

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



'16 JAN 28 P3:45

SENATE
S. No. 3167

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING THE PRESIDENTIAL DECREE NO. 1529, OTHERWISE KNOWN AS
THE PROPERTY REGISTRATION DECREE, SECTION 110

EXPLANATORY NOTE

This bill seeks to amend Section 110 of Presidential Decree No. 1529 known as the Property Registration Decree to relieve real property owners the burdensome and onerous task of resorting to judicial action for the reconstitution of their Torrens certificates of title that get lost or destroyed while in the custody of the Register of Deeds.

To date, it is not unusual to see petitions for reconstitution of lost or destroyed certificates of title clogging the dockets of our courts all filed by the registered owners themselves though admittedly, they are not responsible for the loss or destruction of their original certificates of title as these are in the possession and custody of the Register of Deeds of the place where subject property is located at the time of loss or destruction. Compounding their woes of having to go through tedious court proceedings is the fact that such petitions entail expensive cost in the form of court charges and lawyer's fees. While original certificates are reposed in the Office of the Register of Deeds supposedly for safekeeping and protection, it is also in such places where the certificates of titles, ironically, get lost or suffer destruction. Hence, it is grossly unfair and prejudicial on the part of the registered property owners to undergo the tedious court process filing the petition.

This bill seeks to rectify this mistake by amending Section 110 of Presidential Decree No, 1529 and direct instead the Register of Deeds to be the proper party to initiate the filing of petitions for reconstitution of lost or destroyed owner's certificate of title.

This is a Senate counterpart bill to the one filed in the House of Representatives by Representative Rodriguez D. Dadivas.¹


MIRIAM DEFENSOR SANTIAGO
at

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session and refiled in the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. Presidential Decree No. 1529, otherwise known as the Property
2 Registration Decree, Section 110 is hereby amended to read as follows:

3 SECTION 110. *Reconstitution of lost or destroyed original of*
4 *Torrens title.* – Original copies of certificates of title lost or destroyed in the
5 offices of Register of Deeds as well as liens and encumbrances affecting the
6 lands covered by such titles shall be reconstituted judicially in accordance
7 with the procedure prescribed in Republic Act No. 26 insofar as not
8 inconsistent with this Decree. The procedure relative to administrative
9 reconstitution of lost or destroyed certificate prescribed in said Act is
10 hereby abrogated.

11 THE PETITION FOR JUDICIAL RECONSTITUTION OF
12 LOST OR DESTROYED ORIGINAL CERTIFICATES OF TITLE
13 SHALL BE FILED WITH THE REGISTER OF DEEDS OF THE
14 PLACE WHERE THE LAND IS SITUATED UPON THE REQUEST
15 OF THE REGISTERED OWNER(S), COPIES THEREOF SHALL
16 BE FURNISHED TO THE LAND REGISTRATION AUTHORITY
17 (LRA) AND THE REGISTERED OWNER(S). THE SAID

1 PETITION SHALL BE VERIFIED AND SHALL BE PUBLISHED
2 IN A NEWSPAPER OF GENERAL CIRCULATION ONCE A
3 WEEK FOR THREE (3) CONSECUTIVE WEEKS FROM THE
4 DATE OF FILING

5 NO PETITION FOR JUDICIAL RECONSTITUTION SHALL
6 BE APPROVED UNLESS THE REGISTERED OWNER(S) SHALL
7 HAVE IN POSSESSION THE OWNERS DUPLICATE
8 CERTIFICATE OF TITLE OF THE LOST TORRENS TITLE.

9 Notice of all hearings of the petition for judicial reconstitution shall
10 be given to the [~~Register of Deeds of the place where the land is situated~~
11 and to the ~~Commissioner of Land Registration~~] ADMINISTRATOR OF
12 THE LAND REGISTRATION AUTHORITY (LRA) AND THE
13 REGISTERED OWNER(S). No order of judgment ordering the
14 reconstitution of a certificate of title shall become final until the lapse of
15 thirty days from receipt by the [~~Register of Deeds and by the~~
16 ~~Commissioner of Land Registration~~] ADMINISTRATOR OF THE
17 LAND REGISTRATION AUTHORITY (LRA) of a notice of such
18 order or judgment without any appeal having been filed by any of such
19 officials.

20 SECTION 2. *Appropriations.* – The amount necessary to carry out the provisions
21 of this Act shall be included in the General Appropriations Act of the year following its
22 enactment into law and thereafter.

23 SECTION 3. *Separability Clause.* – If any provision, or part hereof is held invalid
24 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
25 remain valid and subsisting.

1 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule or regulation contrary to
3 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
4 accordingly.

5 SECTION 5. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
6 following its publication in the *Official Gazette* or in two (2) newspapers of general
7 circulation.

Approved,

/ctrsDec2015