasized that the transcription or entry of an original certificate of title can never precede the issuance of the decree authorizing such registration.[108]

Considering the foregoing, it is therefore apparent that Spouses Pariñas were not issued **Pariñas OCT 3429, and said title is totally inexistent.** That it was reconstituted is of no moment because an administrative reconstitution of title is merely a restoration or replacement of a lost or destroyed title **in its**

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[107] See records, Vol. VI, p. 75.

[108] The procedure is as follows:

1. After the judgment rendered in a land registration proceedings becomes final and executory, the court shall, within fifteen (15) days from entry of judgment, issue an order to the Commissioner (now Administrator) of the then Land Registration Commission (LRC; now LRA) for the issuance of the decree of registration and the corresponding certificate of title in favor of the person adjudged entitled to registration. (See Sections 30 and 39 of PD 1529.)

2. The clerk of court shall send, within fifteen (15) days from entry of judgment, certified copies of the judgment and of the said order of the court, and a certificate stating that the decision has not been amended, reconsidered, nor appealed, and has become final. Thereupon, the Commissioner shall cause to be prepared the decree of registration as well as the original and duplicate of the corresponding original certificate of title. The decree of registration shall be signed by the Commissioner, entered and filed in the LRC. The original of the original certificate of title shall also be signed by the Commissioner and shall be sent, together with the owner's duplicate certificate, to the Register of Deeds of the city or province where the property is situated for entry in his registration book. (See Section 39 of PD 1529.)

3. Upon receipt by the Register of Deeds of the original and duplicate copies of the original certificate of title the same shall be entered in his record book and shall be numbered, dated, signed and sealed by the Register of Deeds with the seal of his office. The Register of Deeds shall forthwith send notice by mail to the registered owner that his owner's duplicate is ready for delivery to him upon payment of legal fees. (See Section 40 of PD 1529.)

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original form at the time of the loss or destruction.[109] The issuance of a reconstituted title vests no new rights and determines no ownership issues,[110] and shall always be without prejudice to any party whose right or interest in the property was duly noted in the original, at the time it was lost or destroyed, but entry or notation of which has not been made on the reconstituted certificate of title, as expressly provided under Section 7[111] of RA 26, which was duly noted[112] on the reconstituted Pariñas OCT 3429. Consequently, this Court finds respondents not to be innocent purchasers for value, and as such, acquired no better title to Lot 4900 than what their predecessors-in-interest had, and which is without prejudice to the rights of another person who may prove a better right thereto than their transferors.

In addition, the Court notes that while Pariñas OCT 3429 was supposedly issued on February 19, 1937,[113] its issuance in the derivative titles[114] was reflected as February 19, 1930.[115] Moreover, the reconstituted Pariñas OCT 3429, and the derivative titles do not contain the required[116] annotation of the two-year lien under Section 4,[117] Rule 74 of the Rules of Court.

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[109] See *Vda. de Anciano v. Caballes*, 93 Phil. 875, 876 (1953); and *Bunagan v. Branch VI, Court of First Instance of Cebu*, 186 Phil. 31, 35 (1980).

[110] See *Serra Serra v. Court of Appeals*, 272-A Phil. 467, 478 (1991).

[111] Section 7 of RA 26 reads:

Section 7. Reconstituted certificates of title shall have the same validity and legal effect as the originals thereof: *Provided, however*, That certificates of title reconstituted extrajudicially, in the manner stated in sections five and six hereof, shall be without prejudice to any party whose right or interest in the property was duly noted in the original, at the time it was lost or destroyed, but entry or notation of which has not been made on the reconstituted certificate of title. This reservation shall be noted as an encumbrance on the reconstituted certificate of title. (Underscoring supplied)

[112] See *rollo*, p. 186.

[113] See *id*. at 185.

[114] Records, Vol. VI, pp. 67-73, including dorsal portions.

[115] See *id*. at 67, 70, 72, and 73.

[116] Pursuant to Section 86 of PD 1529, which provides:

II. Petitioners have proven their claim of ownership over Lot 4900.

Contrary to the CA's ruling, petitioners have proven their claim of ownership over Lot 4900 considering the following circumstances:

Section 86. *Extrajudicial Settlement of Estate.* - **When a deed of extrajudicial settlement has been duly registered, the Register of Deeds shall annotate on the proper title the two-year lien mentioned in Section 4 of Rule 74 of the Rules of Court.** Upon the expiration of the two-year period and presentation of a verified petition by the registered heirs, devisees or legatees or any other party in interest that no claim or claims of any creditor, heir or other person exist, the Register of Deeds shall cancel the two-year lien noted on the title without the necessity of a court order. The verified petition shall be entered in the Primary Entry Book and a memorandum thereof made on the title.

No deed of extrajudicial settlement or affidavit of adjudication shall be registered unless the fact of extrajudicial settlement or adjudication is published once a week for three consecutive weeks in a newspaper of general circulation in the province and proof thereof is filed with the Register of Deeds. The proof may consist of the certification of the publisher, printer, his foreman or principal clerk, or of the editor, business or advertising manager of the newspaper concerned, or a copy of each week's issue of the newspaper wherein the publication appeared. (Emphasis supplied)

[117] Said provision of law reads:

Section 4. *Liability of distributees and estate*. - If it shall appear at any time within two (2) years after the settlement and distribution of an estate in accordance with the provisions of either of the first two sections of this rule, that an heir or other person has been unduly deprived of his lawful participation in the estate, such heir or such other person may compel the settlement of the estate in the courts in the manner hereinafter provided for the purpose of satisfying such lawful participation. And if within the same time of two (2) years, it shall appear that there are debts outstanding against the estate which have not been paid, or that an heir or other person has been unduly deprived of his lawful participation payable in money, the court having jurisdiction of the estate may, by order for that purpose, after hearing, settle the amount of such debts or lawful participation and order how much and in what manner each distributee shall contribute in the payment thereof, and may issue execution, if circumstances require, against the bond provided in the preceding section or against the real estate belonging to the deceased, or both. Such bond and such **real estate shall remain charged with a liability to creditors, heirs, or other persons for the full period of two (2) years**

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A. Petitioners have an owner's duplicate certificate of title in genuine/authentic Judicial Form 109-D.

While the original of TCT No. T-65150 was not on file with the RD-Santiago,[118] the genuineness of the owner's duplicate copy[119] of said title bearing serial number 2273614 had been duly certified[120] by the LRA. Said title traces its origin to OCT No. 6142 that was purportedly issued pursuant to Decree No. 689655[121] issued in Cadastral Record No. 1496, which was originally registered on February 11, 1939. The CA was mistaken in holding[122] that said decree does not tilt the scales of justice in petitioners' favor since the November 17, 1938 issuance date is not the date indicated in TCT No. T-65150. It is well to point out that the date and time of the issuance of the decree of registration cannot be considered as the date of the title. It is simply the date of its entry and filing in the LRA.[123] The OCT shall take effect on the date and time the original and duplicate copies thereof were entered by the Register of Deeds in his record book, and the corresponding number, date, seal of office, and his signature[124] are reflected on said certificates of title upon receipt thereof from the LRA Administrator.[125]

B. Petitioners are in possession of ancient documents showing acts of dominionby Antonio Pariñas and

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after such distribution, notwithstanding any transfers of real estate that may have been made. (Emphasis supplied)

[118] See *rollo*, p. 126.

[119] Records, Vol. VI, p. 52, including dorsal portion. The ODC of TCT No. T-65150 was duly identified in court; see TSN, February 21, 2012, p. 10.

[120] Records, Vol. VI, p. 53. Notably the said Certification bears the O.R. number and the date when the same was secured, and a documentary stamp was affixed thereto.

[121] Id. at 74-75.

[122] See *rollo*, p. 127.

[123] See Sections 31 and 39 of PD 1529.

[124] See Section 40 of PD 1529.

[125] See last sentence of Section 39 of PD 1529.

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Dominador Zamora over Lot 4900 prior to the supposed acquisition of the same land by respondents.

Petitioners claim to have acquired Lot 4900 through succession from Dominador Zamora (Dominador) who held the same under TCT No. T-2291, which was supposedly derived, in turn, from OCT No. 6142 in the name of Spouses Pariñas. While the original copies of TCT No. T-2291 and OCT No. 6142 cannot be presented in view of the fire that razed the RD-Ilagan and the said titles have yet to be reconstituted, the previous issuance of said titles can be reasonably inferred from the following circumstances: (*a*) Dominador filed a petition for issuance of the Owner's Duplicate of TCT No. T-2291 on August 25, 1947;[126] (*b*) he declared the property covered by TCT No. T-2291 for tax purposes in his name on October 12, 1949 under TD No. 5746,[127] and paid the realty taxes thereon starting with those *due from 1945*;[128] (*c*) the area and boundaries reflected in TD No. 5746 coincide with the area and boundaries of Lot 4900 as described in Decree No. 689655;[129] (*d*) TD No. 5746 cancels[130] Tax No. 16978[131] over a property in the name of Antonio Pariñas (Antonio) located in Dubinan, Santiago, Isabela, which was previously covered by Tax No. 12937;[132] (*e*) petitioners are in possession of Tax No. 16978 as well as RPT receipts of payments

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[126] See OR No. 482515 dated August 25, 1947, representing the payment of docket fees therefor; records, Vol. VI, p. 59.

[127] *Id*. at 60, including dorsal portion.

[128] See OR No. 362975; *id*. at 61.

[129] The property covered by Decree No. 689655 and TD No. 5746 both contain 7,086 sq. m. and have the following boundaries:

Decree No. 689655 (see *id*. at 74)		**TD No. 5746** (see id. at 60)	
Northeast	—Calle Arranz	Northeast	— Calle Arranz
Southeast	—Lot No. 348	Southeast	— Lot No. 348
Southwest	—WestProvincial Road	Southwest	— Provincial Road
West	—Dubinan Creek	West	— Dubinan Creek

[130] See *id*. at 60, dorsal portion.

[131] *Id*. at 129, including dorsal portion.

[132] See *id*. at 129, dorsal portion.

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under Tax No. 12937 in the name of Antonio for the years 1942 to 1944;[133] (*f*) real property taxes were paid in the name of Dominador under TD No. 5746 starting the year 1945 and up to 1969 even after his demise on January 21, 1966,[134] and under other tax declarations until 1974, by his son, Fernando,[135] who managed Lot 4900 among other properties;[136] and (*g*) petitioners are in possession of OR No. 0811990[137] dated May 2, 1944 representing payment for Cadastral Title No. 6142 in the name of Antonio.

Considering petitioners' possession of the afore-mentioned ancient documents[138] showing acts of dominion over Lot 4900 by Dominador which can be traced to the ownership of Antonio, the Court finds that petitioners' evidence, which convincingly prove their claim of ownership over Lot 4900, should clearly prevail over that of respondents', whose title was competently shown to have emanated from an ultimately inexistent and void title. Jurisprudence states that any title that traces its source to a void title, as respondents' in this case, is also void since the spring cannot rise higher than its source. *Nemo potest plus juris ad alium transferre quam ipse habet*.[139] Consequently, TCT No. T-194346[140] in the name of respondent Vicente Chai should

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[133] See *id*. at 130-131.

[134] See *id*. at 54.

[135] See *id*. at 132-134.

[136] Records, Vol. II, p. 4.

[137] Records, Vol. VI, p. 80.

[138] Section 21, Rule 132 of the Rules of Court provides:

Section 21. W*hen evidence of authenticity of private document not necessary*. — Where a private document is **more than thirty years old, is produced from the custody in which it would naturally be found if genuine, and is unblemished by any alterations or circumstances of suspicion**, no other evidence of its authenticity need be given. (Emphasis supplied)

[139] *CLT Realty Development Corporation v. Hi-Grade Feeds Corporation*, 768 Phil. 149, 172 (2015).

[140] See records, Vol. VI, pp. 67-69.

be declared null and void, having been derived from the inexistent Pariñas OCT 3429. On the other hand, having convincingly proven their claim of ownership over Lot 4900, petitioners' ownership and their entitlement to possession thereof should be confirmed.

As a final note, while the RTC in its Decision dated February 25, 2014 correctly confirmed petitioners' ownership over Lot 4900 covered by TCT No. T-65150 and annulled TCT No. T-194346 in the name of respondent Vicente Chai, it likewise ordered the annulment of TCT No T-194348[141] in the name of Anastacio, as well as TCT No. T-194349 in the names of Leonora and Margarita Pariñas, when the cases against Anastacio[142] and Spouses Pinto[143] had been dropped in view of the inability to serve summons upon their persons. It is settled that while the trial court retained the authority to proceed in the action despite the non-inclusion[144] of necessary parties,[145] as Anastacio and Spouses Pinto in this case, the judgment rendered therein shall be without prejudice to their rights. The RTC was therefore bereft of jurisdiction to order the annulment of TCT No. T-194348 in the name of Anastacio, as well as TCT No. T-194349 in the name of Leonora and Margarita Pariñas, insofar as the share of Margarita Pariñas was concerned.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 12, 2016 and the Resolution dated January 10, 2018

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[140] See records, Vol. VI, pp. 67-69.

[141] However, in their Answer to Interrogatories dated January 28, 2004 (see records, Vol. I, pp. 157-160), Spouses Chai claimed to be the present registered owners of the parcel of land formerly covered by TCT No. T-194348 in the name of Anastacio (see *id*. at 158) by virtue of a Deed of Absolute Sale dated November 19, 1990 (see *id*. at 165).

[142] See *rollo*, p. 144. See also records, Vol. III, p. 4.

[143] See Order dated May 21, 2007; records, Vol. III, p. 57.

[144] See last paragraph of Section 9, Rule 3 of the Rules of Court.

[145] Section 8, Rule 3 of the Rules of Court defines a necessary party as "one who is not indispensable but who ought to be joined as a party if complete relief is to be accorded as to those already parties, or for a complete determination or settlement of the claim subject of the action."

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of the Court of Appeals in CA-G.R. CV No. 103042 are hereby **REVERSED** and **SET ASIDE**. Accordingly, a new judgment is **ENTERED** (a) confirming petitioners Asuncion Z. Jurado, joined by her husband Rex A. Jurado, Catalina Z. Aliling, joined by her husband Jose P. O. Aliling IV, and the Heirs of Fernando M. Zamora, namely: Cecilia F. Zamora, Rafael Victor F. Zamora, Francis Noel F. Zamora, and Carla Marie F. Zamora's (petitioners) ownership over Lot 4900 of the Cadastral Survey of Santiago covered by Transfer Certificate of Title (TCT) No. T-65150; (*b*) declaring TCT No. T-194346 in the name of Vicente Chai, married to Carmen T. Chai (respondents), and TCT No. T-194349 with respect to Leonora Pariñas-Dela Peña's (Dela Peña) share as **NULL and VOID**; and (*c*) ordering respondents and Dela Peña to surrender possession of Lot 4900 to petitioners.

SO ORDERED.

Carpio (*Chairperson*), *Caguioa, Reyes, Jr., J.,* and *Lazaro-Javier, JJ.*, concur.

SECOND DIVISION

[G.R. No. 239399. March 25, 2019]

ROLANDO P. DIZON, *petitioner, vs.* **PEOPLE OF THE PHILIPPINES,** *respondent.*

SYLLABUS

1. CRIMINAL LAW; COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002 (REPUBLIC ACT No. 9165); SECTION 21 OF RA No. 9165; CUSTODY AND DISPOSITION OF CONFISCATED, SEIZED AND/OR SURRENDERED DANGEROUS DRUGS; WHILE STRICT COMPLIANCE WITH THE REQUIREMENTS OF SECTION 21 OF RA No. 9165 IS MANDATORY, A