

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 369

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 30 JUN 2016

TIME: 4:35 PM

BY: [Signature]

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by Representative **FERDINAND L. HERNANDEZ**

AN ACT

**REORGANIZING THE LAND REGISTRATION AUTHORITY, REVISING,
AMENDING, CODIFYING FOR THE PURPOSE PRESIDENTIAL DECREE
NO. 1529, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION
DECREE" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

This proposal has been filed in the 16th Congress and this representation deems it proper appropriate to re file this bill believing the significance it will bring in the order and procedure of land registration and management. The Philippines as an agricultural country, considers land as the basis of its development. For the Filipinos land is wealth. It is considered as the primordial source of livelihood of mankind. Ownership of land may therefore be deemed contentious and disputable as people would strive to have a piece. Accordingly, use of land resources should be effectively utilized in order to achieve the maximum potential of the land and benefits shall accrue to the people. In this context that the government should provide for an institutional and legal framework in land administration in order to define, regulate, resolve and settle any and all controversy that may arise in the registration and claim of property rights.

In the Philippine jurisdiction, land administration is governed by multitude of laws, overlapping jurisdiction and managed by different institutions. Property registration is therefore tedious and confusing. More often, land owners delay the registration of their properties as they are intimidated by the processes involved.

Thus, the need to harmonize the laws. This proposal is a consolidation and simplification of the processes under the Presidential Decree No. 1529 (Property Registration Decree), Commonwealth Act No. 141 (Public Land Act), Act No. 2259 (Cadastral Act) and Presidential Memorandum Circular dated 30 September 1988 creating the Land Registration Authority, in lieu of the National Land Titles and Deeds Registration Authority (NLTDRA), in conformity with Executive Order No. 292 or the Administrative Code of 1987.

With the number of laws involved and the different agencies concerned, it is therefore submitted that the land registration system in the country should be reformed, updated, codified and simplified to conform to the current state of affairs in land registration and by applying e-governance, transparency and accountability in the delivery of government services is therefore aimed.

For these reasons, consideration and approval of this law is earnestly sought.



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REORGANIZING THE LAND REGISTRATION AUTHORITY, REVISING,
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DECREE" AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

CHAPTER 1

GENERAL PROVISIONS

SECTION 1. Title of the Act. - This Act shall be known as the "Property Registration Decree."

SEC. 2. Declaration of Policy. - It is the declared policy of the State to ensure the integrity of land titles, the accuracy of land information, to accelerate land titling of all lands, and the preservation of land records. Toward this end, the State shall formulate and strictly implement methods, including the adoption of available technology to achieve the above purposes.

SEC. 3. Nature of Registration Proceedings. - Judicial proceedings for

1 the registration of lands throughout the Philippines shall be *in rem* and
2 shall be based on the generally accepted principles underlying the Torrens
3 System. (2a)

4 **SEC. 4. Definition of Terms.**- For purposes of this Act, the following
5 terms are defined as follows:

- 6
- 7 a) *Administrator* refers to the Administrator of the Land
8 Registration Authority.
- 9
- 10 b) *Annotation* refers to a note, memorandum, encumbrance or lien
11 or any other inscription inscribed on a certificate of title.
- 12
- 13 c) *Authority* refers to the Land Registration Authority.
- 14
- 15 d) *Central Office (CO)* refers to the Land Registration Authority
16 Central Office located at LRA Compound, East Avenue corner NIA
17 Road, Quezon City.
- 18
- 19 e) *Certification* refers to a process by which the existence or non-
20 existence (negative certification) of a particular factor
21 information is affirmed by the records of the Office of the
22 Register of Deeds and its database.
- 23
- 24 f) *Certified True Copy Document* refers to a facsimile or image
25 of a document on file with the Register of Deeds the contents of
26 which are attested to be an accurate and complete reproduction
27 of the original document.
- 28
- 29 g) *Certified True Copy of Certificate of Title* refers to a facsimile or
30 image of a certificate of title in the records of the Office of the
31 Register of Deeds, the contents of which are attested to be an
32 accurate and complete reproduction of the original document.

1
2 h) *Chattel* refers to any person, group of persons or agency
3 (government or private) who shall request for any of the
4 services provided by the land Registration Authority (LRA) and
5 its Registry of Deeds (RD).
6

7 i) *Client* refers to any person, group or persons or agency
8 (government or private) who shall request for any of the
9 services provided by the Land Registration Authority (LRA) and
10 the Office of the Registry of Deeds (RD).
11

12 j) *Condominium* refers to an interest in real property consisting
13 of separate interest in a unit in a residential, industrial or
14 commercial building and an undivided interest in common,
15 directly or indirectly, in the land which it is located and in other
16 common areas in the building.
17

18
19 k) *Consulta* is a remedy afforded to a party-in-interest when
20 questions are raised whether an instrument may be registered
21 or not, as provided for under Section 117 of Presidential Decree
22 No. 1259.
23

24 l) *Decree* refers to the order or ruling issued by the Land
25 Registration Authority.
26

27 m) *Disaster Recovery* refers to the process, policies and procedures
28 related to preparing for recovery or continuation of technology
29 infrastructure and database critical to an organization after a
30 natural or human-induced disaster.
31

32 n) *Electronic Document* refers to information or the representation

1 of information, data, figures, symbols, or other modes of written
2 expression, described or however represented, by which a right
3 is established or an obligation is extinguished, or by which a fact
4 may be proved and affirmed, which is received, recorded,
5 transmitted, stored, processed, retrieved or produced
6 electronically. It includes digitally-signed documents and any
7 print-out, readable by sight or other means, which accurately
8 reflects the electronic data message or electronic document.
9

10 o) *Electronic Primary Entry Book for Chattel Mortgage (EPEB-CM)*
11 refers to the electronic book wherein the chattel mortgages
12 including assignment, or discharge thereof, and any other
13 instruments related and assigned sequential entry numbers in
14 the order of presentation indicating therein the date, hour, and
15 minute when the same was received.
16

17 p) *Electronic Primary Entry Book for Other Personal Properties*
18 *(EPEB-PP)* refers to the electronic book wherein all instruments
19 involving other personal properties are recorded and assigned
20 sequential entry numbers in the order of presentation indicating
21 therein the date, hour, and minute when the same was received.
22

23 q) *Electronic Primary Entry Book for Registered Land (EPEB-RL)*
24 refers to the electronic book wherein the registered lands,
25 including all transaction an/or instruments registered related
26 thereto, are recorded and assigned sequential entry numbers in
27 the order of presentation indicating the date, hour, and minute
28 when the same was received.
29

30 r) *Electronic Primary Entry Book for Unregistered Land (EPEB-UL)*
31 refers to the electronic book wherein all instruments involving
32 transactions on unregistered land are recorded and assigned

1 sequential entry numbers in the order of presentation indicating
2 therein the date, hour, and minute when the same was received.

3
4 s) *Electronic Book for Unregistered Land (EB-UL)* refers to the
5 electronic database wherein the details of transactions involving
6 unregistered land entered in the Electronic Primary Entry Book
7 for Unregistered Land (EPEB-UL) are recorded.

8
9 t) *Electronic Receipt* refers to the receipt of payment generated by
10 the Point-of-Sale (POS) system.

11
12 u) *Electronic Signature* refers to any distinctive mark, characteristic
13 and/or sound in electronic form, representing the identity of a
14 person and attached to or logically associated with the electronic
15 data message or electronic document or any methodology or
16 procedure employed or adopted by a person and executed or
17 adopted by such person with the intention of authenticating,
18 signing, or approving an electronic data message or electronic
19 document. An electronic signature include digital signatures.

20
21 v) *Electronic Workflow System* refers to the automation of
22 procedures on transactions where documents, information, or
23 tasks are processed by the Office of the Register of Deeds
24 personnel under PHILARIS.

25
26 w) *Geographic Information System (GIS)* refers to the information
27 system used in the LTCP that integrates, stores, edits, analyzes,
28 shares, and displays geographic information within the Philippine
29 archipelago.

30
31 x) *Information Management Center* refers to the data center where
32 the central database is located.

- 1
2 y) *Innocent Purchaser for Value*" or an equivalent phrase occurs in
3 this Act, it shall be deemed to include an innocent lessee,
4 mortgagee, or other encumbrances for value.
5
- 6 z) *Inscription* refers to the recording in the certificate of title of a
7 memorandum, note, lien, encumbrance, or an abstract of the
8 instrument sought to be registered using the PHILARIS formats
9 and templates.
10
- 11 aa) *Information Technology (IT) Service Fee or Fees* refers to the
12 fee or fees collected from the clients for the use of the PHILARIS
13 in processing transactions.
14
- 15 bb) *Land Registration Authority* refers to the agency created under
16 Presidential Decree no. 1529, as amended.
17
- 18 cc) *Land Titling Computerization Project (LTCP)* refers to the
19 modernization project sponsored by the Land Registration
20 Authority awarded to the land Registration Systems, Inc. under
21 a Build-Own-Operate (BOT) scheme.
22
- 23 dd) *Office of the Register of Deeds* constitute a public repository of
24 title and records of instruments affecting registered or
25 unregistered lands and chattel mortgages in the province or city
26 wherein such office is situated, and shall herein be referred as
27 Registry.
28
- 29 ee) *Original Registration* is the act of bringing property rights to a
30 parcel of land under the coverage of the Torrens System of
31 registration.
32

1 ff) *Original Certificate of Title* is the certificate issued pursuant to a
2 decree of registration, patent, award or grant registered and
3 filed in the Registry.

4
5 gg) *Original Copy of the Certificate of Title* is the copy of the
6 certificate of title filed in the Registry, which under PHILARIS is
7 electronically stored in the database of the Registry.

8
9 hh) *Owner's Duplicate Certificate of Title* is the duplicate copy of the
10 original copy of the certificate of title issued to the grantee or
11 registered owner. If two or more persons are registered owners,
12 only one owner's duplicate certificate may be issued for the
13 whole land. However, if the co-owners so desire, a separate
14 duplicate may be issued to each of them in like form; *Provided*,
15 all outstanding certificate of title shall be surrendered whenever
16 the Register of Deeds shall register any subsequent voluntary
17 transaction affecting the whole land or part thereof or any
18 interest therein. The Register of Deeds shall note on each
19 certificate of titles as to whom a copy thereof was issued.

20
21 ii) *Personal Properties* are the properties as defined under Articles
22 416 and 417 of the New Civil Code of the Philippines.

23
24 jj) *PHILARIS* refers to the Philippine Land Registration and
25 Information System which is the computer program designated
26 and developed to automate the processes of the Land
27 Registration Authority and its Registries.

28
29 kk) *Point of Sale* refers to the system used in the fee collection
30 function of the Land Registration Authority and its Registries.

31
32 ll) *Public Land* refers to the land which have not been subject to

1 private property rights or subject to sale or other modes of
2 acquisition or concession under general laws and are devoted to
3 public use.

4
5 mm) *Primary Database* is the database used for transaction
6 processing in the Registry.

7
8 nn) *Private Land* refers to land that has been subject of sale,
9 conveyance or other modes of acquisition and is devoted to
10 private use.

11
12 oo) *Provisional Registration* is the entry of an instrument in the
13 EPEB-RL pending reconstitution of the original copy of a
14 certificate of title pursuant to the provisions of LRA Circular No.
15 3 dated 06 December 1988.

16
17 pp) *Reconstituted Title* is the restored certificates of title through
18 judicial or administrative proceedings that have been lost or
19 destroyed in the Registries, which shall include all liens and
20 encumbrances affecting the lands covered by such title.

21
22 qq) *Register of Deeds* is the person charged with the registration
23 and/or recording of instruments affecting registered or
24 unregistered lands and chattel mortgage in the province or city
25 wherein such office is situated.

26
27 rr) *Registration* is the process by which instruments in the order
28 they are received are noted in the EEB-RL pursuant to law. They
29 shall be regarded as registered from the time so noted in the
30 EPEB-RL. There shall be two kinds of registration: (1) the
31 registration resulting in the issuance of title (Transcription); and
32 (2) the registration of deeds and other instruments evidencing

rights, interests and claims over the land (Inscription).

ss) *Reinstatement of Title* is the involuntary transaction which involves the cancellation of an active title and issuance of a new title to restore the ownership of the previous registered owner pursuant to a final and executory decision of a Court or other quasi-judicial body.

tt) *Secondary Database* is the Duplicate of the primary database and is used for back-up purposes which is located offsite.

uu) *Subsequent registration* is the registration that occurs after property rights have been brought under the Torrens System after the date of original registration.

vv) *Technical Description* is the lot number, plan number, location bearings, distances, corner description, metes and bounds, and area of a certain parcel of land.

ww) *Text-based Database* is the encoded data stored in the database.

xx) *Transcription* is the entry in the EPEB-RL by the Register of Deeds of the Original Certificate of Title duly numbered, dated, signed and sealed, and issued pursuant to a decree of registration, patent, award or grant.

yy) *Unregistered Lands* are lands which are not yet covered by the Torrens System. (n)

SEC. 5. Jurisdiction of Courts. - The Regional Trial Court shall have the exclusive jurisdiction over all applications for original registration of title

1 to lands, including improvements and interests therein, and over all
2 petitions filed after registration of title, with power to hear and determine
3 all questions arising upon such applications or petitions. However, the
4 jurisdiction to hear applications for original registration of title of lands
5 may be delegated to other courts under terms and condition specified by
6 law or by the Supreme Court. The court through its clerk of court shall
7 furnish the Land Registration Authority with two certified copies of all
8 pleadings, exhibits, orders, and decisions filed or issued in applications or
9 petitions for land registration, with the exception of stenographic notes,
10 within five (5) days from the filing or issuance thereof.

11
12 **SEC. 6. Status of other pre-existing land registration system.-** The system
13 of registration under the Spanish Mortgage Law is hereby discontinued, as
14 provided by law (PD 892), and all lands recorded under the said system
15 which are not yet covered by Torrens title shall be considered as
16 unregistered lands.

17
18 Hereafter, all instruments affecting lands originally registered under
19 the Spanish Mortgage Law may be recorded under Section 121 of this Act,
20 until the land shall have been brought under the operation of the Torrens
21 System.

22
23 The books of registration for unregistered lands provided under
24 Section 194 of the Revised Administrative Code, as amended by Act No.
25 3344, shall continue to remain in force; *Provided*, that all instruments
26 dealing with unregistered lands shall henceforth be registered under
27 Section 121 of this Act. (3)

28
29 **CHAPTER 2**
30 **THE LAND REGISTRATION AUTHORITY**
31 **AND ITS REGISTRIES OF DEEDS**
32

1 **SEC. 7. *The Land Registration Authority.*** - In order to achieve the
2 objectives laid down in the declared policy of this law, the Land
3 Registration Authority is hereby created which shall be under the
4 executive supervision of the Department of Justice. (4a)

5
6 **SEC. 8. *Officials and Employees of the Authority.***- The Land Registration
7 Authority shall have a Chief and four (4) Assistant Chief to be known as
8 the Administrator and Deputy Administrators who shall be appointed by
9 the President. The Administrator shall be a duly qualified member of the
10 Philippine Bar with at least ten (10) years of practice in the legal
11 profession, and shall have the rank, salary, allowances, retirement and
12 other benefits and privileges equivalent of that of the Presiding Justice of
13 the Court of Appeals. The Deputy Administrators, who shall possess the
14 same qualifications as those required of the Administrator, except that the
15 Deputy Administrator for technical services, who shall be a geodetic
16 Engineer and Deputy Administrator for Information Technology, who is an
17 expert in Information Technology, shall have the same rank, salary,
18 allowances, retirement and other benefits and privileges equivalent of
19 those of the Associate Justices of the Court of Appeals. The Senior Deputy
20 Administrator shall act as Administrator of the Authority during the
21 absence or disability of the Administrator, or when there is a vacancy in
22 the said position until another person shall have been another person
23 shall have been designated or appointed as such in accordance with law.
24 The Deputy Administrators shall also perform such other functions as the
25 Administrator may assign to him.

26
27 The Administrator shall be assisted by four (4) Deputy
28 Administrators namely: Deputy Administrator for Administration and
29 Finance, Deputy Administrator for Operation and Legal Services, Deputy
30 Administrator for Technical Services, and Deputy Administrator for
31 Information Technology.
32

1 There shall be Regional Directors and Deputy Regional Directors, to
2 be appointed by the President upon the recommendation by the Secretary
3 of Justice, who at the time of their appointment shall be members of the
4 Philippine bar and have been engaged in the practice of law for at least
5 five (5) years or for the same period shall have held a position in the
6 government. The Regional Director shall have the same rank, salary,
7 allowances, retirement and other benefits and privileges equivalent to
8 those of Judges of the Regional Trial Court and the Deputy Regional
9 Directors shall have the same rank, salary, allowances, retirement and
10 other benefits and privileges equivalent to those of Judges of the
11 Municipal Trial Courts or of Metropolitan Trial Courts.

12
13 **SEC. 9. General Functions.-**

14 1. The Land Registration Authority shall have the following functions:

- 15 a) Extend speedy and effective assistance to all stakeholders
16 (private and public entities) in the implementation of the
17 provisions of this law
18 b) Extend assistance to courts in Ordinary and Cadastral Land
19 Registration proceedings and in all other petitions after
20 original registration filed under the provisions of this Act;
21 c) Act as the central repository of records relative to original
22 and subsequent registration of lands titled under the
23 Torrens System, including all kinds of plans previously
24 approved by the Department of Environment and Natural
25 Resources-Land Management Bureau (DENR-LMB),
26 National Commission on Indigenous Peoples (NCIP), Land
27 Registration Authority (LRA), and their corresponding
28 Technical Descriptions, and as such, be the sole
29 administrator of the central database;
30 d) Promulgate rules and regulations to effectively carry out
31 the provisions of this Act, and
32 e) Perform other functions as may be provided by law. (6a)

- 1
- 2 2. *The Administrator.*- The Administrator shall have the following
- 3 functions:
- 4 a) Exercise supervision and control over all Registrars of Deeds and
- 5 other personnel of the Authority;
- 6 b) Resolve cases elevated *en consulta* by, or on appeal from
- 7 decisions of the Registrars of Deeds;
- 8 c) Implement all orders, decisions, and decrees promulgated
- 9 relative to the registration of lands and issue, subject to the
- 10 approval of the Secretary of Justice, all necessary rules and
- 11 regulations therefor;
- 12 d) Verify and approve subdivision, consolidation, and consolidation
- 13 subdivision survey plans of properties pursuant to Presidential
- 14 Decree No. 1529;
- 15 e) Sole authority to approve all kinds of survey plans such as :
- 16 Original Survey, Cadastral Survey, Public Land Survey, Re-
- 17 survey, Relocation Survey and the like, to the exclusion of all
- 18 other agencies;
- 19 f) Initiate through the Solicitor General, original registration
- 20 proceedings by filing the necessary petition in the Regional Trial
- 21 Court of the place where the land is situated against the holders,
- 22 claimants, possessors, or occupants of such lands or any part
- 23 thereof, stating in substance that the public interest requires that
- 24 the title to such lands be settled and adjudicated.
- 25 g) Exercise concurrent administrative executive supervision over
- 26 clerks of courts and personnel of the Regional Trial Courts,
- 27 Municipal Trial Courts or Metropolitan Municipal Trial Courts with
- 28 respect to the discharge of their duties and functions in relation
- 29 to the registration of lands;
- 30 h) Exercise pertinent powers to effectuate the concurrent
- 31 jurisdiction with the Regional Trial Court to try and decide
- 32 Original Land Registration cases;

1 i) Perform other functions as may be provided by law.

2 **SEC. 10.** *Creation of Departments in the Authority and Regional Offices.-*

3 The following Departments and Divisions are hereby created in the
4 Authority:

5 1. Administration and Personnel Management Department to be
6 headed by a Manager for Personnel management and
7 Administration. There shall be under this department the
8 following divisions:

9 (a) Administrative Services Division to be headed by a
10 Chief Administrative Officer;

11 (b) Personnel Management Division to be headed by a
12 Chief Personnel Officer; and

13 (c) Security Division to be headed by a Chief Security
14 Officer.

15
16 2. Legal Affairs Department to be headed by a manager for Legal
17 Affairs. There shall be under this Department the following
18 divisions:

19 (a) Clerk of Court Division to be headed by a Chief Clerk of
20 Court;

21 (b) Inspection and Investigation Division to be headed by a
22 Chief Registry Inspector; and

23 (c) Law Division to be headed by a Chief Legal Officer.

24
25 (d) Department on Registration to be headed by a manager for
26 Registration. There shall be under this Department the
27 following divisions:

28 1. Surveys Division;

29 2. Ordinary & Cadastral Decree Division;

30 3. Subdivision & Consolidation Division; and

31 4. Docket Division to be headed by a Docket Chief.
32

1 (e) Financial Management Department to be headed by a
2 Manager for Financial Management. There shall be under
3 this Department the following divisions:

- 4 1. Accounting Division to be headed by a Chief
5 Accountant; and
- 6 2. Budget and Finance Division to be headed by a
7 Chief Financial Officer.

8
9 (f) Land Records & Information Technology Department to be
10 headed by an I.T. expert. There shall be under this
11 Department the following divisions:

- 12 1. Systems Programming Division; and
- 13 2. Computer Operation Division.

14
15 (g) Planning and Monitoring Department to be headed by a
16 Public Manager. There shall be under this Department the
17 following divisions:

- 18 1. Planning and Monitoring Division;
- 19 2. Internal Audit Division; and
- 20 3. Special Projects and Programs Division.

21
22 There are hereby created seventeen (17) Regional Offices of the
23 Land Registration Authority to be headed by the Regional Director and
24 assisted by a Deputy Regional Director. Full decentralization of functions
25 from the central office to the regional office is hereby adopted, hence a
26 full complement of staff shall be provided to absorb administrative,
27 financial, and personnel functions at the regional offices.

28
29 The seventeen (17) Regions are the following:

30
31 THE NATIONAL CAPITAL REGION (NCR)

1 The National Capital Region, consisting of the cities of Manila, Las
2 Piñas, Makati, Muntinlupa, Parañaque, Pasay, Taguig, Mandaluyong,
3 Marikina, Pasig, Quezon, San Juan, Caloocan, Malabon, Navotas and
4 Valenzuela and the municipality of Pateros;

5
6 THE CORDILLERA ADMINISTRATIVE REGION (CAR)

7 The Cordillera Administrative Region (CAR), consisting of the
8 Provinces of Abra, Apayao, Benguet, Ifugao, Kalinga and Mt. Province,
9 and the City of Baguio with the center at Baguio City;

10
11 Region I, Ilocos Region, consisting of the provinces of Ilocos Norte,
12 Ilocos Sur, Pangasinan and La Union and the cities of Alaminos, Batac,
13 Candon, Dagupan, Laoag, San Carlos, San Fernando, Urdaneta and Vigan,
14 with the center at San Fernando, La Union;

15
16 Region II, Cagayan Valley, consisting of the provinces of Batanes,
17 Cagayan, Isabela, Nueva Vizcaya and Quirino, and the cities of Cauayan,
18 Ilagan, Santiago and Tuguegarao with center at Tuguegarao, Cagayan;

19
20 Region III, Central Luzon, consisting of the provinces of Aurora,
21 Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, and Zambales, and the
22 cities of Angeles, Balanga, Cabanatuan, Gapan, Mabalacat, Malolos,
23 Meycauayan, Olongapo, Palayan, San Fernando, San Jose, San Jose del
24 Monte, Science City of Muñoz and Tarlac, with center at San Fernando,
25 Pampanga;

26
27 Region IV A- CALABARZON, consisting of the provinces of Batangas,
28 Cavite, Laguna, Quezon and Rizal, and the cities of Antipolo, Bacoar,
29 Batangas, Biñan, Cabuyao, Calamba, Cavite, Dasmariñas, Imus, Lipa,
30 Lucena, San Pablo, Santa Rosa, Tagaytay, Tanauan, Tayabas, Trece
31 Martires with the center at Calamba, Laguna;

1 Region IV B- MIMAROPA, consisting of the provinces of Marinduque,
2 Occidental Mindoro, Oriental Mindoro, Palawan and Romblon, and the
3 cities of Calapan and Puerto Princesa, with the center at Calapan Oriental
4 Mindoro;

5
6 Region V, Bicol Region, consisting of the provinces of Albay,
7 Camarines Norte, Camarines Sur, Catanduanes, Masbate and Sorsogon,
8 and the cities of Iriga, Legazpi, Ligao, Masbate, Naga, Sorsogon, Tabaco,
9 with the center at Legazpi, Albay;

10
11 Region VI, Western Visayas, consisting of the Provinces of Aklan,
12 Antique, Capiz, Guimaras and Iloilo;

13
14 Region VII, Central Visayas, consisting of the Provinces of Bohol,
15 Cebu, and Siquijor, and the cities of Tagbilaran, Mandaue, Lapu-lapu, and
16 Cebu with the center at Cebu City;

17
18 Region VIII, Eastern Visayas, consisting of the Provinces of Biliran,
19 Eastern Samar, Leyte, Northern Samar, Samar and Southern Leyte, and
20 the cities of Tacloban and Maasin, with the center at Tacloban City;

21
22 Region IX, Zamboanga Peninsula, with the Provinces of Zamboanga
23 del Norte, Zamboanga del Sur and Zamboanga Sibugay, and the cities of
24 Dipolog and Pagadian, with the center at Pagadian City;

25
26 Region X, Northern Mindanao, with the Provinces of Bukidnon,
27 Camiguin, Lanao del Norte, Misamis Occidental and Misamis Oriental, and
28 the cities of Malaybalay, Iligan, Oroquieta and Cagayan de Oro, with the
29 center at Cagayan de Oro City;

1 Region XI, Davao Region, with the Provinces of Compostela Valley,
2 Davao del Norte, Davao del Sur and Davao Oriental and the cities of
3 Davao, Tagum and Digos, with the center at Davao City;

5 Region XII, SOCCSKSARGEN, with the Provinces of North Cotabato,
6 Saranggani, South Cotabato, Sultan Kudarat and the cities of Cotabato,
7 General Santos, Kidapawan and Koronadal, with the center at Koronadal
8 City;

10 Region XIII, CARAGA, with the Provinces of Agusan del Norte,
11 Agusan del Sur, Dinagat Island, Surigao del Norte, Surigao del Sur and
12 the cities of Butuan and Surigao, with the center at Butuan City;

14 THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM)

15 The Provinces of Basilan, Lanao del Sur, Maguindanao, Sulu and
16 Tawi-tawi and the cities of Isabela and Marawi, with the center at
17 Cotabato City.

19 NEGROS ISLAND REGION

20 The Province of Negros Occidental and the cities of San Jose, Roxas,
21 Iloilo and Bacolod, with the center at Iloilo City and the Province of
22 Negros Oriental with the cities of Bais, Bayawan, Canlaon, Dumaguete
23 Guihulngan and OTanjay with the center at Dumaguete.

25 **SEC. 11.** *Office of the Registers of Deeds and Deputy Registers of Deeds*
26 *and their qualifications.* There shall be at least one (1) Registrar of Deeds
27 and one (1) Deputy Registrar of Deeds for each province and city. An
28 additional Deputy Registrar of Deeds shall be provided depending upon
29 the volume of transactions in the Registry. For medium demand registry,
30 one (1) Deputy Register of Deeds, for high demand registry, two (2)
31 Deputy Register of Deeds, and for very high demand registry, three (3)
32 Deputy Register of Deeds shall be provided.

1
2 The Secretary of Justice shall define the official station and
3 territorial jurisdiction of each Registry upon the recommendation of the
4 Administrator of Land Registration Authority, with the end view of making
5 every registry easily accessible to the people of neighboring
6 municipalities.

7
8 The province or city shall furnish a suitable space or building for the
9 office of the Register of Deeds until such time as the same could be
10 furnished out of the national funds.

11
12 Registers of Deeds shall be appointed by the President of the
13 Philippines upon the recommendation of the Secretary of Justice. Deputy
14 Registers of Deeds and all other subordinate personnel of the Registries of
15 Deeds shall be appointed by the Administrator of the Land Registration
16 Authority.

17
18 No person shall be appointed Register of Deeds unless he has been
19 admitted to the practice of law in the Philippines and shall have been
20 actually engaged in such practice for at least three (3) years or has been
21 employed for the same period in any branch of government and the
22 function include the registration of property.

23
24 The Deputy Register of Deeds shall be a member of the Philippine
25 Bar. However, no Register of Deeds or Deputy Register of Deeds holding
26 office shall be removed from office or be demoted to a lower rank or scale
27 of salary by virtue of the passage of this Act except when such removal or
28 demotion shall be for cause and upon compliance with due process as
29 provided for by law. (n)

SEC. 12. Compensation, Benefits and Privileges.- The Regional Directors, Assistant Regional Directors and Register of Deeds shall have the same rank, prerogative, salaries, allowances, benefits and privileges of the Members of the Judiciary specified as follows:

		SALARY GRADE	
		FROM	TO
RRD	REGIONAL TRIAL COURT JUDGE	27	29
ARRD	METROPOLITAN TRIAL COURT JUDGE	25	27
RD	TRIAL COURT JUDGE IN CITIES	25	26
DRD	MUNICIPAL TRIAL COURT JUDGES	23	25

The positions and salaries of personnel in the Land Registration Authority shall be increased to the level of their counterparts in the Judiciary. Subject to the availability of funds, the salaries and privileges of personnel of the Land Registration Authority granted under this Act may be further increased to match any corresponding increase in salaries and privileges that may be further granted.

Subject to the availability of funds, the Land Registration Authority may provide its employees the following benefits:

1. Health Care Services through a Health Maintenance Organization (HMO). Expenses for the mandatory annual executive check-up of the Administrator the Deputy Administrator, Department Heads and Regional Directors shall be for the account of the office;
2. All employees shall be covered by Accident Insurance Policies procured by the office at its own expense during travels while in the performance of their official duties and functions;

1
2 3. A Provident Fund which shall consist of contributions made
3 both by the Land Registration Authority and by its
4 Registers Of Deeds and other officials and employees to a
5 common fund for the payment of benefits to such officials
6 or employees;

7
8 4. Without prejudice to efficiency in the service, scholarships
9 to deserving employees on official time and at the
10 expense of the Registers of Deeds to enhance their skills.
11 Scholars under this provision shall be selected on the
12 basis of competitive examinations;

13
14 5. With the consent of the officials and employees of the
15 Land Registration Authority, a superfund to give
16 opportunity for a better retirement shall be opened.
17 Everyone employed in the Land Registration Authority
18 shall invest or contribute to this superfund in the amount
19 of his choice. Upon his retirement, this
20 investment/savings shall be returned to the
21 employee/official in lump sum, tax free.

22
23 All officials and personnel of the Authority shall be exempted from
24 the Salary Standardization Law.

25
26 The Authority is hereby authorized to automatically retain 50% of
27 all revenues derived from collection of registration fees, charges and
28 other sources for capital outlay for infrastructure, procurement of
29 equipment and services related to the development, updating and
30 maintenance of State-of-the-art computer land information and data base
31 system, training and skills upgrading of personnel including grant of

allowances not to exceed 30% of the basic salary of the personnel of the Authority. (8a)

SEC. 13. General Functions of Registers of Deeds. - The office of the Register of Deeds constitutes a public repository of records of instruments affecting registered or unregistered lands and chattel mortgages in the province or city wherein such office is situated.

It shall be the duty of the Register of Deeds to immediately register an instrument presented for registration dealing with real or personal property that complies with all the formal and legal requisites for registration. If the instrument is not registrable, he shall forthwith deny registration thereof and inform the presentor of such denial in writing, stating the ground or reason therefor, and advising him of his right to appeal by *consulta* in accordance with Section 131 of this Act.

In case a registrable instrument cannot be registered for some other reasons, he shall likewise forthwith inform the presentor in writing stating the reasons therefor. Nonetheless, it shall be the duty of the Registrar of Deeds concerned to undertake the necessary steps to resolve the matter/issue the soonest.

Unless ordered by the court for cause shown, certificates of titles, survey plans, deeds, instruments, orders, and other papers in connection with, or relative to, any title, interest, or right in real or personal property; primary entry books, registration books, and other books where records and annotations are made shall not be removed from the register of deeds. (10a)

SEC. 14. Discharge of Duties of Register of Deeds in case of vacancy, etc.

-

1 (1) Until a regular Register of Deeds shall have been
2 appointed for a province or city, or in case of vacancy in the
3 office, or upon the occasion of the absence, illness,
4 suspension, or inability of the Register of Deeds to discharge
5 his duties, said duties shall be performed by any of the
6 following:

7
8 (a) For the province or city where there is a Deputy
9 Register of Deeds, by said Deputy Register of
10 Deeds, or by the second Deputy Register of Deeds,
11 should there be one;

12 (b) For the province or city where there is no Deputy or
13 second Deputy Register of Deeds, the Administrator
14 shall designate an officer-in-charge from among the
15 qualified personnel of the Registry concerned as
16 may be determined by him;

17
18 (2) In case of absence, disability or suspension of the
19 Register of Deeds without pay, or in case of vacancy in the
20 position, Administrator may, in his discretion, authorize the
21 payment of an additional compensation to the official acting as
22 Officer-In-Charge, such additional compensation together with
23 his actual salary not to exceed the salary authorized for the
24 position thus filled by him.

25
26 (3) In case of a newly-created province or city and pending
27 establishment of a Registry of Deeds and the appointment of a
28 regular Register of Deeds for the new province or city, the
29 Register of Deeds of the mother province or city shall be the
30 ex-officio Register of Deeds for said new province or city.

31 (11a)
32

1 **SEC. 15. *Owner's Index; Reports.*** - There shall be prepared in every
2 Registry a computerized index system providing for a list of the names of
3 all registered owners alphabetically arranged and all lands registered in
4 their names, the title numbers and all other co-owners, if any. (12a)

5
6 **SEC. 16 *Chief Geodetic Engineer.*** - There shall be a Chief Geodetic
7 Engineer in the Land Registration Authority who shall be the technical
8 adviser of the Authority on all matters involving surveys and shall be
9 responsible to him for all plats, plans, and works requiring the services of
10 a geodetic engineer in said office. He shall perform such other functions
11 as may, from time to time, be assigned to him by the administrator. (13)

12 13 CHAPTER III

14 ORIGINAL REGISTRATION

15 I. ORDINARY REGISTRATION PROCEEDINGS

16 A. APPLICATIONS

17
18 **SEC. 17. *Who may apply.*** - The following persons may file in the proper
19 Regional Trial Court or in proper cases before the Administrator of the
20 Authority an application for registration of title to land, whether personally
21 or through their duly authorized representatives:

- 22
23 a. Those who by themselves or through their predecessors-in-
24 interest have been in open, continuous, exclusive and
25 notorious possession and occupation of alienable and
26 disposable lands of the public domain at the time the
27 application for registration of title is filed, under a bona fide
28 claim of ownership for at least thirty (30) years immediately
29 preceding the filing of the application for registration of title of
30 lands of the public domain which has been declared alienable
31 and disposable at the time the application for registration of
32 title is filed.

1
2 b. Those who have acquired ownership of private lands by
3 prescription under the provision of existing laws.

4
5 c. Those who have acquired ownership of private lands or
6 abandoned river beds by right of accession or accretion under
7 the existing laws.

8
9 d. Those who have acquired ownership of land in any other
10 manner provided for by law.

11
12 Where the land is owned in common, all the co-owners shall file the
13 application jointly.

14
15 Where the land has been sold under *pacto de retro*, the vendor *a*
16 *retro* may file an application for the original registration of the land,
17 provided, however, that should the period for redemption expires during
18 the pendency of the registration proceedings and ownership to the
19 property consolidated in the vendee *a retro*, the latter shall be substituted
20 for the applicant and may continue the proceedings.

21
22 A trustee on behalf of his principal may apply for original
23 registration of any land held in trust by him, unless prohibited by the
24 instrument creating the trust. (14a)

25
26 **SEC. 18. Form and contents.** - The application for land registration shall
27 be in writing, signed by the applicant or the person duly authorized in his
28 behalf, and sworn to before any officer authorized to administer oaths for
29 the province or city where the application was actually signed. If there is
30 more than one applicant, the application shall be signed and sworn to by
31 and in behalf of each. The application shall contain a description of the
32 land and shall state the citizenship and civil status of the applicant,

1 whether single or married, and, if married, the name of the wife or
2 husband, and, if the marriage has been legally dissolved, when and how
3 the marriage relation terminated. It shall also state the full names and
4 addresses of all occupants of the land and those of the adjoining owners,
5 if known, and, if not known, it shall state the extent of the search made
6 to find them. (15)

7
8 The application, shall, in form, be substantially as follows:

9
10 Republic of the Philippines
11 Regional Trial Court of _____
12

13 The undersigned, _____ hereby
14 applies (or apply) to have the land hereinafter described
15 brought under the operation of the Property Registration Act,
16 and to have the title thereto registered and confirmed:

17
18 AND DECLARE

19
20 1. That the applicant/s is/are the owners of the land (by
21 virtue of inheritance or deed of sale or conveyance and/or
22 possession in accordance with Section 17 of said Act, together
23 with the building and improvements thereon, with the
24 exception of the following:

25
26 _____
27 which is/are the property of _____
28 residing at _____.

29 The said land, consisting of _____
30 parcel/s is/are situated, bounded and described as shown
31 on the plan and technical descriptions attached hereto

1 and made a part hereof, with the following exception/s:

2 _____
3
4 2. That said land at the last assessment for taxation was
5 assessed at P_____, Philippine currency,
6 and the buildings and other improvements at P
7 _____, Philippine currency.
8

9 3. That to the best of my/our knowledge and belief,
10 there is no mortgage or encumbrance of any kind
11 whatsoever affecting said land, nor any other person
12 having any interest therein, legal or equitable, or in
13 possession, other than as follows:
14 _____
15 _____
16

17 4. That the applicant/s has/have acquired said land
18 in the following manner:
19 _____
20

21 (Note: Refer to Sec. 17 of said Act. State also whether
22 the property is conjugal, paraphernal or exclusive
23 property of the applicant/s)
24

25 5. That said land is occupied by the following person/s:
26 _____
27

28 6. That the names in full and addresses, as far as known
29 to the undersigned, of the owners of all adjoining
30 properties, of the persons mentioned in paragraphs 3 and
31 5, and of the persons shown on the plan as claimants, are
32 as follows:

1
2
3
4 7. That the applicant/s is/are single or married to

5 _____
6 (Note: if marriage has been legally dissolved, state when
7 and how the marriage relation terminated.)
8 _____
9

10 8. That the applicant's/s' full name, age, citizenship,
11 residence, and postal address/es is/are as follows:
12 _____
13

14 9. That (Note: If the land included in the application is
15 bounded by a public or private way or road, there
16 should be stated in this paragraph whether or not the
17 applicant claims any and what land within the limits of
18 the way or road and whether the applicant desires to
19 have the line of the way or road determined.)
20 _____
21

22 10. That the following documents are attached hereto
23 and made a part hereof:
24 _____
25

26 Signed at _____ this _____ day of
27 _____, in the year twenty hundred and _____.
28

29 _____
30 Applicant

31 _____
32 (Post Office Address)

REPUBLIC OF THE PHILIPPINES
PROVINCE (OR CITY) OF _____

On this _____ day of _____, 20____
personally appeared before me the above- named
_____ known to me to be
the person/s who executed the foregoing application and
made oath that the statements therein are true of his/their
knowledge, information and belief.

The	Community	Tax	Certificate/s
_____	of the	applicant/s	_____
was/were exhibited to me being No. _____			
issued at _____		dated _____, 20____	

(Notary Public, or other Officer
Authorized to Administer oath)
PTR No. _____

SEC. 19. Non-resident applicant. - If the applicant is not a resident of the Philippines, he shall file with his application an instrument in due form appointing an agent or representative residing in the Philippines, giving his full name and postal address, and shall therein agree that the service of any legal process in the proceedings under or growing out of the application made upon his agent or representative shall be of the same legal effect as if made upon the applicant within the Philippines. If the agent or representative dies, or leaves the Philippines, the applicant shall forthwith make another appointment for the substitute, and, if he fails to do so the court may dismiss the application. (16)

1 **SEC. 20. *What and where to file.*** - The application for land registration
2 shall be filed with the Regional Trial Court of the province or city where
3 the land is situated. However, the Metropolitan Trial Courts, Municipal
4 Trial Courts in cities, Municipal Trial Courts, and Municipal Circuit Trial
5 Courts, may be authorized to hear and decide land registration cases
6 involving uncontested lots regardless of the assessed value and for
7 contested lots, the current assessed value of which does not exceed one
8 hundred thousand pesos (P100,000.00) as maybe ascertained from the
9 corresponding latest tax declaration. The application shall be
10 accompanied by the following:

- 11
- 12 a. The original plan in tracing cloth or sepia copy duly approved
13 by the chief, surveys division, department of registration, LRA;
14
- 15 b. The original copy of the technical descriptions certified by the
16 chief, surveys division, LRA or the official so authorized;
17
- 18 c. The original copy of the geodetic engineer's certificate or, in
19 lieu thereof, a certification from the chief, surveys division,
20 LRA as to its non-availability;
21
- 22 d. The official certification from the Community Environment and
23 Natural Resources Office (CENRO) or Provincial Environment
24 and Natural Resources Office (PENRO) certifying that the land
25 has already been declared as alienable and disposable;
26
- 27 e. Copy of the latest tax declaration duly certified by the
28 provincial, city or municipal assessor;
29
- 30 f. All original muniments of title of the applicant which prove his
31 ownership of the land. This requirement is not mandatory as

1 long as the documents can be produced before the court
2 during the hearing whenever required or necessary.
3

4 The clerk of court shall not accept any application unless it is shown
5 that the applicant has furnished the Administrator with a copy of the
6 application and all annexes. (17)
7

8 **SEC. 21. *Application covering two or more parcels.*** - An application may
9 include two or more parcels of land belonging to the applicant/s provided
10 they are situated within the same province or city. The court may at any
11 time order an application to be amended by striking out one or more of
12 the parcels or by a severance of the application. (18)
13

14 **SEC. 22. *Amendments.*** - Amendments to the application including
15 joinder, substitution, or discontinuance as to parties may be allowed by
16 the court at any stage of the proceedings upon just and reasonable terms.
17

18 Amendments which shall consist in a substantial change in the
19 boundaries or an increase in area of the land applied for or which involve
20 the inclusion of an additional land shall be subject to the same
21 requirements of publication and notice as in an original application. (19)
22

23 **SEC. 23. *When land applied for borders on road.*** - If the application
24 describes the land as bounded by a public or private way or road, it shall
25 state whether or not the applicant claims any and what portion of the land
26 within the limits of the way or road, and whether the applicant desires to
27 have the line of the way or road determined. (20)
28

29 **SEC. 24. *Requirement of additional facts and papers; ocular inspection.*** -
30 The court may require facts to be stated in the application in addition to
31 those prescribed by this Act not inconsistent therewith and may require

1 the filing of any additional paper. It may also conduct an ocular
2 inspection, if necessary. (21)

3
4 **SEC. 25.** *Dealings with land pending original registration.* - After the filing
5 of the application and before the issuance of the decree of registration,
6 the land therein described may still be the subject of dealings in whole or
7 in part, in which case the interested party shall present to the court the
8 pertinent instruments together with a subdivision plan approved by the
9 Director of Registration, LRA in case of transfer of portions thereof and
10 the court, after notice to the parties, shall order such land registered
11 subject to the conveyance or encumbrance created by said instruments,
12 or order that the Act of registration be issued in the name of the person
13 to whom the property has been conveyed by said instruments. (22a)

14
15
16 B. PUBLICATION, OPPOSITION, AND DEFAULT

17
18 **SEC. 26.** *Notice of initial hearing, publication, etc.* - The court shall,
19 within five (5) days from filing of the application, issue an order setting
20 the date and hour of the initial hearing which shall not be earlier than
21 thirty (30) days nor later than forty-five (45) days from the date of the
22 order.

23
24 The public shall be given notice of the initial hearing of the
25 application for land registration by means of (1) publication; (2) mailing;
26 and (3) posting.

27
28 1. *By publication.* -

29
30 Upon receipt of the order of the court setting the
31 time for initial hearing, the Administrator of Land
32 Registration Authority shall cause a notice of initial

1 hearing to be published once in a newspaper of general
2 circulation in the Philippines: Provided, however, that
3 the publication in the newspaper shall be preserved by
4 the Land Registration Authority through digital form.
5 Said notice shall be addressed to all persons appearing
6 to have an interest in the land involved including the
7 adjoining owners so far as known, and "to all whom it
8 may concern". Said notice shall also require all persons
9 concerned to appear in court at a certain date and time
10 to show cause why the prayer of said application shall
11 not be granted.
12

13 *2. By mailing. -*
14

15 (a) Mailing of notice to persons named in the
16 application. - The Administrator shall also, within
17 seven days after publication of said notice, as
18 hereinbefore provided, cause a copy of the notice of
19 initial hearing to be mailed to every person named in
20 the notice whose address is known or through any
21 other means authorized by law.
22

23 (b) Mailing of notice to the Secretary of Public Works
24 and Highways, the Provincial Governor and the
25 Mayor. - If the applicant requests to have the line of a
26 public way or road determined, the Administrator
27 shall cause a copy of said notice of initial hearing to
28 be mailed to the Secretary of Public Works and
29 Highways, to the Provincial Governor, and to the
30 Mayor of the municipality or city, as the case may be,
31 in which the land lies.
32

1 (c) Mailing of notice to the Secretary of Agrarian Reform,
2 the Solicitor General, the Director of Public Works, the
3 Director of Forest Development, the Director of Mines
4 and the Director of Fisheries and Aquatic Resources -
5 If the land borders on a river, navigable stream or
6 shore, or on an arm of the sea where a river or
7 harbor line has been established, or on a lake, or if it
8 otherwise appears from the application or the
9 proceedings that a tenant-farmer or the national
10 government may have a claim adverse to that of the
11 applicant, notice of the initial hearing shall be given in
12 the same manner to the Secretary of Agrarian
13 Reform, the Solicitor General, LRA Administrator, the
14 Director of Mines and/or the Director of Fisheries and
15 Aquatic Resources, as may be appropriate.

16
17 *3. By posting. -*
18

19 The Administrator shall also cause a duly attested
20 copy of the notice of initial hearing to be posted by the
21 sheriff of the province or city, as the case may be, or by
22 his deputy, in a conspicuous place on each parcel of land
23 included in the application and also in a conspicuous
24 place on the bulletin board of the municipal building of
25 the municipality or city in which the land or portion
26 thereof is situated, fourteen days at least before the
27 date of initial hearing.

28
29 The court may also cause notice to be served to such other
30 persons and in such manner as it may deem proper. (23a)
31

1 The notice of initial hearing shall, in form, be substantially as
2 follows:

3
4 (Caption and Title)
5 NOTICE OF INITIAL HEARING
6

7 To (here insert the names of all persons appearing to
8 have an interest and the adjoining owners so far as known,
9 and to all whom it may concern):
10

11 An application (or petition) having been filed in the
12 above-entitled case by (full name and address) praying for
13 the registration and confirmation (or for the settlement and
14 adjudication, in case of petition in cadastral proceedings) of
15 title to the following described lands:
16

17 (Insert description)
18

19 You are hereby served this notice to appear before this
20 Court at its session to be held at _____ on the
21 _____ day of _____, 19 _____, at
22 _____ o'clock in the _____ then and there to
23 present such claims as you may have to said lands or any
24 portion thereof, and to submit evidence in support of such
25 claim; and unless you appear at said Court at the time and
26 place aforesaid, your default will be recorded and the title to
27 the lands will be adjudicated and determined in accordance
28 with law and the evidence before the Court, and thereafter
29 you will forever be barred from contesting said application (or
30 petition) or any decree entered thereon.
31

1 Witness, the Hon. _____, Judge of the
2 Regional Trial Court of _____ this
3 _____ day of _____, in the year 20____.

4
5 Attested:

6
7 ADMINISTRATOR
8 Land Registration Authority
9

10 **SEC. 27. Proof of publication and notice.** - The certification of the
11 Administrator and of the sheriff concerned to the effect that the notice of
12 initial hearing, as required by law, has been complied with shall be filed in
13 the case before the date of initial hearing, and shall be conclusive proof of
14 such fact. (24)

15
16 **SEC. 28. Opposition to application in ordinary proceedings.** - Any person
17 claiming an interest, whether named in the notice or not, may appear and
18 file an opposition on or before the date of initial hearing, or within such
19 further time as may be allowed by the court. The opposition shall state all
20 the objections to the application and shall set forth the interest claimed
21 by the party filing the same and apply for the remedy desired, and shall
22 be signed and sworn to by him or by some other duly authorized person.

23
24 If the opposition or the adverse claim of any person covers only
25 a portion of the lot and said portion is not properly delimited on the plan
26 attached to the application, or in case of undivided co-ownership,
27 conflicting claims of ownership or possession, or overlapping of
28 boundaries, the court may require the parties to submit a subdivision plan
29 duly approved by the Chief, Surveys Division, LRA. (25a)

30
31 **SEC. 29. Order of default; effect.** - If no person appears and answers
32 within the time allowed, the court shall, upon motion of the applicant, no

1 reason to the contrary appearing, order a default to be recorded and
2 require the applicant to present evidence. By the description in the notice
3 "To All Whom It May Concern", all the world are made parties defendant
4 and shall be concluded by the default order.
5

6 Where an appearance has been entered and an answer filed, a
7 default order shall be entered against persons who did not appear and
8 answer. (26)
9

10 C. HEARING, JUDGMENT, AND ISSUANCE OF
11 ORIGINAL CERTIFICATE OF TITLE
12

13 **SEC. 30. Speedy hearing; reference to a referee.** - The trial court shall
14 see to it that all registration proceedings are disposed of within ninety
15 (90) days from the date the case is submitted for decision.
16

17 The Court, if it deems necessary, may refer the case or any part
18 thereof to a referee or a Commissioner who shall hear the parties and
19 their evidence, and the referee or Commissioner shall submit his report
20 thereon to the Court within fifteen (15) days after the termination of such
21 hearing. Hearing before a referee may be held at any convenient place
22 within the province or city as may be fixed by him and after reasonable
23 notice thereof shall have been served the parties concerned. The court
24 may render judgment in accordance with the report as though the facts
25 have been found by the judge himself: Provided, however, that the court
26 may in its discretion accept the report, or set it aside in whole or in part,
27 or order the case to be recommitted for further proceedings; *Provided,*
28 *Further,* that in no case shall the Court render judgment without the
29 mandatory report from the LRA which is hereby required to submit said
30 report within thirty (30) days from receipt copy of petition. (27a)
31

1 **SEC. 31. *Partial judgment.*** - In a case where only a portion of the land
2 subject of registration is contested, the court may render partial judgment
3 provided that a duly approved subdivision plan showing the contested and
4 uncontested portions is previously submitted to the said court. (28)

5
6 **SEC. 32. *Judgment confirming title.*** - All conflicting claims of ownership
7 and interest in the land subject of the application shall be determined by
8 the court. If the court, after considering the evidence and the reports of
9 the Land Registration Authority, finds that the applicant or the oppositor
10 has sufficient title proper for registration, judgment shall be rendered
11 confirming the title of the applicant, or the oppositor, to the land or
12 portions thereof. (29)

13
14 **SEC. 33. *When judgment becomes final; duty to cause issuance of OCT.*** -
15 The judgment rendered in a land registration proceedings becomes final
16 upon the expiration of fifteen (15) days to be counted from the date of
17 receipt of notice of the judgment by all the parties.

18
19 After judgment confirming title has become final and executory,
20 the Court shall, *motu proprio*, and without need of filing of a motion, issue
21 an order in accordance with Section 44 of this Act directing the
22 Administrator to issue the corresponding certificate of title in favor of the
23 person adjudged and entitled to registration. (30a)

24
25 **SEC. 34. *Original Certificate of Title.***- Every OCT issued by the
26 Administrator shall bear the date, hour and minute of its entry, and shall
27 be signed by him. It shall state whether the owner is married or
28 unmarried, and if married, the name and citizenship of the spouse. If the
29 owner is under disability, it shall state the nature of disability, and if a
30 minor, the age. It shall contain a complete technical description of the
31 land as finally determined by the court, and shall set forth the estate of
32 the owner, and also, in such manner as to show their relative priorities,

1 all particular estates, mortgages, easements, liens, attachments, and
2 other encumbrances, including rights of tenant-farmers, if any, to which
3 the land or owner's estate is subject, as well as any other matters
4 properly to be determined in pursuance of this Act.

5
6 The OCT shall bind the land and quiet title thereto, subject only
7 to such exceptions or liens as may be provided by law. It shall be
8 conclusive upon and against all persons, including the National
9 Government and all branches thereof, whether mentioned by name in the
10 application or notice, the same being included in the general description
11 "To all whom it may concern". (31a)

12
13 **SEC. 35.** *Review of Order for issuance of OCT; Innocent purchaser for*
14 *value*-The OI-OCT shall not be reopened or revised by reason of absence,
15 minority, or other disability of any person adversely affected thereby, nor
16 by any proceeding in any court for reversing judgments, subject,
17 however, to the right of any person, including the government and the
18 branches thereof, deprived of land or of any estate or interest therein by
19 such adjudication or confirmation of title obtained by actual fraud, to file
20 in the proper Regional Trial Court a petition for reopening and review of
21 the OI-OCT not later than one (1) year from and after the date of the
22 entry of such OCT, but in no case shall such petition be entertained by the
23 court where an innocent purchaser for value has acquired the land or an
24 interest therein, whose rights may be prejudiced. Whenever the phrase
25 "innocent purchaser for value" or an equivalent phrase occurs in this Act,
26 it shall be deemed to include an innocent lessee, mortgagee, or other
27 encumbrances for value.

28
29 Once registered, the OCT and the certificate of title issued shall
30 become incontrovertible. Any person aggrieved by such OCT in any case
31 may pursue his remedy by action for damages against the applicant or
32 any other persons responsible for the fraud. (32a).

1
2 **SEC. 36.** *Appeal from judgment, etc.* - The judgment and orders of the
3 court hearing the land registration case are appealable to the Court of
4 Appeals or to the Supreme Court in the same manner as in ordinary
5 actions (33)

6
7 **SEC. 37.** *Rules of procedure.* - The Rules of Court shall, ~~insofar as not~~
8 inconsistent with the provisions of this Act, be applicable to land
9 registration and cadastral cases by analogy or in a suppletory character
10 and whenever practicable and convenient. (34)

11
12 II. CADASTRAL REGISTRATION PROCEEDINGS

13 A. ORDER FOR SPEEDY SETTLEMENT AND ADJUDICATION;
14 SURVEY; NOTICES

15
16 **SEC. 38.** *Cadastral Survey preparatory to filing of petition.* -

17 (a) The Administrator of the LRA is hereby mandated to
18 conduct a comprehensive and continuing cadastral survey
19 of the entire country, upon notice to the LGU concerned. To
20 this end, he shall direct and order the LRA Regional
21 Directors to cause to be made cadastral survey of the lands
22 involved and the plans and technical descriptions thereof
23 prepared in due form.

24
25 (b) Thereupon, the Regional Director shall give notice to
26 persons claiming any interest in the lands as well as to the
27 general public, of the day on which such survey will begin,
28 giving as fully and accurately as possible the description of
29 the lands to be surveyed. Such notice shall be published
30 once in a newspaper of general circulation, and a copy of
31 the notice in English or the national language shall be
32 posted in a conspicuous place on the bulletin board of the

1 municipal building of the municipality and in the Barangay
2 where the lands or any portion thereof is situated. A copy
3 of the notice shall also be sent to the mayor of such
4 municipality as well as to the Barangay captain and likewise
5 to the Sangguniang Panlalawigan and the Sangguniang
6 Bayan concerned.

7
8 (c) The Geodetic Engineers or other employees of the LRA in
9 charge of the survey shall give notice reasonably in
10 advance of the date on which the survey of any portion of
11 such lands is to begin, which notice shall be posted in the
12 bulletin board of the municipal building of the municipality
13 or barrio in which the lands are situated, and shall mark the
14 boundaries of the lands by monuments set up in proper
15 places thereon. It shall be lawful for such Geodetic
16 Engineers and other employees to enter upon the lands
17 whenever necessary for the purposes of such survey or the
18 placing of monuments. Relative thereto, the LRA may call
19 upon the assistance of the Philippine National Police or the
20 Armed Forces of the Philippines, or of other law
21 enforcement agencies to ensure the safety and security of
22 LRA Personnel and the parties concerned in the conduct of
23 such survey.

24
25 (d) It shall be the duty of every person claiming an interest
26 in the lands to be surveyed, or in any parcel thereof, to
27 provide the Geodetic Engineer, upon the latter's request, all
28 information possessed by such person concerning the
29 boundary lines of any lands to which he claims title or in
30 which he claims any interest, otherwise said persons shall
31 be bound by the findings of the Geodetic Engineers.
32

1 (e) Any person who shall willfully obstruct the making of
2 any survey undertaken by the LRA or by a licensed
3 Geodetic Engineer duly authorized to conduct the survey
4 under this Section, or shall maliciously interfere with the
5 placing of any monument or remove such monument, or
6 shall destroy or remove any notice of survey posted on the
7 land pursuant to law, shall be punished by a fine of not
8 more than one hundred thousand pesos (P100,000.00) or
9 by imprisonment for not more than six (6) years, or both.

10
11 (f) The Regional Director, within thirty (30) days from the
12 approval of the cadastral survey shall transmit to the
13 Administrator all the necessary documents needed for the
14 filing of the appropriate cadastral proceedings as
15 enumerated under Section 39 of this Act. (35a)

16
17 B. PETITION; LOT NUMBERS
18

19 **SEC. 39. *Petition for registration.*** - When the lands have been surveyed
20 or plotted, the Administrator, represented by the Solicitor General, shall
21 institute the necessary petition within thirty (30) days after the approval
22 of the survey by the regional director in the Regional Trial Court of the
23 place where the land is situated against the holders, claimants,
24 possessors, or occupants of such lands or any part thereof, stating in
25 substance that public interest requires that the title to such lands be
26 settled and adjudicated and praying that such titles be so settled and
27 adjudicated. However, the Metropolitan Trial Courts, Municipal Trial
28 Courts in cities, Municipal Trial Courts, and Municipal Circuit Trial Courts,
29 are hereby authorized to hear and decide cadastral cases involving
30 contested lots, the current assessed value of which does not exceed two
31 hundred thousand pesos (P200,000.00) as may be ascertained from the
32 corresponding latest tax declaration. For uncontested lots, the LRA is

1 hereby authorized to hear and decide cadastral cases regardless of the
2 assessed value as may be ascertained from the corresponding latest tax
3 declaration. The application shall be accompanied by the following:

- 4
- 5 a. Boundary and Index Map in tracing cloth or sepia copy;
 - 6 b. Technical Description of exterior boundaries;
 - 7 c. Cadastral map in tracing cloth or sepia copy;
 - 8 d. Lot descriptions in tracing cloth or sepia copy;
 - 9 e. Numerical lists of survey lots;
 - 10 f. Numerical and alphabetical lists of survey claimants;
 - 11 g. Surveyor's / Geodetic Engineer's certificate.
- 12

13 The petition shall contain a description of the lands and shall be
14 accompanied by a plan thereof, and may contain such other data as may
15 serve to furnish full notice to the occupants of the lands and to all persons
16 who may claim any right or interest therein.

17

18 Where the land consists of two or more parcels held or occupied by
19 different persons, the plan shall indicate the boundaries or limits of the
20 various parcels as accurately as possible. The parcels shall be known as
21 "lots" and shall on the plan filed in the case be given separate numbers by
22 the LRA, which numbers shall be known as "LRA lot numbers". The lots
23 situated within each municipality shall, as far as practicable, be numbered
24 consecutively beginning with number "one, and only one series of
25 numbers shall be used for that purpose in each municipality. However in
26 cities or town sites, a designation of the landholdings by blocks and lot
27 numbers may be employed instead of the designation by cadastral lot
28 numbers.

29

30 The cadastral number of a lot shall not be changed after final
31 decision has been entered decreasing the registration thereof, except by
32 order of court. Future subdivisions of any lot shall be designated by a

1 letter or letters of the alphabet added to the cadastral number of the lot
2 to which the respective subdivisions pertain. The letter with which a
3 subdivision is designated shall be known as its "cadastral letter":
4 Provided, however, that the subdivisions of cities or town sites may be
5 designated by blocks and lot numbers. (36a)

6
7 C. ANSWER
8

9 **SEC. 40.** *Answer to petition in cadastral proceedings* - Any claimant in
10 cadastral proceedings, whether named in the notice or not, shall appear
11 before the court by himself or by some other authorized person in his
12 behalf, and shall file an answer on or before the date of initial hearing or
13 within such further time as may be allowed by the court. The answer shall
14 be signed and sworn to by the claimant or by some other authorized
15 person in his behalf, and shall state whether the claimant is married or
16 unmarried, and if married, the name of the spouse and the date of
17 marriage, his nationality, residence and postal address, and shall also
18 contain:

19
20 (a) The age of the claimant;
21

22 (b) The cadastral number of the lot or lots claimed, as
23 appearing on the plan filed in the case by the
24 Administrator, or the block and lot numbers, as the case
25 may be;
26

27 (c) The name of the Barangay and municipality where the
28 lots are situated;
29

30 (d) The names and addresses of the owners of the adjoining
31 lots so far as known to the claimant;
32

1 (e) If the claimant is in possession of the lots claimed and
2 can show no express grant of the land by the government
3 to him or to his predecessors-in-interest, the answer shall
4 state the length of time he has held such possession and
5 the manner in which it has been acquired, and shall also
6 state the length of time, as far as known, during which
7 the predecessors, if any, held possession;
8

9 (f) If the claimant is not in possession or occupation of the
10 land, the answer shall fully set forth the interest claimed
11 by him and the time and manner of his acquisition;
12

13 (g) If the lots have been assessed for taxation, their last
14 assessed value; and
15

16 (h) The encumbrances, if any, affecting the lots and the
17 names of adverse claimants, as far as known. (37a)
18

19 **SEC. 41. Claimant support mechanism.** - The Administrator shall hereby
20 establish an appropriate claimant support mechanism, which shall assist
21 the claimants in the preparation, and filing of their answers. (n)
22

23 D. HEARING; JUDGMENT; OCT 24

25 **SEC. 42. Hearing, Judgment, OCT.** - The trial of the case may occur at
26 any convenient place within the province in which the lands are situated
27 and shall be conducted, and orders for default and confessions entered, in
28 the same manner as in ordinary land registration proceedings and shall be
29 governed by the same rules. All conflicting interests shall be adjudicated
30 by the court and judgment rendered in favor of the persons entitled to the
31 lands or to parts thereof and such judgment shall be the basis for
32 issuance of original certificates of title in favor of said persons and shall

1 have the same effect as certificates of title granted on application for
2 registration of land under ordinary land registration proceedings. (38a)

3
4 **SEC. 43. *Previously Issued Decrees Not Registered and Lost or Destroyed***
5 ***Decrees.*** - If a decree was issued under either Act No. 496 or PD 1529
6 but was not registered in the Registration Book, there being sufficient
7 proof of the issuance of said decree, the decreed owner, his heirs, and
8 successors-in-interest, can file a Petition in the same court which issued
9 said decree, for an Order directing the registration of said decree in the
10 Registration Book and for the issuance of the corresponding certificate of
11 title.

12
13 In the event that a decree issued under Act No. 496 or PD 1529, is
14 totally lost or destroyed, the person claiming to be the decreed owner or
15 claiming rights from said decreed owner, shall file a petition before the
16 court which allegedly issued said decree, for an Order directing the re-
17 issuance of the lost or destroyed decree. If there is/are already valid and
18 subsisting certificate(s) of title issued for portions of the land covered by
19 the lost/destroyed decree, there arises a presumption that the
20 lost/destroyed decree was validly issued and registered. (n)

21
22 CHAPTER IV
23 CERTIFICATE OF TITLE
24

25 **SEC. 44. *Preparation of Certificate of Title.*** - After the judgment directing
26 the registration of title to land has become final, the court shall, within
27 fifteen (15) days from entry of judgment, *motu proprio*, issue an order
28 directing the Administrator to issue the corresponding certificate of title.
29 The clerk of court shall send, within fifteen (15) days from entry of
30 judgment, certified copies of the judgment and of the order of the court
31 directing the Administrator to issue the corresponding certificate of title,
32 and a certificate stating that the decision has not been amended,

1 reconsidered, nor appealed, and has become final. Thereupon, the
2 Administrator shall cause to be generated, the original and duplicate of
3 the corresponding Original Certificate of Title which shall, in form, be
4 faithful to the contents of the Judgment or Decision. For this purpose, one
5 electronic copy of the OCT shall be stored in the archives of the LRA
6 Database, while the Original of the OCT shall be transmitted to the RL
7 concerned for registration and printing of the Owners Duplicate copy in
8 accordance with the Implementing Rules and Regulations to be issued by
9 the LRA. The approval by the Administrator of the electronic image of the
10 OCT shall carry with it the signature of the Administrator. (39a)

11
12 **SEC. 45. Entry of Original Certificate of Title** - Upon receipt by the
13 Register of Deeds of the original image of the Original Certificate of Title
14 the same shall be entered in his record book and shall be numbered,
15 dated, signed and sealed by the Register of Deeds with the seal of his
16 office. Said certificate of title shall take effect upon the date of entry
17 thereof. (40a)

18
19 **SEC. 46. Owner's Duplicate Certificate of Title** - The owner's duplicate
20 certificate of title shall be delivered to the registered owner or to his duly
21 authorized representative. If two or more persons are registered owners,
22 one owner's duplicate certificate may be issued for the whole land, or if
23 the co-owners so desire, a separate duplicate may be issued to each of
24 them in like form, but all outstanding certificates of title so issued shall be
25 surrendered whenever the Register of Deeds shall register any
26 subsequent voluntary transaction affecting the whole land or part thereof
27 or any interest therein. The Register of Deeds shall note on each
28 certificate of title a statement as to whom a copy thereof was issued. (41)

29
30 **SEC. 47. Electronic Registration Books.** - The electronic image of the
31 Original Certificate of Title shall be stored in the Database of the Registry

1 of Deeds and this shall constitute the electronic registration book for titled
2 properties. (42)

3
4 **SEC. 48. Transfer Certificate of Title.** - The subsequent certificate of title
5 that may be issued by the Register of Deeds pursuant to any voluntary or
6 involuntary instrument relating to the same land shall be known as, and
7 entitled "Transfer Certificate of Title". The certificate shall show the
8 number of the next previous certificate covering the same land and also
9 the fact that it was originally registered, giving the record number, the
10 number of the original certificate of title, and the volume and page of the
11 registration book in which the latter is found. (43)

12
13 **SEC. 49. Statutory liens affecting title.** - Every registered owner receiving
14 a certificate of title, and every subsequent purchaser of registered land
15 taking a certificate of title for value and in good faith, shall hold the same
16 free from all encumbrances except those noted in said certificate and any
17 of the following encumbrances which may be subsisting, namely:

18
19 *First.* Liens, claims or rights arising or existing under the laws and
20 Constitution of the Philippines which are not by law required to appear of
21 record in the Registry of Deeds in order to be valid against subsequent
22 purchasers or encumbrancers of record.

23
24 *Second.* Unpaid real estate taxes levied and assessed within two
25 years immediately preceding the acquisition of any right over the land by
26 an innocent purchaser for value, without prejudice to the right of the
27 government to collect taxes payable before that period from the
28 delinquent taxpayer alone.

29
30 *Third.* Any public highway or private way established or recognized
31 by law, or any government irrigation canal or lateral thereof, if the

1 certificate of title does not state that the boundaries of such highway or
2 irrigation canal or lateral thereof have been determined

3 Fourth. Any disposition of the property or limitation on the same thereof in
4 virtue of, or pursuant to, RA 6657, or any other law on reclamation or
5 agrarian reform. (44)

6
7 **SEC. 50. *Statement of personal circumstances in the certificate of title.*** - Every
8 certificate of title shall set forth: the full names of all persons whose
9 interests make up the full ownership in the whole land, including their civil
10 status, and the names of their respective spouses, if married, as well as
11 their citizenship, residence and postal address. (45a)

12
13 **SEC. 51. *General incidents of registered land.*** - Registered land shall be
14 subject to such burdens and incidents as may arise by operation of law.
15 Nothing contained in this Act shall in any way be construed to relieve
16 registered land or the owners thereof from any rights incident to the
17 relation of husband and wife, landlord and tenant, or from liability to
18 attachment or levy on execution, or from liability to any lien of any
19 description established by law on the land and the buildings thereon, or
20 on the interest of the owner in such land or buildings, or to change the
21 laws of descent, or the rights of partition between co-owners, or the right
22 to take the same by eminent domain, or to relieve such land from liability
23 to be recovered by an assignee in insolvency or trustee in bankruptcy
24 under the laws relative to preferences, or to change or affect in any way
25 other rights or liabilities created by law and applicable to unregistered
26 land, except as otherwise provided in this Act. (46)

27
28 **SEC. 52. *Registered land not subject to prescriptions.*** - No title to
29 registered land in derogation of the title of the registered owner shall be
30 acquired by prescription or adverse possession. (47)

1 **SEC. 53. Certificate not subject to collateral attack.** - A certificate of title
2 shall not be subject to collateral attack. It cannot be altered, modified, or
3 canceled except in a direct proceeding in accordance with law. (48a)

4
5 **SEC. 54. Splitting of titles.** - A registered owner of several parcels of
6 land embraced in and covered by a certificate of title may cause
7 thereof separate certificates, each containing one parcel, to be
8 file a written request for that purpose with the Register of Deeds
9 concerned, and the latter, upon the surrender of the original duplicate,
10 shall cancel it together with its original and issue in lieu thereof separate
11 certificates as desired. (49a)

12
13 **SEC. 55. Subdivision and consolidation plans.** - Any owner subdividing a
14 tract of registered land whether or not it constitutes a subdivision project
15 as defined and provided for under P.D. No. 957, shall file with the Land
16 Registration Authority a subdivision plan of such land on which the
17 boundaries, streets, passageways or open spaces and waterways, if any,
18 shall be distinctly and accurately delineated.

19
20 If a duly approved subdivision plan together with the approved
21 technical descriptions and the corresponding owner's duplicate certificate
22 of title is presented for registration, the Register of Deeds shall, without
23 requiring further court approval of said plan, register the same in
24 accordance with the provisions of this Act: Provided, however, that the
25 Register of Deeds shall annotate on the new certificate of title covering
26 the street, passageway or open space, a memorandum to the effect that
27 except by way of donation in favor of the national government, province,
28 city or municipality, no portion of any street, passageway, waterway or
29 open space so delineated on the plan shall be closed or altered by the
30 registered owner without the approval of the Regional Trial Court of the
31 province or city in which the land is situated.

1 A registered owner desiring to consolidate several lots, into one or
2 more, requiring new technical descriptions, shall file with the Land
3 Registration Authority, a consolidation plan on which shall be shown the
4 lots to be affected, as they were before, and as they will appear after the
5 consolidation. Upon the surrender of the owners duplicate certificate and
6 the receipt of the duly approved consolidation plan, the Register of Deeds
7 concerned shall cancel the corresponding certificate of title and issue a
8 new one for the consolidated lots.

9
10 The Authority may not order or cause any change, modification, or
11 amendment in the contents of any certificate of title, or of any plan,
12 including the technical description therein, covering any real property
13 registered under the Torrens system, nor order the cancellation of the
14 said certificate of title and the issuance of a new one which would result in
15 the enlargement of the area covered by the certificate of title. (56a)

16 17 CHAPTER V

18 SUBSEQUENT REGISTRATION

19 I. VOLUNTARY DEALINGS WITH REGISTERED LANDS

20 GENERAL PROVISIONS

21
22 **SEC. 56. Conveyance and other dealings by registered owner.** - An owner
23 of registered land may convey, mortgage, lease, charge or otherwise deal
24 with the same in accordance with existing laws. He may use such forms of
25 deeds, mortgages, leases or other voluntary instruments as are sufficient
26 in law. But no deed, mortgage, lease, or other voluntary instrument,
27 except a will purporting to convey or affect registered land shall take
28 effect as a conveyance or bind the land, but shall operate only as a
29 contract between the parties and as evidence of authority to the Register
30 of Deeds to make registration.

1 The act of registration shall be the operative act to convey or
2 affect the land insofar as third persons are concerned, and in all cases
3 under this Act, the registration shall be made in the office of the Register
4 of Deeds for the province or city where the land lies.

5
6 **SEC. 57.** *Constructive notice upon registration.* Every mortgage,
7 mortgage, lease, lien, attachment, order, judgment, and other instrument
8 affecting registered land shall, if registered, filed or entered in the office
9 of the Register of Deeds for the province or city where the land, which
10 relates lies, be constructive notice to all persons from the time of such
11 registering, filing or entering. (52)

12
13 **SEC. 58.** *Presentation of owner's duplicate upon entry of new certificate.*
14 - No voluntary instrument shall be registered by the Register of Deeds,
15 unless the owner's duplicate certificate is presented with such instrument,
16 except in cases expressly provided for in this Act, or upon order of the
17 court, for cause shown.

18
19 The production of the owner's duplicate certificate, whenever any
20 voluntary instrument is presented for registration, shall be conclusive
21 authority from the registered owner to the Register of Deeds to enter a
22 new certificate or to make a memorandum of registration in accordance
23 with such instrument, and the new certificate or memorandum shall be
24 binding upon the registered owner and upon all persons claiming under
25 him, in favor of every purchaser for value and in good faith.

26
27 In all cases of registration procured by fraud, the owner may
28 pursue all his legal and equitable remedies against the parties to such
29 fraud without prejudice, however, to the rights of any innocent holder for
30 value of a certificate of title. After the registration of the Original
31 Certificate of Title, any subsequent registration procured by the

1 presentation of a forged duplicate certificate of title, or a forged deed or
2 other instrument, shall be null and void.

3
4 For this purpose it shall be the duty of the Register of Deeds to
5 confiscate patently fake certificates of title for private lands. It shall be
6 the Administrator of the Land Registration Authority, (54)

7
8 **SEC. 59.** *Deedings less than ownership now registered.* Every
9 certificate shall be entered or issued pursuant to any instrument which
10 does not divest the ownership or title from the owner or from the
11 transferee of the registered owners. All interests in registered lands less
12 than ownership shall be registered by filing with the Register of Deeds the
13 instrument together with the owner's duplicate which contains a statement
14 or claims such interests and by a brief deed practice entered thereon by the
15 Register of Deeds upon the certificate of title and signed by him. A
16 similar memorandum shall also be made on the owner's duplicate. The
17 cancellation or extinguishment of such interests shall be registered in the
18 same manner. (54a)

19
20 **SE. 60.** *Grantee's name, nationality, etc., to be stated.* Every deed or
21 other voluntary instrument presented for registration shall contain or
22 have endorsed upon it the full name, nationality, residence and postal
23 address of the grantee or other person acquiring or claiming an interest
24 under such instrument, and every deed shall also state whether the
25 grantee is married or unmarried, and if married, the name in full of the
26 husband or wife. Any change in civil status appearing in the title may be
27 done administratively by filing a verified petition before the office of the
28 register of deeds, subject to the rules and regulations to be promulgated
29 hereunder. If the grantee is a corporation or association, the instrument
30 must contain a recital to show that such corporation or association is
31 legally qualified to acquire private lands. Any change in the name of the
32 corporation or association shall be done by filing with the Register of

1 Deeds a verified petition together with the amended Articles of
2 Incorporation duly approved by the Securities and Exchange Commission,
3 subject to the rules and regulations to be promulgated thereon.

4
5 Any change in the residence or postal address of a person shall
6 be annotated by the Register of Deeds to the certificate of title
7 corresponding certificate of title, upon receiving a sworn statement of
8 such change. All names and addresses shall also be entered in the
9 certificates.

10
11 Notices and processes issued in relation to registered land in
12 pursuance of this Act may be served upon any person in interest by
13 mailing the same to the addressee given and shall be binding whether
14 such person resides within or without the Philippines, but the court may
15 in its discretion, require further or other notice to be given in any case in
16 in its opinion the interest of justice so requires. (55a)

17
18 **SEC. 61. Primary Entry Book or Electronic Data Entry, Entry and**
19 **Registration Fees and all other fees mandated by this Act. Certified**
20 **copies.** - Each Register of Deeds shall keep an electronic primary entry
21 book in which, upon payment of the entry fee, he shall enter, in the order
22 of their reception, all instruments including copies of writs and processes
23 filed with him relating to registered land. However, before actual entry
24 can be made, the documents shall be pre-examined by a registration
25 information officer, to determine if the same could be entered in the
26 Primary Entry Book. He shall, as a preliminary process in registration,
27 note in such book the date, hour and minute of reception of all
28 instruments, in the order in which they were received. They shall be
29 regarded as registered from the time so noted, and the memorandum of
30 each instrument, when made on the certificate of title to which it refers,
31 shall bear the same date: Provided, that the national government as well

1 as the provincial and city governments shall be exempt from the payment
2 of such fees in advance in order to be entitled to entry and registration.

3
4 Every deed or other instrument, whether voluntary or
5 involuntary, so filed with the Register of Deeds shall be automatically
6 numbered and indexed and endorsed with a reference to a duplicate
7 certificate of title. All records and papers relative to registration in the
8 office of the Register of Deeds shall be open to the public in the same
9 manner as court records, subject to such reasonable regulations as the
10 Register of Deeds, under the direction of the Administrator may prescribe.

11
12 All deeds and voluntary instruments shall be presented with their
13 respective copies and shall be attested and sealed by the Register of
14 Deeds, endorsed with the file number, and copies thereof may be
15 provided the person presenting them is his duly authorized
16 representative, if the latter presents a letter of authority executed by the
17 former, and a copy of their respective valid identification cards.

18
19 Certified copies of all instruments filed and registered may also
20 be obtained from the Register of Deeds upon payment of the prescribed
21 fees. (56a)

22 23 (A) CONVEYANCES AND TRANSFERS

24
25 **SEC. 62. Procedure in registration of conveyances.** - An owner desiring to
26 convey his registered land in fee simple shall execute in triplicate copies
27 and register a deed of conveyance in a form provided herein. The
28 Register of Deeds shall thereafter make out in the registration book a new
29 certificate of title to the grantee and shall prepare and deliver to him an
30 owner's duplicate certificate. The Register of Deeds shall note upon the
31 original and duplicate certificate the date of transfer, the volume and
32 page of the registration book in which the new certificate is registered and

1 a reference by number to the last preceding certificate. The original and
2 the owner's duplicate of the grantor's certificate shall be stamped
3 "cancelled". The deed of conveyance shall be filed in the same book with the
4 number and the place of registration of the certificate of title to the land
5 conveyed.

6
7 The owner's duplicate certificate of title issued pursuant to the provisions of
8 involuntary instrument shall be released only to the registered owner
9 his duly authorized representative. (57A)

10
11 **SEC. 63. Procedure where conveyance involves portion of land.** If a
12 deed or conveyance is for a part only of the land described in a certificate
13 of title, the Register of Deeds shall not enter any new certificate of title
14 to the grantee over the portion conveyed until a plan showing the
15 segregation plan of such land, the portion conveyed and all the portions
16 or lots into which it has been subdivided and the pertinent lot and block
17 descriptions shall have been verified and approved pursuant to section 64
18 of this Act. Such deed may also be annotated by way of memorandum
19 upon the grantor's certificate of title, to serve as a notice to third persons
20 of the fact that certain unsegregated portion of the land described therein
21 has been conveyed, and every certificate with such memorandum shall be
22 effectual for the purpose of showing the grantee's title to the portion
23 conveyed to him, pending the actual issuance of the corresponding
24 certificate in his name, over the portion conveyed.

25
26 It shall be the duty of the Register of Deeds to issue a new
27 certificate of title for each lot indicated in the plan when the same is
28 presented for registration, upon the payment of the prescribed fees.
29 Holders of such titles are hereby required to surrender their titles to the
30 proper Register of Deeds for issuance of individual certificates of title
31 (58a)

1 **SEC. 64. Carry-over of encumbrances.** - If, at the time of any transfer,
2 subsisting encumbrances or annotations appear in the title, they shall be
3 carried over and stated in the new certificate of title after a careful search
4 as they may be and, for entry replaced and corrected, if any.

5
6 *(to Minn. Ch. 465 - 466)*
7

8 **SEC. 65. Mortgage or lease of registered land.** - A mortgage or lease
9 shall be registered in the manner provided in Section 54 of this act. The
10 owner of registered land may mortgage or lease it by executing the deed
11 in a form sufficient in law. Such deed of mortgage or lease and all
12 instruments which assign, extend, discharge or otherwise deal with the
13 mortgage or lease shall be registered, and shall take effect upon the filing
14 only from time of registration. (61)

15
16 **SEC. 66. Registration.** - Upon presentation for registration of the deed of
17 mortgage or lease together with the owner's duplicate certificate of title, the
18 Deeds shall enter upon the original of the certificate of title and also upon
19 the owner's duplicate certificate a memorandum thereof, the date and
20 time of filing and the file number assigned to the deed, and shall sign the
21 said memorandum. He shall also note on the deed the date and time of
22 filing and a reference to the volume and page of the registration book in
23 which it is registered. (61)

24
25 **SEC. 67. Discharge or cancellation.** - A mortgage or lease on registered
26 land which by the memorandum appearing in the certificate of title, have
27 elapsed or have become ineffective, upon surrender of the owner's
28 duplicate may be discharged or canceled by means of an instrument
29 executed by the party-in-interest in a form sufficient in law, which shall
30 be filed with the Register of Deeds who shall make the appropriate
31 memorandum upon the certificate or title. (62a)

1 **SEC. 68. Foreclosure of Mortgage** - (a) If the mortgage was foreclosed
2 judicially, a certified copy of the final order of the court confirming the
3 sale shall be registered with the Register of Deeds. If an order of
4 redemption exists, the certificate of title of the mortgagor shall be
5 cancelled, and a new certificate issued in the name of the purchaser.
6

7 Where the right of redemption exists, the certificate of title of the
8 mortgagor shall not be cancelled, but the certificate of sale and the order
9 confirming the sale shall be registered by a brief memorandum thereof
10 made by the Register of Deeds upon the certificate of title. In the event
11 the property is redeemed, the certificate of deed of redemption shall be
12 filed with the Register of Deeds, and a brief memorandum thereof shall be
13 made by the Register of Deeds on the certificate of title of the mortgagor.
14

15 If the property is not redeemed, the final deed of sale executed by
16 the sheriff in favor of the purchaser at a foreclosure sale shall be
17 registered with the Register of Deeds, whereupon the title of the
18 mortgagor shall be cancelled, and a new certificate issued in the name of
19 the purchaser.
20

21 (b) If the mortgage was foreclosed extra-judicially, a certificate
22 of sale, which shall specify the period of redemption therefore executed
23 by the officer who conducted the sale shall be filed with the Register of
24 Deeds who shall make a brief memorandum thereof on the certificate of
25 title.
26

27 In the event of redemption by the mortgagor, the same rule
28 provided for in the second paragraph of this section shall apply.
29

30 In case of non-redemption, the purchaser at foreclosure sale
31 shall file with the Register of Deeds, either a final deed of sale executed
32 by the person authorized by virtue of the power of attorney vested in

the deed of mortgage, or his sworn statement attesting to the fact of non-redemption; whereupon, the Register of Deeds shall issue a new certificate in favor of the purchaser after the expiration of the term of the certificate and the mortgage shall be deemed to have been paid.

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SEC. 69. Power of attorney. - Any person may, by power of attorney, convey or otherwise deal with registered land and the same shall be registered with the Register of Deeds of the province or city where the land lies. Any instrument revoking such power of attorney, shall be registered in like manner. (6-4)

SEC. 70. Trusts in registered land. If a deed or other instrument is filed in order to transfer registered land in trust, or upon any equitable condition or limitation expressed therein, or to create or declare a trust or other equitable interests in such land without transfer, the certificate of the trust, condition, limitation or other equitable interest shall be entered on the certificate; but only a memorandum thereof shall be entered by the words "in trust", or "upon condition", or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the original instrument creating or declaring the trust or other equitable interest with a reference by number to the certificate of title to which it relates and to the volume and page in the registration book in which it is registered.

(65)

SEC. 71. *Trust with power of sale, etc., how expressed.* If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell", or "power to mortgage", or by apt words of

1 description in case of other powers. No instrument which transfers,
2 mortgages or in any way deals with registered land or trust land to
3 register, unless the instrument is in the form prescribed or contained in the
4 trust instrument, is effective. The instrument is void if it is made by
5 competent jurisdiction but not if it is made by a person who has no
6 power, in which case a certificate may be registered in the Registry of
7 Deeds. (66)

8
9 **SEC. 72. Judicial appointment of new trustee.** - If a new trustee of
10 registered land is appointed by a court of competent jurisdiction, a new
11 certificate may be issued to him upon presentation to the Register of
12 Deeds of a certified copy of the order or judicial appointment and the
13 surrender for cancellation of the duplicate certificate. (67)

14
15 **SEC. 73. Implies trusts, how established.** - When the registered owner
16 acknowledges another person's right or interest in registered land by
17 reason of any implied or constructive trust, he shall file for registration
18 with the Register of Deeds a sworn statement thereof containing a
19 description of the land, the nature and extent of interest being
20 acknowledged. Such repudiation shall not affect the title of a purchaser
21 for value and in good faith before its registration. (68a).

22 23 24 II. INVOLUNTARY DEALINGS 25

26 **SEC. 74. Attachments.** - An attachment, or a copy of any writ, order or
27 process issued by a court of record, intended to create or preserve any
28 lien, status, right, or attachment upon registered land, shall be filed and
29 registered in the Registry of Deeds for the province or city in which the
30 land lies, and, in addition to the particulars required in such papers for
31 registration, shall contain a reference to the number of the certificate of
32 title to be affected and the registered owner or owners thereof, and also

1 if the attachment, order, process or lien is not claimed on all the land in
2 any certificate of title a description sufficiently accurate for identification
3 of the land is required to be attached to the attachment. A registration order
4 requesting the attachment of such a description shall be returned only if
5 registered in the public records in accordance with the provisions of this
6

7 **SEC. 75.** Adverse claim. A claimant claiming an interest in
8 registered land adverse to the registered owner, arising subsequent to the
9 date of the original registration, may, if no other provision is made in the
10 Act for registering the same, make a statement in writing setting forth
11 fully his alleged right or interest, and how or under whom acquired, in
12 reference to the number of the certificate of title of the registered owner,
13 the name of the registered owner, and a description of the land in which
14 the right or interest is claimed.

15
16 The statement shall be signed and sworn to, and shall state the
17 adverse claimant's residence, and a place at which notices may be
18 served upon him. This statement shall be added to registration as an
19 adverse claim on the certificate of title.

20
21 The adverse claim shall be effective only for a period of thirty (30)
22 days from the date of registration.

23
24 a) Before the lapse of thirty (30) days.

25
26 a.1) the claimant may withdraw his adverse claim by filing
27 with the Register of Deeds a verified petition to that
28 effect;

29 a.2) any party in interest may petition the Regional Trial
30 Court where the land is situated for the cancellation of
31 the adverse claim, and the court shall, after hearing,
32 render judgment on the question of the validity of such

adverse claim. If the adverse claim is adjudged to be invalid, the registration thereof shall be ordered cancelled.

b. After the lapse of thirty (30) days from the date of withdrawal of the claim, the claim may be administratively withdrawn by the party withdrawing the claim, as verified pursuant with the Register of Deeds.

c. In any case, no subsequent adverse claim based on the same ground shall be registered by the same claimant after its cancellation.

The court, after notice and hearing, may fine the defendant in an amount not less than fifty thousand pesos (P50,000.00) when it shall find that the adverse claim thus registered was frivolous and vexatious.

SEC. 76. Surrender of certificate of involuntary lien. - If an attachment or other lien in the nature of involuntary lien is registered upon registered land and the duplicate certificate is not presented at the time of registration, the Register of Deeds shall, within five (5) days thereafter, send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate so that a memorandum of the attachment or other lien may be made thereon. (71)

SEC. 77. Dissolution, etc. of attachments, etc. - Attachments and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient in law, and to give effect to the continuance, reduction, discharge or dissolution thereof the certificate or other instrument for that purpose shall be registered with the Register of Deeds. (72)

1 **SEC. 78. Registration of orders of court, etc.** - If an attornment is
2 continued, reduced, dissolved, or otherwise affected by any order, decision
3 or judgment of the court which the officer or clerk is authorized to enter, such
4 attornment shall be subject to perusal by the officer or clerk making
5 judgment thereon and suitable to the effect of such order, decision or
6 judgment from the clerk of court or the judge to which such order or
7 order or judgment has been rendered and when the seal of the court
8 shall be entitled to be registered upon presentation to the Register of
9 Deeds. (73)

11 **SEC. 79. Interlocutory decision, judgment or order.** - If, however, such
12 order of the court is interlocutory in character, or does not dispose of the
13 case completely, it may be registered without the necessity of requiring a
14 certificate of finding or an entry of judgment. (74)

16 **SEC. 80. Enforcement of liens on registered land.** - Whenever real estate
17 land is sold on execution, or taken, or sold for taxes or for any
18 assessment or to enforce a lien of any character, or for any costs and
19 charges incident to such lien, any execution or copy of execution, any
20 officer's return, or any deed, demand, certificate, or affidavit, or other
21 instrument made in the course of the proceedings to enforce such liens
22 and required by law to be recorded, shall be filed with the Register of
23 Deeds of the province or city where the land lies and registered in the
24 registration book, and a memorandum made upon the proper certificate
25 of title in each case as lien or encumbrance. (74)

27 **SEC. 81. Application for new certificate upon expiration of redemption**
28 **period.** - Upon the expiration of the time, if any, allowed by law for
29 redemption after registered land has been sold on execution, or taken or
30 sold for the enforcement of a lien of any description, except a mortgage
31 lien, the purchaser at such sale or anyone claiming under him may
32 consolidate title in his name by registration with the Register of Deeds of

1 the sheriff's final deed of sale together with the presentation of the
2 original duplicate certificate of title

3
4 In the event of default of payment of the amount due on the mortgage or
5 deed of the registered land, the mortgagee or lender may, at his or her
6 option, continue to hold the registered land as a mortgage or lender or may
7 duplicate certificate of title and sell the land to satisfy the debt.

8
9 **SEC. 82. Action to recover possession of real estate.** The action to recover possession of real
10 estate, or to quiet title thereto, or to remove clouds upon the title thereto,
11 or for partition or other proceedings of any kind in court directly affecting
12 the title to land or the use or occupation thereof or the buildings thereon,
13 and no judgment and no proceeding to satisfy or enforce any judgment,
14 shall have any effect upon registered land or registered persons other than
15 the parties thereto, unless a memorandum is given that the institution
16 of such action or proceeding and the court wherein the same is pending,
17 as well as the date of the institution thereof, together with a reference to
18 the number of the certificate of title, and an adequate description in the
19 land affected and the registered owner thereof, shall have been filed and
20 registered.

21
22 The notice of its pendency shall only be registered in the following
23 cases:

- 24
25 a. Action to recover possession of a real estate;
26 b. To quiet title or to remove clouds upon the title;
27 c. To partition or to dissolve a co-ownership;
28 d. Suits which are brought to establish an equitable
29 estate, interest, or right, in specific real property or to
30 enforce any lien, charge, or encumbrance against it;
31 e. Other proceedings of any kind in court directly
32 affecting title to land or the use or occupation thereof.

1 or the buildings therein. And the judgment of the
2 reversal or cancellation of judgments and not affecting
3 the reversal of other than the parties thereto, and
4 of the judgment of either stating the intention of
5 said court, and the order of the court, and the
6 name of person or persons the title of the judgment
7 thereof, together with reference to the number of the
8 certificate of title, and an adequate description of the
9 land affected and the registered owner thereof, to filed
10 and registered.

11
12 The notice of *lis pendens* cannot be registered in the following
13 cases.

- 14
15 a. Where the claim is purely a money claim;
16 b. In cases of attachments, levies on execution or in
17 proceedings of probate of wills, or the administration
18 of the estate of a deceased person;
19 c. Appeals under rule 45 of the rules of court, where the
20 title to the property is not the very *res* of the
21 appeal,
22 d. Proceedings for the dissolution of corporations;
23 e. In criminal cases except upon order of the court (72a).

24
25 **SEC. 83. Cancellation of *lis pendens*.** - Before final judgment, a notice of
26 *lis pendens* may be canceled upon order of the court after proper
27 showing that the notice is for the purpose of molesting the adverse party
28 or that it is not necessary to protect the rights of the party who caused it
29 to be registered. It may also be canceled by the Register of Deeds upon
30 verified petition of the party who caused the registration thereof.

1 At any time after final judgment in favor of the defendant, or
2 cancellation of the action such as to terminate finally all rights of the
3 plaintiff and to the land and/or buildings included in any name in which
4 a certificate of title of the defendant has been or should be given and
5 in the present and to the full extent of the same a deed to be entered
6 concerned upon the registration of a certificate of title where of which
7 which the action or proceeding was pending stating the manner of
8 disposal thereof.

9
10 Only the court where the case is pending shall have jurisdiction to
11 order its cancellation prior to final judgment. (77a)

12
13 CHAPTER VI
14 REGISTRATION OF DOCUMENTS; ORDERS - PARTITIONS

15
16 **SEC. 84. Judgment for Plaintiff.** - Whenever in any action to recover
17 possession or ownership of real estate or any interest therein affecting
18 registered land judgment is entered for the plaintiff, such judgment shall
19 be entitled to registration on presentation of a certificate of the entry
20 thereof from the clerk of court where the action is pending to the Register
21 of Deeds for the province or city where the land lies, who shall enter a
22 memorandum upon the certificate of title of the land to which such
23 judgment relates. If the judgment does not apply to all the land described
24 in the certificate of title, the certificate of the clerk of the court where the
25 action is pending and the memorandum entered by the Register of Deeds
26 shall contain a description of the land affected by the judgment. (78)

27
28 **SEC. 85. Judgment adjudicating ownership.** - Notwithstanding Section
29 113 of this Act, when in any action to recover the ownership of real estate
30 or an interest therein, execution has been issued in favor of the plaintiff,
31 the latter shall be entitled to the entry of a new certificate of title and to

1 the cancellation of the original certificate and owner's duplicate of the
2 former registered owner. (79a)

4 **SEC. 86.** *Execution of court orders.* - Every court
5 rendering judgment in favor of the plaintiff in any suit brought there-
6 upon parties of said plaintiff, after the parties have failed to execute for
7 registration any deed or instrument necessary to give effect to the
8 judgment, and shall require the registered owner to deliver his duplicate
9 certificate to the plaintiff or to the court. In case the person required to
10 execute any deed or other instrument necessary to give effect to the
11 judgment is absent from the Philippines, or is a minor, or insane, or for
12 any reason not amenable to the process of the court rendering the
13 judgment, said court may appoint a suitable person as trustee to execute
14 such instrument which, when executed, shall be entitled to registration.
15 However, the Courts may vest ownership in favor of the plaintiff without the
16 necessity of requiring the parties to execute a deed for the purpose above.

18 **SEC. 87.** *Judgment of partition.* - In proceedings for partition of
19 registered land, after the entry of the final judgment of partition, a copy
20 of such final judgment, certified by the clerk of the court rendering the
21 same, shall be filed and registered; thereupon, if the land is set off to the
22 owners in severalty, each owner shall be entitled to have his certificate
23 entered showing the share set off to him in severalty, and to receive an
24 owner's duplicate thereof.

26 If the land is ordered by the court to be sold, the purchaser or his
27 assigns shall be entitled to certificate of title entered in his or their favor
28 upon presentation of a certified copy of the judgment confirming the sale.

30 In case the land is ordered by the court to be assigned to one of the
31 parties upon payment to the others of the sum ordered by the court, the
32 party to whom the land is thus assigned shall be entitled to have a

1 certificate of title entered in his favor upon preserving a certified copy of
2 the judgment (forward), however, that any new certificate entered in
3 judgment in favor of the party who is entitled to the land for the same
4 extent and value as the land before the judgment is made
5 conclusive by the laws applicable thereto and having effect as if
6 person holding said certificate of title or a transfer thereof had paid the
7 right to partition the land at any time to cancel the memorandum relating
8 to such judgment or order and the court, after notice and hearing, may
9 grant the partition. Such certificate shall thereafter be conclusive in the
10 same manner and to the same extent as other certificates of title. (b)(2)

11 **SEC. 88. Registration of prior registered mortgages in favor of**
12 **partitioned property.** - If a certified copy of a final judgment or decree of
13 partition is presented and it appears that a mortgage or loan affecting a
14 specific portion of an undivided share of the premises had previously been
15 registered, the register of deeds shall carry over such entry verbatim in
16 the certificate of title that may be issued. (b)(3)

17 **SEC. 89. Notice of insolvency.** - Whenever proceedings in bankruptcy or
18 insolvency, or analogous proceedings, are instituted against a debtor who
19 owns registered land, it shall be the duty of the officer serving the notice
20 of the institution of such proceedings on the debtor to file a copy thereof
21 with the office of the Register of Deeds for the purpose and to the extent the
22 land of the debtor lies. The assignee or trustee appointed by the court in
23 such proceedings shall be entitled to the entry of a new certificate of title
24 registered land of the debtor or bankrupt, upon presenting and filing a
25 certified copy of the assignment in insolvency or order of adjudication in
26 bankruptcy with the insolvent's or bankrupt's duplicate certificate of title,
27 but the new certificate shall state that it is entered to him as assignee in

insolvency or trustee in bankruptcy or other proceedings, in the case may

be.

SEC. 90. *When a new certificate is issued, the Registrar shall, in addition to the fee provided in section 89, require the payment of a fee of \$100, which shall be paid by the person applying for the new certificate. The fee shall be paid to the Registrar.*

vacated by judgment, a certified copy of the judgment shall be filed in the
registered. Where a new certificate has been entered in the name of the
assignee or trustee, such certificate shall be surrendered to the Registrar
and within the period shall be entitled to the entry of a new certificate
to him. (84)

SEC. 91. *Land taken by eminent domain, or taken by eminent domain, the
land, or interest therein, is exempted or taken by eminent domain, the
National Government, province, city, municipality, or any other agency in
instrumentally exercising such right shall file for registration in the
proper Registry a certified copy of the judgment which shall state
definitely, by an adequate description, the particular property or interest
expropriated, the number of the certificate of title, and the name of the
public user. A memorandum of the right or interest taken shall be made on
each certificate of title by the Registrar of Deeds, and where the fee simple
title is taken, a new certificate shall be issued in favor of the National
Government, province, city, municipality, or any other agency or
instrumentally exercising such right for the land so taken. The reg-
istration expenses incident to the memorandum of registration or transfer
incident to the memorandum of registration or issuance of a new
certificate shall be for the account of the authority taking the land or
interest therein. (85)*

SEC. 92. *Extrajudicial settlement of estate.* - When a deed of extrajudicial
settlement has been duly registered, the Registrar of Deeds shall annotate
on the proper title the two-year term mentioned in Section 8 at Rule 74 of

1 the Rules of Court. Upon the expiration of the two-year period counted
2 from the date of registration and after presentation of a verified petition
3 by the registered heirs, devisees or legatees or any other party in interest
4 that no claim or claims of any kind or claim, heir or other person exist, the
5 Register of Deeds shall cancel the two-year lien noted on the title without
6 the necessity of a court order. The verified petition shall be entered in the
7 Electronic Primary Entry Book and a memorandum thereof made on the
8 title.

9
10 No deed of extrajudicial settlement or affidavit of adjudication
11 shall be registered unless the fact of extrajudicial settlement or
12 adjudication is published once a week for three consecutive weeks in a
13 newspaper of general circulation in the province and proof thereof is filed
14 with the Register of Deeds. The proof may consist of the certification of
15 the publisher, printer, his foreman or principal clerk, or of the editor,
16 business or advertising manager of the newspaper concerned, or a copy
17 of each week's issue of the newspaper wherein the publication appeared.
18 (86a)

19
20 **SEC. 93. Filing of letters of administration and will.** - Before the executor
21 or administrator of the estate of a deceased owner of registered land may
22 deal with the same, he shall file with the office of the Register of Deeds a
23 certified copy of his letters of administration or if there is a will, a certified
24 copy thereof and the order allowing the same, together with the letters
25 testamentary or of administration with the will annexed, as the case may
26 be, and shall produce the duplicate certificate of title, and thereupon the
27 Register of Deeds shall enter upon the certificate a memorandum thereof,
28 making reference to the letters and/or will by their file number, and the
29 date of filing the same. (87)

30
31 **SEC. 94. Dealings by administering subject to court approval.** - After a
32 memorandum of the will, if any, and order allowing the same, and letters

1 testamentary or letters of administration have been entered upon the
2 certificate of title as heretofore provided, the executor or administrator
3 may alienate or encumber registered land belonging to the estate or any
4 interest therein, with approval of the court obtained as provided by the
5 Rules of Court. (88)

6
7 **SEC. 95. Land devised to executor.** - When it appears by will, a certified
8 copy of which with letters testamentary had already been filed as
9 provided in this Act, that registered land is devised to the executor to his
10 own use, or upon some trust, the executor may have the land transferred
11 to himself upon the register in like manner and subject to like terms and
12 conditions and to like rights as in the case of a transfer pursuant to a
13 deed filed in the office of the Register of Deeds. (89)

14
15 **SEC. 96. When executor empowered by will to sell, etc.** - When the will of
16 a deceased owner of registered lands, or an interest therein, empowers
17 the executor to sell, convey, encumber, charge or otherwise deal with the
18 land, a certified copy of the will and letters testamentary being filed as
19 provided in this Act, such executor may sell, convey, encumber, charge or
20 otherwise deal with the land pursuant to the power in like manner as if he
21 were registered owner, subject to the terms and conditions and
22 limitations expressed in the will. (90)

23
24 **SEC. 97. Transfer in anticipation of final distribution.** - Whenever the
25 court having jurisdiction of the testate or intestate proceedings directs the
26 executor or administrator to take over and transfer to the devisees or
27 heirs, or any of them, in anticipation of final distribution a portion or the
28 whole of the registered land to which they might be entitled on final
29 distribution, upon the filing of a certified copy of such order in the office
30 of the Register of Deeds, the executor or administrator may cause such
31 transfer to be made upon the register in like manner as in the case of a
32 sale, and upon the presentation of the owner's duplicate certificate to the

1 Register of Deeds, the devisees or heirs concerned shall be entitled to the
2 issuance of the corresponding certificates of title. (91)

3
4 **SEC. 98. *Registration of final distribution of estate.*** - A certified copy of
5 the partition and distribution, together with the final judgment or order of
6 the court approving the same or otherwise making final distribution,
7 supported by evidence of payment of estate tax or exemption therefrom,
8 as the case may be, shall be filed with the Register of Deeds, and upon
9 the presentation of the owner's duplicate certificate of title, new
10 certificates of title shall be issued to the parties severally entitled thereto
11 in accordance with the approved partition and distribution. (92)

12
13 CHAPTER VII
14 ASSURANCE FUND
15

16 **SEC. 99. *Contribution to Assurance Fund.*** - Upon the entry of a certificate
17 of title in the name of the registered owner, and also upon the original
18 registration on the certificate of title of a building or other improvements
19 on the land covered by said certificate and upon the registration of the
20 enabling or master deed in a condominium project, there shall be paid to
21 the Register of Deeds one-half of one percent of the zonal value or
22 market value, whichever is higher, of the real estate on the basis of the
23 last assessment for taxation purposes, as contribution to the Assurance
24 Fund. Where the land involved has not yet been assessed for taxation, its
25 value for purposes of this act shall be determined by the assessor of the
26 province or city where the property is located, as to the fair valuation.

27
28 Nothing in this section shall in any way preclude the court from
29 increasing the valuation of the property should it appear during the
30 hearing that the value stated is too small. (93a)

1 **SEC. 100. Custody and investment of fund.** - All money received by the
2 Register of Deeds under the preceding section shall be returned by the
3 Land Registration Authority under a special account and shall no longer be
4 paid to the national treasurer. The collections shall be deposited in a
5 government financial institution and the earnings shall accrue to the
6 benefit of the employees of the Authority at year-end in order to augment
7 their income.

8
9 All pending cases or claims against the assurance fund shall now be
10 resolved by the Supreme Court. (94a)

11
12 **SEC. 101. Action for compensation from funds.** - A person who, without
13 negligence on his part, sustains loss or damage, or is deprived of land or
14 any estate or interest therein in consequence of the bringing of the land
15 under the operation of the Torrens system of arising after original
16 registration of land, through fraud or in consequence of any error,
17 omission, mistake or misdescription in any certificate of title or in any
18 entry or memorandum in the registration book, and who by the provisions
19 of this Act is barred or otherwise precluded under the provision of any law
20 from bringing an action for the recovery of such land or the estate or
21 interest therein, may bring an action in any court of competent
22 jurisdiction for the recovery of damages to be paid out of the Assurance
23 Fund. (95)

24
25 **SEC. 102. Against whom action filed.** - If such action is brought to
26 recover for loss or damage or for deprivation of land or of any estate or
27 interest therein arising wholly through fraud, negligence, omission,
28 mistake or misfeasance of the court personnel, Register of Deeds, his
29 deputy, or other employees of the Registry in the performance of their
30 respective duties, the action shall be brought against the Register of
31 Deeds of the province or city where the land is situated and the Land
32 Registration Authority as defendants. But if such action is brought to

1 recover for loss or damage or for deprivation of land or of any interest
2 therein arising through fraud, negligence, omission, mistake or
3 misfeasance of person other than court personnel, the Register of Deeds,
4 his deputy or other employees of the Registry. Such action shall be
5 brought against the Register of Deeds, the Land Registration Authority
6 and other person or persons, as co-defendants. It shall be the duty of the
7 Solicitor General in person or by representative to appear and to defend
8 all such suits with the aid of the Public Prosecutor of the province or city
9 where the land lies; *Provided*, however, that nothing in this Act shall be
10 construed to deprive the plaintiff of any right of action which he may have
11 against any person for such loss or damage or deprivation without joining
12 the Land Registration Authority as party defendant. In every action filed
13 against the Assurance Fund, the court shall consider the report of the
14 Administrator of the Land Registration Authority. (96a)

15
16 **SEC. 103. Judgment, how satisfied.** - If there are defendants other than
17 the Land Registration Authority and the Register of Deeds and judgment
18 is entered for the plaintiff, and against the Land Registration Authority,
19 the Register of Deeds and any of the other defendants, execution shall
20 first issue against such defendants other than the Land Registration
21 Authority and the Register of Deeds. If the execution is returned
22 unsatisfied in whole or in part, and the officer returning the same certifies
23 that the amount due cannot be collected from the land or personal
24 property of such other defendants, only then shall the court, upon proper
25 showing, order the amount of the execution and costs, or so much thereof
26 as remains unpaid, to be paid by the Land Registration Authority out of
27 the Assurance Fund. In an action under this Act, the plaintiff cannot
28 recover as compensation more than the fair market value of the land at
29 the time he suffered the loss, damage, or deprivation thereof. (97a)

30
31 **SEC. 104. General Fund when liable.** - If at any time the Assurance Fund
32 is not sufficient to satisfy such judgment, the Land Registration Authority

1 shall make up for the deficiency from any funds available in the treasury
2 not otherwise appropriated. (98a)

3
4 **SEC. 105. Subrogation of government to plaintiff's rights.** - In every case
5 where payment has been made by the Land Registration Authority in
6 accordance with the provisions of this Act, the Government of the
7 Republic of the Philippines shall be subrogated to the rights of the plaintiff
8 against any other parties or securities. The Land Registration Authority
9 shall enforce said rights and the amount recovered shall be paid to the
10 account of the Assurance Fund. (99a)

11
12 **SEC. 106. Register of Deeds as party in interest.** - When it appears that
13 the Assurance Fund may be liable for damages that may be incurred due
14 to the unlawful or erroneous issuance of a certificate of title, the Register
15 of Deeds concerned shall be deemed a proper party in interest who shall,
16 upon authority of the Administrator, file the necessary action in court to
17 annul or amend the title.

18
19 The court may order the Register of Deeds to amend or cancel a
20 certificate of title or to do any other act as may be just and equitable.
21 (100a)

22
23 **SEC. 107. Losses not recoverable.** - The Assurance Fund shall not be
24 liable for any loss, damage or deprivation caused or occasioned by a
25 breach of trust, whether express, implied or constructive or by any
26 mistake in the resurveyed or subdivision of registered land resulting in
27 the expansion of area in the certificate of title. (101)

28
29 **SEC. 108. Limitation of Action.** - Any action for compensation against the
30 Assurance Fund by reason of any loss, damage or deprivation of land or
31 any interest therein shall be instituted within a period of six years from
32 the time the right to bring such action first occurred: *Provided, That the*

1 right of action herein provided shall survive to the legal representative of
2 the person sustaining loss or damage, unless barred in his lifetime, and
3 *Provided, further, That if at the time such right of action first accrued the*
4 *person entitled to bring such action was a minor or insane or imprisoned,*
5 *or otherwise under legal disability, such person or anyone claiming from,*
6 *by or under him may bring the proper action at any time within two years*
7 *after such disability has been removed, notwithstanding the expiration of*
8 *the original period of six years first above provided. (102)*

10 CHAPTER VIII

11 REGISTRATION OF PATENTS

12
13 **SEC. 109.** *Certificates of title pursuant to patents.* - Whenever public land
14 is alienated, granted or conveyed by the government to any person, the
15 same shall be brought forthwith under the operation of this Act. It shall
16 be the duty of the official issuing the instrument of alienation, grant,
17 patent or conveyance in behalf of the Government, to first secure a
18 certification from the Land Registration Authority that the patent does
19 not overlap other previously decreed or titled properties, before filing with
20 the Register of Deeds of the province or city where the land lies, and to
21 be there registered like other deeds and conveyance, whereupon a
22 certificate of title shall be entered as in other cases of registered land,
23 and an owner's duplicate issued to the grantee. The deed, grant, patent
24 or instrument of conveyance from the Government to the grantee shall
25 not take effect as a conveyance or bind the land but shall operate only as
26 a contract between the Government and the grantee and as evidence of
27 authority to the Register of Deeds to make registration. It is the act of
28 registration that shall be the operative act to affect and convey the land,
29 and in all cases under this Act, registration shall be made in the office of
30 the Register of Deeds of the province or city where the land lies. The fees
31 for registration shall be paid by the grantee. After due registration and

1 issuance of the certificate of title, such land shall be deemed to be
2 registered land to all intents and purposes under this Act. (103a)

3 4 CHAPTER IX

5 CERTIFICATE OF TITLES ISSUED PURSUANT TO AGRARIAN LAWS

6

7 **SEC. 110.** *Provisional Register of Documents.* - The Department of
8 Agrarian Reform shall prepare by automated data processing a special
9 registry book to be known as the "Provisional Register of Documents
10 issued under PD-27" which shall be kept and maintained in every Registry
11 of Deeds throughout the country. Said Registry Book shall be a register
12 of:

- 13
- 14 a. All Certificates of Land Transfer (CLT) issued pursuant to
 - 15 P.D. No. 27; and
 - 16 b. All subsequent transactions affecting Certificates of Land
 - 17 Transfer such as adjustments, transfer, duplication and
 - 18 cancellations of erroneous Certificates of Land Transfer
 - 19 (104)
- 20

21 **SEC. 111.** *Certificates of Land Transfer Emancipation Patents.* - The
22 Department of Agrarian reform shall pursuant to P.D. No. 27 issue in
23 duplicate, a Certificate of Land Transfer for every land brought under
24 "Operation Land Transfer", the original of which shall be kept by the
25 tenant-farmer and the duplicate, in the Registry of Deeds.

26

27 After the tenant-farmer shall have fully complied with the
28 requirements for a grant of title under P.D. No. 27, an Emancipation
29 Patent which may cover previously titled or untitled property shall be
30 issued by the Department of Agrarian Reform.

31

1 The Register of Deeds shall complete the entries on the
2 aforementioned Emancipation Patent and shall assign an original
3 certificate of title number in case of unregistered land, and in case of
4 registered property, shall issue the corresponding transfer certificate of
5 title without requiring the surrender of the owner's duplicate of the title to
6 be canceled.

7
8 In case of death of the grantee, the Department of Agrarian
9 Reform shall determine his heirs or successors in-interest and shall notify
10 the Register of Deeds accordingly.

11
12 In case of subsequent transfer of property covered by an
13 Emancipation Patent or a Certificate of title emanating from an
14 Emancipation Patent, the Register of Deeds shall effect the transfer only
15 upon receipt of the supporting papers from the Department of Agrarian
16 Reform.

17
18 No fee, premium, or tax of any kind shall be charged or imposed
19 in connection with the issuance of an original Emancipation Patent and for
20 the registration or related documents (105)

21
22 **SEC. 112. Sale of agricultural land; affidavit.** - No voluntary deed or
23 instrument purporting to be a subdivision, mortgage, lease, sale or any
24 other mode of encumbrance or conveyance of private agricultural land
25 principally devoted to rice or corn or any portion thereof shall be
26 registered unless accompanied by an affidavit of the vendor or executor
27 stating that the land involved is not tenanted, or if tenanted, the same is
28 not primarily devoted to the production of rice and/or corn.

29
30 If only a portion of the land is primarily devoted to the production
31 of rice and/or corn, and such area so devoted is tenanted, no such deed
32 or instrument shall be registered unless accompanied by an affidavit

1 stating the area (size) of the portion which is tenanted and primarily
2 devoted to rice and/or corn, and stating further that the deed or
3 instrument covers only the untenanted portion, or that which is not
4 primarily devoted to the production of rice and/or corn. An affidavit
5 of said affidavit shall be annotated on the certificate of title. The Register
6 of Deeds shall cause a copy of the registered deed or instrument,
7 together with the affidavit, to be furnished the Department of Agrarian
8 Reform Regional Office where the land is located. The affidavit provided in
9 this section shall not be required in the case of a tenant farmer who deals
10 with his Certificate of Land Transfer or Emancipation Patent in accordance
11 with law. (106)

12 13 CHAPTER X

14 PETITIONS AND ACTIONS AFTER ORIGINAL REGISTRATION

15

16 **SEC. 113.** *Surrender of withheld duplicate certificate.* - Where it is
17 necessary to issue a new certificate of title pursuant to any involuntary
18 instrument which divests the title of the registered owner against his
19 consent, or where a voluntary instrument cannot be registered by reason
20 of the refusal or failure of the holder to surrender the owner's duplicate
21 certificate of title, the party in interest may file a petition in court to
22 compel surrender of the same to the Register of Deeds. The court, after
23 hearing, may order the registered owner or any person withholding the
24 duplicate certificate to surrender the same, and direct the entry of a new
25 certificate or memorandum upon such surrender. If the person
26 withholding the duplicate certificate is not amenable to the process of the
27 court, or if for any reason, the outstanding owner's duplicate certificate
28 cannot be delivered, the court may order the annulment of the same as
29 well as the issuance of a new certificate of title in lieu thereof. Such new
30 certificate and all duplicates thereof shall contain a memorandum of the
31 annulment of the outstanding duplicate.

1 The surrender of the owner's certificate of title shall not be
2 required when the following circumstances concur:

- 3
- 4 a. When the action involves the title (recovery of
5 ownership or possession of real property or any
6 interest thereon) to the property;
 - 7 b. One of the parties in the case is the registered owner
8 or the person in possession of the title;
 - 9 c. The decision must contain a categorical declaration
10 that the prevailing party is the absolute owner of the
11 property; and /or the title in issue shall be reverted
12 back to the prevailing party;
 - 13 d. The decision declares the owner's original title null
14 and void;
 - 15 e. The decision must be final and executory. (107a)
- 16

17 **SEC. 114. *Judicial Correction, Amendment and Alternation of Certificates***

18 -No erasure, alteration, or amendment, shall be made upon the
19 registration book after the entry of a certificate of title or of a
20 memorandum thereon and the attestation of the same by the Register of
21 Deeds, except by order of the Regional Trial Court. A registered owner or
22 other person having an interest in registered property, or, in proper
23 cases, the Register of Deeds with the approval of the Administrator, may
24 apply by petition to the court upon the ground that the registered
25 interests of any description, whether vested, contingent, expectant or
26 inchoate appearing on the certificate, have terminated and ceased, or
27 that new interest not appearing upon the certificate have arisen or been
28 created; or that an omission or error was made in entering a certificate or
29 any memorandum thereon, or on any duplicate certificate; or that the
30 same or any person on the certificate has been changed; or that the
31 registered owner has married, or, if registered as married, that the
32 marriage has been terminated and no right or interests of heirs or

1 creditors will thereby be affected; or that a corporation which owned
2 registered land and has been dissolved has not conveyed the same within
3 three years after its dissolution; or upon any other reasonable ground,
4 and the court may hear and determine the petition after notice to all
5 parties in interest, and may order the entry or cancellation of a new
6 certificate, the entry or cancellation of a memorandum upon a certificate,
7 or grant any other relief upon such terms and conditions (requiring
8 security or bond if necessary, as it may consider proper). *Provided,*
9 *however,* that this section shall not be construed to give the court
10 authority to reopen the judgment or decree of registration, and that
11 nothing shall be done or ordered by the court which shall impair the title
12 or other interest of a purchaser holding a certificate for value and in good
13 faith, or his heirs and assigns, without his or their written consent. Where
14 the owner's duplicate certificate is not presented, a similar petition may
15 be filed as provided in the preceding section. (108a)

16
17 **SEC. 115. *Administrative Correction, Amendment and Alteration of***
18 ***Certificates.*** – A registered owner or other person having an interest in
19 registered property, may file a verified petition before the office of the
20 Register of Deeds, praying for the correction of an error be made on the
21 certificate of title in cases of clearly typographical or clerical errors,
22 wrongful carry-over of memoranda or omissions thereof due to
23 inadvertence or oversight which do not involve a substantial change in the
24 nature of the property. (n)

25
26 **SEC. 116. *Notice and replacement of lost duplicate certificate*** – In case
27 of loss, total and partial destruction, or theft of an owner's duplicate
28 certificate of title, an affidavit of loss shall be filed and registered by the
29 registered owner, or by an attorney-in-fact, assigns, successors-in-
30 interest, or any person having an interest in the property with the
31 Register of Deeds of the province or city where the land lies as soon as

1 the loss or theft is discovered in order for the court or the Register of
2 Deeds to acquire jurisdiction.

3
4 Upon the petition of the registered owner or other person in
5 interest, the Register of Deeds, after notice and hearing, and if such
6 petition is uncontested, may issue a new owner's duplicate certificate,
7 which shall contain a memorandum of the fact that it is issued in place of
8 the lost duplicate certificate, but shall in all respects be entitled to the
9 faith and credit as the original on file with the register of deeds and shall
10 thereafter be regarded as such for all purposes of this Act. Upon the
11 issuance of the new owner's copy by virtue hereof, the owner's copy or
12 the title claimed to be lost or destroyed is deemed cancelled. However, if
13 the lost owner's duplicate certificate is located and presented to the
14 Register of Deeds, it is immediately reinstated, without prejudice,
15 however, to the rights of innocent holder for value and other rights
16 acquired by virtue of the reissued owner's duplicate, and the new owner's
17 duplicate shall be deemed null and void. Such rights, liens, and
18 encumbrances appearing in the reissued owner's copy shall then be
19 copied to the original owner's duplicate. (109a)

20
21 **SEC. 117. Reconstitution of lost or destroyed [original of] Torrens title.** --
22 Original copies of certificates of title lost or destroyed in the offices of
23 Register of Deeds as well as liens and encumbrances affecting the lands
24 covered by such titles shall be reconstituted judicially in accordance with
25 the procedure prescribed in Republic Act no. 26 insofar as not inconsistent
26 with this Act. The procedure relative to administrative reconstitution of
27 lost or destroyed certificate prescribed in said Act is hereby abrogated
28 except as enumerated under Rep. Act. 6732 entitled "An Act allowing
29 Administrative Reconstitution of original copies of certificates of titles lost
30 or destroyed due to fire, flood, and other force majeure."

1 Administrative reconstitution of lost or destroyed owner's duplicate
2 of title is hereby authorized during natural calamities and other force
3 majeure as enumerated under RA 6732 after a determination by the
4 Administrator that there is a need for administrative reconstitution within
5 the territorial jurisdiction of a particular registry.

6
7 Mere entry in the Electronic primary entry book is considered as a
8 complete act of registration where all requirements are complied with.
9 LRA Circular No. 3 dated Dec. 5, 1988, providing for provisional
10 registration of transactions pending reconstitution of the Original
11 certificate of title is hereby adopted under this chapter.

12
13 Notice of all hearings of the petition for judicial reconstitution shall
14 be given to the Register of Deeds of the place where the land is situated
15 and to the Administrator of the Land Registration Authority. No order or
16 judgment ordering the reconstitution of a certificate of title shall become
17 final until the lapse of fifteen (15) days from receipt by the Register of
18 Deeds and by the Land Registration Authority of a notice of such order or
19 judgment without any appeal having been filed by any of such officials.

20
21 The two-year lien provided under Section 7, RA 26 may be
22 canceled after the lapse of two years where no claim whatsoever is made
23 upon the filing of a verified petition by the registered owner or any
24 interested party with the Register of Deeds without need of a court order.
25 However, the said lien may be canceled before the lapse of two years by
26 a court of competent jurisdiction pursuant to section 9 of said Act. (1100)

1 CHAPTER XI

2 SCHEDULE OF FEES - SPECIAL FUND

3
4 **SEC. 118.** *Fees payable.* - The fees payable to the Clerk of Court, the
5 Sheriff, the Register of Deeds and the Land Registration Authority shall be
6 as follows:

7
8 A. Fees payable to the Clerk of Court. - The fees payable to
9 the clerk of court or his deputies shall be as follows:

10
11 1. For filing an application for the registration of land, the fees
12 shall be based on the assessed value of the property for the
13 current year, in accordance with the following schedule:

14
15 (a) When the value of the property does not exceed two
16 thousand pesos, forty five pesos for the first five
17 hundred pesos, or fractional part thereof, and fifteen
18 pesos for each additional five hundred pesos, or
19 fractional part thereof.

20 (b) When the value of the property is more than two
21 thousand pesos but does not exceed ten thousand
22 pesos, one hundred and five pesos for the first three
23 thousand pesos, or fractional part thereof, and
24 fifteen pesos for each additional one thousand pesos,
25 or fractional part thereof.

26 (c) When the value of the property is more than ten
27 thousand pesos but does not exceed one hundred
28 thousand pesos, two hundred and forty pesos for the
29 first twenty thousand pesos, or fractional part
30 thereof, and thirty pesos for each additional ten
31 thousand pesos, or fractional part thereof.

(d) When the value of the property is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, five hundred and forty pesos for the first one hundred twenty-five thousand pesos, or fractional part thereof, and forty pesos for each additional twenty-five thousand pesos, or fractional part thereof.

(e) When the value of the property is more than five hundred thousand pesos, one thousand five hundred and sixty pesos for the first five hundred fifty thousand pesos, or fractional part thereof, and one hundred and twenty pesos for each additional fifty thousand pesos, or fractional part thereof.

If the property has not been assessed for taxation, the fees above prescribed shall be based on the current market value, and the applicant shall file with his application a sworn declaration of three disinterested persons that the value fixed by him is to their knowledge a fair valuation.

2. For filing a petition for review of judgment and decree, or other claim adverse to the registered owner, for each petition, one hundred and twenty pesos.

3. For filing a petition after the decision has become final, one hundred and twenty pesos. If it affects land decrees in more than one case, for each additional case, six pesos. If it affects several lots or parcels of land in which the petitioners have no common interest, each of such petitioners shall pay the corresponding fees as if separate petitions had been filed by him.

1 **B. Fees payable to the Sheriff.** - The sheriff shall collect fees for his
2 services rendered in connection with land registration and cadastral
3 proceedings as follows:

4
5 1. For posting notices of initial hearing of land registration
6 cases in conspicuous places on the lands described in the
7 notice, for each parcel of land on which a copy of such notice
8 is posted, besides travel fees, eighteen pesos.

9
10 2. For posting notices of initial hearing of cadastral cases in
11 conspicuous places on the lands included in the survey, for
12 each group of one hundred lots on which a copy of the notice
13 is posted, besides travel fees, eighteen pesos.

14
15 3. For posting one copy of a notice of initial hearing in a
16 conspicuous place upon the municipal building of the city,
17 municipality, or municipal district in which the land or portion
18 thereof lies, besides travel fees, eighteen pesos.

19
20 4. For serving notices upon cadastral elements to appear
21 before the court, travel fees only as provided in the Rules of
22 Court.

23
24 5. For all other services not mentioned above, the same
25 fees including travel fees as provided in the Rules of Court for
26 similar services.

27
28 **C. Fees payable to the Register of Deeds.** - The Register of Deeds
29 shall collect fees for all services rendered by him under this Act in
30 accordance with the following schedule:

1. Original certificate of title.- For the entry of one original certificate of title and issuance of one owners duplicate certificate, sixty pesos for the first copy of land delivered thereon and thirty pesos for each additional copy.

2. Entry fee.- For each entry fee in the primary entry book, thirty pesos.

3. Attachment, levy, writ of execution, adverse claim, thirty pesos for each parcel of land affected thereby.

4. Lis Pendens, etc.- For the annotation of a notice of lis pendens, or of any document or order to annotation thereon, for each of land affected thereby, thirty pesos.

5. Release of encumbrance.- For the annotation of a release of any encumbrance, except mortgage, lease, or other lien for the cancellation of which a specific fee is prescribed herein, for each parcel of land so released, thirty pesos, but the total amount of fees to be collected shall not exceed the amount of fees paid for the registration of such encumbrance.

6. Court Order.- For the annotation of an order of the court for the amendment of, or the making of a memorandum on a certificate of title, except inclusion or bounding or improvements, or any order directing the registration of a document, or of any right or interest referred to in said order, or the cancellation of a certificate of title and/or the issuance of a new one, sixty pesos for each certificate of title on which the annotation is made, in addition to the fees prescribed under paragraphs sixteen or seventeen, as the case may be.

1 of this subsection, in the same are also due for the registration
2 of such document, right or interest.

3
4 7. Building - For the annotation of an order of the court for
5 the inclusion of building and/or improvement in a certificate of
6 title, sixty pesos for each certificate of title.

7
8 8. Power of attorney, letters of administration,
9 appointment of guardian, resolution or revocation thereof - For
10 registering and filing a power of attorney, letters of
11 administration or letters testamentary whether or not
12 accompanied by a copy of the testament, certificate of
13 allowance of a will with attested copy of the will annexed,
14 appointment of guardian for a minor or incompetent person,
15 appointment of receiver, trustee, or administrator articles of
16 incorporation of any corporation, association or partnership, or
17 resolution of its board of directors empowering an officer or
18 member thereof to act in behalf of the same, one hundred and
19 twenty pesos; and for the annotation of such papers on
20 certificates of title when required by existing laws or
21 regulations, thirty pesos for each certificate of title so
22 annotated: Provided, however, that when the certificate of
23 allowance of a will and the letters testamentary or letters of
24 administration are filed together, only one fee shall be
25 collected. For registering an instrument of revocation of any of
26 the paper mentioned above, thirty pesos, and if annotated on
27 the corresponding certificate of title, eighteen pesos for each
28 certificate of title.

29
30 9. Notice of tax lien, loss, etc. - For the annotation of a
31 notice of tax lien of any description notice of lost duplicate or
32 copy of a certificate of title, order of the court declaring such

1 duplicate or copy null and void, notice of change of address, or
2 the cancellation of any such annotation, for each certificate of
3 title, thirty pesos

4
5 10. Copy null of annotation - For transferring the
6 memorandum of an encumbrance of any kind from one
7 certificate of title which is canceled to a new one in lieu
8 thereof, for each memorandum thus transferred, thirty pesos

9
10 11. Annotation on additional copy of title - For any
11 memorandum made in a standing co-owner's copy of a
12 certificate of title after a similar memorandum has been made
13 in the original thereof, of each certificate of title, thirty pesos

14
15 12. No specific fee - For any memorandum made in a
16 certificate of title for which no specific fee is prescribe above,
17 for each certificate of title, thirty pesos

18
19 13. Transfer to trustee, executor, administrator, receiver -
20 For the issuance of a transfer certificate of title, including its
21 duplicate, to a trustee, executor, administrator, or receiver, or
22 for the cancellation of such certificate of title and issuance of a
23 new one, including its duplicate, to the cestuique trust in case
24 of trusteeship, sixty pesos. If the certificate covers more than
25 one parcel or lot, an additional fee of thirty pesos shall be
26 collected for each additional parcel or lot.

27
28 14. Transfer certificate of title - For the issuance of a
29 transfer certificate of title, including its duplicate, to a person
30 other than those named in the next preceding paragraph, sixty
31 pesos, in addition to the fees hereinafter prescribed in
32 paragraph sixteen or seventeen, as the case may be, of this

1 subsection, if the same are also due. If the certificate covers
2 more than one parcel or lot, an additional fee of thirty pesos
3 shall be collected for each additional parcel or lot.
4

5 15. Additional copy of title. For the issuance of a true
6 owner's duplicate or a co-owner's copy of a certificate of title,
7 or any additional duplicate or copy thereof, sixty pesos for the
8 first page and thirty pesos for each subsequent page, or
9 fraction thereof.
10

11 16. Registration fee. For the registration of a deed of sale,
12 conveyance, transfer, exchange, partition, or donation; a deed
13 of sale with pacto de retro, conditional sale, sheriff's sale at
14 public auction, sale for non payment of taxes, or any sale
15 subject to redemption, or the repurchase or redemption of the
16 property so sold; any instrument, order, judgment or decree
17 divesting the title of the registered owner, except in favor of a
18 trustee, executor, administrator or receiver; option to
19 purchase or promise to sell; any mortgage, surety bond,
20 lease, easement, right-of-way, or other real right or lien
21 created or constituted by virtue of a distinct contract or
22 agreement, and not as an incidental condition of sale, transfer
23 or conveyance; the assignment, enlargement, extension or
24 novation of a mortgage or of any other real right, or a release
25 of mortgage, termination of lease, or consolidation of
26 ownership over a property sold with pacto de retro; where no
27 specific fee is prescribed therefor in the preceding paragraphs,
28 the fees shall be based on the value of the consideration in
29 accordance with the following schedule:
30

- 31 (a) Six thousand pesos maximum. When the value of the
32 consideration does not exceed six thousand pesos, seven

1 pesos for the first five hundred pesos, or fractional part
2 thereof, and three pesos for each additional five hundred
3 pesos, or fractional part thereof.

4
5 (b) Thirty thousand pesos maximum. When the value of the
6 consideration is more than six thousand pesos but does
7 not exceed thirty thousand pesos, or fractional part
8 thereof, and eight pesos for each additional two
9 thousand pesos, or fractional part thereof.

10
11 (c) One hundred thousand pesos maximum. When the
12 value of the consideration is more than thirty thousand
13 pesos but does not exceed one hundred thousand pesos,
14 one hundred fifty pesos for the first thirty-five thousand
15 pesos, or fractional part thereof, and fourteen pesos for
16 each additional five thousand pesos, or fractional part
17 thereof.

18
19 (d) Five hundred thousand pesos maximum. When the
20 value of the consideration is more than one hundred
21 thousand pesos but does not exceed five hundred
22 thousand pesos, three hundred fifty-two pesos for the
23 first one hundred ten thousand pesos, or fractional part
24 thereof, and twenty pesos for each additional ten
25 thousand pesos, or fractional part thereof.

26
27 (e) More than five hundred thousand pesos. When the
28 value of the consideration is more than five hundred
29 thousand pesos, one thousand one hundred sixty-two
30 pesos for the first five hundred twenty thousand pesos,
31 or fractional part thereof, and thirty pesos for each

1 additional twenty thousand pesos, or fractional part
2 thereof
3

4 17. Fees for specific transactions. - In the following
5 transactions, however, the basis of the fees collectible under
6 paragraph sixteen of this subsection, whether or not the value
7 of the consideration is stated in the instrument, shall be as
8 hereunder set forth:
9

10 (a) Exchange. - In the exchange of real property the basis
11 of the fees to be paid by each party shall be the current
12 assessed value of the properties acquired by one party
13 from the other, in addition to the value of any other
14 consideration, if any, stated in the contract.
15

16 (b) Hereditary transfer. - In the transmission of an
17 hereditary estate without partition or subdivision of the
18 property among the heirs, devisees or legatees,
19 although with specification of the share of each in the
20 value of the estate, the basis shall be the total current
21 assessed value of the property thus transmitted.
22

23 (c) Partition of hereditary estate, Conjugal property. - In
24 the partition of an hereditary estate which is still in the
25 name of the deceased, in which determinate properties
26 are adjudicated to each heir devisee or legatee, or to
27 each group of heirs, devisees or legatees, the basis of
28 the fees to be paid by each person or group, as the case
29 may be, shall be the total current assessed value of the
30 properties thus adjudicated to each person or group. In
31 the case, however, of conjugal property, the basis of the
32 fees for the registration of one-half thereof in the name

1 of the surviving spouse shall be the total current
2 assessed value of the properties adjudicated to said
3 spouse
4

5 (d) Subdivision or partition. - In the partition of real
6 property held in common by several registered co-
7 owner's the basis of the fees to be paid by each co-
8 owner or group of co-owners shall be the total assessed
9 value of the property taken by each co-owner or group.
10

11 (e) Conveyance: several lots and parties. - In the sale,
12 conveyance or transfer of two or more parcels of land in
13 favor of two or more separate parties but executed in
14 one single instrument, the basis shall be the total selling
15 price paid by each party-buyer, or, in the case of lump
16 sum consideration, such portion thereof as apportioned
17 in accordance with the assessed value of the respective
18 land acquired by each party-buyer.
19

20 (f) Conveyance of properties in different places. - In the
21 sale, conveyance, or transfer of properties situated in
22 different cities or provinces, the basis of the fees in each
23 Registry of Deeds where the instrument is to be
24 registered shall be the total selling price of the
25 properties situated in the respective city or province, or,
26 in the case of lump sum consideration, such portion
27 thereof as obtained for those properties lying within the
28 jurisdiction of the respective registry after apportioning
29 the total consideration of the sale, conveyance or
30 transfer in accordance with the current assessed value of
31 such properties.
32

1 (g) Conveyance of mortgaged properties. - In the sale,
2 conveyance, or transfer of a mortgaged property, the
3 basis shall be the selling price of the property proper
4 plus the full amount of the mortgage, or the unpaid
5 balance thereof if the latter is stated in the instrument.
6 If the properties are situated in different cities or
7 provinces, the basis of the fees in each Registry of
8 Deeds where the instrument is to be registered shall be
9 such sum as obtained for the properties situated in the
10 respective city or province after apportioning in
11 accordance with the current assessed values of said
12 properties the total amount of consideration as above
13 computed, unless the selling price of the properties in
14 each city or province and the proportionate share
15 thereof in the amount of unpaid balance of the mortgage
16 are stated in the instrument, in which case, the
17 aggregate of such selling price and share shall be the
18 basis. In any case, however, where the aggregate value
19 of the consideration as above computed shall be less
20 than the current assessed value of the properties in the
21 city or province concerned, such assessed value shall be
22 the basis of the fees in the respective Registry

23
24 (h) Mortgage of properties in different places. - In a
25 mortgage affecting properties situated in different cities
26 or provinces, the basis of the fees in each Registry of
27 Deeds where the document is to be registered shall be
28 such amount as obtained for the properties lying within
29 the jurisdiction of said Registry after apportioning the
30 total amount of the mortgage in accordance with the
31 current assessed value of such properties.

(i) Release of mortgage. - In the release of a mortgage the basis of the fees shall be an amount equal to ten per centum of the total amount of obligation secured by the mortgage. If the properties are situated in different judicial jurisdictions, the basis of the fees in each Registry shall be ten per centum of such sum as obtained for the properties in the respective city or province after apportioning the amount of the mortgage in accordance with the current assessed values of such properties. In the case of a partial release, the fees shall be based on ten per centum of the current assessed value of the property so released in the respective city or province; provided, however, that where several partial releases had been registered, the fees corresponding to the final release shall be computed on the basis of ten per centum of the difference between the amount of the mortgage and the aggregate of the consideration used as basis for the collection of the fees paid for the registration of all previous partial releases.

(j) Certificate of sale. - In a certificate of sale at public auction by virtue of an order of execution or sale for delinquency in the payment of taxes, or repurchase of the property so sold, the basis of the fees in each Registry shall be ten per centum of the selling or repurchase price of the property lying within the jurisdiction of the Registry.

(k) Affidavit of consolidation of ownership. - In an affidavit for the consolidation of ownership over a property sold with pacto de retro or pursuant to an extra judicial foreclosure under the provisions of Act Numbered Thirty-

one hundred and thirty-five, as amended, the basis of the fees in each Registry shall be an amount equivalent to ten per centum of the consideration of the sale in the respective city or province.

(l) *Contract of lease* - In contracts of lease, the basis of the fees in each Registry shall be the sum total to be paid by the lessee for the properties situated in the respective city or province during the entire period specified in the contract, including the extension contemplated by the parties which may be given effect without the necessity of further registration. If the period is from year to year, or otherwise not fixed, the basis shall be the total amount of rentals due for thirty months. If the rentals are not distributed the total amount thereof as above computed shall be apportioned to said properties in accordance with their assessed values, and the proportionate sum thus obtained for each city or province shall be the basis of the fees to be collected in the Registry concerned.

(m) *Termination of lease* - In the termination of lease, the basis of the fees in each registry shall be ten per centum of the amount used as basis for the collection of the fees paid for the registration of said lease.

(n) *Option to purchase or promise to sell* - In contracts of option to purchase or promise to sell, the basis of the fees in each Registry shall be ten per centum of the current assessed value of the property subject of such contract in the respective city or province.

1 (a) Consideration not stated or fixed or less than assessed
2 value. - In other transactions where the actual value of
3 the consideration is not fixed in the contract or cannot
4 be determined from the terms thereof, or, in case of a
5 sale, conveyance, or transfer, the consideration stated is
6 less than the current assessed value of the property, the
7 basis of the fees shall be the current assessed value of
8 the property involved in the transaction. If the
9 properties are situated in different cities or provinces,
10 the basis of the fees in each Registry shall be the current
11 assessed value of the properties lying within the
12 jurisdiction of the Registry concerned.

13
14 18. Issuance of copy of document. - For furnishing copies of
15 any entry, decree, document, or other papers on file, fifty
16 centavos for each hundred words or fraction thereof contained
17 in the copies thus furnished.

18
19 19. Certified copy. - For certifying a copy furnished under
20 the next preceding paragraph, for each certification, five pesos
21 for one page and one peso for each additional page certified.

22
23 20. Certification. - For issuing a certificate relative to, or
24 showing the existence or non-existence of, an entry in the
25 registration books or a document on file, for each such
26 certificate containing not more than two hundred words, five
27 pesos; if it exceeds that number an additional fee of one peso
28 shall be collected for every hundred words, or fraction thereof,
29 in excess of the first two hundred words.

30
31 21. Research fee. - For services rendered in attending to
32 request for reference or researches on any records or

documents on file in the Registry, there shall be collected two pesos per document or record

D. Fees payable to the Administrator of Legal Registration Authority - The fees payable to the Commissioner of Land Registration shall be as follows:

1. For verification and approval of subdivision plans, the fee shall be:

(a)	For each lot	P2.00
(b)	For each corner of a lot, irrespective of whether such corner is common to two or more lots	0.20
(c)	For each traverse station	0.10
(d)	For each observation	0.50
(e)	In case the plan is a resurveyed or relocation plan an additional 40 per cent of the rates prescribed above shall be collected	

Provided, however, that the total fee as computed above, whether for subdivision and/or consolidation-subdivision survey, resurveyed or relocation plan, shall in no case be less than P8.00 per plan.

2. For changing or correcting the name of any person appearing on the subdivision plan or other plan in order to have it conform to that stated in the certificate of title covering

the land, and for the cancellation of an approved plan when so requested by the interested party, there shall be a fee of \$5.00 per plan.

3. The rates of fees prescribed in paragraph 1 and 2, inclusive, shall apply to similar services rendered in connection with the examination, verification, and approval of consolidation, consolidation subdivision, resubdivision, and recombination plans, special work order plans on the basis of certified copies of technical descriptions of plans approved by the Land Registration or the Bureau of Lands] AUTHORITY, private surveys, and other plans of similar nature.

In the computation of fees relative to lots subject of consolidation and consolidation-subdivision plans, a fee of two pesos shall be collected per lot as appearing in the old survey in addition to the fee collectible in paragraph 1 hereof for the new lots.

4. For the preparation of a plan in a tracing cloth of any survey, the data of which are available in the Authority, except when the same is merely traced from an existing plan, the fees shall be computed as follows:

(a) When the plan to be so prepared contains only one lot:

(1.)	For the first ten corners or fraction thereof	P40.00
(2.)	For the next ten corners or fraction thereof	6.00
(3.)	For each corner in excess of the first twenty	0.40

	corners	
(b) When the plan to be so prepared contains two or more lots.		
(1.)	For the first lot, which must be the biggest of the group, irrespective of the number of its corner	P40.00
(2.)	For each additional lot, irrespective of the number of its corners, said lot being adjacent to the first lot or any other lot	P15.00
(3.)	For each non-adjacent lot (other than the first charged lot), irrespective of the number of its corners	P20.00
(4.)	If any lot contains more than twenty corners for each corner of such lot in the first twenty corners	P0.40

5. For the preparation of a plan in tracing cloth, to be traced from an existing plan, complete with bearings and distances of corners and tie lines, the fee shall be 30 per centum of the fees prescribed in paragraph 4 above.

6. For the preparation of a plan in tracing cloth, to be copied from an existing plan, complete with bearings and distances of sides and tie-lines, but using a different scale, the fee shall be 50 per centum of the fees prescribed under paragraph 4 above, if made on a reduced scale; or 60 per centum of the same fees, if made on an enlarged scale.

7. For the preparation of a simple plan or sketch of any available survey or plan on any paper other than a tracing cloth, the fee on the basis of each lot, shall be as follows:

(a)	For the first ten corners or fraction thereof	P10.00
(b)	For the second ten corners or fraction thereof	5.00
(c)	For the third ten corners or fraction thereof	2.00
(d)	For each corner in excess of the first thirty corners	0.20
(e)	If the sketch is prepared in tracing cloth, add to the total fees as above computed	5.00
(f)	If the plan or sketch so prepared contains the bearing and distances of the sides and tie-lines, add to the total fees as above computed 10 per centum thereof	

8. For furnishing a plan copy (blue print, or white print) of any plan on file in the Authority, the fee shall be as follows:

(a)	For the copy of any size not exceeding forty square decimeters	P3.00
(b)	For one copy of more than forty square decimeters but not exceeding eighty square decimeters in size	6.00
(c)	For one copy of more than eighty square decimeters but not exceeding one hundred	9.00

	twenty square decimeter in size	
(d)	For one copy in excess of one hundred twenty square decimeters in size, the basis rate of nine pesos plus for every twenty square decimeters or fraction thereof in excess	0.50

9. For the preparation of technical descriptions, other than mere copying from an existing copy, there shall be collected the following fees:

(a)	For technical descriptions of lots or parcels, typewritten in triplicate and double-spaced, including certification:	
1.	For each lot	P3.00
2.	For each corner of a lot	0.20
3.	For each extra carbon copy, extra charge ...	0.20
4.	Minimum total charge	3.00
(b)	For lot description prepared in tracing cloth (on tabulated form) including certification:	
1.	For each sheet	P1.50
2.	For each lot	0.20
3.	For each corner in excess of ten for a lot	0.10
(c)	Any common corner shall be counted as many items as there are lots to which it pertains.	

10. For certification of plans or copies of plans as to the correctness of the same, per plan or print copy P3.00 and for the issuance of all other certification P5.00 plus one 10-centavo documentary stamp to be affixed thereto.

11. For inspection of land subject of private surveys, simple or complex subdivision plans, or consolidation, consolidation-subdivision, resubdivision, or reconsolidation plans, special work orders, and other plans of similar nature for the purpose of verification and/or approval:

(a)	For each plan with an aggregate area of 1,000 sq. m. or less	P100.00
(b)	For each subdivision with an aggregate area of more than 1,000 sq. m.:	
1.	For the first 1,000 s.m.	P100.00
2.	For every succeeding 1,000 sq. m. or fraction thereof	10.00

12. For actual field work of subdivision survey, relocation survey and resurveyed of land, the fees shall be as follows:

(a) Subdivision survey:

1. Rural (Agricultural)

Area	Survey Fee
For the first hectare	P 350.00
For the 2nd ha. to 10th ha.	An additional 60.00 per ha.

For the 11th ha. to 20th ha.	An additional P30.00 per ha.
For the 21st ha. to 30th ha.	An additional P20.00 per ha.
For the 31st ha. to 200th ha.	An additional P10.00 per ha.
For the 201st ha. or over	An additional P8.00 per ha.

A fraction of a hectare shall be considered one hectare.

2. Urban (Solar):

First 200 sq. m. or less	P350.00
Succeeding 201 sq. m. or more	P20.00 100 sq. m.

(b) Relocation Survey or Resurveyed:

The fee for relocation survey or resurveyed shall be one hundred fifty per cent (150%) of the amount of survey fee collectible on the basis of the schedule of fees for subdivision survey as provided in the preceding paragraph plus one per cent (1%) of the assessed value of the land.

Special Account. - Twenty per centum of all the collections of the Registers of Deeds and of the Land Registration Authority under this Section and Sections 124 and 132 of this Act shall be appropriated and upon approval of a budget for it by the Department of Budget, such amounts shall be disbursed and all offices under the Land Registration Authority, for the purchase of necessary equipment, for payment of allowances of officials and employees of the Authority, including those of the Registries of Deeds, as authorized by the Administrator.

1 for contracts regarding security printing of Land title forms, for
2 survey contracts, and for the maintenance and other operating
3 expenses of the Authority (1111a)
4

5 **SEC. 119. Administrator's Lien.** - When it is determined by the
6 Administrator after audit and investigation that there has been an
7 underpayment or non-payment of registration fees due to oversight,
8 negligence, errors, or by deliberate act of Registry of Deeds personnel,
9 the same shall constitute as an Administrator's lien which shall be
10 annotated in the corresponding certificate of title free of charge. (n)

11
12 The said lien, upon payment, or upon proper disposition, of the
13 discrepancy, as noted, the same shall forthwith be cancelled or
14 discharged upon order of the Administrator.
15

16 CHAPTER XII

17 FORMS USED IN LAND REGISTRATION AND CONVEYANCING 18

19 **SEC. 120. Forms in conveyancing.** - Deeds, conveyances, encumbrances,
20 discharges, powers of attorney and other voluntary instruments, whether
21 affecting registered or unregistered land, executed in accordance with law
22 in the form of public instruments shall be registrable. *Provided*, that,
23 every such instrument shall be signed by the person or persons executing
24 the same in the presence of at least two witnesses who shall likewise sign
25 thereon, and shall acknowledged to be the free act and deed of the
26 person or persons executing the same before a notary public or other
27 public officer authorized by law to take acknowledgment. Where the
28 instrument so acknowledged consists of two or more pages including the
29 page whereon acknowledgment is written, each page of the copy which is
30 to be registered in the office of the Register of Deeds, or if registration is
31 not contemplated, each page of the copy to be kept by the notary public,
32 except the page where the signatures already appear at the foot of the

1 instrument, shall be signed on the left margin thereof by the person or
2 persons executing the instrument and their witnesses, and all the ages
3 sealed with the notarial seal, and this fact as well as the number of pages
4 shall be stated in the acknowledgment. Where the instrument
5 acknowledged relates to a sale, transfer, mortgage or encumbrance of
6 two or more parcels of land, the number thereof shall likewise be set forth
7 in said acknowledgment. (112)

8
9 The Administrator shall cause to be prepared convenient blank
10 forms as may be necessary to help facilitate the proceedings in land
11 registration and shall cause to be printed judicial forms for land titles
12 exclusively by the Banco Sentral ng Pilipinas.

13
14 CHAPTER XIII
15 DEALINGS WITH UNREGISTERED LANDS
16

17 **SEC. 121.** *Recording of instruments relating to unregistered lands -* No
18 deed, conveyance, mortgage, lease, or other voluntary instrument
19 affecting land not registered under the Torrens system shall be valid,
20 except as between the parties thereto, unless such instrument shall have
21 been recorded in the manner herein prescribed in the office of the
22 Register of Deeds for the province or city where the land lies, henceforth
23 no transactions affecting unregistered land shall be sold, transferred,
24 assigned, mortgaged, or leased, unless recorded under this section.

25
26 (a) The Register of Deeds for each province or city shall keep
27 a Primary Entry Book and a Registration Book. The
28 Primary Entry Book shall contain, among other particulars,
29 the entry number, the names of the parties, the nature of
30 the document, the date, hour and minute it was presented
31 and received. The recording of the deed and other
32 instruments relating to unregistered lands shall be

1 effected by any of annotation on the space provided
2 therefor in the Registration Book, after the same shall
3 have been entered in the Primary Entry Book.

4
5 (b) If, on the face of the instrument, it appears that it is
6 sufficient in law, the Register of Deeds shall forthwith
7 record the instrument in the manner provided herein. In
8 case the Register of Deeds refuses its administration to
9 record, said official shall advise the party in interest in
10 writing of the ground or grounds for his refusal, and the
11 latter may appeal the matter to the Administrator in
12 accordance with the provisions of Section 131 of this Act.
13 It shall be understood that any recording made under this
14 section shall be without prejudice to a third party with a
15 better right.

16
17 (c) After recording on the Record Book, the Register of Deeds
18 shall endorse among other things, upon the original of the
19 recorded instruments, the file number and the date as
20 well as the hour and minute when the document was
21 received for recording as shown in the Primary Entry
22 Book, returning to the registrant or person in interest the
23 duplicate of the instrument, with appropriate annotation,
24 certifying that he has recorded the instrument after
25 reserving one copy thereof to be furnished the provincial
26 or city assessor as required by existing law.

27
28 (d) Tax sale, attachment and levy, notice of lispendens,
29 adverse claim and other instruments in the nature of
30 involuntary dealings with respect to unregistered lands, if
31 made in the form sufficient in law, shall likewise be
32 admissible to record under this section.

1
2 (e) For the services to be rendered by the Register of Deeds
3 under this section, he shall collect the same amount of
4 fees prescribed for similar services for the registration of
5 deeds or instruments concerning registered lands.
6

7 No transactions affecting unregistered land shall be unless
8 registered under this Act. (113)
9

10 CHAPTER XIV
11 REGISTRATION OF CHATTEL MORTGAGES
12

13 **SEC. 122.** *Recording of chattel mortgages.* - A chattel mortgage shall be
14 recorded in the office of the Register of Deeds of the province or city
15 where the mortgagor resides as well as where the property is situated or
16 ordinarily kept. (114)
17

18 **SEC. 123.** *Manner of recording chattel mortgages.* - Every Register of
19 Deeds shall keep a Primary Entry Book and a Registration Book for chattel
20 mortgages; shall certify on each mortgage filed for record, as well as on
21 its duplicate, the date, hour, and minute when the same was by him
22 received; and shall record in such books any chattel mortgage,
23 assignment or discharge thereof, and any other instrument relating to a
24 recorded mortgage, and all such instruments shall be presented to him in
25 duplicate, the original to be filed and the duplicate to be returned to the
26 person concerned.
27

28 The recording of a mortgage shall be effected by making an entry,
29 which shall be given a correlative number, setting forth the names of the
30 mortgagee and the mortgagor, the sum or obligation guaranteed, date of
31 the instrument, name of the notary before whom it was sworn to or
32 acknowledged, and a note that the property mortgaged, as well as the

1 terms and conditions of the mortgage, is mentioned in detail in the
2 instrument filed, giving the proper file number thereof. The recording of
3 other instruments relating to a recorded mortgage shall be effected by
4 way of annotation on the space provided therefor in the Registration
5 Book, after the same shall have been entered in the primary Entry Book.

6
7 The Register of Deeds shall also certify the officer's return of sale
8 upon any mortgage, making reference upon the record of such officer's
9 return to the volume and page of the record of the mortgage, and a
10 reference of such return on the record of the mortgage itself, and give a
11 certified copy thereof, when requested, upon payment of the legal fees for
12 such copy thereof, when requested, upon payment of the legal fees for
13 such copy and certify upon each mortgage officer's return of sale or
14 discharge of mortgage, and upon any other instrument relating to such a
15 recorded mortgage, both on the original and in the duplicate, the date,
16 hour, and minute when the same is received for record and record such
17 certificate index of mortgagors and mortgagees, which record and index
18 shall be open to public inspection.

19
20 Duly certified copies of such records and of filed instruments shall
21 be receivable as evidence in any court. (115)

22
23 **SEC. 124. Fees for chattel mortgages, etc.** - The register of Deeds shall
24 collect the following fees for services rendered by him under this section:

25
26 1. Entry fee. - For entry or presentation of any document in
27 the Primary Entry Book, five pesos. Supporting papers
28 presented together with the principal document need not be
29 charged any entry or presentation fee unless the party in
30 interest desires that they be likewise entered.

1 2. Chattel Mortgage. - For filing and recording each chattel
2 mortgage, including the necessary certificates and affidavits,
3 the fees established in the following schedule shall be
4 collected:

5
6 (a) Six thousand pesos maximum. - When the amount of
7 the mortgage does not exceed six thousand pesos,
8 seven pesos for the first five hundred pesos, or
9 fractional part thereof, and three pesos for each
10 additional five hundred pesos, or fractional part thereof.

11
12 (b) Thirty thousand pesos maximum. - When the amount of
13 the mortgage is more than six thousand pesos but does
14 not exceed thirty thousand pesos, forty-eight pesos for
15 the initial amount not exceeding eight thousand pesos,
16 and eight pesos for each additional two thousand pesos
17 or fractional part thereof.

18
19 (c) One hundred thousand pesos maximum. - When the
20 amount of the mortgage is more than thirty thousand
21 pesos but does not exceed one hundred thousand
22 pesos, one hundred fifty pesos for the initial amount not
23 exceeding thirty-five thousand pesos, and fourteen
24 pesos for each additional five thousand pesos of
25 fractional part thereof.

26
27 (d) Five hundred thousand pesos maximum. - When the
28 amount of the mortgage is more than one hundred
29 thousand pesos but does not exceed five hundred
30 thousand pesos, three hundred fifty-two pesos for the
31 initial amount not exceeding one hundred ten thousand

1 pesos and twenty pesos for each additional ten
2 thousand pesos or fractional part thereof.

3
4 (e) More than five hundred thousand pesos. - When the
5 amount of the mortgage is more than five hundred
6 thousand pesos, one thousand one hundred sixty-two
7 pesos for the initial amount not exceeding five hundred
8 twenty thousand pesos, and thirty pesos for each
9 additional twenty thousand pesos or fractional part
10 thereof. Provided, however, that registration of the
11 mortgage in the province where the property is situated
12 shall be sufficient registration and provided, further,
13 that if the mortgage is to be registered in more than
14 one city or province, the Register of Deeds of the city or
15 province where the instrument is first presented for
16 registration shall collect the full amount of the fees due
17 in accordance with the schedule prescribed above, and
18 the Register of Deeds of the other city or province
19 where the same instrument is also to be registered shall
20 collect only a sum equivalent to twenty per centum of
21 the amount of fees due and paid in the first city or
22 province, but in no case shall the fees payable in any
23 Registry be less than the minimum fixed in this
24 schedule.

25
26 3. Conveyance of mortgaged property, etc. - For recording
27 each instrument of sale, conveyance, or transfer of the
28 property which is subject of a recorded mortgage, or of the
29 assignment of mortgage credit, the fees established in the
30 preceding schedule shall be collected on the bases of ten per
31 centum of the amount of the mortgage or unpaid balance
32 thereof, provided, that the latter is stated in the instrument.

1
2 4. Notice of attachment. - For recording each notice of
3 attachment, including the necessary index and annotations,
4 eight pesos.

5
6 5. Release of mortgage. - For recording such release of
7 mortgage, including the necessary index and references, the
8 fees established in the schedule under paragraph (b) above
9 shall be collected on the basis of five per centum of the
10 amount of the mortgage.

11
12 6. Release of attachment. - For recording each release of
13 attachment, including the proper annotations, five pesos.

14
15 7. Sheriff's return of sale. - For recording each sheriff's return
16 of sale, including the index and references, seven pesos.

17
18 8. Power of attorney, appointment of guardian, administrator
19 or trustee. -For recording a power of attorney, appointment of
20 judicial guardian, administrator, or trustee, or any other
21 instrument in which a person is given power to act in behalf of
22 another in connection with a mortgage, ten pesos.

23
24 9. No specific fee. - For recording each instrument or order
25 relating to a recorded mortgage, including the necessary index
26 and references, for which no specific fee is provided above,
27 five pesos.

28
29 10. Certified copy. - For certified copies of records, such fees
30 as are allowed by law for copies kept by the Register of
31 Deeds.
32

1 11. Certification. - For issuing a certificate relative to, or
2 showing the existence or non-existence of an entry in the
3 registration book, or a document on file, for each such
4 certificate containing not more than two hundred words, five
5 pesos; if it exceeds that number, an additional fee of one peso
6 shall be collected for every one hundred words or fractional
7 part thereof, in excess of the first two hundred words.

8
9 12. Research Fee. - For services rendered in attending to
10 requests for references to, or researches on any document on
11 file in the Registry, there shall be collected a fee of two pesos
12 per document.

13
14 CHAPTER XV
15 REGISTRATION OF CONDOMINIUMS

16
17 **SEC. 125.** *Registration of Master Deed.* - Any property or properties
18 divided or to be divided into Condominiums shall be recorded in the
19 Register of Deeds of the province or city in which the property lies, and
20 duly annotated in the corresponding certificate of title of the land, if the
21 latter had been patented or registered under either the Land Registration
22 or Cadastral Acts, an enabling or master deed which shall contain the
23 following:

- 24
25 1. Description of the land on which the building or buildings and
26 improvements are or are to be located;
27 2. Description of the building or buildings, stating the number of
28 stories and basements, the number of units and their
29 accessories, if any;
30 3. Description of the common areas and facilities;
31 4. A statement of the exact nature of the interest acquired or to
32 be acquired by the purchaser in the separate units and in

1 common areas of the condominium project. Where title to or
2 the appurtenant interests in common areas are or is to be held
3 by a condominium corporation, a statement to the effect shall
4 be included;

5 5. A certificate of the registered owner of the property, if he is
6 other than those executing the master deed, as well as of all
7 registered holders of any lien or encumbrance on the property,
8 that they consent to the registration of the deed;

9 6. A survey plan of the land included in the project, unless a
10 survey plan of the same property had previously been filed in
11 said office and a diagrammatic floor plan of the building or
12 buildings in the project, in sufficient detail to identify each
13 unit, its relative location and approximate dimensions should
14 be appended;

15 7. Any reasonable restriction not contrary to law, morals or public
16 policy regarding the right of any condominium owner to
17 alienate or dispose of his condominium. (n)
18

19 **SEC. 126. Procedure for registration of the Master Deeds and Declaration**
20 **of Restrictions and Amendments thereto.** - The Register of Deeds shall
21 enter the Master Deed with Declaration of Restrictions including the
22 supporting documents and annotate upon the certificate of title covering
23 the land included within the project. A corresponding registration fee shall
24 be collected based on the assessed value of the property/ies divided or to
25 be divided into condominiums. There shall also be collected an assurance
26 fund premium of one-fourth of one percent of the zonal value of the
27 building or buildings divided or to be divided into condominiums, or
28 constituting part of the condominium project.
29

30 The enabling or master deed may be amended or revoked upon
31 registration of an instrument executed by the registered owner or owners

1 of the property and consented to by all registered holders of any lien or
2 encumbrance on the land or building or portion thereof. (n)

3
4 **SEC. 127. Procedure for the Issuance of Individual Condominium**
5 **Certificates of Title.** - The following procedures shall be observed in the
6 Registry for the issuance of individual condominium certificate of title.

7
8 a) The client shall submit the owner's duplicate certificate of title
9 and co-owner's duplicate certificate of title, as the case may be,
10 together with the required documents. All information from
11 documents received supporting the transaction shall be entered
12 into the EPEB-RL. The date, hour and minute of reception of all
13 instruments in the order in which they were received shall
14 likewise be noted. The document shall be automatically
15 assigned with an entry number as its control or reference
16 number.

17
18 b) The corresponding fees shall be automatically computed by the
19 system and the corresponding electronic receipt generated upon
20 payment. In default of payment, the entry made in the EPEB-
21 RL, shall be rendered of no force and effect.

22
23 c) All pertinent data on the current title shall be encoded in the
24 system and the corresponding annotations shall be made using
25 the PHILARIS format and templates. If documents received are
26 complete, the findings of the examination shall be transmitted
27 to the approving authority.

28
29 d) If the transaction is approved, the titles and documents shall be
30 stamped and signed by the approving authority. A
31 Condominium Certificate of Title shall then be issued, and its
32 issuance shall be annotated on the certificate of title covering

1 the lot where the Master Deeds is annotated. The Condominium
2 Certificate of Title shall contain the restrictions annotated in said
3 certificate of title.

4
5 e) The owner's duplicate certificate of titles and all the documents
6 submitted by the client shall be scanned, and the resulting
7 images shall be stored in the database. After scanning, the
8 documents shall be kept in the vault for safekeeping.

9
10 f) The resulting condominium owner's copy of title, owner's
11 duplicate transfer certificate of title, and the duplicate of the
12 documents shall then be delivered to the registered owner or
13 his duly authorized representative who presents a Letter of
14 Authority and the valid identification cards of the grantor and
15 representative, who shall sign the acknowledgment slip
16 generated by the system. (n)

17
18 **SEC. 128.** *Procedure for Initial Sale of Condominium Certificate of Title.* -

19 The following procedures shall be observed in the Registry of Deeds for
20 the initial sale of a condominium certificate of title.

21
22 a) The client shall submit the condominium owner's copy of title,
23 owner's duplicate certificate of title and co-owner's duplicate
24 certificate of title, as the case may be, together with the
25 required documents. All basic information from documents
26 received supporting the transaction shall be entered into the
27 EPEB-RL. The date, hour and minute of reception of all
28 instruments in the order in which they were received shall
29 likewise be noted. The document shall be automatically
30 assigned with an entry number as its control or reference
31 number.

- 1 b) The corresponding fees shall be automatically computed by the
2 system and the corresponding electronic receipt generated upon
3 payment. In default of payment, the entry made in the EPES-RI
4 shall be rendered of no force and effect.
5
- 6 c) All pertinent data on the current title shall be encoded in the
7 system and the corresponding annotations shall be made using
8 the PHILARIS format and templates. If documents received are
9 complete, the findings of the examination shall be transmitted
10 to the approving authority.
11
- 12 d) If the transaction is approved, the titles and documents shall be
13 stamped and signed by the approving authority. The CCT shall
14 then be issued, and the sale shall be annotated on the
15 certificate of title covering the lot where the Master Deed is
16 annotated and on the condominium owner's copy of title, which
17 will be stamped cancelled. The new CCT shall contain the
18 restrictions annotated in said certificate of title.
19
- 20 e) The owner's duplicate certificate of title, and all the documents
21 submitted by client shall be scanned and the resulting images
22 shall be stored in the database. After scanning the documents
23 shall be kept in the vault for safekeeping.
24
- 25 f) The resulting owner's duplicate transfer certificate of title,
26 condominium owner's copy of title and the duplicate of the
27 documents shall then be delivered to the registered owner or
28 his duly authorized representative who presents a Letter of
29 Authority and the valid identification cards of the grantor and
30 representative, who shall sign the acknowledgment slip
31 generated. (n)

1 **SEC. 129. Assessments and Liens.** - Notice of assessment upon any
2 condominium unit must be registered by management body with the
3 Register of Deeds of the city or province where such condominium project
4 is located. Upon payment of said assessment and charges or other
5 satisfaction thereof, the management body shall cause to be registered a
6 release of the lien.

7
8 Real property tax liens shall likewise be registered with the Register
9 of Deeds of the city or province where such condominium project is
10 located. (n)

11
12 **SEC. 130. Decree of Partition, Dissolution or Reorganization.** - Upon
13 receipt of a copy of the decree of partition of a condominium project or a
14 reorganization of the project or for the dissolution of condominium
15 corporation, the Register of Deeds shall enter and annotate the same on
16 the pertinent certificate of title. (n)

17
18 CHAPTER XVI
19 CONSULTAS
20

21 **SEC. 131. Procedure.** - When the Register of Deeds is in doubt with
22 regard to the proper step/s to be taken or memorandum to be made in
23 pursuance of any deed, mortgage, or other instrument presented to him
24 for registration, the question shall be submitted to the Administrator,
25 whose ruling thereon shall be conclusive and binding upon all Registers of
26 Deeds.

27
28 Where the instrument is denied registration, the Register of Deeds
29 shall notify the interested party in writing, setting forth the defects of the
30 instrument or legal grounds relied upon, and advising him that if he is not
31 agreeable to such ruling, he may, without withdrawing the documents
32 from the Registry, elevate the matter by *consulta* within five days from

1 receipt of notice of the denial of registration to the Administrator of the
2 Land Registration Authority thru the Register of Deeds.

3
4 The Register of Deeds shall make a memorandum of the pending
5 *consulta* on the certificate of title which shall be canceled *motu proprio* by
6 the Register of Deeds after final resolution or decision thereof, or before
7 resolution, if withdrawn by petitioner.

8
9 The Administrator, considering the *consulta* and the records
10 certified to him after notice to the parties and hearing, shall enter an
11 order prescribing the step to be taken or memorandum to be made.
12 However, the party in interest who disagrees with the final resolution,
13 ruling or order of the Administrator relative to *consulta*, may appeal to
14 the Court of Appeals within the period and in manner provided in Republic
15 Act No. 5434. (117a)

16
17 CHAPTER XVII
18 FINAL PROVISIONS
19

20 **SEC. 132. Appropriation.** - There is hereby appropriated initially the sum
21 of _____ (P. _____) from
22 the National Treasury not otherwise appropriated for the implementation
23 of this Act; thereafter, said sum shall be added to the regular
24 appropriation act of every year. (118)

25
26 **SEC. 133. Postage exemption.** - No postage stamps or mailing charges
27 shall be required in all matters transmitted by the Land Registration
28 Authority or any of its Registry of Deeds in the implementation of
29 Sections 24, 45, 112, 132 and 131 of this Act. (119)

30
31 **SEC. 134. Applicability of the E-commerce law.** - The pertinent provisions
32 of the E-Commerce Law as to the acceptability of electronic copies of

1 documents as evidence, shall heretofore be acceptable as true copies of
2 documents required under this Act. (n)

3
4 **SEC. 135. *Promulgation of Implementing Rules and Regulation.*** - within
5 ninety (90) days from the effectivity of this Act, the Administrator of
6 the Land Registration Authority shall promulgate and publish the
7 necessary rules and regulations for the effective implementation of this
8 Act. (n)

9
10 **SEC. 136. *Repealing clause.*** - All laws, decrees, orders, rules and
11 regulations, or parts thereof, in conflict or inconsistent with any of the
12 provisions of this Act are hereby repealed or modified accordingly. (126)

13
14 **SEC. 137. *Separability clause.*** - If any provision of this Act is
15 subsequently declared unconstitutional, the validity of the remaining
16 provisions thereof shall remain in full force and effect.

17
18 **SEC. 138. *Effectivity.*** - This Act shall take effect fifteen (15) days after
19 its publication in the Official Gazette or in any newspaper of general
20 circulation.

21
22 *Approved,*