

Republic of the Philippines  
Fourth Judicial Region  
REGIONAL TRIAL COURT  
Branch 90  
City of Dasmariñas, Cavite

PETITION FOR CONSOLIDATION OF OWNERSHIP, TO COMPEL SURRENDER OF OWNER'S DUPLICATE ORIGINAL, OR, ALTERNATIVELY, TO CANCEL TRANSFER CERTIFICATE OF TITLE NO. T-69702 ISSUED BY THE REGISTER OF DEEDS FOR THE PROVINCE OF CAVITE IN THE NAME OF JUANITA PINEDA MARRIED TO CRISPIN PINEDA; AND DOLORES P. SAYOC MARRIED TO RAFAEL SAYOC AND ENTRY OF NEW CERTIFICATE OF TITLE IN FAVOR OF ALEJANDRO RAMON P. DIMALANTA,

-versus- Petitioner,

LRC CASE NO. DC-307-16

JUANITA PINEDA, DOLORES P. SAYOC AND THE REGISTER OF DEEDS FOR THE PROVINCE OF CAVITE, Respondents.

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DECISION

Submitted for decision is the above-entitled case for consolidation of ownership, to compel the surrender of Owner's Duplicate Original, or alternatively, to cancel Transfer Certificate of Title No. T-69702 issued by the Register of Deeds for the Province of Cavite in the name of Juanita Pineda married to Crispin Pineda and Dolores P. Sayoc married to Rafael Sayoc and Entry of New Certificate of Title in favor of Alejandro Ramon P. Dimalanta

The Petitioner alleged that Respondents Juanita Pineda and Dolores P. Sayoc are the registered owners of a parcel of land covered by Transfer Certificate of Title No. T-69702 of the Register of Deeds of Cavite located in Brgy. Langkaan 1, Dasmariñas City, Cavite, containing an area of Fifty Thousand One Hundred Forty-One (50,141) square meters.

Finding the petition to be sufficient in form and substance, Summons together with a copy of the Petition and the attached documents were served upon respondents Registry of Deeds for the Province of Cavite, Juanita Pineda and Dolores Sayoc at their respective addresses at Trece Martires City, Cavite, at No. 737 P. Paterno St., Caridad, Cavite City and at No. 767 Romualdo St., Caridad, Cavite City. In the Return of Summons dated December 16, 2016, the Process Server of this Court certified that the Summons and copy of the Petition was duly served on December 15, 2016 to the Registry of Deeds for the Province of Cavite. However, Summons were not served upon respondents Pineda and Sayoc. Accordingly, they were no longer residing in their said addresses.

In an Order of the Court dated September 9, 2019, the Court ordered the service of Summons through publication for the account of the petitioner, once a week for two consecutive weeks, in a newspaper of general circulation of the Order itself, the Summons and the Petition with Annexes. The Court likewise directed the petitioner to send copy of the Order, the Summons and the Petition via registered mail to the last known addresses of the said respondents and to show proof thereof.

A Motion for Partial Reconsideration dated October 9, 2019 of the Order of the Court dated September 9, 2019 was filed by the petitioner, through counsel, Atty. Raquel Dimalanta, praying that the publication shall only include the amended order and the Summons, once in a newspaper of general circulation exclusive of the petition and its annexes.

In the Order dated January 29, 2020, the Court granted the Motion for Partial Reconsideration of the petitioner by allowing him to cause the publication of the said Order as well as the Summons once a week for two consecutive weeks in a newspaper of general circulation in the Philippines exclusive of the petition and its annexes.

In an Order dated 25 June 2021, the Court ordered the petitioner to show proof of compliance with the Order dated 29 January 2020 directing the petitioner to cause the publication of said latter's Order and the Summons by publication, and the service of Order dated 9 September 2019 within fifteen (15) days from receipt of the Order.

On March 11, 2022, petitioner filed a Manifestation and Motion informing the Court he has not received the Summons by Publication and information about the newspaper to which the raffle was made.

In an Order dated May 3, 2022, the Court ordered the issuance of Initiatory Order with Summons to be published in a newspaper of general circulation once a week for two consecutive weeks excluding therefrom the Petition together with the Annexes pursuant to the Order dated January 29, 2020 and the Office of the Clerk of Court was directed to include the case in the raffle of cases for publication in the newspaper of general circulation in the Philippines.

On May 23, 2022, the Court issued an Order with Summons to be published in a newspaper of general circulation once a week for two consecutive weeks excluding therefrom the Petition together with the Annexes and set the case for hearing on September 23, 2022. The Court further ordered the petitioner to send copy of the Order dated 9 September 2019, the Summons and the Petition with Annexes by registered mail to the last known address of the respondents and to submit proof of compliance thereto; to have the copy of this Order posted in the main entrances of the provincial and municipal buildings of the province/municipality in which the land is situated, pursuant to Section 109 of Presidential Decree No. 1529; to furnish the Register of Deeds of Cavite, and the Land Registration Authority with the copies of the Order and of the Petition. In the said Order, the respondents were directed to file their answer to the Petition within sixty (60) days from the date of the last known issue of the publication.

In the Order of the Court dated September 23, 2022, relating to the hearing on compliance with the jurisdictional requirements, the counsel

for the petitioner, Atty. Raquel Dimalanta, proved compliance with the jurisdictional requirements of the case (Exhibit "A" - Petition "C" - Order dated May 23' 2022' - "H" Certificate of Posting). There being no opposition to the petition after the same was announced to the public in open court, petitioner was allowed to present evidence ex-parte before the Branch Clerk of Court of this Court, Atty. Ma. Regina N. Rendal, who was appointed as Commissioner for such purpose. Thereafter, Atty. Dimalanta, presented her sole witness in the person of the Petitioner himself, Alejandro Ramon P. Dimalanta, who confirmed and affirmed the statements made in his Judicial Affidavit and further identified the documents attached thereto to buttress the allegations made in the Petition (see Judicial Affidavit marked as (Exhibit "HH"). On December 2, 2022, petitioner filed his Formal Offer of Evidence with the attached Affidavit of Publication (Exhibit "D") from the Hanep Publication dated July 25, 2022, relating to the publication of the Order and the Summons on July 18 and 25, 2022.

The facts established from the witness' testimony are as follows:

Respondents Juanita Pineda married to Crispin Pineda and Dolores Sayoc married to Rafael Sayoc are the registered owners of a parcel of land covered by Transfer Certificate of Title No. T-69702 (Exhibit "J") located at Langkaan 1 Dasmariñas City, Cavite and further covered by a Tax Declaration with No. 2370011005235 (Exhibit "M"). For failure of respondents to pay the real property tax on the subject property, the City Government of Dasmariñas, Cavite, levied on the property and sold the same at public auction on December 15, 2014. The Notice of levy is annotated on page 5 of the Title under Entry No. 2014057964 dated November 07, 2014 (Exhibit "L"). Petitioner being the highest bidder acquired the property and the Certificate of Sale of Delinquent Property (Exhibit "I") was registered and annotated on page 5 of the Title as Entry No. 2015019782 (Exhibit "M-1") on May 6, 2015. Respondents failed to redeem the subject property until the one year redemption period lapsed on December 15, 2015 and for which reason the City Treasurer of the City Government of Dasmariñas, Cavite, issued a Final Deed of Conveyance on September 28, 2016 (Exhibit "K"). The original copy of the Transfer Certificate of Title No. T-69702 is existing and intact in the files of the Registry of Deeds for the Province of Cavite as shown by the certification found at the bottom of each page of the title.

Allegedly, the owner's duplicate copy of the title is still with respondents Juanita Pineda married to Crispin Pineda and Dolores Sayoc married to Rafael Sayoc, being the registered owners the reason being why the petitioner filed the instant petition to cancel Transfer Certificate of Title No. T-69702 because it has been sold to him and that it is but proper that a new title should be issued under his name and for respondents to surrender Transfer Certificate of Title No. T-69702 to the Registry of Deeds for the Province of Cavite.

The prayer for cancellation and surrender of Transfer Certificates of Title No. T-69702 and the subsequent issuance of new Transfer Certificate of Title vice the cancelled ones is consistent with Section 107 of PD 1529, which provides that:

**Section 107. Surrender of withhold duplicate certificates.** *Where it is necessary to issue a new certificate of title pursuant to any involuntary instrument which divests the title of the registered owner against his consent or where a voluntary instrument cannot be registered by reason of the refusal or failure of the holder to surrender the owner's duplicate certificate of title, the party in interest may file a petition in court to compel surrender of the same to the Register of Deeds. The court, after hearing, may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate or memorandum upon such surrender. If the person withholding the duplicate certificate is not amenable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered, the court may order the annulment of the same as well as the issuance of a new certificate of title in lieu thereof. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.*

There being no more witness to present, petitioner's counsel offered her Formal Offer of Evidence to which this Court admitted into the evidence the exhibits offered by the petitioner. Thereafter, the case was deemed submitted for decision.

From the evidence presented, the Court finds that the petitioner has sufficiently established that he is now the new lawful owner of the subject parcel of land that is covered by Transfer Certificate of Title No. T-69702. Thus, the Court holds to GRANT this petition.

**WHEREFORE**, this Court hereby orders former owners: Juanita Pineda married to Crispin Pineda and Dolores P. Sayoc married to Rafael Sayoc, registered owners of Transfer Certificate of Title No. T-69702 to surrender to the Registry of Deeds for the Province of Cavite said Transfer Certificate of Title within thirty (30) days from receipt of this Order.

Failure on the part of the former owners of the subject property to comply with this Decision, the Registry of Deeds for the Province of Cavite is hereby ordered to cancel Transfer Certificate of Title No. T-69702 and issue, upon demand and payment of the required fees, a new Transfer Certificate of Title in favor of Petitioner, Alejandro Ramon P. Dimalanta, for the real property acquired.

Service of this Decision to the former owners mentioned herein shall be served through the process server of this Court.

SO ORDERED.

Dasmariñas City, Cavite, October 10, 2023.

FRANCISCO L. COLLADO, JR.  
Presiding Judge

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