



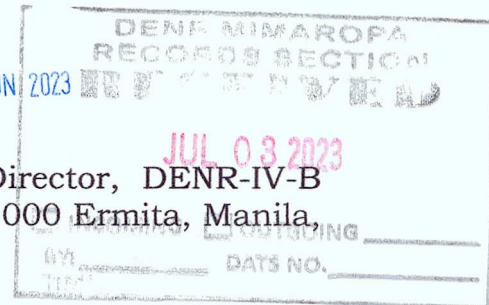
Republic of the Philippines
Department of Environment and Natural Resources
LAND MANAGEMENT BUREAU

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INDORSEMENT

14 JUN 2023



Respectfully referred to the Regional Executive Director, DENR-IV-B MIMAROPA, 1515 L and S Building, Roxas Boulevard, 1000 Ermita, Manila, the following:

1. Order Spec. Pro. 23-0071
Petition for judicial reconstitution for TCT No. T-55227, Sps. Apolonio Hernandez (deceased) and Simplicia Hernandez, represented by Conrado M. Dolor, Petitioner.
RTC Branch XL (40) Calapan City, Oriental Mindoro
2. Order LRC No. 23-34
Petition for judicial reconstitution of OCT No. 2479 in the name of the deceased Esmeralda Gabuna of the Registry of deeds of the Province of Oriental Mindoro, Natibeth F. Buenavetura, Petitioner.
RTC Branch 43, Roxas, Oriental Mindoro

The matter treated therein pertains to the administrative jurisdiction of that Office pursuant to Executive Order No. 192¹ dated 10 June 1987.

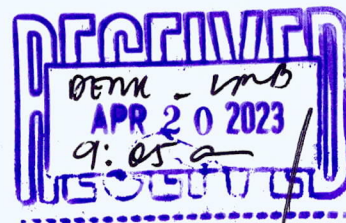

ENGR. ROMEO P. VERZOSA
Assistant Director

¹ Providing for the Reorganization of the Department of Environment, Energy and Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for other purposes

124B1

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH XL (40)

Calapan City
Email: rtc2cal040@judiciary.gov.ph
Telephone No: (043) 441-8336
-oOo-



**IN RE: PETITION FOR JUDICIAL
RECONSTITUTION OF TRANSFER
CERTIFICATE OF TITLE NO.
T-55227**

**SPECIAL PROCEEDINGS CASE NO.
SPEC. PRO. 23-0071**

**SPS. APOLONIO HERNANDEZ (deceased)
and SIMPLICIA HERNANDEZ, represented
by CONRADO M. DOLOR,**

Petitioner.

X -----X

ORDER

Submitted for resolution is a Petition for Judicial Reconstitution of Transfer Certificate of Title No. T-55227 dated 09 February 2023, filed by attorney-in-fact, Conrado Mendoza Dolor, thru counsel, Atty. Edgardo M. Padilla.

After a careful evaluation of the records of the instant petition, the Court finds that the same failed to comply with Section 4 and Section 5, Rule 7 as well as with Section 2 and Section 3 of Rule 3 of A.M. No. 19-10-SC, otherwise known as the 1997 Rules of Civil Procedure, as amended, which states that:

Section 4. *Verification.* - Except when otherwise specifically required by law or rule, pleadings need not be under oath or verified.

A pleading is verified by an affidavit of an affiant duly authorized to sign said verification. The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading,


xxx

Section 5. *Certification against Forum Shopping.* - The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith:

- (c) If he or she should thereafter learn that the same or similar action or claim has been filed or is pending, he or she shall report that fact within five (5) calendar days therefrom to the court wherein his or her aforesaid complaint or initiatory pleading has been filed.

Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro

-CERTIFIED TRUE COPY-


ATTY. ERICK JOHN RAE M. LAYGO
Branch Clerk of Court V

The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing.

It appears from the records of the case that the Verified Petition failed to comply with the provisions of Sections 4 and 5 of Rule 7 with regard to Verification and Certification against forum shopping that the same must be signed by a person authorized on behalf of a party and should a similar action or claim has been filed or is pending, the same shall be reported to the Court within five (5) calendar days.

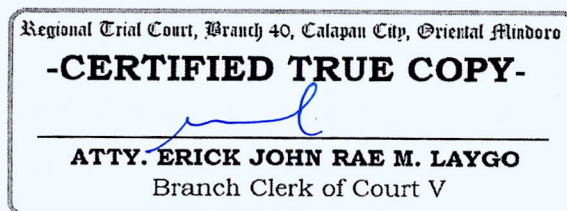
Corollary to this is this Court's observation that the instant petition contains an attached Special Power of Attorney¹ signed by Simplicia H. Hernandez assigning her son-in-law, Conrado Mendoza Dolor, as her attorney-in-fact. However, perusal of the records of the case revealed that herein attorney-in-fact, was not specifically authorized to file before this Court the Judicial Reconstitution of Transfer Certificate of Title (TCT) No. T-55227 and at the same time sign the Verification and Certification against Non-Forum Shopping for and on behalf of Simplicia H. Hernandez.

Moreover, Section 3, Rule 3, of the Revised Rules of Civil Procedure provides that:

Section 3. Representatives as parties. - Where the action is allowed to be prosecuted or defended by a representative or someone acting in a fiduciary capacity, the beneficiary shall be included in the title of the case and shall be deemed to be the real party in interest. A representative may be a trustee of an express trust, a guardian, an executor or administrator, or a party authorized by law or these Rules. An agent acting in his own name and for the benefit of an undisclosed principal may sue or be sued without joining the principal except when the contract involves things belonging to the principal.

A cursory reading of the documents submitted by the petitioner before the Court, alluded that herein petitioner, is the wife and sole heir of the late Apolonio Hernandez, who is the registered co-owner of a parcel of land situated in Brgy. Adrialuna, Naujan, Oriental Mindoro containing an area of Ten Thousand

¹ Records, Page 6



(10,000) square meters, more or less, covered and embraced by TCT No. T-55227.²

However, as reflected in the Extrajudicial Settlement of Estate with Waiver of Rights³ furnished by the petitioner before the Court, the petitioner has eight (8) children with her late husband Apolonio Hernandez, namely: Crispina, Cecilia, Leonida, Regalado, Leonila, Alberto, Dionisia, and Silvino, all surnamed Hernandez thus, belying and refuting the statement in the Verified Petition that the petitioner was the sole heir. It bears stressing that Section 2, Rule 3 of the Rules of Court provides that a real party in interest who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit must be prosecuted or defended in their respective names. Inasmuch, the children being compulsory heirs of their father, Apolonio Hernandez, instantly by operation of law also becomes heirs of the estate together with their mother Simplicia H. Hernandez. Simply put, the children above mentioned should be included in the title of the petition being included as real party-in-interest. Verily, the children of Spouses Apolonio and Simplicia Hernandez should also give their consent and authorization to herein attorney-in-fact, Conrado Mendoza Dolor to file before the Court the Judicial Reconstitution of their title and sign the Verification and Certification of Non-Forum Shopping for and in their behalf.

Time and again, the Supreme Court in plethora of cases emphasized the significance of adhering to the proper procedural rules to wit:

Time and again, we have stressed that procedural rules do not exist for the convenience of the litigants; the rules were established primarily to provide order to, and enhance the efficiency of, our judicial system. Technical rules serve a purpose. They are not made to discourage litigants from pursuing their case nor are they fabricated out of thin air. Every section in the Rules of Court and every issuance of this Court with respect to procedural rules are promulgated with the objective of a more efficient judicial system.⁴ (Emphasis Ours)

Procedural rules are essential in the administration of justice. The importance of procedural rules in the adjudication of disputes has been reiterated in numerous cases. Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed, to provide for a system under which suitors may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge.⁵

² Petition, Paragraph No. 3, Records Page 1

³ Records, Page 11, Annex "F"

⁴ Dr. Joseph L. Malixi vs. Dr. Glory Baltazar, G.R. No. 208224, November 22, 2017

⁵ Nicanor T. Santos vs. Court of Appeals, G.R. No. 92862, July 4, 1991

Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro

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ATTY. ERICK JOHN RAE M. LAYGO
Branch Clerk of Court V

Order

Spec. Pro. 23-0071

Sps. Apolonio Hernandez and

Simplicia Hernandez, represented.

by Conrado M. Dolor

Page 4 of 4

x-----x

ACCORDINGLY, for failure to comply with Sections 4 and 5 of Rule 7 and Sections 2 and 3 of Rule 3 of A.M. No.19-10-SC, the instant petition is hereby ordered **DISMISSED**.

SO ORDERED.

30 March 2023, Calapan City, Oriental Mindoro

CHARITY GRACE A. RICO

Presiding Judge

CGAR/clvc-a

Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro

-CERTIFIED TRUE COPY-

ATTY. ERICK JOHN RAE M. LAYGO

Branch Clerk of Court V



Republic of the Philippines

Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro

FOURTH JUDICIAL REGION

1st Floor, Provincial Capitol Complex, Brgy. Carrimil, Calapan City, Oriental Mindoro.

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Director of Lands

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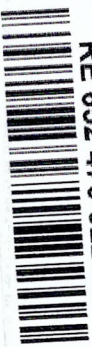
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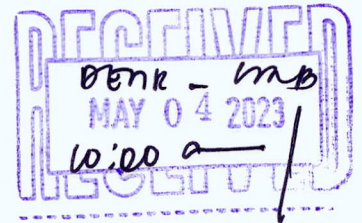
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Republic of the Philippines
Regional Trial Court
Fourth Judicial Region
Branch 43

Roxas, Mindoro Oriental
e-mail address: rtc2rxm043@judiciary.gov.ph
contact number: 043 7383 820



**IN RE: PETITION FOR JUDICIAL
RECONSTITUTION OF ORIGINAL
CERTIFICATE OF TITLE NO. P-2479
IN THE NAME OF THE DECEASED
ESMERALDA GABUNA OF THE REGISTRY
OF DEEDS OF THE PROVINCE OF
ORIENTAL MINDORO,**

L.R.C. No. 23-34

NATIBETH F. BUENAVENTURA,
Petitioner.

X -----X

O R D E R

This is a verified petition for judicial reconstitution filed by Natibeth F. Buenaventura through counsel, praying that after due notice, publication and hearing, an Order be issued directing the Register of Deeds for the Province of Oriental Mindoro to reconstitute Original Certificate of Title No. P-2479 in the name of the petitioner, Natibeth F. Buenaventura.

Finding said petition to be sufficient in form and substance, and that the same is in accordance with the provisions of Sections 3(f) and 13 of RA 26, Section 110 of PD 1529 and LRC Circular No. 35, the court hereby sets it for hearing on **August 8, 2023 at 2:00 in the afternoon** at the Hall of Justice, Roxas, Oriental Mindoro at which date, time and place, any person may appear and show cause why said petition should not be granted.

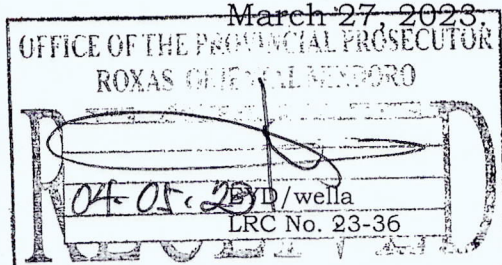
Let a copy of this Order be published in the Official Gazette for two (2) consecutive issues at the expense of the petitioner and posted likewise by the Sheriff of the court at the bulletin board of this Court, at the main entrance of the Provincial Capitol Building, Calapan City, Oriental Mindoro and that of the Municipal Building of Roxas, this province, at least thirty (30) days before the hearing.

Finally, let copies of this Order be sent by registered mail to the Administrator of the Land Registration Authority, Quezon City; the Register of Deeds of Oriental Mindoro; the Office of the Solicitor General; the Provincial Prosecutor of Oriental Mindoro; the Director of the Land Management Bureau, DENR, Region IV, Manila; and to all adjoining owners of the property subject of this petition.

SO ORDERED.

Roxas, Oriental Mindoro, the Philippines.

March 27, 2023




ERWIN Y. DIMAYACYAC
Acting Presiding Judge
(A.O. No. 324-2020)

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 43
Roxas, Mindoro Oriental

THE DIRECTOR
Land Management Bureau
DENR, Region IV
Plaza Cervantes, Binondo,

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