

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18TH CONGRESS
First Regular Session

HOUSE BILL NO. 1177



**Introduced by Representatives Michael L. Romero and
Enrico A. Pineda**

EXPLANATORY NOTE

There is a now an extreme demand to update the Land Registration Act and to codify the various laws relative to registration of property, in order to facilitate effective implementation of its mandated laws.

To strengthen the Torrens system, it is deemed necessary to adopt safeguards to prevent anomalous titling of real property, and to streamline and simplify registration proceedings and the issuance of certificates of title;

This House Bill seeks to promulgate decrees relative to the registration of certificates of land transfer and emancipation patents issued pursuant to Presidential Decree No.27 to hasten the implementation of the land reform program of the country and establish the corresponding property registration laws.

Earnest approval of this bill is hereby requested.



MICHAEL L. ROMERO Ph.D.



ENRICO A. PINEDA

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AN ACT

**TO INSTITUTIONALIZE THE POWERS OF THE LAND
REGISTRATION AUTHORITY (LRA), TO RATIONALIZE ITS
FUNCTIONS TO PROVIDE FASTER AND MORE EFFECTIVE
ADJUDICATION ON ALL LAND REGISTRATION CONCERNS, TO
PRESERVE AND MAINTAIN THE INTEGRITY OF ALL LAND
RECORDS, AND FOR OTHER PURPOSES**

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

SECTION 1. DECLARATION OF POLICY – it shall be the policy of the Land Registration Authority (LRA) to have a more efficient execution of the laws relative to the registration of lands, geared to the massive and accelerated land reform and social justice program of the government.

SECTION 2. POWERS AND FUNCTIONS OF THE LRA

1. To Expand the speedy and effective assistance to the Department of Agrarian Reform (DAR), the Land Bank of the Philippines (LBP),

and other concerned agencies in the implementation of the land reform program of the country;

2. To Expand its assistance to courts in ordinary or cadastral land registration proceedings;

3. To Be the central repository of records relative to original registration of lands titled under the Torrens system, including subdivision and consolidation plans of this titled lands;

4. To provide its ministry the sense that they act under the orders of the court and the decree must be in conformity with the decision of the court and with the data found in the record, as to which they have *no discretion on the matter*;

5. To refer the matter to the *proper courts*, If they are in doubt upon any point in relation to the preparation and issuances of such decree. In respect, then they act as officials of the court but their acts are the acts of the court itself;

6. To issue this decrees of registration, as part of the judicial function and is not compellable by mandamus because it involves the *exercise of discretion*;

7. To render reports, that is not limited to the period before a decision becomes final, but may extend ever after its finality but not beyond the scope of one year (1) from the entry of the decree;

8. To issue decrees of registration pursuant to final judgments of the courts in land registration proceedings and cause the issuance by the Register of Deeds of the corresponding certificates of title;

9. To exercise supervision and control over all Registers of Deeds and other personnel of the Commission;

10. To resolve cases elevated en consulted by, or on appeal from a decision of a Register of Deeds;

11. To exercise executive supervision over all clerks of courts and personnel of the CFI throughout the Philippines with respect to the discharge of duties and functions in relation to the registration of lands;

12. To implements all orders, decision, and decrees promulgated related to the registration of lands and issue, subject to the approval

of the Secretary of Justice, all needful rules and regulations therefore;

13. To verify and approve subdivision, consolidation, and consolidation subdivision survey plans of properties titled under Act 496 except those covered by PD 957; and

14. Other Discretionary functions

SECTION 3. ADMINISTRATIVE PROVISIONS - The LRA shall be:

- a. Headed by an Administrator, who shall be assisted by two (2) Deputy Administrators.
- b. All of whom shall be appointed by the President through the recommendation of the Secretary of Justice.
- c. All other officials except the Register of Deeds shall be appointed by the Secretary of Justice upon recommendation of the Administrator.

SECTION 4. CONSTITUTIONAL PROVISIONS – the LRA administrator functions are plainly executive and subject to the President's power of supervision and control. He can be investigated and removed only by the President. If the legislature really intended to include the grant of privileges or rank or privileges of Judges of CFI the right to be investigated by the SC, and to be suspended or removed only upon recommendation of that court, then such grant of privileges would be unconstitutional as it would violate then fundamental *doctrine of separation of powers*. Within this resolutions is a judicial function, as contrasted with an *administrative process*.

This resolutions are only binding to all Registers of Deeds and not to other parties and assuming that it is quasi-judicial in nature, it is merely incidental or minimal to the overall functions of the Administrator.

SECTION 5. PERIODIC REPORTS - The LRA shall submit periodic reports on its accomplishments and expenditures and make recommendations

on actions to be taken by Congress and Senate and other appropriate departments to carry out the objectives and mandates of this Act.

SECTION 6. AUTOMATIC REVIEW - Every year after the effectivity of this Act, an independent review panel composed of experts to be appointed by the President shall review the policies, programs and expenditures in the LRA and shall make recommendations, based on its findings, to the President and to both Houses of Congress.

SECTION 7. REPEALING CLAUSE. All laws, executive orders, issuances, rules and regulations inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE. If, for any reason or reasons, any portion or provision of this Act shall be held unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY CLAUSE. This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,