

Republic of the Philippines
REGIONAL TRIAL COURT
Third Judicial Region
BRANCH 96
Dinalupihan, Bataan

PETITION FOR ISSUANCE OF
ANOTHER OWNER'S COPY OF
TCT NO. T-79190

SPOUSES TRINIDAD and PEDRO
LUSTRIA represented by JOSEPH
MICHAEL P. PAYUMO,

LRC CASE NO. 334-18

Petitioner,

-versus-


REGISTER OF DEEDS OF BATAAN,
Respondent.

x-----x

O R D E R

This is a Petition for Issuance of Another Owner's Copy of TCT No. T-79190 filed by the petitioner through counsel praying that: "*after due notice, posting and hearing an Order be issued directing the Register of Deeds of Bataan to issue another owner's copy of Transfer Certificate of Title No. T-79190, in the name of the registered owner which have the same faith and credit with that of the lost one, after declaring the same as null and void and after payment of the corresponding legal fees provided by law.*"

The Petition alleges that: "*atty-in-fact of petitioner is of legal age, married, Filipino and residing at Quezon City, where she(sic) could be served with summons and other court processes; public respondent is a government agency under the Department of Justice where the primary purpose of which is the repository and safekeeping of titles of land situated in the Province of Bataan with office address at Capitol Compound in Balanga City where court processes may be served; that petitioner is the attorney-in-fact of Trinidad Penaflor, married to Pete N. Lustria, Jr., registered owners of Lot No. 127, locate at Pita, Dinalupihan, Bataan, containing an area of 77,777 square meters and covered by TCT No. T-79190, copy of the Electric Certified Copy of the said title is hereto attached as Annex "A"; that the registered owners are the aunt and uncle of herein petitioner and they entrusted to him the custody of the said title for the simple reason that any transaction regarding the said title is needed, it is their nephew whom to be dealt with. Atty-in-fact kept the said title in his filing cabinet in their house in Burgos St., Dinalupihan, Bataan, until last July 22, 2018, big flood due to Habagat inundated in their house particularly in the filing cabinet situated on the ground floor where the title was kept; that herein petitioner tried to locate, look or find the said title after the flood subsided but despite diligent efforts to locate the same, it served to be futile; atty-in-fact reported the loss of the said title to his Aunt and Uncle, hence, as advised they executed a Special Power of Attorney in*"



favor of their nephew to file a petition and court for the issuance of another owner's copy of the said title and to adduce evidence thereto, copy of the Special Power of Attorney is hereto attached as Annex "B" hereof; that herein affiant executed an Affidavit of loss in his desire to file a petition in court, copy of the same is hereto attached as Annex "C"; that the said title had never been mortgaged or encumbered by the registered owners nor the atty-in-fact herein in favor of any person or entity to answer for any obligation; that there is no other document pending registration with the Register of Deeds affecting said property; that for taxation purpose, the said property is still declared in the name of the registered owners, as evidenced by a copy of the Declaration of Real Property, copy of which is hereto attached as Annex "D" of this petition; that for taxation purposes, the said property had been fully paid by herein petitioner up to the current year, copy of the official receipt evidencing payment of real estate taxes is hereto attached as Annex "E".

Finding the petition to be sufficient in form and substance, let the hearing of this petition be set on **March 14, 2019 at 9:00 o'clock in the morning** before this Court at which date, time and place all persons interested are ordered to appear and show cause, if any, why the prayer of this petition should not be granted.

The Sheriff of this Court is hereby directed to cause the posting of this Order at three (3) conspicuous places, particularly at the following places: (1) Hall of Justice, Dinalupihan, Bataan; (2) Municipal Hall of Dinalupihan, Bataan and (3) Barangay Pita, Dinalupihan, Bataan, where the property is located at the expense of the petitioner and submit to this Court the certificate of posting on or before the date of hearing.

The Register of Deeds of the Province of Bataan is hereby ordered to submit a report to this court as to whether or not the title subject matter of this case is on file, intact and existing in their office and the encumbrances annotated on the said title within ten (10) days from receipt of the copy of this Order.

SO ORDERED.

Dinalupihan, Bataan. December 12, 2018.



AMELITA CRUZ CORPUZ
Presiding Judge

Copy furnished:

1. Joseph Michael Payumo
2. Atty. David Paguio Jr.
3. Register of Deeds, Balanga, Bataan
4. File Copy
5. File Copy