EN BANC

[G.R. No. 264862. January 28, 2026]

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. ANTONIO V. MITRA, RESPONDENT.

D E C I S I O N

LOPEZ, J., J.:

This Court resolves a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA) which denied the appeal filed by the Republic of the Philippines (Republic) and affirmed the Decision[4] of the Regional Trial Court (RTC) granting the petition filed by Antonio V. Mitra (Mitra) for cancellation of entry in his transfer certificate of title (TCT) and ordered the cancellation of the encumbrance appearing on TCT No. N-141429 which was annotated pursuant to Section 7 of Republic Act No. 26.

Antecedents

Mitra is the registered owner of a parcel of land with an area of 209.5 square meters located in Bago Bantay, Quezon City and covered by TCT No. N-141429.[5]

Presumably due to loss or destruction of the TCT covering the subject property, Mitra had it extrajudicially reconstituted pursuant to Republic Act No. 26.[6] In conformity with Section 7 of the law, the following was annotated on Mitra's reconstituted title:

> PS-8004-05
>
> Pursuant to Sec. 7 of Rep. Act No. 26. This Certificate of Title having been administratively reconstituted is without prejudice to any party whose right or interest in the property was duly noted on said original copy at the time it was lost or destroyed.[7]

Mitra then mortgaged the subject property in favor of Allied Banking Corporation.[8]

On December 6, 2018, Mitra filed a Petition for cancellation of entry in the TCT against the Registry of Deeds of Quezon City, Land Registration Authority with the RTC.[9] He claimed that from 1991 until 2018 or for more than 27 years, no interested

party has filed an adverse claim over the subject property. Thus, he prayed for the cancellation of the annotation in his TCT.[10]

On January 7, 2019, the RTC issued an Order and Notice of Hearing[11] which set the next hearing date for Mitra's Petition and directed that the same Order and Notice of Hearing be posted for three consecutive weeks prior to the scheduled hearing date in: (1) the main entrance of the Quezon City Hall; (2) bulletin board of the court; and (3) the Office of the Clerk of Court.[12]

During the hearing, no one opposed Mitra's Petition when it was read in open court.[13] Upon motion, the RTC issued an Order of General Default with the exception of the government and its instrumentalities.[14] Mitra then presented evidence *ex parte* where he stressed that he has the right to have the reservation lien annotated in his TCT cancelled as no person was prejudiced by the reconstitution of his title and no one has filed an opposition or petition within two years from the date of reconstitution of his title.[15]

The RTC promulgated a Decision, which granted Mitra's Petition. The dispositive portion of the Decision reads:

> WHEREFORE, the petition is hereby granted.
>
> The Registry of Deeds for Quezon City is ordered to cancel the encumbrance appearing in TCT No. N-141429, annotated pursuant to Section 7 of Republic Act No. 26.
>
> SO ORDERED.[16]

The RTC ruled that Mitra was able to comply with the procedure provided in Section 9 of Republic Act No. 26 for the removal of the reservation lien prescribed in Section 7 of the same law.[17] The RTC also gave credence to a Certification dated May 23, 2019 issued by the Land Registration Authority which stated that no person has laid claim or interest over the subject property within the two-year lien period.[18]

The Republic, as represented by the Office of the Solicitor General, appealed the ruling of the trial court.[19] It argued that the RTC erred when it ordered the cancellation of the reservation lien in Mitra's reconstituted title considering that, among others, Mitra was not able to comply with the publication and posting requirement stated in Section 9 of Republic Act No. 26 which are jurisdictional requirements and thus, necessary for the trial court to exercise jurisdiction over his petition.[20]

On April 28, 2022, the CA promulgated the assailed Decision, the pertinent portions of which states:

> A close reading of Section 9 of the law discloses that the jurisdictional requirements on the publication of the notice is only required when (1) a registered owner files a petition for the cancellation of the encumbrance within the two-year prescriptive period or (2) a person has filed a petition for annotation of his/her interest in the reconstituted title. Similarly, the said notice must specify, among other things, the names of the interested parties appearing in the reconstituted certificate of title. These requirements, however, are not necessary when a registered owner files a motion *ex parte* or a petition for cancellation of the encumbrance after the expiration of the two-year prescriptive period, as in this case. Clearly, the court *a quo* cannot be faulted for not ordering the petitioner-appellee to cause the publication of the notice as the petition for cancellation was filed long after the prescriptive period has lapsed. In fact, the petition was filed 27 years after the certificate of title was reconstituted.
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> . . . .
>
> PREMISES CONSIDERED, the Appeal is DENIED, for lack of merit.
>
> SO ORDERED.[21]

The CA held that no error was committed by the RTC when it granted Mitra's Petition considering that the procedure adopted by the trial court in granting it was in accord with what was stated in Section 9 of Republic Act No. 26.[22] The CA explained that the requirement of publication and posting set forth in Section 9 of Republic Act No. 26 is only applicable when the registered owner files a petition for cancellation of encumbrance in their reconstituted title within two years from its reconstitution or when a person has filed a petition to have their interest annotated in the reconstituted title.[23] Since it has been 27 years since the subject TCT was reconstituted and no petition has been filed to annotate any other interest, publication and posting of a notice of Mitra's Petition is no longer required.[24]

The Republic moved for reconsideration[25] of the assailed Decision, but it was denied in the assailed Resolution, the relevant portion reads as follows:

> The Motion for Reconsideration lacks merit.
>
> The core of the oppositor-appellant's averment is mere rehash of its previous arguments that were already explained in this Court's Decision dated April 28, 2022.
>
> . . . .
>
> Hence, the Court finds no basis in discussing the same issues anew.
>
> WHEREFORE, the Motion for Reconsideration is DENIED.

SO ORDERED.[26] (Citations omitted)

Hence, the instant Petition.

The Republic claims that the CA's interpretation of the procedure set forth in Section 9 of Republic Act No. 26 is erroneous.[27] It argues that posting and publication, as stated in Section 9 of Republic Act No. 26, is one of the requirements for a trial court to acquire jurisdiction over a petition to have the Section 7 reservation annotated in a reconstituted title cancelled.[28] The Republic further states that the final proviso in Section 9 only allows the petition to file an *ex parte* motion after compliance with the posting and publication requirement.[29]

On June 26, 2023, this Court issued a Resolution[30] directing Mitra to file his comment on the instant Petition.

On September 12, 2023, Mitra filed his Comment[31] which prayed for the dismissal of the present Petition.[32] Mitra argues that the CA did not err when it dismissed the Republic's appeal considering that he was able to comply with the procedure set forth with respect to the cancellation of encumbrances as stated in Section 9 of Republic Act No. 26.[33]

Issue

Whether the CA erred when it denied the Republic's appeal.

This Court's Ruling

The Petition is denied.

Republic Act No. 26 provides for mechanisms by which a lost or destroyed Torrens title can either be judicially or extrajudicially reconstituted. Regarding the reconstitution of liens and other encumbrances annotated on a certificate of title subject of reconstitution, Sections 4, and 7 to 9 are the relevant provisions of the aforesaid law, to wit:

> Section 4. Liens and other encumbrances affecting a destroyed or lost certificate of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:
>
> (a) Annotations or memoranda appearing on the owner's, co-owner's, mortgagee's or lessee's duplicate;
>
> (b) Registered documents on file in the registry of deeds, or authenticated copies thereof showing that the originals thereof had been registered; and

(c) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the liens or encumbrances affecting the property covered by the lost or destroyed certificate of title.

. . . .

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.

Section 8. Any person whose right or interest was duly noted in the original of a certificate of title, at the time it was lost or destroyed, but does not appear so noted on the reconstituted certificate of title, which is subject to the reservation provided in the preceding section, may, while such reservation subsists, file a petition with the proper Court of First Instance for the annotation of such right or interest on said reconstituted certificate of title, and the court, after notice and hearing, shall determine the merits of the petition and render such judgment as justice and equity may require. The petition shall state the number of the reconstituted certificate of title and the nature, as well as a description, of the right or interest claimed.

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 therefore. 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.

In *Republic v. Bella*,[34] this Court ruled on the correct interpretation of Section 9, in relation to the removal of encumbrances annotated pursuant to Section 7 of the same law, stating as follows:

> The Petition filed by Bella before the RTC concerns the removal of two annotations on TCT No. 057-2011014198. The first annotation was placed as mandated by Section 7 of Republic Act No. 26 upon the administrative reconstitution of a lost or destroyed original Torrens title, while the second annotation pertains to an affidavit of adverse claim covered by Section 70 of Presidential Decree No. 1529.
>
> *The First Annotation may already be cancelled following the express language of Republic Act No. 26.*
>
> As regards the first annotation, Section 7 of Republic Act No. 26 provides:
>
> > 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.
>
> The above-quoted provision mandates that any reconstituted certificate of title should bear an annotation as an encumbrance, serving as a protective measure for individuals whose rights or interests were duly noted on the original title but not reflected on the reconstituted certificate. This reservation acts as a safeguard, putting interested parties on notice that they may have a claim that needs to be re-annotated on the reconstituted title.
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> With this reservation in place, Section 8 outlines the process by which omitted interests can be reflected on the reconstituted title.
>
> > Section 8. Any person whose right or interest was duly noted in the original of a certificate of title, at the time it was lost or destroyed, but does not appear so noted on the reconstituted certificate of title, which is subject to the reservation provided in the preceding section, may, while such reservation subsists, file a petition with the proper Court of First Instance for the annotation

> of such right or interest on said reconstituted certificate of title, and the court, after notice and hearing, shall determine the merits of the petition and render such judgment as justice and equity may require. The petition shall state the number of the reconstituted certificate of title and the nature, as well as a description, of the right or interest claimed.

In line with this, Section 9 outlines the procedure for a party seeking to have his reconstituted certificate of title freed from the encumbrance specified in Section 7:

> 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 incumbrance mentioned in section seven hereof.

Clearly, the law allows individuals with rights or interests noted on the original certificate but missing from the reconstituted title to file a petition with the Court of First Instance. This petition must be filed within the two-year period from the date of reconstitution established by Section 9. If no such petition is filed, Section 9 authorizes the registered owner to request the cancellation of the annotation, providing certainty and finality in the title.

> As correctly argued by Bella, the two-year period had long lapsed since the subject TCT was reconstituted on October 18, 1960 and since then, no petition has been filed by any party claiming that they had an interest annotated in the lost or destroyed TCT which was not carried over to the reconstituted TCT.
>
> Since no petition was filed within the two-year period, Section 9 permits the registered owner, in this case, Bella, to request the cancellation of the Section 7 annotation by filing an *ex parte* motion. This is in alignment with the legislative intent to clear titles of provisional encumbrances after affected parties have had ample time to assert their claims.[35] (Citations omitted)

The foregoing ruling was reiterated by this Court in *Republic v. St. Augustine Realty and Development Corporation*:[36]

> A thorough reading of Section 9 shows that, as a general rule, a registered owner who seeks to remove the encumbrance made on their administratively reconstituted title pursuant to Section 7 of Republic Act No. 26 must submit a petition to the RTC. To initiate this, the registered owner must comply with the mandatory jurisdictional requirements outlined in the first part of Section 9 of Republic Act No. 26. However, if the petition is filed more than two years after the administrative reconstitution of the title, and no claim or interests have been made by other parties, the mandatory jurisdictional requirements of posting and publication provided for in Section 9 are no longer necessary. In fact, the law provides that "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." Therefore, after the lapse of the two-year period, only an *ex parte* motion is necessary to cancel an encumbrance under Section 9. Publication and posting are no longer required. The reason for this distinction is clear: the law already gave sufficient time and opportunity for anyone with a claim to raise the same during the two-year period. There must be finality and stability in our titles at some point. That is the whole essence of the Torrens System.[37]

To be sure, a holistic reading of Section 9 shows that it bifurcates the procedure after the filing of the petition for cancellation of the reservation under Section 7. The foregoing is evident from the wording used in the last sentence of the provision, i.e., "[p]rovided, however...", which serves to qualify compliance with the posting and publication requirement depending on: (1) whether two years have passed from the administrative reconstitution of the subject certificate of title; and (2) no Section 8 petition has been filed within such period.

The posting and publication of the notice of the petition as outlined in Section 9 is mandatory if the petition for cancellation was filed within two years from the date of

the administrative reconstitution of the subject certificate of title and no Section 8 petition was filed within such period. In such case, petitioners are required to submit evidence to prove compliance with the posting and publication requirement and the trial court will only hear the merits of the petition after it is satisfied that the posting and publication requirements have been complied with.

However, if two years have passed from the administrative reconstitution of the certificate of title and no Section 8 petition was filed within the same period, posting and publication is no longer necessary. Instead, the petitioner would file an *ex parte* motion informing the RTC of the foregoing circumstances and appending the relevant evidence. If the *ex parte* motion is meritorious, the RTC will issue an order addressed to the Register of Deeds directing it to cancel the Section 7 reservation with proper annotation.

As for petitioner's contention that posting and publication is jurisdictional in a petition for cancellation under Section 9 of Republic Act No. 26 regardless of the circumstances when such petition was filed,[38] it is without merit.

A petition for cancellation under Section 9 of Republic Act No. 26 is an action *in rem*, i.e., an action directed against the thing or property or status of a person and seek judgments with respect thereto as against the whole world.[39] In proceedings *in rem*, jurisdiction over the person of the defendant is not a prerequisite to confer jurisdiction on the court, provided that the latter has jurisdiction over the *res*.[40] In *Alba v. Court of Appeals*,[41] We ruled that courts in actions *in rem* acquire jurisdiction over the *res* either (1) by the seizure of the property under legal process, whereby it is brought into actual custody of the law; or (2) *as a result of the institution of legal proceedings, in which the power of the court is recognized and made effective*.[42]

Here, the institution of legal proceedings in a petition for cancellation of a Section 7 reservation and the consequent acquisition of jurisdiction by the trial court over the *res* would depend on *when the petition was filed*. If filed within two years from the date of the administrative reconstitution of the subject certificate of title, legal proceeding is deemed instituted upon filing of the petition *and* compliance with the posting and publication requirement outlined in Section 9 of Republic Act No. 26. However, if the petition for cancellation was filed after two years from the administrative reconstitution of title and no Section 8 petition was filed within such period, courts acquire jurisdiction over the *res* upon filing of the petition and the establishment of such circumstance.

We are aware that this Court have previously declared that the posting and publication requirement outlined in Section 9 of Republic Act No. 26 is jurisdictional.[43] However, such characterization is only applicable to judicial reconstitution of titles under Section 10 of Republic Act No. 26[44] and not to petitions for cancellation of reservation annotated in certificates of title that are administratively reconstituted as required under Section 7. Such is evident from the fact that the final proviso in Section 9, which

provides the exception to the posting and publication requirement, does not apply to judicial reconstitution of titles under Section 10.

In fine, no error was committed by the CA when it denied the Republic's appeal as the interpretation of Section 9 that it forwarded is without merit. Finally, this Court, adopting the suggestions of Associate Justice Alfredo Benjamin S. Caguioa, lays down the following guidelines for the cancellation of the reservation under Section 7 annotated on an administratively reconstituted certificate of title:

> (1) An interested party, i.e., the registered owner or a lien holder whose interest is already annotated in the title, must file a petition before the RTC praying for the cancellation of the aforementioned annotation and providing the reasons for it. The petition shall clearly state whether the Section 9 conditions are present, particularly: (i) whether two years have passed from the date the certificate of title was administratively reconstituted; and (ii) whether no petition to annotate an omitted interest under Section 8 was filed within such period. Evidence of these allegations, including a certified true copy of the subject reconstituted title, must be attached to the petition.
>
> (2) The RTC shall determine from the face of the petition and its annexes whether the Section 9 conditions are present and proceed to act as follows:
>
> > (a) If it is evident that the petition is filed more than 2 years from the date of reconstitution and that no petition under Section 8 has been filed during that period as is evident from the lack of annotation in the reconstituted title made pursuant thereto, then the RTC shall treat the petition as the *ex parte* motion required by Section 9 and proceed to set the case for reception of petitioner's evidence.
> >
> > If, however, an annotation in the reconstituted title pursuant to Section 8 exists, then the RTC shall set the case for hearing and direct the petitioner to comply with the publication and posting requirements and prove such compliance at the said hearing as provided below.
> >
> > (b) If it is evident that the petition is filed within 2 years from the date of reconstitution, regardless of whether a petition under Section 8 has been filed, then the RTC shall issue an order (i) setting the next hearing date; (ii) directing the petitioner to cause the publication of a notice of the petition in two successive issues of the Official Gazette at least 30 days prior to the hearing date; (iii) directing the petitioner to cause the posting of the notice of the petition at the main entrance of the provincial or municipal building of the province or municipality is located at least 30 days prior to the hearing date.

> The notice of the petition shall at least contain the following information: (i) the number of the certificate of title; (ii) the name of the registered owner; (iii) the names of the interested parties appearing in the reconstituted certificate of title; (iv) the location of the subject property; and (v) the date on which all persons having interest in the subject property must appear and file such claim as they may have.
>
> During the scheduled hearing, the RTC will determine compliance with the posting and publication of the notice of the petition. If the RTC finds that the petitioner was able to comply with the posting and publication requirements, it will then proceed with the determination of the merits of the petition. If the petitioner was unable to comply with the posting and publication requirement, the RTC will, in its discretion, either dismiss the petition due to lack of jurisdiction or order posting and publication anew.

ACCORDINGLY, the Petition is **DENIED**. The Decision dated April 28, 2022 and the Resolution dated December 2, 2022 of the Court of Appeals in C.A.-G.R. CV No. 114563 are **AFFIRMED**. The Registry of Deeds of Quezon City is **ORDERED** to cancel the encumbrance appearing in TCT No. N-141429, annotated pursuant to Section 7 of Republic Act No. 26.

SO ORDERED.

Gesmundo, C.J., Leonen, SAJ., Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, Kho, Jr., and *Villanueva, JJ.*, concur.
Caguioa, J., see concurring opinion.
Singh, [*] *J.*, on leave.

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[*] On leave

[1] *Rollo*, pp. 10-45.

[2] *Id.* at 46-55. The April 28, 2022 Decision in C.A.-G.R. CV No. 114563 was penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Jennifer Joy C. Ong, Special Seventh Division, Court of Appeals, Manila.

[3] *Id.* at 56-58. The December 2, 2022 Resolution in C.A.-G.R. CV No. 114563 was penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Jennifer Joy C. Ong, Former Special Seventh Division, Court of Appeals, Manila.

[4] *Id.* at 59-64. The September 16, 2019 Decision in LRC No. R-QZN-18-15604-LR was penned by Presiding Judge Janet Abergos-Samar, Branch 219, Regional Trial Court, Quezon City.

[5] *Id.* at 59.

[6] *Id.* at 47.

[7] *Id.*

[8] *Id.*

[9] *Id.* at 65-67.

[10] *Id.*

[11] *Id.* at 72-73.

[12] *Id.* at 72.

[13] *Id.* at 60.

[14] *Id.* at 60-61.

[15] *Id.* at 49.

[16] *Id.* at 64.

[17] *Id.* at 63.

[18] *Id.*

[19] *Id.* at 50.

[20] *Id.*

[21] *Id.* at 53-54.

[22] *Id.* at 52-53.

[23] *Id.* at 53.

[24] *Id.*

[25] *Id.* at 56.

[26] *Id.* at 57-58.

[27] *Id.* at 20.

[28] *Id.* at 32-35.

[29] *Id.* at 35-36.

[30] *Id.* at 88-89.

[31] *Id.* at 109-113.

[32] *Id.* at 112.

[33] *Id.* at 111-112.

[34] **G.R. No. 260831**, February 26, 2025 [Per J. Singh, Third Division].

[35] **Republic v. Bella, G.R. No. 260831**, February 26, 2025 [Per J. Singh, Third Division]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[36] **G.R. No. 268461**, April 7, 2025 [Per J. Singh, Third Division].

[37] *Id.* at 6-7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[38] *Rollo*, pp. 32-34.

[39] **Solis v. Solis-Laynes**, 939 Phil. 161, 171 (2023) [Per J. Gaerlan, Third Division]. (Citation omitted)

[40] **San Pedro v. Ong**, 590 Phil. 781, 795 (2008) [Per J. Chico-Nazario, Third Division]. (Citation omitted)

[41] 503 Phil. 451 (2005) [Per J. Ynares-Santiago, First Division].

[42] *Id.* at 459. (Citation omitted)

[43] **Republic v. Manansala**, 901 Phil. 794, 812 (2021) [Per J. Caguioa, First Division].

[44] Section 10. Nothing herein before 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.

CONCURRING OPINION

CAGUIOA, *J.*:

The *ponencia* in the above-captioned case denies the petition and holds that when a title is reconstituted administratively, the general reservation that is required to be annotated on the reconstituted title pursuant to Section 7, Republic Act No. 26,[1] may be removed without the need of publication and posting, if the petition for such removal is filed more than two years after the date of the reconstitution and no petition has in the meantime been filed by any interested party to annotate any omitted right or interest.

I concur in the *ponencia* and find it opportune to again expound on the relevant provisions of Republic Act No. 26 and its diminished relevance given the current electronic titling system adopted in the country.

I.

As I discussed in my Concurring Opinions in *Republic v. Bella*[2] and *Republic v. St. Augustine Realty and Development Corporation*,[3] the mandatory reservation required under Section 7[4] of Republic Act No. 26 operates as a safeguard to protect rights or interests in the property that were recorded in the original title at the time of loss but do not appear in the administratively reconstituted title for one reason or another. The reservation apprises the world that there may be subsisting rights and interests over the property, which were previously registered in the original title, but are not reflected in the administratively reconstituted title.

The procedure for removing this mandatory reservation is governed by Section 9[5] of Republic Act No. 26. As a general rule, the process requires that the notice of the petition be published twice in successive issues of the Official Gazette and 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 30 days prior to the date of hearing.

The last sentence of Section 9, however, provides the exception to this rule. There is no need to comply with the publication and posting requirements when the following conditions are met:

(1) Two years have lapsed from the date the certificate of title was administratively reconstituted; and

(2) No petition under Section 8[6] of Republic Act No. 26 was filed within that period to annotate an omitted right or interest.

The reason for this exception is evident. The law deems that two years is sufficient time for a person to assert his or her omitted interest by filing a petition under Section 8 of Republic Act No. 26 to have the same annotated.

But one may ask—at what point prior to the filing of the petition for the removal of the Section 7 reservation was the public informed of the loss and administrative reconstitution of the certificate of title? The answer to this question can be found in Section 3 of Republic Act No. 6732.[7] Under this provision, immediately after the loss of the certificates of title subject of administrative reconstitution, the Land Registration Authority (LRA) shall prepare an inventory of all titles in the possession of the concerned registry of deeds, certify the same, and cause its publication in a newspaper of general circulation in the province or city where the loss of titles occurred. Thus:

> SEC. 3. Immediately after the loss or destruction of titles mentioned in Section 2 hereof, a true, complete and faithful inventory of all books, titles, documents, cash and property in the Registry of Deeds concerned shall be prepared by the Land Registration Authority through the newly designated reconstituting officer or Register of Deeds. Said Inventory, duly signed and certified under oath by the Administrator of the Land Registration Authority, *shall be published in a newspaper of general circulation in the province or city where the loss or destruction of titles occurred*. (Emphasis supplied)

Following this procedure, lienholders are, thus, constructively apprised that the certificates of title in which their liens are annotated have either been lost or destroyed. Due diligence and prudence are required of a lienholder to act accordingly by either initiating the administrative reconstitution himself or herself to ensure that his or her lien remains annotated.

Moreover, an administratively reconstituted certificate of title forms part of the records of the register and, thus, operates as constructive knowledge to the whole world, including all lienholders.[8] Thus, if the administrative reconstitution is instituted by a person other than the lienholder, and the same is later granted, the issuance of the reconstituted title operates to notify all lienholders to inspect the reconstituted title to see whether their previously annotated lien or interest remains annotated on the reconstituted title. If the said lien or interest does not so appear, then the law grants such lienholders the remedy of filing a petition for the annotation of their omitted lien or interest under Section 8 of Republic Act No. 26.

In sum, even prior to the filing of the petition for removal of the mandatory reservation imposed by Section 7 of Republic Act No. 26, all holders of omitted liens or interests had already been given a prior opportunity to assert and cause the annotation of their omitted lien or interest.

Section 9 of Republic Act No. 26 provides an additional safeguard in favor of such lienholders by requiring the publication and posting of the petition—which is the general rule. However, when two years have lapsed from the date of reconstitution and no petition to annotate an omitted lien is filed under Section 8 of Republic Act No. 26 within that period, then there is no longer any need for such public notice because the

law has already afforded sufficient time and opportunity to interested persons to assert their omitted interest.

Notably, the mandatory reservation functions similarly as the two-year lien under Section 4, Rule 74 of the Rules of Court which protects heirs, creditors, or other claimants who were unduly deprived of their lawful participation in extrajudicially or summarily settled estates:

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

The above safeguard, however, is likewise limited—omitted or impaired rights must be asserted within two years. After such period, the protective mantle afforded by Section 4, Rule 74 is lifted, leaving subsequent transferees clear of dormant claims. The procedure for the cancellation of a Rule 74 lien is provided in Section 86 of Presidential Decree No. 1529:[9]

> 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.
>
> . . . . (Emphasis supplied)

Whereas Republic Act No. 26 requires a motion and judicial action, the cancellation of an annotation under Rule 74 of the Rules of Court may proceed by verified petition alone. In both instances, nonetheless, the lapse of the two-year period signals that the mandatory annotation in a certificate of title may already be cancelled upon motion or petition.

The two-year reservation periods under Republic Act No. 26 and Rule 74 underscore a common policy objective: both provisions impose a clear, time-bound mechanism for asserting omitted rights. By providing a limitation to the protection afforded by the mandatory liens, both legal frameworks strike a deliberate balance between recognizing excluded claims and promoting finality in registered land transactions.

In the present case, the subject certificate of title was reconstituted in 1991 and the required reservation was annotated thereon pursuant to Section 7 of Republic Act No. 26. When respondent Antonio V. Mitra (Mitra) filed the petition for the cancellation of such reservation in 2018, the two-year period under Section 9 had already lapsed without any claim of interest being asserted by any person pursuant to Section 8. Applying the exception in Section 9, the *ponencia* correctly ruled that there is no need for the Regional Trial Court to comply with the publication and posting requirements before cancelling the said reservation.

II.

I observe, however, that the relevance of the foregoing provisions of Republic Act No. 26 has been diminished by the ongoing modernization efforts of the LRA.

As I discussed in my Concurring Opinions in *Bella* and *St. Augustine Realty and Development Corporation*, the original scope of Republic Act No. 26—i.e., the reconstitution of lost or destroyed certificates of title—has been narrowed by Section 110[10] of Presidential Decree No. 1529 and by the LRA's shift to a fully digital land records system under the ***Land Titling Computerization Project*** (LTCP). Under the ***Title Upgrade Program*** embodied in *LRA Circular Nos. 001-16*[11] and *02-2017*,[12] the LRA seeks to accelerate the phase-out of manually-issued or physical original certificates of title (OCT) by requiring their conversion into eTitles as a condition for processing certain transactions.[13]

Under this framework, titles subject of annotation-type transactions, i.e., voluntary transactions for interests less than ownership, shall first be subject to conversion to eTitles before annotations are processed:

> SECTION 1.3 Voluntary transactions on manually-issued titles that are not yet converted into eTitles after such period shall no longer be accepted for processing in LRA and its Registries of Deeds, and must undergo conversion into eTitles prior to transaction processing.[14]

By requiring the prior conversion of manually-issued or physical copies of titles into eTitles before any annotation-type transaction may be processed, the LRA accelerated

the transition to a fully electronic registry. This directive ensures that even non-transfer transactions serve as a trigger point for e-Titling, thereby reinforcing the system-wide shift toward digital land records.

The LRA's digital transformation efforts are further complemented by new operational tools and updated workflows, including: (i) an automated self-service system for requesting certified true copies of certificates of title;[15] (ii) allowing registers of deed to *motu proprio* initiate the digitization and cataloging of manually-issued titles in preparation for eventual eTitle conversion;[16] and (iii) the issuance of joint administrative guidelines with the Department of Agrarian Reform governing the issuance of individual eTitles and the computerized and electronic annotation of agrarian reform conditions under collective certificates of land ownership awards.[17]

Taken altogether, these reforms underscore the LRA's broader goal: establishing a digital infrastructure that ensures all original registry copies of titles—and the annotations they bear—can no longer be lost, altered, or omitted due to physical risks. All certified true copies of titles will also be generated from a centralized electronic source record, and therefore, will consistently reflect all valid encumbrances annotated on a title.

As recognized in *Spouses Manalese v. The Estate of the Late Spouses Ferreras*,[18] the advent of computerized and electronic titles means that there may no longer be physical OCTs and transfer certificates of title in the registry as previously understood under Presidential Decree No. 1529:

> With computerized and electronic titles, the Court understands that there may no longer be a physical original certificate of title—the one referred to in Sections 39 and 40 of PD 1529, regarding the Original Certificate of Title and Section 43, regarding the Transfer Certificate of Title, or the "government copy" as it is referred to at present in a Memorandum issued by LRA—which is to be kept by the Register of Deeds. The said original certificate of title is now in digital form stored in the LRA Computerized System being maintained by the Land Registration Systems, Inc. (LARES). Pursuant to the said LRA Memorandum, a copy of the digitized original certificate of title may be obtained from the Register of Deeds and this copy generated from the LRA Computerized System, which is called as an electronic title or "eTitle", is now being referred to as computerized title or "cTitle". Only the owner's duplicate certificate of title is issued by the Register of Deeds in physical form.[19] (Citation omitted)

With this changing landscape in the land registration system, the scope of reconstitution under Republic Act No. 26, as amended by Presidential Decree No. 1529,[20] continues to narrow steadily, now applying only in cases where the original registry copy has yet to be converted to an eTitle. However, the *judicial* replacement of lost owner's duplicate certificates, which is still issued by the register of deeds in physical form,

remains governed by a separate process under Section 109[21] of Presidential Decree No. 1529.

All told, the move towards a purely digitalized registration of land titles and related transactions is gradually displacing the operational premise of Republic Act No. 26. It is hoped that reconstitution of titles in the registry—whether judicial or administrative—will no longer be necessary once all certificates of title exist in digital form within the LRA's secure and backed-up system. Indeed, if this digital shift is successful, titles would be insulated from the vulnerabilities that warrant reconstitution.

In sum, I concur that the Section 7 reservation may be removed without complying with the publication and posting requirements, consistent with the plain language of Section 9 of Republic Act No. 26.

ACCORDINGLY, I **CONCUR** with the *ponencia* and vote to **DENY** the Petition. The Regional Trial Court did not err in ordering the cancellation of the Section 7 reservation.

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[1] Republic Act No. 26 (1946), An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed.

[2] **G.R. No. 260831**, February 26, 2025 [Per J. Singh, Third Division].

[3] **G.R. No. 268461**, April 7, 2025 [Per J. Singh, Third Division].

[4] 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.

[5] 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 incumbrance mentioned in section seven hereof.

[6] Section 8. Any person whose right or interest was duly noted in the original of a certificate of title, at the time it was lost or destroyed, but does not appear so noted on the reconstituted certificate of title, which is subject to the reservation provided in the preceding section, may, while such reservation subsists, file a petition with the proper Court of First Instance for the annotation of such right or interest on said reconstituted certificate of title, and the court, after notice and hearing, shall determine the merits of the petition and render such judgment as justice and equity may require. The petition shall state the number of the reconstituted certificate of title and the nature, as well as a description, of the right or interest claimed.

[7] Republic Act No. 6732 (1989), An Act Allowing Administrative Reconstitution of Original Copies of Certificates of Titles Lost or Destroyed Due to Fire, Flood and Other Force Majeure, Amending for the Purpose Section One Hundred Ten of Presidential Decree Numbered Fifteen Twenty-Nine and Section Five of Republic Act Numbered Twenty-Six.

[8] *See* **Legarda v. Saleeby**, 31 Phil. 590 (1915) [Per J. Johnson, First Division].

[9] Presidential Decree No. 1529 (1978), Amending and Codifying the Laws Relative to Registration of Property and for Other Purposes.

[10] Presidential Decree No. 1529 (1978), sec. 110, as amended by Republic Act No. 6732 (1989), sec. 1, provides:

> "Sec. 110. *Reconstitution of lost or Destroyed Original of Torrens Title*. — Original copies of certificates of titles lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. The procedure relative to *administrative reconstitution of lost or destroyed certificate prescribed in said Act may be availed of only in case of substantial loss or destruction of land titles due to fire, flood or other force majeure as determined by the Administrator of the Land Registration Authority*: Provided, That the number of certificates of titles lost or damaged should be at least ten percent (10%) of the total number in the possession of the Office of the Register of Deeds: Provided, further, That in no case shall the number of certificates of titles lost or damaged be less than five hundred (500).

> Notice of all hearings of the petition for judicial reconstitution shall be furnished the Register of Deeds of the place where the land is situated and to the Administrator of the Land Registration Authority. No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of fifteen (15) days from receipt by the Register of Deeds and by the Administrator of the Land Registration Authority of a notice of such order or judgment without any appeal having been filed by any such officials." (Emphasis supplied)

[11] Program for the Upgrade of all Manually-Issued Titles Within a 3-Year Period (January 26, 2016).

[12] Addendum to LRA Circular No. 02-2016 with Subject: Program for the Upgrade of All Manually-Issued Titles within a 3-Year Period (January 6, 2017).

[13] *See* LRA Circular No. 001-16.

[14] LRA Circular No. 001-16, art. I (The LRA Title Upgrade Program).

[15] *See* LRA Circular No. 28-17, Implementation of the LRA System for Automated Client Entry for Certified True Copies of Certificates of Title ("ACE-CTC") (September 20, 2017).

[16] *See* LRA Circular No. 15-2020, Implementation of the LRA Title Ready Program ("TRP") (August 18, 2020).

[17] *See* DAR-LRA Joint Administrative Order No. 02, s. 2022, Registration and Annotation Requirements for Support to Parcelization of Land for Individual Titling and Annotation of the Conditions of the Order of Conversion (May 24, 2022). *See* also Joint DAR-LRA Administrative Order No. 01, s. 2024, Rules Governing the Re-Issuance of Owner's Duplicate Copy and Correction of Entries in the Collective Certificate of Land Ownership Award (CCLOA) Covered by Support to Parcelization of Lands for Individual Titling (SPLIT) Project (April 2, 2024).

[18] 961 Phil. 73 (2024) [Per J. Caguioa, Third Division].

[19] *Id.* at 118-119.

[20] Presidential Decree No. 1529 (1978), sec. 110, as amended by Republic Act No. 6732 (1989), sec. 1.

[21] 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 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.

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