

Republic of the Philippines
REGIONAL TRIAL COURT
Third Judicial Region
BRANCH 5
Dinalupihan, Bataan

Rosa O. Licudine,
Petitioner.

-versus-

LRC CASE NO. 336-18

Registry of Deeds for the Province
of Bataan,
Respondent.

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ORDER

Raffled to this branch on December 27, 2018 is the instant petition filed by the petitioner through counsel.

The Petition states in sum the following:

Petitioner is of legal age, widow, and with residence and postal address at No. 29 Almaciga St., Northview 2, Batasan Hills, Quezon City. Respondent is a government agency, headed by Atty. Emmanuel Capuchino and with office in Balanga City. Petitioner is the surviving spouse of Santiago Licudine and they got married on June 23, 1956 in Tagudin, Ilocos Sur as shown in the Marriage Contract attached as Annex "A". They were blessed with four children, namely: Clarissa, born on May 10, 1969; Crisente, born on March 25, 1967; Maridee, born on February 6, 1972; and Rosana, born on March 15, 1977 and copies of their Certificates of Live Birth are attached as Annexes "B", "B-1", "B-2" and "B-3", respectively. During the lifetime of petitioner's husband, they acquired a property in Pinulot, Dinalupihan, Bataan with an area of 279 square meters by virtue of Deed of Absolute Sale signed by the then President of Happy Valley Realty Co., Inc., Ponciano Y. Sulit dated February 13, 1975 (referred to as the "first deed"), copy of the deed attached as Annex "C". Another Deed of Absolute Sale was executed by the same Ponciano Y. Sulit on March 30, 1979 involving the same property (referred to as the "second deed"), copy of the deed attached as Annex "C-1". In the first deed, the name of the petitioner was written as ROSA OPINIANO LICUDINE and this coincides with the registered correct name of the petitioner in her Certificate of Live Birth. However, in the second deed, her name was written as ROSELILY LICUDINE and because the second deed was the one submitted to the Registry of Deeds for purposes of transferring the title (as can be seen from the annotation indicated in the second deed) under the name of petitioner's husband, the name ROSELILY was written in the Transfer Certificate of Title No. T-78666, which now covers the subject property. Said title was issued by the respondent on April 2, 1979, copy of the title is attached as Annex "D". Petitioner's true and correct maiden name is Rosa Quiambao and she was born on December 3, 1942 in Ilocos Sur as evidenced by her Certificate of Live Birth attached as Annex "E". She was baptized at the Diocese of Nueva Segovia in Ilocos Sur on December 27, 1942 as shown in the Certificate of Baptism attached as Annex "F". In these documents, her first name was recorded as ROSA. Her grandmother, however, used to call "Roselily" as her nickname. As can be gleaned from the Certificates of Live Birth of petitioner's children, Clarissa, Crisente and Maridee, petitioner's first name was recorded as ROSELILY, while in the Certificate of Live Birth of Rosana, her name was recorded as ROSA. Also, in the Certificate of Live Birth of Crisente, the first name of the petitioner was already

corrected from Roselily to Rosa as evidenced in the annotation found on the lower part of the said certificate and attached as Annex "B-1-a". Considering the same, petitioner files this petition to request for the correction of her first name as recorded in the aforesaid title from Roselily to Rosa. The names Roselily and Rosa as explained above belong to one and the same person. However, the first name of the petitioner in the subject title should be corrected to set the records straight. The petitioner has been using the first name Rosa in all her pertinent documents since it is the true and correct one. In fact, this name appeared in the Philippine Passport issued on December 23, 2017 under her name (Rosa Opiniano Licudine) and with Passport Number P4141245A expiring on August 22, 2022, copy of which is attached as Annex "G". This petition is filed pursuant to Section 108 of PD 1529 stating inter alia, that "no erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Registry of Deeds, except by order of the proper court of first instance, x x x." It was only this year that petitioner decided to file this petition since she and her children will be selling the subject property. Petitioner will substantiate this petition by presenting witnesses during the course of the trial to prove that Rosa and Roselily belong to one and the same person. Subject property is declared for tax purposes under the name of Santiago Licudine with Tax Declaration Number 04471, copy of which is attached as Annex "H". The realty taxes due the subject property are fully paid up to this year as evidenced by OR No. 0583060 dated February 19, 2018, copy of which is attached as Annex "I". Subject property is free from all liens and encumbrances.

The petitioner prays that after notice and hearing, judgment be rendered directing the respondent to enter the correction of the first name of the petitioner in TCT No. T-78666 as ROSA.

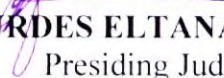
Finding the petition to be sufficient in form and substance, let the hearing of this petition (presentation of jurisdictional requirements) be set on **March 18, 2019 at 2:00 o'clock in the afternoon** before this court at which date, time and place all persons interested in this petition are cited to appear and show cause, if any, why the prayer of this petition should not be granted.

The Process Server of this court is 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) Brgy. Pinulot, Dinalupihan, Bataan, where the property is both located at the expense of the petitioner and to submit to this court the certificate of posting on or before the date of hearing.

The Register of Deeds of the Province of Bataan or any of his authorized representatives is hereby directed to produce the original copies of the titles subject matter of this petition on said date and time of hearing and to issue a written certificate as to whether or not said titles have any adverse claim, *lis pendens*, lien or encumbrance of whatever nature.

SO ORDERED.

Dinalupihan, Bataan. January 15, 2019.


MA. LOURDES ELTANAL-IGNACIO
 Presiding Judge

Copy furnished:

1. Rosa Licudine
2. Atty. Juvy Mell S. Malit
3. RD Balanga City, Bataan