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THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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RECEIVED BY: Adler

SENATE

S. No. 294

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

With the proliferation of fake certificates of title, it is important that the original certificates of title in the custody of the Register of Deeds are intact and in good condition for verification purposes.

This bill seeks to expedite the reconstruction of lost or destroyed original certificates of title in the custody of the Register of Deeds. It likewise authorizes the Register of Deeds to institute, with the approval of the Land Registration Authority and the consent of the registered owner, to institute judicial action for the reconstitution of lost or destroyed original copy of certificate of title.

Once approved, the administration of land registration proceedings will be greatly hastened.

Early approval of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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RECEIVED BY: *Osmeña*

SENATE

S. No. 294

Introduced by Senator S. R. Osmeña III

AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO.26, ENTITLED "AN
ACT PROVIDING A SPECIAL PROCEDURE FOR THE RECONSTITUTION OF
TORRENS CERTIFICATE OF TITLE LOST OR DESTROYED", AND FOR
OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the
Philippine in Congress assembled:

1 SECTION 1. Section 10 of Republic Act No. 26 is hereby amended to
2 read as follow:

3 "Section 10. (A) Nothing herein before provided shall prevent
4 any registered owner or person in interest from filing the petition
5 mentioned in Section 5 of this Act directly with the proper [Court of
6 First Instance] **REGIONAL TRIAL COURT**, based on sources
7 enumerated in Sections 2(a), 2(b), 3(a) and /or 4(a) of this Act.

8 **THE REGISTER OF DEEDS CONCERNED MAY, UPON**
9 **REQUEST OF THE REGISTERED OWNER OR PERSON IN**
10 **INTEREST, FILE A PETITION BASED ON THE OWNER'S**
11 **DUPLICATE OR CO-OWNER'S DUPLICATE OF THE**
12 **CERTIFICATE OF TITLE; *Provided, however,* That the Court shall**
13 **cause a notice of the petition, before hearing and granting the**
14 **same, to be published in the manner stated in Section 9 hereof;**
15 ***And, provided, further,* That certificate of title reconstituted pursuant**

1 to this Section shall not be subject to the encumbrance referred to
2 in Section 7 of this Act.

3 (B) THE AUTHORITY OF THE REGISTER OF DEEDS TO
4 FILE THE PETITION SHALL BE EXERCISED IN CASES OF
5 LOSS OR DESTRUCTION OF ORIGINAL COPIES OF
6 CERTIFICATES OF TITLE DUE TO FIRE, FLOOD OR OTHER
7 FORCE MAJEURE AS DETERMINED BY THE ADMINISTRATOR
8 OF THE LAND REGISTRATION AUTHORITY (LRA): *PROVIDED*,
9 THAT THE NUMBER OF CERTIFICATES OF TITLE LOST OR
10 DESTROYED IS LESS THAN 500 OR LESS THEN TEN
11 PERCENT (10%) OF THE TOTAL NUMBER IN THE
12 POSSESSION OF THE REGISTER OF DEEDS. OTHERWISE,
13 THE PROCEDURE, PRESCRIBED IN REPUBLIC ACT NO. 6732
14 FOR ADMINISTRATIVE RECONSTITUTION OF TITLES SHOULD
15 BE OBSERVED. HE MAY ALSO FILE A PETITION WHEN THE
16 LOSS OR DESTRUCTION OF ORIGINAL COPIES OF
17 CERTIFICATES OF TITLE WAS DUE TO THEFT, WEAR AND
18 TEAR, PESTS AND OTHER SUCH CAUSES.

19 THE PETITION OF THE REGISTER OF DEEDS SHALL BE
20 FILED WITH THE APPROVAL OF THE ADMINISTRATION OF
21 THE LAND REGISTRATION AUTHORITY AND WRITTEN
22 CONSENT OF THE REGISTERED OWNER, HIS ASSIGNS OR
23 ANY PERSON WHO HAS AN INTEREST IN THE PROPERTY
24 AND WHO SHALL SURRENDER THE OWNER'S DUPLICATE
25 COPY OF THE TITLE TO THE REGISTER OF DEEDS
26 CONCERNED.

27 (C) THE REQUEST REFERRED TO IN PARAGRAPH (A)
28 HEREOF SHALL BE UNDER OATH AND SHALL STATE,
29 AMONG OTHERS, THE FOLLOWING:

1 1. THAT THE PARTY MAKING THE REQUEST IS THE
2 REGISTERED OWNER, TRANSFEREE, MORTGAGEE OR
3 OTHERWISE HAS AN INTEREST IN THE PROPERTY;

4 2. THAT THE ORIGINAL COPY OF THE CERTIFICATE
5 OF TITLE WAS LOST OR DESTROYED IN THE CUSTODY OF
6 THE REGISTER OF DEEDS;

7 3. THAT NO DEED OR OTHER INSTRUMENT
8 AFFECTING THE PROPERTY HAS BEEN PRESENTED FOR
9 REGISTRATION, OR IF THERE BE ANY, THE NATURE
10 THEREOF, THE DATE OF ITS PRESENTATION, AS WELL AS
11 THE NAMES OF THE PARTIES THERETO, AND WHETHER THE
12 REGISTRATION OF SUCH DEED OR INSTRUMENT HAS BEEN
13 ACCOMPLISHED OR NOT;

14 4. THAT THE OWNER'S OR CO-OWNER'S DUPLICATE
15 IS IN DUE FORM WITHOUT APPARENT INTENTIONAL
16 ALTERATION OR ERASURES;

17 5. THAT THE CERTIFICATE OF TITLE WAS IN FULL
18 FORCE AND EFFECT AT THE TIME OF ITS LOSS OR
19 DESTRUCTION AND THAT IT IS NOT THE SUBJECT OF
20 LITIGATION OR INVESTIGATION, ADMINISTRATIVE OR
21 JUDICIAL, REGARDING ITS GENUINNESS OR DUE EXECUTION
22 OR ISSUANCE;

23 6. THAT THE PROPERTY DESCRIBED IN THE TITLE IS
24 COVERED BY A TAX DECLARATION AND THAT THE SAME IS
25 NOT DELINQUENT IN THE PAYMENT OF THE REAL ESTATE
26 TAX; AND

27 7. IN CASE THE BASE OF RECONSTITUTION IS THE
28 CO-OWNER'S DUPLICATE, THE REQUEST SHOULD ALSO

1 **STATE THE REASON WHY THE OWNER'S DUPLICATE**
2 **CANNOT BE PRODUCED."**

3 SECTION 2. Section 23 of the same Act is hereby amended to read as
4 follows:

5 "Section 23, No fees shall be charged for the filing of any
6 petition under this Act, nor for any service rendered, in connection
7 therewith or in compliance with any provision of this Act, by the
8 [Chief of the General Land Registration Office] **ADMINISTRATOR**
9 **OF THE LAND REGISTRATION AUTHORITY**, clerks of [Court of
10 First Instance] **REGIONAL TRIAL COURTS**, sheriffs, and/or
11 Register of Deeds. Any certified copy of document or paper that
12 may be necessary in the reconstitution of a certificate of title under
13 this Act shall, upon request of the court, Register of Deeds, or the
14 [Chief of the General Land Registration Office] **AUTHORITY**, be
15 furnished, free of charge, by any office or branch of the government,
16 including government-controlled corporation, institutions or
17 instrumentalities: **PROVIDED, THAT THE EXPENSES IN THE**
18 **RECONSTITUTION OF THE ORIGINAL COPIES OF**
19 **CERTIFICATES OF TITLE LOST OR DESTROYED WHILE IN**
20 **THE POSSESSION OF ANY GOVERNMENT AGENCY SHALL BE**
21 **BORNE BY THE GOVERNMENT, INCLUDING FREE LEGAL**
22 **SERVICES TO BE RENDERED BY THE OFFICE OF THE**
23 **SOLICITOR GENERAL WITHOUT PREJUDICE HOWEVER, TO**
24 **THE RIGHT OF THE PETITIONER TO HIRE THE**
25 **PROFESSIONAL SERVICES OF A PRIVATE COUNSEL.**

26 **THE ADMINISTRATOR OF THE LAND REGISTRATION**
27 **AUTHORITY (LRA) IS HOWEVER AUTHORIZED TO USE THE**
28 **CURRENT INCOME OF THE AUTHORITY TO COVER THE COST**
29 **OF PUBLICATION TWICE IN THE OFFICIAL GAZETTE OF THE**

1 **PETITION FOR RECONSTITUTION WHICH ARE FILED BY THE**
2 **REGISTER OF DEEDS CONCERNED.”**

3 SECTION 3. The administration of the Land Registration Authority shall,
4 upon approval by the Secretary of Justice, issue the necessary rules and
5 regulations for the effective implementation of the provisions of this Act.

6 SECTION. 4. All laws, decrees, orders, rules and regulations or parts
7 thereof which are inconsistent with the provisions of this Act are hereby repealed
8 or modified accordingly.

9 SECTION. 5. Effectivity Clause. – This Act shall take effect fifteen (15)
10 days after its publication in two (2) national newspapers of general circulation.

Approved,