

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



SENATE
S.B. NO. 2393

'14 SEP -8 P6:03

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Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT AMENDING THE PROCEDURE ON CONSULTAS AMENDING FOR THE
PURPOSE SECTION 117 OF PRESIDENTIAL DECREE 1529

EXPLANATORY NOTE

Section 117 of Presidential Decree 1529 or Property Registration Decree provides the legal framework for the filing of Consulta.


The foregoing procedures however appear to encourage the indiscriminate filing of Consultas even though the basis are patently unmeritorious. These patently baseless Consultas contribute to the congestion of the dockets of the Land Registration Authority to the prejudice of those raising legitimate legal issues.

To curb frivolous resorts to Consultas, safeguards have to be made. One simple yet critical safeguard is the requirement that the Consultas be under oath and that there should be a certification against forum shopping duly notarized. The possible criminal liability for perjury should serve as a deterrent to parties with frivolous claims.

In view of the foregoing, the passage of this bill is earnestly requested.

MARIA LOURDES NANCY S. BINAY
Senator

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2 PURPOSE SECTION 117 OF PRESIDENTIAL DECREE 1529

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5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*

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8 SECTION 1. Section 117 of PD 1529 is hereby amended to read as follows:
9

10 **“CHAPTER XV**
11 **CONSULTAS**

12
13 **Section 117. Procedure.** When the Register of Deeds is in doubt with regard to the
14 proper step to be taken or memorandum to be made in pursuance of any deed,
15 mortgage or other instrument presented to him for registration, or where any party in
16 interest does not agree with the action taken by the Register of Deeds with reference to
17 any such instrument, the question shall be submitted to the [Commissioner of Land
18 Registration] ADMINISTRATOR OF THE LAND REGISTRATION AUTHORITY
19 by the Register of Deeds, or by the party in interest thru the Register of DEEDS
20 THROUGH A PETITION EN CONSULTA.

21
22 Where the instrument is denied registration, the Register of Deeds shall notify the
23 interested party in writing, setting forth the defects of the instrument or legal grounds
24 relied upon, and advising him that if he is not agreeable to such ruling, he may, without
25 withdrawing the documents from the Registry, elevate the matter by consulta within
26 [five days] FIFTEEN (15) DAYS from receipt of notice of the denial of registration to
27 the [Commissioner of Land Registration] ADMINISTRATOR OF THE LAND
28 REGISTRATION AUTHORITY.

29
30 THE PETITION IN CONSULTA, WHICH SHALL BE FILED BEFORE THE
31 REGISTER OF DEEDS, SHALL BE VERIFIED. IN ADDITION TO THE
32 REQUIREMENT OF VERIFICATION, A CERTIFICATION AGAINST FORUM
33 SHOPPING IN THE FORM PRESCRIBED UNDER RULE 7 SECTION 4 OF THE
34 RULES OF COURT, SHALL BE ATTACHED TO THE CONSULTA.

35
36 THE REGISTRARS OF DEEDS ELEVATING THE MATTER TO THE LAND
37 REGISTRATION AUTHORITY BY WAY OF CONSULTA SHALL NOT BE
38 REQUIRED TO VERIFY HIS PLEADINGS NOR ATTACH A CERTIFICATION
39 AGAINST FORUM SHOPPING.

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

5 The [Commissioner of Land Registration] ADMINISTRATOR OF THE LAND
6 REGISTRATION AUTHORITY, considering the consulta and the records certified to
7 him after notice to the parties and hearing, shall enter an order prescribing the step to
8 be taken or memorandum to be made. His resolution or ruling in consultas shall be
9 conclusive and binding upon all Registers of Deeds, provided, that the party in interest
10 who disagrees with the final resolution, ruling or order of the [Commissioner]
11 ADMINISTRATOR relative to consultas may appeal to the Court of Appeals within
12 the period and in manner provided UNDER RULE 43 OF THE RULES OF COURT.”
13
14

15 SECTION 2. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and
16 regulations and other issuance of parts thereof, inconsistent with the provisions of this Act
17 are hereby repealed or modified accordingly.
18

19 SECTION 3. *Separability Clause.* If, for any reason, any section or provision of this Act is
20 held unconstitutional or invalid, the other sections or provisions hereof shall not be affected
21 thereby.
22

23 SECTION 4. *Effectivity.* This Act shall take effect fifteen (15) days after its complete
24 publication in at least two (2) newspapers of general circulation.
25

26 Approved,