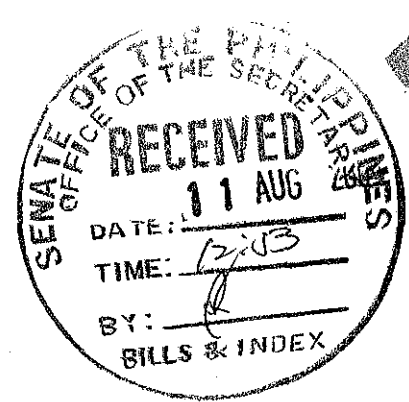


THIRTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S.B. No. 1717



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Introduced by Senator Miriam Defensor-Santiago

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#### EXPLANATORY NOTE

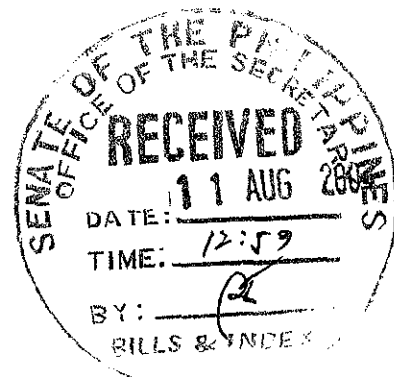
Section 70 of Presidential Decree No. 1529 otherwise known as Property Registration Decree provides the procedure for the registration of adverse claim on a certificate of title. This adverse claim notation shall be effective only for a period of thirty (30) days from the date of registration

The present law must be amended because apart from being unsound and impractical, it deprives a person of his substantial right to have his adverse claim annotated. The right of the adverse claimant can easily be defeated by the opposing party upon the filing of a petition for cancellation on the sole ground that the 30-day period has expired. After which, the adverse claimant has no other remedy since the law provides that no second adverse claim based on the same ground shall be registered by the claimant. Thus, the reason behind the law is rendered nugatory.

The previous rule, Section 110 of the Land Registration Act (Act No. 496) which provides that **"the court, upon a petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim and shall enter such decree therein as justice and equity may require. If the claim is adjudged to be invalid, the registration shall be cancelled"** is more reasonable and thus, should be revived.

  
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC)  
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AN ACT  
AMENDING SECTION 70 OF PRESIDENTIAL DECREE NO. 1529  
--OTHERWISE KNOWN AS PROPERTY REGISTRATION DECREE

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

SECTION 1. Section 70 of Presidential Decree No. 1529 otherwise known as the Property Registration Decree is hereby amended to read as follows:

“Section 70. Adverse Claim. – Whoever claims any part or interest in registered land adverse to the registered owner, arising subsequent to the date of the original registration, may, if no other provision is made in this Decree for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, a reference to the number of the certificate of title of the registered owner, the name of the registered owner, and a description of the land in which the right or interest is claimed.

The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and a place at which all notices may be served upon him. [The statement shall be entitled to registration as an adverse claim on the certificate of title. The adverse claim shall be effective for a period of thirty days from the date of registration. After the lapse of said period, the annotation of adverse claim may be cancelled upon filing of a verified petition therefore by the party in interest: Provided, however, that after cancellation, no second adverse claim based on the same ground shall be registered by the claimant.]

[Before the lapse of thirty days aforesaid, any party in interest may file a petition in the Court of First Instance where the land is situated for the cancellation of the adverse claim, and the court shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall render judgment as may be just and equitable. If the adverse claim is adjudged to be invalid, the registration thereof shall be ordered cancelled. If, in any case, the court, after notice and hearing, shall find that the adverse claim thus registered was frivolous, it may fine the claimant in an amount not less than one thousand pesos nor more than five thousand pesos, in its discretion. Before the lapse of thirty days, the claimant may withdraw his adverse claim by filing with the Register of Deeds a sworn petition to that effect.] THIS STATEMENT SHOULD BE ENTITLED TO REGISTRATION AS AN ADVERSE CLAIM, AND THE COURT, UPON A PETITION OF ANY PARTY IN INTEREST, SHALL GRANT A SPEEDY HEARING UPON THE QUESTION OF THE VALIDITY

OF SUCH ADVERSE CLAIM AND SHALL ENTER SUCH DECREE THEREIN AS JUSTICE AND EQUITY MAY REQUIRE. IF THE CLAIM IS ADJUDGED TO BE INVALID, THE REGISTRATION SHALL BE CANCELLED. IF IN ANY CASE THE COURT AFTER NOTICE AND HEARING SHALL FIND THAT A CLAIM THUS REGISTERED WAS FRIVOLOUS OR VEXATIOUS, IT MAY TAX THE ADVERSE CLAIMANT DOUBLE OR TREBLE COSTS IN ITS DISCRETION."

SECTION 2. *Separability Clause.* - Any part or parts hereof declared to be unconstitutional by a court of competent jurisdiction shall not affect the validity of the rest of the provisions of this Act.

SECTION 3. *Repealing Clause.* - Any law, decree, order, ordinance or rules or regulations, or any part or parts thereof, inconsistent with any provision of this Act is hereby repealed, amended or modified accordingly.

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

Approved,

A.L.P