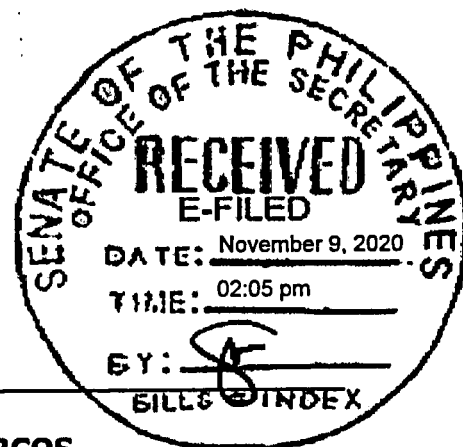


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

SENATE  
S.B. No. 1903



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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT RATIONALIZING LAND REGISTRATION, BROADENING FOR THE PURPOSE THE POWERS AND FUNCTIONS OF THE LAND REGISTRATION AUTHORITY AND REORGANIZING AND RENAMING IT AS THE PROPERTY REGISTRATION AND ADJUDICATION COMMISSION, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529 AND OTHER RELATED LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article XII, Section 6 of the Constitution provides that "*the use of property bears a social function, and all economic agents shall contribute to the common good.*" The System of land registration, particularly the torrens system, provides enormous benefits, not only to the registered owner, but also to all persons dealing with the registered property and to the society as a whole. The title of the property once registered and brought under the system cannot be impugned, altered, changed, modified, enlarged, or diminished except in some direct proceeding permitted by law. It is said that a secure property rights is a key determinant of economic development. In fact, land distribution and registration have long been part of the major strategies of the government for poverty alleviation.

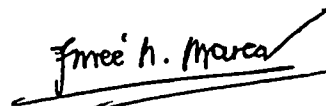
However, a study noted that "land administration infrastructure, including the land information system in the country remain poor and inadequate. Information about land ownership, location, boundaries, actual land uses and land values cannot be provided systematically in many local governments. One result is fraud in land titling that yields land ownership conflicts, which takes years to resolve." This issue is compounded by the fact that numerous agencies are involved in land administration but their operations are not coordinated and information integration is poor. There is considerable overlapping and fragmentation of institutional responsibilities among land agencies such as the Land Registration Authority (LRA) under the Department of Justice

and the Bureau of Land Management (LMB) under the Department of Environment and Natural Resources (DENR). There also seems no institutional mechanism in place to resolve conflicting issues.

This bill seeks to introduce major structural reforms in land administration and registration, as well as in the mechanism of resolving land related controversies and disputes. For this purpose, the Land Registration Authority is proposed to be transformed into a collegial body with quasi-judicial power to decide expeditiously land related controversies and disputes and to be renamed as the Property Registration and Adjudication Commission (PRAC). Thus, the jurisdictions to resolve disputes involving title to or possession of real properties, including ordinary and cadastral proceedings shall be transferred from the regular courts to the Commission, through the creation of its Offices of the Provincial or City Land Adjudicator. It also seeks to consolidate the functions of issuing patents, surveys, mapping and related works, to ensure coherent policies in land administration, by transferring these functions from the Department of Agrarian Reform (DAR) and from the Land Management Bureau of the Department of Environment and Natural Resources (DENR-LMB) to the Commission.

These reforms, including the updating of the provisions of Presidential Decree 1529, will greatly boost our effort to attain efficiency in land administration and to bring all registrable lands under the torrens system of registration in order to realize the maximum potential of the attributes of ownership of real properties.

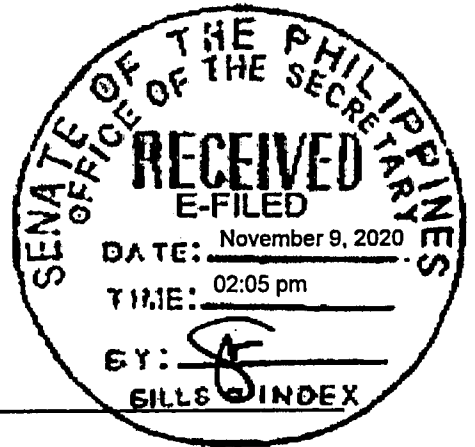
For the abovementioned reasons, the passage of this bill is earnestly sought.

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line. The signature is cursive and includes a checkmark at the end.

**IMEE R. MARCOS**

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT RATIONALIZING LAND REGISTRATION, BROADENING FOR THE PURPOSE THE POWERS AND FUNCTIONS OF THE LAND REGISTRATION AUTHORITY AND REORGANIZING AND RENAMING IT AS THE PROPERTY REGISTRATION AND ADJUDICATION COMMISSION, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529 AND OTHER RELATED LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**CHAPTER I  
GENERAL PROVISIONS**

1  
2  
3  
4     **Section 1. Short Title.** – This Act shall be known as the “*Land Registration Rationalization Act*”.

5  
6  
7     **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to ensure  
8 the optimum use of property as a way of improving the lives of the people. Towards  
9 this end, the State shall accelerate the titling of all alienable and disposable land,  
10 through centralized registration proceedings, simplify and streamline the procedure in  
11 the resolution of land dispute and other related concerns. The State shall also ensure  
12 the integrity of land titles, the accuracy of land information and the preservation of land  
13 records.  
14

15     **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms are  
16 defined as follows:  
17

- 18 a) *Commission* – refers to the Property Registration and Adjudication Commission.  
19  
20 b) *Annotation* – refers to a note, memorandum, encumbrance or lien or any other  
21 inscription inscribed on a certificate of title.

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- c) *Certification* – refers to a process by which the existence or non-existence (negative certification) of a particular fact or information is affirmed by the records of the Office of the Register of Deeds and its database.
- d) *Certified True Copy of Document* – refers to a facsimile or image a document on file with the Office of the Register of Deeds the contents of which are attested to be an accurate and complete reproduction of the original document.
- e) *Certified True Copy of Certificate of Title* – refers to a facsimile or image of a certificate of title in the records of the Office of the Register of Deeds, the contents of which are attested to be an accurate and complete reproduction of the original document.
- f) *Chattel* – refers to any person, group of persons or agency (government or private) who shall requests for any of the services provided by the Commission and its Registry of Deeds.
- g) *Condominium* – refers to an interest in real property consisting of separate interest in a unit in a residential, industrial or commercial building and an undivided interest in common, directly or indirectly in the land in which it is located and other common areas in the building.
- h) *Consulta* – is a remedy afforded to a party-in-interest when questions are raised whether an instrument may be registered or not, as provided for under Section 117 of Presidential Decree No. 1259.
- i) *Electronic Document* – refers to information or the representation of information, data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation is extinguished, or by which a fact may be proved and affirmed, which is received, recorded, transmitted, stored, processed, retrieved or produced electronically. It includes digitally-signed documents and any print-out, readable by sight or other means, which accurately reflects the electronic data message or electronic document.
- j) *Electronic Primary Entry Book for Chattel Mortgage (EPEB-CM)* – refers to the electronic book wherein the chattel mortgages including assignment, or discharge thereof, and any other instruments related thereto are recorded and assigned sequential entry numbers in the order of presentation indicating therein the date, hour, and minute when the same was received.
- k) *Electronic Primary Entry Book for Other Personal Properties (EPEB-PP)* – refers to the electronic book wherein all instruments involving other personal properties are

1 recorded and assigned sequential entry numbers in the order of presentation  
2 indicating therein the date, hour, and minute when the same was received.

3  
4 l) *Electronic Primary Entry Book for Registered Land (EBPEB-RL)* – refers to the  
5 electronic book wherein registered lands, including all transaction and/or  
6 instruments registered related thereto, are recorded and assigned sequential entry  
7 numbers in the order of presentation indicating therein the date, hour, and minute  
8 when the same was received.

9  
10 m) *Electronic Primary Entry Book for Unregistered Land (EPEB-UL)* – refers to the  
11 electronic book wherein all instruments involving transaction on unregistered land  
12 are recorded and assigned sequential entry numbers in the order of presentation  
13 indicating therein the date, hour, and minute when the same was received.

14  
15 n) *Electronic Book for Unregistered Land (EB-UL)* – refers to the electronic database  
16 wherein the details of transactions involving unregistered land entered in the  
17 Electronic Primary Entry Book for Unregistered Land (EPEB-UL) are recorded.

18  
19 o) *Electronic Receipt* – refers to the receipt of payment generated by the Point-of-  
20 Sale (POS) system.

21  
22 p) *Electronic Signature* – refers to any distinctive mark, characteristic and/or sound  
23 in electronic form, representing the identity of a person and attached to or logically  
24 associated with the electronic data message or electronic document or any  
25 methodology or procedure employed or adopted by a person and executed or  
26 adopted by such person with the intention of authenticating, signing or approving  
27 an electronic data message or electronic document. An electronic signature  
28 includes digital signatures.

29  
30 q) *Electronic Workflow System* – refers to the automation of procedures on  
31 transactions where documents, information or tasks are processed by the Office  
32 of the Register of Deeds personnel under PHILARIS.

33  
34 r) *Geographic Information System (GIS)* – refers to the information system used in  
35 the LTCP that integrates, stores, edits, analyzes, shares and displays geographic  
36 information within the Philippines archipelago.

37  
38 s) *Information Management Center (IMC)* – refers to the data center where the  
39 central database are located.

40  
41 t) *Inscription* – refers to the recording in the certificate of title of a memorandum,  
42 note, lien, encumbrance or an abstract of the instrument sought to be registered  
43 using the PHILARIS formats and templates.

- 1 u) *IT Service Fee/s* – refers to the fee/s collected from clients for the use of the  
2 PHILARIS in processing transactions.  
3
- 4 v) *Original Registration* – is the act of bringing property rights to a parcel of land  
5 under the coverage of the Torrens system of registration.  
6
- 7 w) *Original Certificate of Title* – refers to the certificate of title issued pursuant to a  
8 decree of registration, patent, award or grant registered and filed in the Registry.  
9
- 10 x) *Original Copy of the Certificate of Title* – refers to the copy of the certificate of title  
11 filed in the Registry, which under PHILARIS is electronically stored in the database  
12 of the Registry.  
13
- 14 y) *Owner's Duplicate Certificate of Title* – refers to the duplicate copy of the original  
15 copy of the certificate of title issued to the grantee or registered owner. If two or  
16 more persons are registered owners, one owner's duplicate certificate may be  
17 issued for the whole land, or if the co-owners so desired, a separate duplicate may  
18 be issued to each of them in like form, but all outstanding certificate of title shall  
19 be surrendered whenever the Register of Deeds shall register any subsequent  
20 voluntary transaction affecting the whole land or part thereof or any interest  
21 therein. The Register of Deeds shall note on each certificate of titles as to whom  
22 a copy thereof was issued.  
23
- 24 z) *Personal Properties* – refer to properties as defined under Articles 416 and 417 of  
25 the New Civil Code of the Philippines.  
26
- 27 aa) *PHILARIS* – refers to the Philippines Land Registration and Information System,  
28 which is a computer program designated and developed to automate the processes  
29 of the Commission and its Registries.  
30
- 31 bb) *Provisional Registration* – refers to the entry of an instrument in the EPEB-RL  
32 pending reconstitution of the original copy of a certificate of title pursuant to the  
33 provisions of LRA Circular No. 3, dated December 6, 1988.  
34
- 35 cc) *Reconstituted Title* – refers to the restored certificates of title  
36 (judicial/administrative) that have been lost or destroyed in the Registries, to  
37 include all liens and encumbrances affecting the lands covered by such titles.  
38
- 39 dd) *Register of Deeds* – refer to the person charged with the registration and/or  
40 recording of instruments affecting registered or unregistered lands and chattel  
41 mortgage in the province or city wherein such office is situated.  
42

- 1 ee) *Registration* – refers to the process by which instruments in the order in which  
2 they are received are noted in the EEB-RL of the Registry pursuant to law. They  
3 shall be regarded as registered from the time so noted in the EPEB-RL. There shall  
4 be two kinds of registration: (1) the registration resulting in the issuance of title  
5 (transcription); and (2) the registration of deeds and other instruments evidencing  
6 rights, interests and claims over the land (inscription).  
7
- 8 ff) *Reinstatement of Title* – refers to an involuntary transaction which involves the  
9 cancellation of an active title and issuance of a new title to restore the ownership  
10 of the previous registered owner pursuant to a final and executor decision of a  
11 Court or other quasi-judicial body.  
12
- 13 gg) *Secondary Database* – refers to the Duplicate of the primary database and is used  
14 for backup purposes located offsite.  
15
- 16 hh) *Subsequent Registration* – refers to a registration that occurs after property rights  
17 have been brought under the Torrens System after the date of original registration.  
18
- 19 ii) *Technical Description* – refers to the lot number, plan number, location, bearings,  
20 distances, corner description, metes and bounds, and area of a certain parcel of  
21 land.  
22
- 23 jj) *Text-based database* – refers to the encoded data stored in the database.  
24
- 25 kk) *Transcription* – refers to the entry in the EPEB-RL by the Register of Deeds of the  
26 original certificate of title duly numbered, dated, signed and sealed, and issued  
27 pursuant to a decree of registration, patent, award or grant.  
28
- 29 ll) *Unregistered Lands* – all lands which are not yet covered by Torrens System.  
30

31 **CHAPTER II**  
32 **CREATION OF THE COMMISSION AND OTHER ORGANIZATIONAL**  
33 **STRUCTURE**  
34  
35

36 **SEC. 4. *Renaming of the LRA.*** – The Land Registration Authority is hereby  
37 renamed as the Property Registration and Adjudication Commission (PRAC). The PRAC  
38 shall be attached to the Department of Justice solely for program and policy  
39 coordination.  
40

41 **SEC. 5. *Creation of the Commission; its composition.*** – There is hereby  
42 created a Commission to be composed of a chairman and Four (4) commissioners, who  
43 shall be appointed by the President. The Chairman and the Commissioners shall hold

1 office during good behavior until they reach the age of sixty-five (65) years, unless  
2 sooner removed for cause as provided by law or become incapacitated to discharge the  
3 duties of their office.

4  
5 The Chairman and the Commissioners shall be member of the Philippine Bar and  
6 must have been engaged in the practice of law in the Philippines for at least fifteen  
7 (15) years. They shall have the same rank, salary, privileges and benefits as that of the  
8 presiding justice of the Court of Appeals.

9  
10 The organizational structure and staffing pattern of the Commission, the Office  
11 of the Provincial/City Land Adjudicator and the Office of the Register of Deeds shall be  
12 formulated by the Commission, subject to the approval of the Department of Budget  
13 and Management (DBM) in accordance with Executive Order No. 292, otherwise known  
14 as the "Administrative Code of 1987".

15  
16 **SEC. 6. Powers and Functions of the Commission.** – The Commission shall  
17 have the following powers and functions:

- 18  
19 a) To serve as the policy-making body to effectuate the provisions of this Act;  
20 b) To conduct, integrate and regulate the functions of geodetic and geophysical  
21 surveys, land classification surveys, mapping, aerial photography, remote  
22 sensing, management of resource information needed by both public and  
23 private sectors, and research development thereof in accordance with  
24 existing laws and internationally accepted norms, procedures, and  
25 standards;  
26 c) To survey, map and maintain data base to support the determination of  
27 specific limits of forest lands and national parks by Congress as provided  
28 under Section 4, Article XII of the Constitution;  
29 d) To survey, map maintain database on, administer, manage and/or dispose  
30 of all alienable and disposable lands of the public domain and other lands,  
31 including foreshore and marsh lands, under the provisions of  
32 Commonwealth Act No. 141, as amended, otherwise known as the Public  
33 Land Act, and in accordance with existing laws;  
34 e) To manage, sell, and/or dispose the remaining Friar Lands under the  
35 provisions of Act No. 1120, as amended, and in accordance with existing  
36 laws;  
37 f) To manage and dispose lands of patrimonial property of the National  
38 Government under the provisions of Act No. 3038, or such other  
39 Government lands as have not been placed under the administration,  
40 management, control or exclusive use of any other government agency by  
41 legislative or executive issuance;  
42 g) To register original titles to land issued pursuant to Commonwealth Act No.  
43 141 and subsequent dealings of registered lands under the provisions of Act



- 1 No. 496 and Presidential Decree No. 1529, otherwise known as the Land  
2 Registration Act and the Property Registration Decree, respectively;
- 3 h) To conduct, regulate and approve all types of land surveys, including  
4 surveys intended for the implementation of Commonwealth Act. No. 141,  
5 Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL),  
6 Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA)  
7 and Republic Act No. 7279 or the Urban Development and Housing Act  
8 (UDHA);
- 9 i) To prepare, issue, and register all titles to land issued pursuant to  
10 Commonwealth Act No. 141 and subsequent dealings of registered lands,  
11 including all types of tenure instrument intended for the implementation of  
12 the CARL, UDHA and IPRA;
- 13 j) To determine, fix, and collect reasonable amounts to be charged as  
14 administrative fees, fines and penalties relative to the implementation of this  
15 Act;
- 16 k) To extend speedy and effective assistance to all stakeholders (private and  
17 public entities) in the implementation of the provisions of this law;
- 18 l) To be the central repository of records relative to original and subsequent  
19 registration of lands titled under the Torrens system, including all kinds of  
20 plans previously approved by the DENR-LMB, NCIP, Land Registration  
21 Authority, and their corresponding Technical Descriptions, and as such, be  
22 the sole administrator of the central database thereof;
- 23 m) To promulgate rules and regulations governing the hearing and disposition  
24 of cases before it and its adjudicators, as well as those necessary to carry  
25 out its functions;
- 26 n) To exercise appellate jurisdiction on resolutions issued by its adjudicators;
- 27 o) To hold any person in contempt, directly or indirectly, and impose  
28 appropriate penalties therefore in accordance with law.

29  
30 Any person committing any act of misbehavior in the presence of or so near  
31 any member of the Commission or any adjudicator as to obstruct or interrupt  
32 the proceedings before the same, including disrespect toward said officials,  
33 offensive acts toward others, or refusal to be sworn or to answer as a  
34 witness or to subscribe an affidavit or deposition when lawfully required to  
35 do so, may summarily adjudged guilty of direct contempt by said officials  
36 and shall be punished by a fine not exceeding Ten (10) thousand pesos or  
37 imprisonment not exceeding five (5) days or both if it be committed against  
38 the Commission or any member thereof. If the offense is committed against  
39 an adjudicator, it shall be punishable by a fine not exceeding Five (5)  
40 thousand pesos or imprisonment not exceeding three (3) days or both.

41  
42 The person adjudged in direct contempt by the adjudicator may appeal to  
43 the Commission and the execution of the judgment shall be suspended

1 pending the resolution of the appeal upon the filing by such person of a  
2 bond on condition that he/she will abide by and perform the judgment of  
3 the Commission should the appeal be decided against him/her. Judgment of  
4 the Commission on direct contempt is immediately executory and  
5 unappealable. Indirect contempt shall be dealt with by the Commission or  
6 adjudicator in the manner prescribed under Rule 71 of the Revised Rules of  
7 Court.

8 p) To enjoin or restrain, after due notice and hearing, any actual or threatened  
9 commission of any or all prohibited or unlawful acts or to require the  
10 performance of a particular act in any dispute within its jurisdiction which,  
11 if not restrained or performed forthwith, may cause grave or irreparable  
12 damage to any party or render ineffectual any decision in favor of such  
13 party. In no case shall a temporary or permanent injunction be issued except  
14 after a finding of fact by the Commission to the effect that;

15  
16 1) Prohibited or unlawful acts have been threatened and will be committed  
17 and will be continued unless restrained. But no injunction or temporary  
18 restraining order shall be issued on account of any threat, prohibited or  
19 unlawful act, except against the person or persons, association or  
20 organization making the threat or committing the prohibited or unlawful  
21 act or actually authorizing or ratifying the same after actual knowledge  
22 thereof;

23 2) Substantial and irreparable injury to complainant's property will follow;

24 3) As to each item of relief to be granted, greater injury will be inflicted  
25 upon complainant by the denial of relief that will be inflicted upon  
26 defendants by the granting of relief;

27 4) Complainant has no adequate remedy at law, and

28 5) Public officers charged with the duty to protect complainant's property  
29 are unable or unwilling to furnish adequate protection.

30  
31 q) To exercise such other powers as are implied, necessary, or incidental to  
32 carry out the express powers granted to the Commission.  
33  
34

35 **SEC. 7. Creation of the Office of the Provincial or City Land Adjudicator.**

36 – There is hereby created in each locality where there is the Office of the Register of  
37 Deeds, the Office of the Provincial or City Land Adjudicator.  
38

39 The Land Adjudicator shall be a member of the Integrated Bar of the Philippines  
40 and engaged in the practice of law for at least ten (10) years. He shall have the same  
41 rank, salary and privileges and benefits as that of the judges of Regional Trial Court.  
42  
43

1           **SEC. 8. Jurisdiction of the Land Adjudicator.** – The Office of the Provincial  
2 or City Land Adjudicator shall have exclusive original jurisdiction over the following:

- 3
- 4           a Petitions for correction, amendment, alteration, and revision of entries in  
5 certificates of title on any of the grounds provided under section 108 of P.D no.  
6 1529;
- 7           b Petitions questioning the validity of subdivision and consolidation plans approved  
8 by the PRAC pursuant to Section 6 (f) of PD No. 1529, as well as similar plans  
9 approved by the Director of Land Management Bureau;
- 10          c Petitions for replacement of lost or destroyed owner’s duplicate certificate of title  
11 under Section 109 of PD No. 1529;
- 12          d Petitions for reconstitution of lost or destroyed original or registry copies of  
13 certificate of title.
- 14          e Disputes involving title to or possession of real properties, whose jurisdiction is  
15 hereby transferred from the regular courts to the Office of the Provincial or City  
16 Land Adjudicator where the subject real property is located. Provided, That  
17 disputes involving ancestral land or ancestral domain shall remain within the  
18 jurisdiction of the NCIP pursuant to Republic Act No. 8371 or the Indigenous  
19 Peoples’ Rights Act of 1997;
- 20          f Ordinary registration proceedings and cadastral registration proceedings under  
21 Presidential Decree No. 1529, whose jurisdiction is hereby transferred from the  
22 regular courts to the Office of the Provincial or City Land Adjudicator where the  
23 subject real property is located.

24

25           **SEC. 9. Subpoena and Contempt Powers.** – The Office of the Provincial or  
26 City Land Adjudicator shall have the power to issue *subpoena duces tecum* and  
27 *subpoena ad testificandum* in the conduct of its proceedings. Failure to comply with  
28 the subpoena shall constitute a direct contempt and shall be dealt with in accordance  
29 with Section 5, Par. d of this Act.

30

31           **SEC. 10. Appeals.** – Decisions, awards or orders of the Provincial or City Land  
32 Adjudicator shall be final and executory unless appealed to the Commission within  
33 fifteen (15) days from receipt of such decisions, awards or orders.

34

35           The decision of the Commission on appeals from the Provincial or City Land  
36 Adjudicator may be brought upon to the Court of Appeals in accordance with Rule 65  
37 of the Rules of Court.

38

39           **SEC. 11. Execution of Decisions, Orders or Awards.** – The Commission or  
40 any Provincial or City Land Adjudicator may, *motu proprio*, or on motion of any  
41 interested party and under such rules as may be duly promulgated, issue a writ of  
42 execution on an order, award or judgment within five (5) years from the date it  
43 becomes final and executory, and by independent action for the enforcement of the

1 order, award or decision filed with the branch of the Provincial or City Land Adjudicator  
2 who issued the order, award or decision.

3  
4 The Commission shall appoint a Sheriff or such number of Sheriffs, in accordance  
5 with the provisions of the civil service laws, rules and regulations, who shall be  
6 responsible for the service and execution of all writs, summonses, and orders and other  
7 processes of the Commission.

8  
9 The Commission may designate special sheriffs and take any measure under  
10 existing laws to ensure compliance with their decisions, orders or awards.

11  
12 **SEC. 12. *Transfer of Functions, Records and Assets.*** – The functions of  
13 the LMB-DENR and DAR on surveying, mapping, issuance of patents and related works  
14 are hereby transferred and consolidated under the Property Registration and  
15 Adjudication Commission. The DENR and DAR shall reconstitute the staffing patterns  
16 of the affected functions and maintain personnel only as may be necessary to carry out  
17 its other functions;

18  
19 **SEC. 13. *Assistance to NCIP.*** – In coordination with the NCIP, the  
20 Commission shall formulate a special program to assist the NCIP in attaining its targets  
21 for the issuance of certificate of ancestral land/domain title and its subsequent  
22 registration to the Register of Deeds.

23  
24 **SEC. 14. *Transition Period.*** – All transfer of functions, assets, funds,  
25 equipment, properties, transactions and personnel in the affected national government  
26 agencies and the formulation and implementation of the internal organic structures,  
27 staffing patterns, operations systems of the Commission, shall be completed within six  
28 (6) months from the effectivity of this Act, during which existing personnel shall  
29 continue to assume their posts in holdover capacities until new appointments are  
30 issued. Accordingly, all related transactions of the effected agencies pending upon the  
31 effectivity of this Act and filed during the transition period shall continue to be acted  
32 upon by the incumbents until the rules and regulations as provided under this Act shall  
33 have been in force.

34  
35 **SEC. 15. *Absorption or Separation from Service of Affected Employees.***  
36 –The existing employees of DENR and DAR who will be affected by the reorganization  
37 shall enjoy security of tenure and shall be absorbed by the PRAC in accordance with its  
38 staffing patterns and the selection process as prescribed under Republic Act No. 6656,  
39 otherwise known as the "Government Reorganization Law".

40  
41 Employees opting to be separated from the service as a consequence of the  
42 consolidation and reconstitution under the provisions of this Act shall, within one (1)  
43 month from their separation benefits in accordance with existing laws. In addition,

1 those who are qualified to retire shall be allowed to retire and be entitled to all benefits  
2 provided under any of the existing retirement laws.

3  
4 **SEC. 16. *Development of State-of-the-Art Computer System.*** – The  
5 Commission is hereby authorized, for a period of five (5) years from the effectivity of  
6 this Act, to automatically retain 50% of all revenues derived from collection of  
7 registration fees, charges and other sources for capital outlay for infrastructure,  
8 procurement of equipment and services related to the development, updating and  
9 maintenance of State-of-the-art computer land information and data base system;

10  
11 **SEC. 17. *Office of the Registers of Deeds and Deputy Registers of***  
12 ***Deeds and their qualifications.*** – There shall be at least one Registrar of Deeds and  
13 one Deputy Registrar of Deeds for each province and city. An additional Deputy  
14 Registrar of Deeds shall be provided depending upon the volume of transactions in the  
15 Registry. For Medium Demand Registry one (1) Deputy Register of Deeds, for High  
16 Demand Registry two (2) Deputy Register of Deeds and for Very High Demand Registry  
17 three (3) Deputy Register of Deeds, shall be provided.

18  
19 The Secretary of Justice shall define the official station and territorial jurisdiction  
20 of each Registry upon the recommendation of the Commission, with the end in view of  
21 making every Registry easily accessible to the people of the neighboring municipalities.

22  
23 The province or city shall furnish a suitable space or building for the office of the  
24 Register of Deeds until such time as the same could be furnished out of national funds.

25  
26 Registers of Deeds shall be appointed by the President of the Philippines upon  
27 recommendation of the Secretary of Justice. Deputy Registers of Deeds and all other  
28 subordinate personnel of the Registries of Deeds shall be appointed by the Chairman  
29 of the Commission.

30  
31 No person shall be appointed Register of Deeds unless he has been admitted to  
32 the practice of law in the Philippines and shall have been actually engaged in such  
33 practice for at least three (3) years or has been employed for a like period in any branch  
34 of government the functions of which include the registration of property. He shall have  
35 the same rank, salary and privileges and benefits as that of the judges of Metropolitan  
36 Trial Court.

37  
38 The Deputy Register of Deeds shall be a member of the Philippine Bar. He shall  
39 have the same rank, salary and privileges and benefits as that of the judges of Municipal  
40 Trial Court. Provided, however, that no Register of Deeds or Deputy Register of Deeds  
41 holding office as such upon the passage of this Act shall, by reason hereof, be removed  
42 from office or be demoted to a lower category or scale of salary except for cause and  
43 upon compliance with due process as provided for by law.

1           **SEC. 18. *General Functions of Registers of Deeds.*** – The office of the  
2 Register of Deeds constitutes a public repository of records of instruments affecting  
3 registered or unregistered lands and chattel mortgages in the province or city wherein  
4 such office is situated.

5  
6           It shall be the duty of the Register of Deeds to immediately register an  
7 instrument presented for registration dealing with real or personal property that  
8 complies with all the formal and legal requisites for registration. If the instrument is  
9 not registrable, he shall forthwith deny registration thereof and inform the presentor of  
10 such denial in writing, stating the ground or reason therefor, and advising him of his  
11 right to appeal by consulta in accordance with Section 134 of this Act.

12  
13           In case a registrable instrument cannot be registered for some other reasons,  
14 he shall likewise forthwith inform the presentor in writing stating the reasons therefor.  
15 Nonetheless, it shall be the duty of the Registrar of Deeds concerned to undertake the  
16 necessary steps to resolve the matter/issue the soonest.

17  
18           Unless ordered by the court for cause shown, certificates of titles, survey plans,  
19 deeds, instruments, orders, and other papers in connection with, or relative to, any  
20 title, interest, or right in real or personal property; primary entry books, registration  
21 books, and other books where records and annotations are made shall not be removed  
22 from the register of deeds. (10a)

23  
24           **SEC. 19. *Discharge of Duties of Register of Deeds in case of vacancy,***  
25 ***etc. –***

26           (1) Until a regular Register of Deeds shall have been appointed for a province or  
27 city, or in case of vacancy in the office, or upon the occasion of the absence, illness,  
28 suspension, or inability of the Register of Deeds to discharge his duties, said duties  
29 shall be performed by any of the following:

30  
31           (a) For the province or city where there is a Deputy Register of Deeds, by said  
32 Deputy Register of Deeds, or by the second Deputy Register of Deeds,  
33 should there be one;

34  
35           (b) For the province or city where there is no Deputy or second Deputy Register  
36 of Deeds, the Administrator shall designate an officer-in-charge from among  
37 the qualified personnel of the Registry concerned as may be determined by  
38 him;

39  
40           (2) In case of absence, disability or suspension of the Register of Deeds without  
41 pay, or in case of vacancy in the position, Administrator may, in his discretion, authorize  
42 the payment of an additional compensation to the official acting as Officer-In-Charge,  
43 such additional compensation together with his actual salary not to exceed the salary  
44 authorized for the position thus filled by him.

1 (3) In case of a newly-created province or city and pending establishment of a  
2 Registry of Deeds and the appointment of a regular Register of Deeds for the new  
3 province or city, the Register of Deeds of the mother province or city shall be the ex-  
4 officio Register of Deeds for said new province or city.

5  
6 **SEC. 20. *Owner's Index; Reports.*** – There shall be prepared in every  
7 Registry a computerized index system providing for a list of the names of all registered  
8 owners alphabetically arranged and all lands registered in their names, the title  
9 numbers and all other co-owners, if any.

10  
11  
12 **CHAPTER III**  
13 **ORIGINAL REGISTRATION**  
14 **I. ORDINARY REGISTRATION PROCEEDINGS**  
15 **A. APPLICATIONS**

16  
17 **SEC. 21. *Who may apply.*** – The following persons may file in the Office of  
18 the Provincial or City Land Adjudicator where the property is located an application for  
19 registration of title to land, whether personally or through their duly authorized  
20 representatives:

21  
22 (1) Those who by themselves or through their predecessors-in-interest have  
23 been in open, continuous, exclusive and notorious possession and occupation of  
24 alienable and disposable lands of the public domain at the time the application for  
25 registration of title is filed, under a bona fide claim of ownership for at least thirty  
26 (30) years immediately preceding the filing of the application for registration of title  
27 of lands of the public domain which has been declared alienable and disposable at  
28 the time the application for registration of title is filed.

29  
30 (2) Those who have acquired ownership of private lands by prescription under  
31 the provision of existing laws.

32  
33 (3) Those who have acquired ownership of private lands or abandoned river  
34 beds by right of accession or accretion under the existing laws.

35  
36 (4) Those who have acquired ownership of land in any other manner provided  
37 for by law.

38  
39 Where the land is owned in common, all the co-owners shall file the application  
40 jointly.

41  
42 Where the land has been sold under pacto de retro, the vendor a retro may file  
43 an application for the original registration of the land, provided, however, that should  
44 the period for redemption expires during the pendency of the registration proceedings

1 and ownership to the property consolidated in the vendee a retro, the latter shall be  
2 substituted for the applicant and may continue the proceedings.

3  
4 A trustee on behalf of his principal may apply for original registration of any land  
5 held in trust by him, unless prohibited by the instrument creating the trust.  
6

7 **SEC. 22. Form and contents.** – The application for land registration shall be  
8 in writing, signed by the applicant or the person duly authorized in his behalf, and  
9 sworn to before any officer authorized to administer oaths for the province or city where  
10 the application was actually signed. If there is more than one applicant, the application  
11 shall be signed and sworn to by and in behalf of each. The application shall contain a  
12 description of the land and shall state the citizenship and civil status of the applicant,  
13 whether single or married, and, if married, the name of the wife or husband, and, if  
14 the marriage has been legally dissolved, when and how the marriage relation  
15 terminated. It shall also state the full names and addresses of all occupants of the land  
16 and those of the adjoining owners, if known, and, if not known, it shall state the extent  
17 of the search made to find them.  
18

19 The application, shall, in form, be substantially as follows:  
20

21  
22 Republic of the Philippines  
23 Office of the Provincial/City Land Adjudicator of \_\_\_\_\_  
24

25 The undersigned, \_\_\_\_\_  
26 hereby applies (or apply) to have the land hereinafter described brought  
27 under the operation of the Property Registration Act, and to have the title  
28 thereto registered and confirmed:  
29

30 AND DECLARE . . . . .  
31

32 1. That the applicant/s is/are the owners of the land (by virtue of  
33 inheritance or deed of sale or conveyance and/or possession in  
34 accordance with Section 21 of said Act, together with the building and  
35 improvements thereon, with the exception of the  
36 following: \_\_\_\_\_

37 \_\_\_\_\_ which is/are the property of  
38 \_\_\_\_\_ residing at  
39 \_\_\_\_\_ The said land, consisting of  
40 \_\_\_\_\_ parcel/s is/are situated, bounded and described  
41 as shown on the plan and technical descriptions attached hereto and  
42 made a part hereof, with the following  
43 exception: \_\_\_\_\_  
44 \_\_\_\_\_.



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2. That said land at the last assessment for taxation was assessed at P \_\_\_\_\_, Philippine currency, and the buildings and other improvements at P \_\_\_\_\_, Philippine currency.

3. That to the best of my/our knowledge and belief, there is no mortgage or encumbrance of any kind whatsoever affecting said land, nor any other person having any interest therein, legal or equitable, or in possession, other than as follows:

\_\_\_\_\_

4. That the applicant/s has/have acquired said land in the following manner: \_\_\_\_\_

(Note: Refer to Sec. 17 of said Act. State also whether the property is conjugal, paraphernal or exclusive property of the applicant/s)

5. That said land is occupied by the following person:

\_\_\_\_\_

6. That the names in full and addresses, as far as known to the undersigned, of the owners of all adjoining properties, of the persons mentioned in paragraphs 3 and 5, and of the persons shown on the plan as claimants, are as follows:

\_\_\_\_\_

7. That the applicant/s is/are single or married to \_\_\_\_\_ (Note: if marriage has been legally dissolved, state when and how the marriage relation terminated.)

\_\_\_\_\_

8. That the applicant's/s' full name, age, citizenship, residence, and postal address/es is/are as follows:

\_\_\_\_\_

9. That (Note: If the land included in the application is bounded by a public or private way or road, there should be stated in this paragraph whether or not the applicant claims any and what land within the limits of the way or road and whether the applicant desires to have the line of

1 the way or road determined.)  
2 \_\_\_\_\_  
3

4 10. That the following documents are attached hereto and made a  
5 part hereof: \_\_\_\_\_  
6

7 Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, in  
8 the year twenty hundred and \_\_\_\_\_.  
9

10 \_\_\_\_\_  
11 Applicant

12 \_\_\_\_\_  
13 (Post Office Address)  
14

15 REPUBLIC OF THE PHILIPPINES  
16 PROVINCE (OR CITY) OF \_\_\_\_\_  
17

18 On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ personally  
19 appeared before me the above-named  
20 \_\_\_\_\_ known to me to be the person/s  
21 who executed the foregoing application and made oath that the  
22 statements therein are true of his/their knowledge, information and  
23 belief.  
24

25 The Community Tax Certificate/s \_\_\_\_\_ of  
26 the applicant/s \_\_\_\_\_ was/were exhibited to me being No.  
27 \_\_\_\_\_ issued at \_\_\_\_\_ dated  
28 \_\_\_\_\_, 20 \_\_\_\_\_.  
29

30 \_\_\_\_\_  
31 (Notary Public, or other Officer  
32 Authorized to Administer oaths}  
33 PTR No. \_\_\_\_\_  
34

35  
36 **SEC. 23. Non-resident applicant.** – If the applicant is not a resident of the  
37 Philippines, he shall file with his application an instrument in due form appointing an  
38 agent or representative residing in the Philippines, giving his full name and postal  
39 address, and shall therein agree that the service of any legal process in the proceedings  
40 under or growing out of the application made upon his agent or representative shall be  
41 of the same legal effect as if made upon the applicant within the Philippines. If the  
42 agent or representative dies, or leaves the Philippines, the applicant shall forthwith  
43 make another appointment for the substitute, and, if he fails to do so the court may  
44 dismiss the application.

1  
2       **SEC. 24. *What and where to file.*** – The application for land registration shall  
3 be filed with the Office of the Provincial or City Land Adjudicator of the province or city  
4 where the land is situated. The application shall be accompanied by the following:  
5

- 6       a. The original plan in tracing cloth or sepia copy duly approved by the chief,  
7       surveys division, department of registration, PRAC;  
8  
9       b. The original copy of the technical descriptions certified by the chief, surveys  
10       division, PRAC or the official so authorized;  
11  
12       c. The original copy of the geodetic engineer's certificate or, in lieu thereof, a  
13       certification from the chief, surveys division, PRAC as to its non-availability;  
14  
15       d. The official certification from the Community Environment and Natural  
16       Resources Office (CENRO) or Provincial Environment and Natural Resources  
17       Office (PENRO) certifying that the land has already been declared as alienable  
18       and disposable;  
19  
20       e. Copy of the latest tax declaration duly certified by the provincial, city or municipal  
21       assessor;  
22  
23       f. All original muniments of title of the applicant which prove his ownership of the  
24       land. This requirement is not mandatory as long as the documents can be  
25       produced before the court during the hearing whenever required or necessary.  
26

27       The clerk of the Office of Provincial or City Land Adjudicator shall not accept any  
28 application unless it is shown that the applicant has furnished the Commission with a  
29 copy of the application and all annexes.  
30

31       **SEC. 25. *Application covering two or more parcels.*** – An application may  
32 include two or more parcels of land belonging to the applicant/s provided they are  
33 situated within the same province or city. The land adjudicator may at any time order  
34 an application to be amended by striking out one or more of the parcels or by a  
35 severance of the application.  
36

37       **SEC. 26. *Amendments.*** – Amendments to the application including joinder,  
38 substitution, or discontinuance as to parties may be allowed by the land adjudicator at  
39 any stage of the proceedings upon just and reasonable terms.  
40

41       Amendments which shall consist in a substantial change in the boundaries or an  
42 increase in area of the land applied for or which involve the inclusion of an additional  
43 land shall be subject to the same requirements of publication and notice as in an original  
44 application.

1           **SEC. 27. *When land applied for borders on road.*** – If the application  
2 describes the land as bounded by a public or private way or road, it shall state whether  
3 or not the applicant claims any and what portion of the land within the limits of the  
4 way or road, and whether the applicant desires to have the line of the way or road  
5 determined.  
6

7           **SEC. 28. *Requirement of additional facts and papers; ocular inspection.***  
8 – The land adjudicator may require facts to be stated in the application in addition to  
9 those prescribed by this Act not inconsistent therewith and may require the filing of  
10 any additional paper. It may also conduct an ocular inspection, if necessary.  
11

12           **SEC. 29. *Dealings with land pending original registration.*** – After the  
13 filing of the application and before the issuance of the decree of registration, the land  
14 therein described may still be the subject of dealings in whole or in part, in which case  
15 the interested party shall present to the land adjudicator the pertinent instruments  
16 together with a subdivision plan approved by the Director of Registration, PRAC in case  
17 of transfer of portions thereof and the land adjudicator, after notice to the parties, shall  
18 order such land registered subject to the conveyance or encumbrance created by said  
19 instruments, or order that the Act of registration be issued in the name of the person  
20 to whom the property has been conveyed by said instruments.  
21

## 22                                   **B. PUBLICATION, OPPOSITION AND DEFAULT**

23           **SEC. 30. *Notice of initial hearing, publication, etc.*** – The land adjudicator  
24 shall, within five days from filing of the application, issue an order setting the date and  
25 hour of the initial hearing which shall not be earlier than thirty (30) days nor later than  
26 forty-five (45) days from the date of the order.  
27

28  
29           The public shall be given notice of the initial hearing of the application for land  
30 registration by means of (1) publication; (2) mailing; and (3) posting.  
31

### 32           ***1. By publication.*** -

33  
34           The land adjudicator shall cause a notice of initial hearing to be published once  
35 in a newspaper of general circulation in the Philippines: Provided, however, that the  
36 publication in the newspaper shall be preserved by the office of the provincial/city land  
37 adjudicator through digital form. Said notice shall be addressed to all persons appearing  
38 to have an interest in the land involved including the adjoining owners so far as known,  
39 and "to all whom it may concern". Said notice shall also require all persons concerned  
40 to appear at a certain date and time to show cause why the prayer of said application  
41 shall not be granted.  
42

### 43           ***2. By mailing.*** -

1  
2 (a) Mailing of notice to persons named in the application. - The land adjudicator  
3 shall also, within seven-days after publication of said notice, as hereinbefore provided,  
4 cause a copy of the notice of initial hearing to be mailed to every person named in the  
5 notice whose address is known or through any other means authorized by law.  
6

7 (b) Mailing of notice to the Secretary of Public Highways, the Provincial Governor  
8 and the Mayor. - If the applicant requests to have the line of a public way or road  
9 determined, the land adjudicator shall cause a copy of said notice of initial hearing to  
10 be mailed to the Secretary of Public Highways, to the Provincial Governor, and to the  
11 Mayor of the municipality or city, as the case may be, in which the land lies.  
12

13 (c) Mailing of notice to the Secretary of Agrarian Reform, the Solicitor General,  
14 the Director of Public Works, the Director of Forest Development, the Director of Mines  
15 and the Director of Fisheries and Aquatic Resources. - If the land borders on a river,  
16 navigable stream or shore, or on an arm of the sea where a river or harbor line has  
17 been established, or on a lake, or if it otherwise appears from the application or the  
18 proceedings that a tenant-farmer or the national government may have a claim adverse  
19 to that of the applicant, notice of the initial hearing shall be given in the same manner  
20 to the Secretary of Agrarian Reform, the Solicitor General, the Director of Mines and/or  
21 the Director of Fisheries and Aquatic Resources, as may be appropriate.  
22

23 *3. By posting. -*  
24

25 The land adjudicator shall also cause a duly attested copy of the notice of initial  
26 hearing to be posted by the sheriff of the province or city, as the case may be, or by  
27 his deputy, in a conspicuous place on each parcel of land included in the application  
28 and also in a conspicuous place on the bulletin board of the municipal building of the  
29 municipality or city in which the land or portion thereof is situated, fourteen days at  
30 least before the date of initial hearing.  
31

32 The land adjudicator may also cause notice to be served to such other persons  
33 and in such manner as it may deem proper.(23a)  
34

35 The notice of initial hearing shall, in form, be substantially as follows:  
36

37 (Caption and Title)  
38 NOTICE OF INITIAL HEARING  
39

40 To (here insert the names of all persons appearing to have an  
41 interest and the adjoining owners so far as known, and to all whom it  
42 may concern):  
43

1 An application (or petition) having been filed in the above-entitled  
2 case by (full name and address) praying for the registration and  
3 confirmation (or for the settlement and adjudication, in case of petition  
4 in cadastral proceedings) of title to the following described lands:

5 (Insert description)

6 You are hereby served this notice to appear before this Office at  
7 its session to be held at \_\_\_\_\_ on the \_\_\_\_\_  
8 day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the  
9 \_\_\_\_\_ then and there to present such claims as you may have to  
10 said lands or any portion thereof, and to submit evidence in support of  
11 such claim; and unless you appear at said Office at the time and place  
12 aforesaid, your default will be recorded and the title to the lands will be  
13 adjudicated and determined in accordance with law and the evidence  
14 before the Office, and thereafter you will forever be barred from  
15 contesting said application (or petition) or any decree entered thereon.

16  
17 Witness, the Hon. \_\_\_\_\_ Provincial/City  
18 Land Adjudicator of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
19 in the year 20\_\_\_\_.

20  
21 Attested:

22  
23 PROV./CITY LAND ADJUDICATOR

24  
25 **SEC. 31. Proof of publication and notice.** – The certification of the sheriff  
26 concerned to the effect that the notice of initial hearing, as required by law, has been  
27 complied with shall be filed in the case before the date of initial hearing, and shall be  
28 conclusive proof of such fact.

29  
30 **SEC. 32. Opposition to application in ordinary proceedings.** – Any person  
31 claiming an interest, whether named in the notice or not, may appear and file an  
32 opposition on or before the date of initial hearing, or within such further time as may  
33 be allowed by the land adjudicator. The opposition shall state all the objections to the  
34 application and shall set forth the interest claimed by the party filing the same and  
35 apply for the remedy desired, and shall be signed and sworn to by him or by some  
36 other duly authorized person.

37  
38 If the opposition or the adverse claim of any person covers only a portion of the  
39 lot and said portion is not properly delimited on the plan attached to the application,  
40 or in case of undivided co-ownership, conflicting claims of ownership or possession, or  
41 overlapping of boundaries, the office may require the parties to submit a subdivision  
42 plan duly approved by the Chief, Surveys Division, PRAC.



1 disability, and if a minor, his age. It shall contain a complete technical description of  
2 the land as finally determined by the land adjudicator, and shall set forth the estate of  
3 the owner, and also, in such manner as to show their relative priorities, all particular  
4 estates, mortgages, easements, liens, attachments, and other encumbrances, including  
5 rights of tenant-farmers, if any, to which the land or owner's estate is subject, as well  
6 as any other matters properly to be determined in pursuance of this Act.

7  
8 The OCT shall bind the land and quiet title thereto, subject only to such  
9 exceptions or liens as may be provided by law. It shall be conclusive upon and against  
10 all persons, including the National Government and all branches thereof, whether  
11 mentioned by name in the application or notice, the same being included in the general  
12 description "To all whom it may concern".

13  
14 **SEC. 39. Review of Order for issuance of OCT; Innocent purchaser for**  
15 **value.** – The OI-OCT shall not be reopened or revised by reason of absence, minority,  
16 or other disability of any person adversely affected thereby, nor by any proceeding for  
17 reversing judgments, subject, however, to the right of any person, including the  
18 government and the branches thereof, deprived of land or of any estate or interest  
19 therein by such adjudication or confirmation of title obtained by actual fraud, to file a  
20 petition for reopening and review of the OI-OCT not later than one year from and after  
21 the date of the entry of such OCT, but in no case shall such petition be entertained by  
22 the land adjudicator where an innocent purchaser for value has acquired the land or  
23 an interest therein, whose rights may be prejudiced. Whenever the phrase "innocent  
24 purchaser for value" or an equivalent phrase occurs in this Act, it shall be deemed to  
25 include an innocent lessee, mortgagee, or other encumbrances for value.

26  
27 Once registered, the OCT and the certificate of title issued shall become  
28 incontrovertible. Any person aggrieved by such OCT in any case may pursue his remedy  
29 by action for damages against the applicant or any other persons responsible for the  
30 fraud.

31  
32 **SEC. 40. Appeal from judgment, etc.** – The judgment and orders of the land  
33 adjudicator hearing the land registration case are appealable to the Commission within  
34 fifteen (15) days from receipt of the said judgment or order.

35  
36 **SEC. 41. Rules of procedure.** – The Rules of Court shall, insofar as not  
37 inconsistent with the provisions of this Act, be applicable to land registration and  
38 cadastral cases by analogy or in a suppletory character and whenever practicable and  
39 convenient.

40  
41 **I. CADASTRAL REGISTRATION PROCEEDINGS**  
42 **A. ORDER FOR SPEEDY SETTLEMENT AND ADJUDICATION; SURVEY;**  
43 **NOTICES**  
44



1           **SEC. 42. Cadastral Survey preparatory to filing of petition.** – (a) The  
2 Commission is hereby mandated to conduct a comprehensive and continuing cadastral  
3 survey of the entire country, upon notice to the LGU concerned. To this end, it shall  
4 direct and order the Register of Deeds to cause to be made cadastral survey of the  
5 lands involved and the plans and technical descriptions thereof prepared in due form.  
6

7           (b) Thereupon, the Register of Deeds shall give notice to persons claiming any interest  
8 in the lands as well as to the general public, of the day on which such survey will begin,  
9 giving as fully and accurately as possible the description of the lands to be surveyed.  
10 Such notice shall be published once in a newspaper of general circulation, and a copy  
11 of the notice in English or the national language shall be posted in a conspicuous place  
12 on the bulletin board of the municipal building of the municipality and in the Barangay  
13 where the lands or any portion thereof is situated. A copy of the notice shall also be  
14 sent to the mayor of such municipality as well as to the Barangay captain and likewise  
15 to the Sangguniang Panlalawigan and the Sangguniang Bayan concerned.  
16

17           (c) The Geodetic Engineers or other employees of the PRAC in charge of the survey  
18 shall give notice reasonably in advance of the date on which the survey of any portion  
19 of such lands is to begin, which notice shall be posted in the bulletin board of the  
20 municipal building of the municipality or barrio in which the lands are situated, and  
21 shall mark the boundaries of the lands by monuments set up in proper places thereon.  
22 It shall be lawful for such Geodetic Engineers and other employees to enter upon the  
23 lands whenever necessary for the purposes of such survey or the placing of  
24 monuments. Relative thereto, the PRAC may call upon the assistance of the Philippine  
25 National Police or the Armed Forces of the Philippines, or of other law enforcement  
26 agencies to ensure the safety and security of PRAC Personnel and the parties concerned  
27 in the conduct of such survey.  
28

29           (d) It shall be the duty of every person claiming an interest in the lands to be surveyed,  
30 or in any parcel thereof, to provide the Geodetic Engineer, upon the latter's request,  
31 all information possessed by such person concerning the boundary lines of any lands  
32 to which he claims title or in which he claims any interest, otherwise said persons shall  
33 be bound by the findings of the Geodetic Engineers.  
34

35           (e) Any person who shall willfully obstruct the making of any survey undertaken by the  
36 PRAC or by a licensed Geodetic Engineer duly authorized to conduct the survey under  
37 this Section, or shall maliciously interfere with the placing of any monument or remove  
38 such monument, or shall destroy or remove any notice of survey posted on the land  
39 pursuant to law, shall be punished by a fine of not more than one hundred thousand  
40 pesos (P100,000.00) or by imprisonment for not more than six (6) years, or both.  
41

42           (f) The Register of Deeds, within thirty (30) days from the approval of the cadastral  
43 survey shall transmit to the Commission all the necessary documents needed for the

1 filing of the appropriate cadastral proceedings as enumerated under Section 42 of this  
2 Act.

3  
4 **B. PETITION; LOT NUMBERS**

5  
6 **SEC. 43. *Petition for registration.*** – When the lands have been surveyed or  
7 plotted, the Commission, represented by the Solicitor General, shall institute the  
8 necessary petition within thirty (30) days after the approval of the survey by the  
9 concerned Register of Deeds in the Office of the Land/City Adjudicator of the place  
10 where the land is situated against the holders, claimants, possessors, or occupants of  
11 such lands or any part thereof, stating in substance that public interest requires that  
12 the title to such lands be settled and adjudicated and praying that such titles be so  
13 settled and adjudicated. The application shall be accompanied by the following:

- 14  
15 a. Boundary and Index Map in tracing cloth or sepia copy;  
16 b. Technical Description of exterior boundaries;  
17 c. Cadastral map in tracing cloth or sepia copy;  
18 d. Lot descriptions in tracing cloth or sepia copy;  
19 e. Numerical lists of survey lots;  
20 f. Numerical and alphabetical lists of survey claimants;  
21 g. Surveyor's / Geodetic Engineer's certificate.

22  
23 The petition shall contain a description of the lands and shall be accompanied  
24 by a plan thereof, and may contain such other data as may serve to furnish full notice  
25 to the occupants of the lands and to all persons who may claim any right or interest  
26 therein.

27  
28 Where the land consists of two or more parcels held or occupied by different  
29 persons, the plan shall indicate the boundaries or limits of the various parcels as  
30 accurately as possible. The parcels shall be known as "lots" and shall on the plan filed  
31 in the case be given separate numbers by the PRAC, which numbers shall be known as  
32 "PRAC lot numbers". The lots situated within each municipality shall, as far as  
33 practicable, be numbered consecutively beginning with number "one", and only one  
34 series of numbers shall be used for that purpose in each municipality. However in cities  
35 or town sites, a designation of the landholdings by blocks and lot numbers may be  
36 employed instead of the designation by cadastral lot numbers.

37  
38 The cadastral number of a lot shall not be changed after final decision has been  
39 entered decreasing the registration thereof, except by order of the land adjudicator.  
40 Future subdivisions of any lot shall be designated by a letter or letters of the alphabet  
41 added to the cadastral number of the lot to which the respective subdivisions pertain.  
42 The letter with which a subdivision is designated shall be known as its "cadastral letter":

1 Provided, however, that the subdivisions of cities or town sites may be designated by  
2 blocks and lot numbers.

3  
4 **C. ANSWER**

5  
6 **SEC. 44. Answer to petition in cadastral proceedings.** – Any claimant in  
7 cadastral proceedings, whether named in the notice or not, shall appear before the  
8 land adjudicator by himself or by some other authorized person in his behalf, and shall  
9 file an answer on or before the date of initial hearing or within such further time as  
10 may be allowed by the said office. The answer shall be signed and sworn to by the  
11 claimant or by some other authorized person in his behalf, and shall state whether the  
12 claimant is married or unmarried, and if married, the name of the spouse and the date  
13 of marriage, his nationality, residence and postal address, and shall also contain:

- 14  
15 (a) The age of the claimant;  
16  
17 (b) The cadastral number of the lot or lots claimed, as appearing on the plan  
18 prepared by the Register of Deeds, or the block and lot numbers, as the  
19 case may be;  
20  
21 (c) The name of the Barangay and municipality where the lots are situated;  
22  
23 (d) The names and addresses of the owners of the adjoining lots so far as  
24 known to the claimant;  
25  
26 (e) If the claimant is in possession of the lots claimed and can show no express  
27 grant of the land by the government to him or to his predecessors-in-  
28 interest, the answer shall state the length of time he has held such  
29 possession and the manner in which it has been acquired, and shall also  
30 state the length of time, as far as known, during which the predecessors,  
31 if any, held possession;  
32  
33 (f) If the claimant is not in possession or occupation of the land, the answer  
34 shall fully set forth the interest claimed by him and the time and manner  
35 of his acquisition;  
36  
37 (g) If the lots have been assessed for taxation, their last assessed value; and  
38  
39 (h) The encumbrances, if any, affecting the lots and the names of adverse  
40 claimants, as far as known.

41  
42 **SEC. 45. Claimant support mechanism.** – The Commission shall hereby  
43 establish an appropriate claimant support mechanism, which shall assist the claimants  
44 in the preparation, and filing of their answers.

1  
2 **D. HEARING; JUDGMENT; OCT**  
3

4 **SEC. 46. *Hearing, Judgment, OCT.*** – The trial of the case may occur at any  
5 convenient place within the province in which the lands are situated and shall be  
6 conducted, and orders for default and confessions entered, in the same manner as in  
7 ordinary land registration proceedings and shall be governed by the same rules. All  
8 conflicting interests shall be adjudicated by the land adjudicator and judgment rendered  
9 in favor of the persons entitled to the lands or to parts thereof and such judgment shall  
10 be the basis for issuance of original certificates of title in favor of said persons and shall  
11 have the same effect as certificates of title granted on application for registration of  
12 land under ordinary land registration proceedings.  
13

14 **Sec. 47. *Previously Issued Decrees Not Registered and Lost or***  
15 ***Destroyed Decrees.*** – If a decree was issued under either Act No. 496 or PD 1529,  
16 but was not registered in the Registration Book, there being sufficient proof of the  
17 issuance of said decree, the decreed owner, his heirs, and successors-in-interest, can  
18 file a Petition in the Office of the Provincial/City Land Adjudicator where the property  
19 is located, for an Order directing the registration of said decree in the Registration Book  
20 and for the issuance of the corresponding certificate of title.  
21

22 In the event that a decree issued under Act No. 496 or PD 1529, is totally lost  
23 or destroyed, the person claiming to be the decreed owner or claiming rights from said  
24 decreed owner, shall file a petition before the said office, for an Order directing the re-  
25 issuance of the lost or destroyed decree. If there is/are already valid and subsisting  
26 certificate(s) of title issued for portions of the land covered by the lost/destroyed  
27 decree, there arises a presumption that the lost/destroyed decree was validly issued  
28 and registered.  
29

30  
31 **CHAPTER IV**  
32 **CERTIFICATE OF TITLE**  
33

34 **SEC. 48. *Preparation of Certificate of Title.*** – After the judgment directing  
35 the registration of title to land has become final, the land adjudicator shall, within fifteen  
36 days from entry of judgment, motu proprio, issue an order directing the Commission  
37 to issue the corresponding certificate of title. The clerk of the land adjudicator shall  
38 send, within fifteen days from entry of judgment, to the Commission certified copies of  
39 the judgment and of the order directing the issuance of the corresponding certificate  
40 of title, and a certificate stating that the decision has not been amended, reconsidered,  
41 nor appealed, and has become final. Thereupon, the Commission shall cause to be  
42 generated, the original and duplicate of the corresponding Original Certificate of Title  
43 which shall, in form, be faithful to the contents of the Judgment or Decision. For this  
44 purpose, one electronic copy of the OCT shall be stored in the archives of the PRAC

1 Database, while the Original of the OCT shall be transmitted to the Register of Deeds  
2 concerned for registration and printing of the Owners Duplicate Copy in accordance  
3 with the Implementing Rules and Regulations to be issued by the PRAC. The approval  
4 by the Commission of the electronic image of the OCT shall carry with it the signature  
5 of the chairman of the Commission.  
6

7 **SEC. 49. *Entry of Original Certificate of Title.*** – Upon receipt by the  
8 Register of Deeds of the original image of the Original Certificate of Title the same shall  
9 be entered in his record book and shall be numbered, dated, signed and sealed by the  
10 Register of Deeds with the seal of his office. Said certificate of title shall take effect  
11 upon the date of entry thereof.  
12

13 **SEC. 50. *Owner's Duplicate Certificate of Title.*** – The owner's duplicate  
14 certificate of title shall be delivered to the registered owner or to his duly authorized  
15 representative. If two or more persons are registered owners, one owner's duplicate  
16 certificate may be issued for the whole land, or if the co-owners so desire, a separate  
17 duplicate may be issued to each of them in like form, but all outstanding certificates of  
18 title so issued shall be surrendered whenever the Register of Deeds shall register any  
19 subsequent voluntary transaction affecting the whole land or part thereof or any  
20 interest therein. The Register of Deeds shall note on each certificate of title a statement  
21 as to whom a copy thereof was issued.  
22

23 **SEC. 51. *Electronic Registration Books.*** – The electronic image of the  
24 Original Certificate of Title shall be stored in the Database of the Registry of Deeds and  
25 this shall constitute the electronic registration book for titled properties.  
26

27 **SEC. 52. *Transfer Certificate of Title.*** – The subsequent certificate of title  
28 that may be issued by the Register of Deeds pursuant to any voluntary or involuntary  
29 instrument relating to the same land shall be in like form, entitled "Transfer Certificate  
30 of Title". The certificate shall show the number of the next previous certificate covering  
31 the same land and also the fact that it was originally registered, giving the record  
32 number, the number of the original certificate of title, and the volume and page of the  
33 registration book in which the latter is found.  
34

35 **SEC. 53. *Statutory liens affecting title.*** – Every registered owner receiving  
36 a certificate of title, and every subsequent purchaser of registered land taking a  
37 certificate of title for value and in good faith, shall hold the same free from all  
38 encumbrances except those noted in said certificate and any of the following  
39 encumbrances which may be subsisting, namely:  
40

41 First. Liens, claims or rights arising or existing under the laws and Constitution  
42 of the Philippines which are not by law required to appear of record in the Registry of  
43 Deeds in order to be valid against subsequent purchasers or encumbrancers of record.  
44

1           Second. Unpaid real estate taxes levied and assessed within two years  
2 immediately preceding the acquisition of any right over the land by an innocent  
3 purchaser for value, without prejudice to the right of the government to collect taxes  
4 payable before that period from the delinquent taxpayer alone.

5  
6           Third. Any public highway or private way established or recognized by law, or  
7 any government irrigation canal or lateral thereof, if the certificate of title does not  
8 state that the boundaries of such highway or irrigation canal or lateral thereof have  
9 been determined.

10  
11           Fourth. Any disposition of the property or limitation on the use thereof by virtue  
12 of, or pursuant to, RA 6657, or any other law or regulations on agrarian reform.

13  
14           **SEC. 54. *Statement of Personal Circumstances in the Certificate.*** –  
15 Every certificate of title shall set forth the full names of all persons whose interests  
16 make up the full ownership in the whole land, including their civil status, and the names  
17 of their respective spouses, if married, as well as their citizenship, residence and postal  
18 address.

19  
20           **SEC. 55. *General Incidents of Registered Land.*** – Registered land shall be  
21 subject to such burdens and incidents as may arise by operation of law. Nothing  
22 contained in this Act shall in any way be construed to relieve registered land or the  
23 owners thereof from any rights incident to the relation of husband and wife, landlord  
24 and tenant, or from liability to attachment or levy on execution, or from liability to any  
25 lien of any description established by law on the land and the buildings thereon, or on  
26 the interest of the owner in such land or buildings, or to change the laws of descent,  
27 or the rights of partition between co-owners, or the right to take the same by eminent  
28 domain, or to relieve such land from liability to be recovered by an assignee in  
29 insolvency or trustee in bankruptcy under the laws relative to preferences, or to change  
30 or affect in any way other rights or liabilities created by law and applicable to  
31 unregistered land, except as otherwise provided in this Act.

32  
33           **SEC. 56. *Registered Land not Subject to Prescriptions.*** – No title to  
34 registered land in derogation of the title of the registered owner shall be acquired by  
35 prescription or adverse possession.

36  
37           **SEC. 57. *Certificate not Subject to Collateral Attack.*** – A certificate of title  
38 shall not be subject to collateral attack. It cannot be altered, modified, or canceled  
39 except in a direct proceeding in accordance with law.

40  
41           **SEC. 58. *Splitting of titles.*** – A registered owner of several distinct parcels of  
42 land embraced in and covered by a certificate of title desiring in lieu thereof separate  
43 certificates, each containing one or more parcels, may file a written request for that  
44 purpose with the Register of Deeds concerned, and the latter, upon the surrender of

1 the owner's duplicate, shall cancel it together with its original and issue in lieu thereof  
2 separate certificates as desired.

3  
4 **SEC. 59. *Subdivision and Consolidation Plans.*** – Any owner subdividing a  
5 tract of registered land whether or not it constitutes a subdivision project as defined  
6 and provided for under P.D. No. 957, shall file with the Commission a subdivision plan  
7 of such land on which the boundaries, streets, passageways or open spaces and  
8 waterways, if any, shall be distinctly and accurately delineated.

9  
10 If a duly approved subdivision plan together with the approved technical  
11 descriptions and the corresponding owner's duplicate certificate of title is presented for  
12 registration, the Register of Deeds shall, without requiring further court approval of  
13 said plan, register the same in accordance with the provisions of this Act: Provided,  
14 however, that the Register of Deeds shall annotate on the new certificate of title  
15 covering the street, passageway or open space, a memorandum to the effect that  
16 except by way of donation in favor of the national government, province, city or  
17 municipality, no portion of any street, passageway, waterway or open space so  
18 delineated on the plan shall be closed or altered by the registered owner without the  
19 approval of the land adjudicator of the province or city in which the land is situated.

20  
21 A registered owner desiring to consolidate several lots, into one or more,  
22 requiring new technical descriptions, shall file with the Commission, a consolidation  
23 plan on which shall be shown the lots to be affected, as they were before, and as they  
24 will appear after the consolidation. Upon the surrender of the owner's duplicate  
25 certificates and the receipt of the duly approved consolidation plan, the Register of  
26 Deeds concerned shall cancel the corresponding certificates of title and issue a new  
27 one for the consolidated lots.

28  
29 No changes, modifications, or amendments in the contents of any certificate of  
30 title, or of any plan, including the technical description therein, covering any real  
31 property registered under the Torrens system, nor order the cancellation of the said  
32 certificate of title and the issuance of a new one which would result in the enlargement  
33 of the area covered by the certificate of title.

34  
35 **CHAPTER V**  
36 **SUBSEQUENT REGISTRATION**  
37 **I. VOLUNTARY DEALINGS WITH REGISTERED LANDS**  
38 **GENERAL PROVISIONS**

39  
40 **SEC. 60. *Conveyance and Other Dealings by Registered Owner.*** – An  
41 owner of registered land may convey, mortgage, lease, charge or otherwise deal with  
42 the same in accordance with existing laws. He may use such forms of deeds,  
43 mortgages, leases or other voluntary instruments as are sufficient in law. But no deed,

1 mortgage, lease, or other voluntary instrument, except a will purporting to convey or  
2 affect registered land shall take effect as a conveyance or bind the land, but shall  
3 operate only as a contract between the parties and as evidence of authority to the  
4 Register of Deeds to make registration.

5  
6 The act of registration shall be the operative act to convey or affect the land  
7 insofar as third persons are concerned, and in all cases under this Act, the registration  
8 shall be made in the office of the Register of Deeds for the province or city where the  
9 land lies.

10  
11 **SEC. 61. *Constructive Notice upon Registration.*** – Every conveyance,  
12 mortgage, lease, lien, attachment, order, judgment, instrument or entry affecting  
13 registered land shall, if registered, filed or entered in the office of the Register of Deeds  
14 for the province or city where the land to which it relates lies, be constructive notice to  
15 all persons from the time of such registering, filing or entering. (52)

16  
17 **SEC. 62. *Presentation of Owner's Duplicate upon Entry of New***  
18 ***Certificate.*** – No voluntary instrument shall be registered by the Register of Deeds,  
19 unless the owner's duplicate certificate is presented with such instrument, except in  
20 cases expressly provided for in this Act, or upon order of the court, for cause shown.

21  
22 The production of the owner's duplicate certificate, whenever any voluntary  
23 instrument is presented for registration, shall be conclusive authority from the  
24 registered owner to the Register of Deeds to enter a new certificate or to make a  
25 memorandum of registration in accordance with such instrument, and the new  
26 certificate or memorandum shall be binding upon the registered owner and upon all  
27 persons claiming under him, in favor of every purchaser for value and in good faith.

28  
29 In all cases of registration procured by fraud, the owner may pursue all his legal  
30 and equitable remedies against the parties to such fraud without prejudice, however,  
31 to the rights of any innocent holder for value of a certificate of title. After the  
32 registration of the Original Certificate of Title, any subsequent registration procured by  
33 the presentation of a forged duplicate certificate of title, or a forged deed or other  
34 instrument, shall be null and void.

35  
36 For this purpose, it shall be the duty of the Register of Deeds to confiscate  
37 patently fake certificate of titles for proper disposition through the Commission.

38  
39 **SEC. 63. *Dealings Less Than Ownership, How Registered.*** – No new  
40 certificate shall be entered or issued pursuant to any instrument which does not divest  
41 the ownership or title from the owner or from the transferee of the registered owners.  
42 All interests in registered land less than ownership shall be registered by filing with the  
43 Register of Deeds the instrument together with the owner's duplicate which creates or  
44 transfers or claims such interests and by a brief memorandum thereof made by the



1 Register of Deeds upon the certificate of title, and signed by him. A similar  
2 memorandum shall also be made on the owner's duplicate. The cancellation or  
3 extinguishment of such interests shall be registered in the same manner.  
4

5 **SEC. 64. Grantee's Name, Nationality, etc., to be Stated.** – Every deed or  
6 other voluntary instrument presented for registration shall contain or have endorsed  
7 upon it the full name, nationality, residence and postal address of the grantee or other  
8 person acquiring or claiming an interest under such instrument, and every deed shall  
9 also state whether the grantee is married or unmarried, and if married, the name in  
10 full of the husband or wife. any change in civil status appearing in the title may be done  
11 administratively by filing a verified petition before the office of the register of deeds,  
12 subject to the rules and regulations to be promulgated hereunder. If the grantee is a  
13 corporation or association, the instrument must contain a recital to show that such  
14 corporation or association is legally qualified to acquire private lands. Any change in  
15 the name of the corporation or association shall be done by filing with the Register of  
16 Deeds a verified petition together with the amended Articles of Incorporation duly  
17 approved by the Securities and Exchange Commission, subject to the rules and  
18 regulations to be promulgated hereunder.  
19

20 Any change in the residence or postal address of such person shall be annotated  
21 by the Register of Deeds on the original copy of the corresponding certificate of title,  
22 upon receiving a sworn statement of such change. All names and addresses shall also  
23 be entered on all certificates.  
24

25 Notices and processes issued in relation to registered land in pursuance of this  
26 Act may be served upon any person in interest by mailing the same to the addresses  
27 given, and shall be binding, whether such person resides within or without the  
28 Philippines, but the court may, in its discretion, require further or other notice to be  
29 given in any case, if in its opinion the interest of justice so requires.  
30

31 **SEC. 65. Primary Entry Book or Electronic Data Entry; Entry and**  
32 **Registration Fees and All Other Fees Mandated by this Act; Certified Copies.**  
33 – Each Register of Deeds shall keep an electronic primary entry book in which, upon  
34 payment of the entry fee, he shall enter, in the order of their reception, all instruments  
35 including copies of writs and processes filed with him relating to registered land.  
36 However, before actual entry can be made, the documents shall be pre-examined by a  
37 registration information officer, to determine if the same could be entered in the  
38 Primary Entry Book. He shall, as a preliminary process in registration, note in such book  
39 the date, hour and minute of reception of all instruments, in the order in which they  
40 were received. They shall be regarded as registered from the time so noted, and the  
41 memorandum of each instrument, when made on the certificate of title to which it  
42 refers, shall bear the same date: Provided, that the national government as well as the  
43 provincial and city governments shall be exempt from the payment of such fees in  
44 advance in order to be entitled to entry and registration.

1 Every deed or other instrument, whether voluntary or involuntary, so filed with  
2 the Register of Deeds shall be electronically numbered and indexed and endorsed with  
3 a reference to the proper certificate of title. All records and papers relative to registered  
4 land in the office of the Register of Deeds shall be open to the public in the same  
5 manner as court records, subject to such reasonable regulations as the Register of  
6 Deeds, under the direction of the Commission may prescribe.

7  
8 All deeds and voluntary instruments shall be presented with their respective  
9 copies and shall be attested and sealed by the Register of Deeds, endorsed with the  
10 file number, and copies thereof may be provided the person presenting them OR his  
11 duly authorized representative, if the latter presents a letter of authority executed by  
12 the former, and a copy of their respective valid identification cards.

13  
14 Certified copies of all instruments filed and registered may also be obtained from  
15 the Register of Deeds upon payment of the prescribed fees.

#### 16 (A) CONVEYANCES AND TRANSFERS

17  
18  
19 **SEC. 66. Procedure in Registration of Conveyances.** – An owner desiring  
20 to convey his registered land in fee simple shall execute in triplicate copies and register  
21 a deed of conveyance in a form provided herein. The Register of Deeds shall thereafter  
22 make out in the registration book a new certificate of title to the grantee and shall  
23 prepare and deliver to him an owner's duplicate certificate. The Register of Deeds shall  
24 note upon the original and duplicate certificate the date of transfer, the volume and  
25 page of the registration book in which the new certificate is registered and a reference  
26 by number to the last preceding certificate. The original and the owner's duplicate of  
27 the grantor's certificate shall be stamped "cancelled". The deed of conveyance shall be  
28 filed and indorsed with the number and the place of registration of the certificate of  
29 title of the land conveyed.

30  
31 The owner's duplicate certificate of title issued pursuant to a voluntary or  
32 involuntary instrument shall be released only to the registered owner or his duly  
33 authorized representative.

34  
35 **SEC. 67. Procedure Where Conveyance Involves Portion of Land.** – If a  
36 deed or conveyance is for a part only of the land described in a certificate of title, the  
37 Register of Deeds shall not enter any new Transfer certificate to the grantee over the  
38 portion conveyed until a subdivision or segregation plan of such land, the portion  
39 conveyed and all the portions or lots into which it has been subdivided and the  
40 corresponding technical descriptions shall have been verified and approved pursuant  
41 to Section 58 of this Act. Such deed may only be annotated by way of memorandum  
42 upon the grantor's certificate of title, to serve as a notice to third persons of the fact  
43 that certain unsegregated portion of the land described therein has been conveyed,  
44 and every certificate with such memorandum shall be effectual for the purpose of

1 showing the grantee's title to the portion conveyed to him, pending the actual issuance  
2 of the corresponding certificate in his name, over the portion conveyed.

3  
4 It shall be the duty of the Register of Deeds to issue a new certificate of title for  
5 each lot indicated in the plan when the same is presented for registration, upon the  
6 payment of the prescribed fees. Holders of such titles are hereby required to surrender  
7 their titles to the proper Register of Deeds for issuance of individual certificates of title.

8  
9 **SEC. 68. *Carry Over of Encumbrances.*** – If, at the time of any transfer,  
10 subsisting encumbrances or annotations appear in the title, they shall be carried over  
11 and stated in the new certificate or certificates; except so far as they may be  
12 simultaneously released or discharged.

### 13 (B) MORTGAGES AND LEASES

14  
15  
16 **SEC. 69. *Mortgage or Lease of Registered Land.*** – Mortgage and leases  
17 shall be registered in the manner provided in Section 62 of this Act. The owner of  
18 registered land may mortgage or lease it by executing the deed in a form sufficient in  
19 law. Such deed of mortgage or lease and all instruments which assign, extend,  
20 discharge or otherwise deal with the mortgage or lease shall be registered, and shall  
21 take effect upon the title only from time of registration.

22  
23 **SEC. 70. *Registration.*** – Upon presentation for registration of the deed of  
24 mortgage or lease together with the owner's duplicate, the Register of Deeds shall  
25 enter upon the original of the certificate of title and also upon the owner's duplicate  
26 certificate a memorandum thereof, the date and time of filing and the file number  
27 assigned to the deed, and shall sign the said memorandum. He shall also note on the  
28 deed the date and time of filing and a reference to the volume and page of the  
29 registration book in which it is registered.

30  
31 **SEC. 71. *Discharge or Cancellation.*** – A mortgage or lease on registered  
32 land which by the memorandum appearing in the certificate of title, have elapsed or  
33 have become ineffective, upon surrender of the owner's duplicate may be discharged  
34 or canceled by means of an instrument executed by the party-in-interest in a form  
35 sufficient in law, which shall be filed with the Register of Deeds who shall make the  
36 appropriate memorandum upon the certificate of title.

37  
38 **SEC. 72. *Foreclosure of Mortgage.*** – (a) If the mortgage was foreclosed  
39 judicially, a certified copy of the final order of the court confirming the sale shall be  
40 registered with the Register of Deeds. If no right of redemption exists, the certificate  
41 of title of the mortgagor shall be canceled, and a new certificate issued in the name of  
42 the purchaser.



1 which it relates and to the volume and page in the registration book in which it is  
2 registered.

3  
4 **SEC. 75. Trust with Power of Sale, etc., How Expressed.** – If the  
5 instrument creating or declaring a trust or other equitable interest contains an express  
6 power to sell, mortgage or deal with the land in any manner, such power shall be stated  
7 in the certificate of title by the words "with power to sell", or "power to mortgage", or  
8 by apt words of description in case of other powers. No instrument which transfers,  
9 mortgages or in any way deals with registered land in trust shall be registered, unless  
10 the enabling power thereto is expressly conferred in the trust instrument, or unless a  
11 final judgment or order of a land adjudicator of competent jurisdiction has construed  
12 the instrument in favor of the power, in which case a certified copy of such judgment  
13 or order may be registered.

14  
15 **SEC. 76. Judicial Appointment of New Trustee.** – If a new trustee of  
16 registered land is appointed by a court of competent jurisdiction, a new certificate may  
17 be issued to him upon presentation to the Register of Deeds of a certified copy of the  
18 order or judicial appointment and the surrender for cancellation of the duplicate  
19 certificate.

20  
21 **SEC. 77. Implied Trusts, How Established.** – When the registered owner  
22 acknowledges another person's right or interest in registered land by reason of any  
23 implied or constructive trust he shall file for annotation with the Register of Deeds a  
24 sworn statement thereof containing a description of the land, the nature and extent of  
25 interest being acknowledged. Such repudiation shall not affect the title of a purchaser  
26 for value and in good faith before its registration.

## 27 28 **II. INVOLUNTARY DEALINGS**

29  
30 **SEC. 78. Attachments.** – An attachment, or a copy of any writ, order or  
31 process issued by a court of record, intended to create or preserve any lien, status,  
32 right, or attachment upon registered land, shall be filed and registered in the Registry  
33 of Deeds for the province or city in which the land lies, and, in addition to the particulars  
34 required in such papers for registration, shall contain a reference to the number of the  
35 certificate of title to be affected and the registered owner or owners thereof, and also,  
36 if the attachment, order, process or lien is not claimed on all the land in any certificate  
37 of title a description sufficiently accurate for identification of the land or interest  
38 intended to be affected. A restraining order, injunction or mandamus issued by the  
39 court shall be entered and registered on the certificate of title affected, free of charge.

40  
41 **SEC. 79. Adverse claim.** – Whoever claims any part or interest in registered  
42 land adverse to the registered owner, arising subsequent to the date of the original  
43 registration, may, if no other provision is made in this Act for registering the same,  
44 make a statement in writing setting forth fully his alleged right or interest, and how or

1 under whom acquired, a reference to the number of the certificate of title of the  
2 registered owner, the name of the registered owner, and a description of the land in  
3 which the right or interest is claimed.

4  
5 The statement shall be signed and sworn to, and shall state the adverse  
6 claimant's residence, and a place at which all notices may be served upon him. This  
7 statement shall be entitled to registration as an adverse claim on the certificate of title.

8  
9 The adverse claim shall be effective only for a period of thirty days from the date  
10 of registration.

11  
12 a) Before the lapse of thirty days:

13  
14 a.1) the claimant may withdraw his adverse claim by filing with the Register of  
15 Deeds a verified petition to that effect;

16 a.2) any party in interest may file a petition before the Office of the Provincial  
17 or City Land Adjudicator where the land is situated for the cancellation of  
18 the adverse claim, and the said office shall, after hearing, render judgment  
19 on the question of the validity of such adverse claim. If the adverse claim  
20 is adjudged to be invalid, the registration thereof shall be ordered canceled.

21  
22 b) After the lapse of thirty days, the annotation of adverse claim may be  
23 administratively canceled by the party in interest by filing a verified petition with  
24 the Register of Deeds.

25  
26 c) In any case, no subsequent adverse claim based on the same ground shall be  
27 registered by the same claimant after its cancellation.

28  
29 The land adjudicator, after notice and hearing, may fine the claimant in an  
30 amount not less than fifty thousand pesos when it shall find that the adverse claim thus  
31 registered was frivolous.

32  
33 **SEC. 80. Surrender of Certificate in Involuntary Dealings.** – If an  
34 attachment or other lien in the nature of involuntary dealing in registered land is  
35 registered, and the duplicate certificate is not presented at the time of registration, the  
36 Register of Deeds shall, within five (5) days thereafter, send notice by mail to the  
37 registered owner, stating that such paper has been registered, and requesting him to  
38 send or produce his duplicate certificate so that a memorandum of the attachment or  
39 other lien may be made thereon.

40  
41 **SEC. 81. Discharge of Attachments and Liens.** – Attachments and liens of  
42 every description upon registered land shall be continued, reduced, discharged and  
43 dissolved by any method sufficient in law, and to give effect to the continuance,

1 reduction, discharge or dissolution thereof the certificate or other instrument for that  
2 purpose shall be registered with the Register of Deeds.

3  
4 **SEC. 82. *Registration of Orders of Court.*** – If an attachment is continued,  
5 reduced, dissolved, or otherwise affected by an order, decision or judgment of the court  
6 where the action or proceedings in which said attachment was made is pending or by  
7 an order of a court having jurisdiction thereof, a certificate of the entry of such order,  
8 decision or judgment from the clerk of court or the judge by which such decision, order  
9 or judgment has been rendered and under the seal of the court, shall be entitled to be  
10 registered upon presentation to the Register of Deeds.

11  
12 **SEC. 83. *Interlocutory Decision, Judgment or Order.*** – If, however, such  
13 order of the court is interlocutory in character, or does not dispose of the case  
14 completely, it may be registered without the necessity of requiring a certificate of  
15 finality or an entry of judgment.

16  
17 **SEC. 84. *Enforcement of Liens on Registered Land.*** – Whenever registered  
18 land is sold on execution, or taken, or sold for taxes or for any assessment or to enforce  
19 a lien of any character, or for any costs and charges incident to such liens, any  
20 execution or copy of execution, any officer's return, or any deed, demand, certificate,  
21 or affidavit, or other instrument made in the course of the proceedings to enforce such  
22 liens and required by law to be recorded, shall be filed with the Register of Deeds of  
23 the province or city where the land lies and registered in the registration book, and a  
24 memorandum made upon the proper certificate of title in each case as lien or  
25 encumbrance.

26  
27 **SEC. 85. *Application for New Certificate Upon Expiration of***  
28 ***Redemption Period.*** – Upon the expiration of the time, if any, allowed by law for  
29 redemption after registered land has been sold on execution, or taken or sold for the  
30 enforcement of a lien of any description, except a mortgage lien, the purchaser at such  
31 sale or anyone claiming under him may consolidate title in his name by registration  
32 with the Register of Deeds of the sheriff's final deed of sale together with the  
33 presentation of the owner's duplicate certificate of title.

34  
35 If the owner's duplicate certificate of title cannot be presented, an order of the  
36 land adjudicator of the city or province where the land is located confirming the sale  
37 and declaring the unsurrendered owner's duplicate certificate of title as null and void  
38 must first be secured.

39  
40 **SEC. 86. *Notice of Lis Pendens.*** – No action to recover possession of real  
41 estate, or to quiet title thereto, or to remove clouds upon the title thereof, or for  
42 partition, or other proceedings of any kind in the office of the provincial/city land  
43 adjudicator directly affecting the title to land or the use or occupation thereof or the  
44 buildings thereon, and no judgment, and no proceeding to vacate or reverse any

1 judgment, shall have any effect upon registered land as against persons other than the  
2 parties thereto, unless a memorandum or notice stating the institution of such action  
3 or proceeding and the land adjudicator wherein the same is pending, as well as the  
4 date of the institution thereof, together with a reference to the number of the certificate  
5 of title, and an adequate description of the land affected and the registered owner  
6 thereof, shall have been filed and registered.

7  
8 The notice of lis pendens shall only be registered in the following cases:

- 9  
10 a. Action to recover possession of a real estate;  
11 b. To quiet title or to remove clouds upon the title;  
12 c. To partition or to dissolve a co-ownership;  
13 d. Suits which are brought to establish an equitable estate, interest, or right,  
14 in specific real property or to enforce any lien, charge, or encumbrance  
15 against it;  
16 e. Other proceedings of any kind before the land adjudicator directly  
17 affecting title to land or the use or occupation thereof, or the buildings  
18 therein. And the judgment, or the reversal or cancellation of judgments  
19 will not affect registered lands other than the parties thereto, unless, a  
20 memorandum or notice stating the institution of such action or proceeding  
21 and the land adjudicator wherein the same is pending as well as the date  
22 of the institution thereof, together with reference to the number of the  
23 certificate of title, and an adequate description of the land affected and  
24 the registered owner thereof, is filed and registered.

25  
26 The notice of lis pendens cannot be registered in the following cases:

- 27  
28 a. Where the claim is purely a money claim;  
29 b. In cases of attachments, levies on execution or to proceedings of probate  
30 of wills, or the administration of the estate of a deceased person;  
31 c. Appeals under rule 45 of the rules of court, where the title to the property  
32 is not the very lis mota of the appeal;  
33 d. Proceedings for the dissolution of corporations;  
34 e. In criminal cases except upon order of the court.

35  
36 **SEC. 87. Cancellation of Lis Pendens.** – Before final judgment, a notice of  
37 lispendens may be canceled upon order of the land adjudicator, after proper showing  
38 that the notice is for the purpose of molesting the adverse party, or that it is not  
39 necessary to protect the rights of the party who caused it to be registered. It may also  
40 be canceled by the Register of Deeds upon verified petition of the party who caused  
41 the registration thereof.

42  
43 At any time after final judgment in favor of the defendant, or other disposition  
44 of the action such as to terminate finally all rights of the plaintiff in and to the land



1 and/or buildings involved, in any case in which a memorandum or notice of lispens  
2 has been registered as provided in the preceding section, the notice of lispens shall  
3 be deemed canceled upon the registration of a certificate of the clerk of the land  
4 adjudicator in which the action or proceeding was pending stating the manner of  
5 disposal thereof.

6  
7 Only the land adjudicator where the case is pending shall have jurisdiction to  
8 order its cancellation prior to final judgment.

9  
10 **CHAPTER VI**  
11 **REGISTRATION OF JUDGMENTS; ORDERS; PARTITIONS**

12  
13 **SEC. 88. *Judgment for Plaintiff.*** – Whenever in any action to recover  
14 possession or ownership of real estate or any interest therein affecting registered land  
15 judgment is entered for the plaintiff, such judgment shall be entitled to registration on  
16 presentation of a certificate of the entry thereof from the clerk of the land adjudicator  
17 where the action is pending to the Register of Deeds for the province or city where the  
18 land lies, who shall enter a memorandum upon the certificate of title of the land to  
19 which such judgment relates. If the judgment does not apply to all the land described  
20 in the certificate of title, the certificate of the said clerk and the memorandum entered  
21 by the Register of Deeds shall contain a description of the land affected by the  
22 judgment.

23  
24 **SEC. 89. *Judgment Adjudicating Ownership.*** – Notwithstanding Section  
25 116 of this Act, when in any action to recover the ownership of real estate or an interest  
26 therein, execution has been issued in favor of the plaintiff, the latter shall be entitled  
27 to the entry of a new certificate of title and to the cancellation of the original certificate  
28 and owner's duplicate of the former registered owner.

29  
30 **SEC. 90. *Execution of Deed by Virtue of Judgment.*** – Every land  
31 adjudicator or court, in proper cases, rendering judgment in favor of the plaintiff  
32 affecting registered land shall, upon petition of said plaintiff, order the parties before it  
33 to execute for registration any deed or instrument necessary to give effect to the  
34 judgment, and shall require the registered owner to deliver his duplicate certificate to  
35 the plaintiff or to the land adjudicator or to the court. In case the person required to  
36 execute any deed or other instrument necessary to give effect to the judgment is absent  
37 from the Philippines, or is a minor, or insane, or for any reason not amenable to the  
38 process of the land adjudicator or court rendering the judgment, said land adjudicator  
39 or court may appoint a suitable person as trustee to execute such instrument which,  
40 when executed, shall be entitled to registration. However, the land adjudicator or Court  
41 may vest ownership in favor of the party without the necessity of requiring the parties  
42 to execute a deed for the purpose.

1           **SEC. 91. Judgment of Partition.** – In proceedings for partition of registered  
2 land, after the entry of the final judgment of partition, a copy of such final judgment,  
3 certified by the clerk of the court rendering the same, shall be filed and registered;  
4 thereupon, if the land is set of to the owners in severalty, each owner shall be entitled  
5 to have his certificate entered showing the share set off to him in severalty, and to  
6 receive an owner's duplicate thereof.

7  
8           If the land is ordered by the land adjudicator to be sold, the purchaser or his  
9 assigns shall be entitled to certificate of title entered in his or their favor upon  
10 presentation of a certified copy of the judgment confirming the sale.

11  
12           In case the land is ordered by the land adjudicator to be assigned to one of the  
13 parties upon payment to the others of the sum ordered by the land adjudicator, the  
14 party to whom the land is thus assigned shall be entitled to have a certificate of title  
15 entered in his favor upon presenting a certified copy of the judgment: Provided,  
16 however, that any new certificate entered in pursuance of partition proceedings,  
17 whether by way of set-off or of assignment or of sale, shall contain a reference  
18 memorandum to the final judgment of partition, and shall be conclusive as to the title  
19 to the same extent and against the same persons as such judgment is made conclusive  
20 by the laws applicable thereto: and provided, further, that any person holding such  
21 certificate of title or a transfer thereof shall have the right to petition the land  
22 adjudicator at any time to cancel the memorandum relating to such judgment or order  
23 and the land adjudicator, after notice and hearing, may grant the petition. Such  
24 certificate shall thereafter be conclusive in the same manner and to the same extent  
25 as other certificates of title.

26  
27           **SEC. 92. Registration of Prior Registered Mortgaged or Lease on**  
28 **Partitioned Property.** – If a certified copy of a final judgment or decree of partition  
29 is presented and it appears that a mortgage or lease affecting a specific portion or an  
30 undivided share of the premises had previously been registered, the Register of Deeds  
31 shall carry over such encumbrance on the certificate of title that may be issued.

32  
33           **SEC. 93. Notice of Insolvency.** – Whenever proceeding in bankruptcy or  
34 insolvency, or analogous proceedings, are instituted against a debtor who owns  
35 registered land, it shall be the duty of the officer serving the notice of the institution of  
36 such proceedings on the debtor to file a copy thereof with the office of the Register of  
37 Deeds for the province or city where the land of the debtor lies. The assignee or trustee  
38 appointed by the court in such proceedings shall be entitled to the entry of a new  
39 certificate of the registered land of the debtor or bankrupt, upon presenting and filing  
40 a certified copy of the assignment in insolvency or order or adjudication in bankruptcy  
41 with the insolvent's or bankrupt's duplicate certificate of title; but the new certificate  
42 shall state that it is entered to him as assignee in insolvency or trustee in bankruptcy  
43 or other proceedings, as the case may be.

1           **SEC. 94. *Judgment or Order Vacating Insolvency Proceedings.*** –  
2 Whenever any of the proceedings of the character named in the preceding section  
3 against a registered owner, of which notice has been registered, is vacated by  
4 judgment, a certified copy of the judgment or order may be registered. Where a new  
5 certificate has been entered in the name of the assignee or trustee, such certificate  
6 shall be surrendered for cancellation and forthwith the debtor shall be entitled to the  
7 entry of a new certificate to him.

8  
9           **SEC. 95. *Land Taken by Eminent Domain.*** – Whenever any registered land,  
10 or interest therein, is expropriated or taken by eminent domain, the National  
11 Government, province, city, municipality, or any other agency or instrumentality  
12 exercising such right shall file for registration in the proper Registry a certified copy of  
13 the judgment which shall state definitely, by an adequate description, the particular  
14 property or interest expropriated, the number of the certificate of title, and the nature  
15 of the public use. A memorandum of the right or interest taken shall be made on each  
16 certificate of title by the Register of Deeds, and where the fee simple title is taken, a  
17 new certificate shall be issued in favor of the National Government, province, city,  
18 municipality, or any other agency or instrumentality exercising such right for the land  
19 so taken. The legal expenses incident to the memorandum of registration or issuances  
20 incident to the memorandum of registration or issuance of a new certificate shall be for  
21 the account of the authority taking the land or interest therein.

22  
23           **SEC. 96. *Extrajudicial Settlement of Estate.*** – When a deed of extrajudicial  
24 settlement has been duly registered, the Register of Deeds shall annotate on the proper  
25 title the two-year lien mentioned in Section 4 of Rule 74 of the Rules of Court. Upon  
26 the expiration of the two-year period counted from the date of registration and after  
27 presentation of a verified petition by the registered heirs, devisees or legatees or any  
28 other party in interest that no claim or claims of any creditor, heir or other person exist,  
29 the Register of Deeds shall cancel the two-year lien noted on the title without the  
30 necessity of an order from the land adjudicator. The verified petition shall be entered  
31 in the Electronic Primary Entry Book and a memorandum thereof made on the title.

32  
33           No deed of extrajudicial settlement or affidavit of adjudication shall be  
34 registered unless the fact of extrajudicial settlement or adjudication is published once  
35 a week for three consecutive weeks in a newspaper of general circulation in the  
36 province and proof thereof is filed with the Register of Deeds. The proof may consist  
37 of the certification of the publisher, printer, his foreman or principal clerk, or of the  
38 editor, business or advertising manager of the newspaper concerned, or a copy of each  
39 week's issue of the newspaper wherein the publication appeared.

40  
41           **SEC. 97. *Filing of Letters of Administration and Will.*** – Before the executor  
42 or administrator of the estate of a deceased owner of registered land may deal with  
43 the same, he shall file with the office of the Register of Deeds a certified copy of his  
44 letters of administration or if there is a will, a certified copy thereof and the order

1 allowing the same, together with the letters testamentary or of administration with the  
2 will annexed, as the case may be, and shall produce the duplicate certificate of title,  
3 and thereupon the Register of Deeds shall enter upon the certificate a memorandum  
4 thereof, making reference to the letters and/or will by their file number, and the date  
5 of filing the same.

6  
7 **SEC. 98. Dealings by Will Subject to Court Approval.** – After a  
8 memorandum of the will, if any, and order allowing the same, and letters testamentary  
9 or letters of administration have been entered upon the certificate of title as  
10 hereinabove provided, the executor or administrator may alienate or encumber  
11 registered land belonging to the estate, or any interest therein, upon approval of the  
12 court obtained as provided by the Rules of Court.

13  
14 **SEC. 99. Land Devised to Executor.** – When it appears by will, a certified  
15 copy of which with letters testamentary had already been filed as provided in this Act,  
16 that registered land is devised to the executor to his own use, or upon some trust, the  
17 executor may have the land transferred to himself upon the register in like manner and  
18 subject to like terms and conditions and to like rights as in the case of a transfer  
19 pursuant to a deed filed in the office of the Register of Deeds.

20  
21 **SEC. 100. When Executor Empowered by Will to Sell, etc.** – When the  
22 will of a deceased owner of registered lands, or an interest therein, empowers the  
23 executor to sell, convey, encumber, charge or otherwise deal with the land, a certified  
24 copy of the will and letters testamentary being filed as provided in this Act, such  
25 executor may sell, convey, encumber, charge or otherwise deal with the land pursuant  
26 to the power in like manner as if he were registered owner, subject to the terms and  
27 conditions and limitations expressed in the will.

28  
29 **SEC. 101. Transfer in Anticipation of Final Distribution.** – Whenever the  
30 court having jurisdiction of the testate or intestate proceedings directs the executor or  
31 administrator to take over and transfer to the devisees or heirs, or any of them, in  
32 anticipation of final distribution a portion or the whole of the registered land to which  
33 they might be entitled on final distribution, upon the filing of a certified copy of such  
34 order in the office of the Register of Deeds, the executor or administrator may cause  
35 such transfer to be made upon the register in like manner as in the case of a sale, and  
36 upon the presentation of the owner's duplicate certificate to the Register of Deeds, the  
37 devisees or heirs concerned shall be entitled to the issuance of the corresponding  
38 certificates of title.

39  
40 **SEC. 102. Registration of Final Distribution of Estate.** – A certified copy  
41 of the partition and distribution, together with the final judgment or order of the court  
42 approving the same or otherwise making final distribution, supported by evidence of  
43 payment of estate tax or exemption therefrom, as the case may be, shall be filed with  
44 the Register of Deeds, and upon the presentation of the owner's duplicate certificate

1 of title, new certificates of title shall be issued to the parties severally entitled thereto  
2 in accordance with the approved partition and distribution.  
3

4 **CHAPTER VII**  
5 **ASSURANCE FUND**  
6

7 **SEC. 103. Contribution to Assurance Fund.** – Upon the entry of a certificate  
8 of title in the name of the registered owner, and also upon the original registration on  
9 the certificate of title of a building or other improvements on the land covered by said  
10 certificate and upon the registration of the enabling or master deed in a condominium  
11 project, there shall be paid to the Register of Deeds one-half of one percent of the  
12 zonal value or market value, whichever is higher, of the real estate on the basis of the  
13 last assessment for taxation purposes, as contribution to the Assurance Fund. Where  
14 the land involved has not yet been assessed for taxation, its value for purposes of this  
15 act shall be determined by the assessor of the province or city where the property is  
16 located, as to the fair valuation.  
17

18 Nothing in this section shall in any way preclude the land adjudicator from  
19 increasing the valuation of the property should it appear during the hearing that the  
20 value stated is too small.  
21

22 **SEC. 104. Custody and Investment of Fund.** – All money received by the  
23 Register of Deeds under the preceding section shall be paid to the National Treasurer.  
24 He/she shall keep this money in an Assurance Fund which may be invested in the  
25 manner and form authorized by law, and shall report annually to the Commission of  
26 the condition and income thereof.  
27

28 The income of the Assurance Fund shall be added to the principal until said fund  
29 amounts to Fifty Million (P50,000,000.00) pesos, in which event the excess income  
30 from investments as well as from the collections of such fund shall be paid into the  
31 National Treasury to the account of the Assurance Fund.  
32

33 **SEC. 105. Action for Compensation from Funds.** – A person who, without  
34 negligence on his part, sustains loss or damage, or is deprived of land or any estate or  
35 interest therein in consequence of the bringing of the land under the operation of the  
36 Torrens system arising after original registration of land, through fraud or in  
37 consequence of any error, omission, mistake or misdescription in any certificate of title  
38 or in any entry or memorandum in the registration book, and who by the provisions of  
39 this Act is barred or otherwise precluded under the provision of any law from bringing  
40 an action for the recovery of such land or the estate or interest therein, may bring an  
41 action before the land adjudicator of competent jurisdiction for the recovery of  
42 damages to be paid out of the Assurance Fund.  
43

1           **SEC. 106. *Against Whom Action Filed.*** – If such action is brought to recover  
2 for loss or damage or for deprivation of land or of any estate or interest therein arising  
3 wholly through fraud, negligence, omission, mistake or misfeasance of the personnel  
4 of the land adjudicator, Register of Deeds, his deputy, or other employees of the  
5 Registry in the performance of their respective duties, the action shall be brought  
6 against the Register of Deeds of the province or city where the land is situated and the  
7 Commission as defendants. But if such action is brought to recover for loss or damage  
8 or for deprivation of land or of any interest therein arising through fraud, negligence,  
9 omission, mistake or misfeasance of person other than personnel of the land  
10 adjudicator, the Register of Deeds, his deputy or other employees of the Registry, such  
11 action shall be brought against the Register of Deeds, the Commission and other person  
12 or persons, as co-defendants. It shall be the duty of the Solicitor General in person or  
13 by representative to appear and to defend all such suits with the aid of the Public  
14 Prosecutor of the province or city where the land lies; Provided, however, that nothing  
15 in this Act shall be construed to deprive the plaintiff of any right of action which he may  
16 have against any person for such loss or damage or deprivation without joining the  
17 Commission as party defendant.

18  
19           **SEC. 107. *Judgment, How Satisfied.*** – If there are defendants other than  
20 the Commission and the Register of Deeds and judgment is entered for the plaintiff,  
21 and against the Commission, the Register of Deeds and any of the other defendants,  
22 execution shall first issue against such defendants other than the Commission and the  
23 Register of Deeds. If the execution is returned unsatisfied in whole or in part, and the  
24 officer returning the same certifies that the amount due cannot be collected from the  
25 land or personal property of such other defendants, only then shall the land adjudicator,  
26 upon proper showing, order the amount of the execution and costs, or so much thereof  
27 as remains unpaid, to be paid by the Commission out of the Assurance Fund. In an  
28 action under this Act, the plaintiff cannot recover as compensation more than the fair  
29 market value of the land at the time he suffered the loss, damage, or deprivation  
30 thereof.

31  
32           **SEC. 108. *General Fund When Liable.*** – If at any time the Assurance Fund  
33 is not sufficient to satisfy such judgment, the Commission shall make up for the  
34 deficiency from any funds available in the treasury not otherwise appropriated.

35  
36           **SEC. 109. *Subrogation of Government to Plaintiff's Rights.*** – In every  
37 case where payment has been made by the Commission in accordance with the  
38 provisions of this Act, the Government of the Republic of the Philippines shall be  
39 subrogated to the rights of the plaintiff against any other parties or securities. The  
40 Commission shall enforce said rights and the amount recovered shall be paid to the  
41 account of the Assurance Fund.

42  
43           **SEC. 110. *Register of Deeds as Party in Interest.*** – When it appears that  
44 the Assurance Fund may be liable for damages that may be incurred due to the unlawful

1 or erroneous issuance of a certificate of title, the Register of Deeds concerned shall be  
2 deemed a proper party in interest who shall, upon authority of the Commission, file the  
3 necessary action in the Office of the Land Adjudicator of competent jurisdiction to annul  
4 or amend the title.

5  
6 The land adjudicator may order the Register of Deeds to amend or cancel a  
7 certificate of title or to do any other act as may be just and equitable.

8  
9 **SEC. 111. *Losses When Not Recoverable.*** – The Assurance Fund shall not  
10 be liable for any loss, damage or deprivation caused or occasioned by a breach of trust,  
11 whether express, implied or constructive or by any mistake in the resurveyed or  
12 subdivision of registered land resulting in the expansion of area in the certificate of  
13 title.

14  
15 **SEC. 112. *Limitation of Action.*** – Any action for compensation against the  
16 Assurance Fund by reason of any loss, damage or deprivation of land or any interest  
17 therein shall be instituted within a period of six years from the time the right to bring  
18 such action first occurred: Provided, That the right of action herein provided shall  
19 survive to the legal representative of the person sustaining loss or damage, unless  
20 barred in his lifetime; and Provided, further, That if at the time such right of action first  
21 accrued the person entitled to bring such action was a minor or insane or imprisoned,  
22 or otherwise under legal disability, such person or anyone claiming from, by or under  
23 him may bring the proper action at any time within two years after such disability has  
24 been removed, notwithstanding the expiration of the original period of six years first  
25 above provided.

26  
27 **CHAPTER VIII**  
28 **REGISTRATION OF PATENTS**

29  
30 **SEC. 113. *Certificates of Title Pursuant to Patents.*** – Whenever public  
31 land is alienated, granted or conveyed by the government to any person, the same  
32 shall be brought forthwith under the operation of this Act. The patent shall be registered  
33 like other deeds and conveyance, whereupon a certificate of title shall be entered as in  
34 other cases of registered land, and an owner's duplicate issued to the grantee. The  
35 deed, grant, patent or instrument of conveyance from the Government to the grantee  
36 shall not take effect as a conveyance or bind the land but shall operate only as a  
37 contract between the Government and the grantee and as evidence of authority to the  
38 Register of Deeds to make registration. It is the act of registration that shall be the  
39 operative act to affect and convey the land, and in all cases under this Act, registration  
40 shall be made in the office of the Register of Deeds of the province or city where the  
41 land lies. The fees for registration shall be paid by the grantee. After due registration  
42 and issuance of the certificate of title, such land shall be deemed to be registered land  
43 to all intents and purposes under this Act.

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**CHAPTER IX**  
**CERTIFICATE OF TITLES ISSUED PURSUANT TO AGRARIAN LAWS**

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**SEC. 114. *Provisional Register of Documents.*** – The Department of Agrarian Reform shall prepare by automated data processing a special registry book to be known as the "Provisional Register of Documents issued under PD-27" which shall be kept and maintained in every Registry of Deeds throughout the country. Said Registry Book shall be a register of:

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- a. All Certificates of Land Transfer (CLT) issued pursuant to P.D. No. 27; and
  - b. All subsequent transactions affecting Certificates of Land Transfer such as adjustments, transfer, duplication and cancellations of erroneous Certificates of Land Transfer.

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**SEC. 115. *Certificates of Land Transfer Emancipation Patents.*** – The Department of Agrarian reform shall pursuant to P.D. No. 27 issue in duplicate, a Certificate of Land Transfer for every land brought under "Operation Land Transfer", the original of which shall be kept by the tenant-farmer and the duplicate, in the Registry of Deeds.

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After the tenant-farmer shall have fully complied with the requirements for a grant of title under P.D. No. 27, an Emancipation Patent which may cover previously titled or untitled property shall be issued by the Department of Agrarian Reform.

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The Register of Deeds shall complete the entries on the aforementioned Emancipation Patent and shall assign an original certificate of title number in case of unregistered land, and in case of registered property, shall issue the corresponding transfer certificate of title without requiring the surrender of the owner's duplicate of the title to be canceled.

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In case of death of the grantee, the Department of Agrarian Reform shall determine his heirs or successors-in-interest and shall notify the Register of Deeds accordingly.

In case of subsequent transfer of property covered by an Emancipation Patent or a Certificate of Title emanating from an Emancipation Patent, the Register of Deeds shall affect the transfer only upon receipt of the supporting papers from the Department of Agrarian Reform.

No fee, premium, of tax of any kind shall be charged or imposed in connection with the issuance of an original Emancipation Patent and for the registration or related documents.



1         **SEC. 116. *Sale of Agricultural Land; Affidavit.*** – No voluntary deed or  
2 instrument purporting to be a subdivision, mortgage, lease, sale or any other mode of  
3 encumbrance or conveyance of private agricultural land principally devoted to rice or  
4 corn or any portion thereof shall be registered unless accompanied by an affidavit of  
5 the vendor or executor stating that the land involved is not tenanted, or if tenanted,  
6 the same is not primarily devoted to the production of rice and/or corn.

7  
8         If only a portion of the land is primarily devoted to the production of rice and/or  
9 corn, and such area so devoted is tenanted, no such deed or instrument shall be  
10 registered unless accompanied by an affidavit stating the area (size) of the portion  
11 which is tenanted and primarily devoted to rice and/or corn, and stating further that  
12 the deed or instrument covers only the untenanted portion or that which is not primarily  
13 devoted to the production of rice and/or corn. A memorandum of said affidavit shall be  
14 annotated on the certificate of title. The Register of Deeds shall cause a copy of the  
15 registered deed or instrument, together with the affidavit, to be furnished the  
16 Department of Agrarian Reform Regional Office where the land is located. The affidavit  
17 provided in this section shall not be required in the case of a tenant-farmer who deals  
18 with his Certificate of Land Transfer or Emancipation Patent in accordance with law.  
19

20    **CHAPTER X**  
21                                    **PETITIONS AND ACTIONS AFTER ORIGINAL REGISTRATION**  
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23         **SEC. 117. *Surrender of Withheld Duplicate Certificates.*** – Where it is  
24 necessary to issue a new certificate of title pursuant to any involuntary instrument  
25 which divests the title of the registered owner against his consent, or where a voluntary  
26 instrument cannot be registered by reason of the refusal or failure of the holder to  
27 surrender the owner's duplicate certificate of title, the party in interest may file a  
28 petition before the office of the provincial/city land adjudicator to compel surrender of  
29 the same to the Register of Deeds. The land adjudicator, after hearing, may order the  
30 registered owner or any person withholding the duplicate certificate to surrender the  
31 same, and direct the entry of a new certificate or memorandum upon such surrender.  
32 If the person withholding the duplicate certificate is not amenable to the process of the  
33 land adjudicator, or if for any reason, the outstanding owner's duplicate certificate  
34 cannot be delivered, the land adjudicator may order the annulment of the same as well  
35 as the issuance of a new certificate of title in lieu thereof. Such new certificate and all  
36 duplicates thereof shall contain a memorandum of the annulment of the outstanding  
37 duplicate.  
38

39         The surrender of the owner's certificate of title shall not be required when the  
40 following circumstances concur:

- 41  
42         a.   When the action involves the title (recovery of ownership or possession of  
43             real property or any interest thereon) to the property;

- 1           b. One of the parties in the case is the registered owner or the person in  
2           possession of the title;  
3           c. The decision must contain a categorical declaration that the prevailing party  
4           is the absolute owner of the property; and /or the title in issue shall be  
5           reverted back to the prevailing party;  
6           d. The decision declares the owner's duplicate title null and void;  
7           e. The decision must be final and executory.  
8

9           **SEC. 118. *Correction, Amendment and Alternation of Certificates.*** – No  
10          erasure, alteration, or amendment, shall be made upon the registration book after the  
11          entry of a certificate of title or of a memorandum thereon and the attestation of the  
12          same by the Register of Deeds, except by order of the land adjudicator. A registered  
13          owner or other person having an interest in registered property, or, in proper cases,  
14          the Register of Deeds with the approval of the Commission, may apply by petition to  
15          the Office of the Provincial/City Land Adjudicator upon the ground that the registered  
16          interests of any description, whether vested, contingent, expectant or inchoate  
17          appearing on the certificate, have terminated and ceased; or that new interest not  
18          appearing upon the certificate have arisen or been created; or that an omission or error  
19          was made in entering a certificate or any memorandum thereon, or on any duplicate  
20          certificate; or that the same or any person on the certificate has been changed; or that  
21          the registered owner has married, or, if registered as married, that the marriage has  
22          been terminated and no right or interests of heirs or creditors will thereby be affected;  
23          or that a corporation which owned registered land and has been dissolved has not  
24          conveyed the same within three years after its dissolution; or upon any other  
25          reasonable ground; and the land adjudicator may hear and determine the petition after  
26          notice to all parties in interest, and may order the entry or cancellation of a new  
27          certificate, the entry or cancellation of a memorandum upon a certificate, or grant any  
28          other relief upon such terms and conditions, requiring security or bond if necessary, as  
29          it may consider proper; Provided, however, That this section shall not be construed to  
30          give the land adjudicator authority to reopen the judgment or decree of registration,  
31          and that nothing shall be done or ordered by the land adjudicator which shall impair  
32          the title or other interest of a purchaser holding a certificate for value and in good faith,  
33          or his heirs and assigns, without his or their written consent. Where the owner's  
34          duplicate certificate is not presented, a similar petition may be filed as provided in the  
35          preceding section.  
36

37           **SEC. 119. *Notice and Replacement of Lost Duplicate Certificate.*** – In  
38          case of loss, total and partial destruction, or theft of an owner's duplicate certificate of  
39          title, an affidavit of loss shall be filed and registered by the registered owner, or by an  
40          attorney-in-fact, assigns, successors-in-interest, or any person having an interest in the  
41          property with the Register of Deeds of the province or city where the land lies as soon  
42          as the loss or theft is discovered in order for the land adjudicator or the Register of  
43          Deeds to acquire jurisdiction.  
44

1           Upon the petition of the registered owner or other person in interest, the land  
2 adjudicator, after notice and hearing, where such petition is uncontested, may issue a  
3 new owner's duplicate certificate, which shall contain a memorandum of the fact that  
4 it is issued in place of the lost duplicate certificate, but shall in all respects be entitled  
5 to like faith and credit as the original on file with the register of deeds and shall  
6 thereafter be regarded as such for all purposes of this Act. Upon the issuance of the  
7 new owner's copy by virtue hereof, the owner's copy of the title claimed to be lost or  
8 destroyed is deemed cancelled. However, if the lost owner's duplicate certificate is  
9 located and presented to the Register of Deeds, it is immediately reinstated, without  
10 prejudice, however, to the rights of innocent holder for value, and other rights acquired  
11 by virtue of the reissued owner's duplicate, and the new owner's duplicate shall be  
12 deemed null and void. Such rights, liens, and encumbrances appearing in the reissued  
13 owner's copy shall then be copied to the original owner's duplicate.  
14

15           **SEC. 120. Reconstitution of Lost or Destroyed [original of] Torrens**  
16 **Title.** – Original copies of certificates of title lost or destroyed in the offices of Register  
17 of Deeds as well as liens and encumbrances affecting the lands covered by such titles  
18 shall be reconstituted in accordance with the procedure prescribed in Republic Act No.  
19 26 insofar as not inconsistent with this Act. Provided, that the jurisdiction of the  
20 Regional Trial Court shall be transferred to the Office of the Provincial/City Land  
21 Adjudicator. Provided further, that the procedure relative to administrative  
22 reconstitution of lost or destroyed certificate prescribed in said Act is hereby abrogated;  
23

24           Mere entry in the Electronic primary entry book is considered as a complete act  
25 of registration where all requirements are complied with. LRA Circular No. 3 dated Dec.  
26 6, 1988, providing for provisional registration of transactions pending reconstitution of  
27 the Original certificate of title is hereby adopted under this chapter.  
28

29           Notice of all hearings of the petition for reconstitution shall be given to the  
30 Register of Deeds of the place where the land is situated and to the Commission. No  
31 order or judgment ordering the reconstitution of a certificate of title shall become final  
32 until the lapse of fifteen (15) days from receipt by the Register of Deeds and by the  
33 Commission of a notice of such order or judgment without any appeal having been filed  
34 by any of such officials.  
35

36           The two-year lien provided under Section 7, RA 26 may be canceled after the  
37 lapse of two years where no claim whatsoever is made upon the filing of a verified  
38 petition by the registered owner or any interested party with the Register of Deeds  
39 without need of an order from the land adjudicator. However, the said lien may be  
40 canceled before the lapse of two years by a land adjudicator of competent jurisdiction  
41 pursuant to section 9 of said Act.  
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**CHAPTER XI**  
**SCHEDULE OF FEES: SPECIAL FUND**

**SEC. 121. Fees payable.** – The fees payable to the Clerk of the land adjudicator, the Sheriff, the Register of Deeds and the Commission shall be as follows:

A. Fees payable to the Clerk of the Land Adjudicator. – The fees payable to the clerk of the land adjudicator or his deputies shall be as follows:

1. For filing an application for the registration of land, the fees shall be based on the assessed value of the property for the current year, in accordance with the following schedule:

- (a) When the value of the property does not exceed two thousand pesos, forty-five pesos for the first five hundred pesos, or fractional part thereof, and fifteen pesos for each additional five hundred pesos, or fractional part thereof.
- (b) When the value of the property is more than two thousand pesos but does not exceed ten thousand pesos, one hundred and five pesos for the first three thousand pesos, or fractional part thereof, and fifteen pesos for each additional one thousand pesos, or fractional part thereof.
- (c) When the value of the property is more than ten thousand pesos but does not exceed one hundred thousand pesos, two hundred and forty pesos for the first twenty thousand pesos, or fractional part thereof, and thirty pesos for each additional ten thousand pesos, or fractional part thereof.
- (d) When the value of the property is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, five hundred and forty pesos for the first one hundred twenty-five thousand pesos, or fractional part thereof, and sixty pesos for each additional twenty-five thousand pesos, or fractional part thereof.
- (e) When the value of the property is more than five hundred thousand pesos, one thousand five hundred and sixty pesos for the first five hundred fifty thousand pesos, or fractional part thereof, and one hundred and twenty pesos for each additional fifty thousand pesos, or fractional part thereof.

If the property has not been assessed for taxation, the fees above prescribed shall be based on the current market value; and the applicant shall file with his application a sworn declaration of three disinterested persons that the value fixed by him is to their knowledge a fair valuation.

2. For filing a petition for review of judgment and decree, or other claim adverse to the registered owner, for each petition, one hundred and twenty pesos.

3. For filing a petition after the decision has become final, one hundred and twenty pesos. If it affects land decrees in more than one case, for each additional case, six

1 pesos. If it affects several lots or parcels of land in which the petitioners have no  
2 common interest, each of such petitioners shall pay the corresponding fees as if  
3 separate petitions had been filed by him.  
4

5 **B. Fees payable to the Sheriff.** - The sheriff shall collect fees for his services rendered  
6 in connection with land registration and cadastral proceedings as follows:  
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8 1. For posting notices of initial hearing of land registration cases in conspicuous  
9 places on the lands described in the notice, for each parcel of land on which a copy of  
10 such notice is posted, besides travel fees, eighteen pesos.  
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12 2. For posting notices of initial hearing of cadastral cases in conspicuous places on  
13 the lands included in the survey, for each group of one hundred lots on which a copy  
14 of the notice is posted, besides travel fees, eighteen pesos.  
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16 3. For posting one copy of a notice of initial hearing in a conspicuous place upon  
17 the municipal building of the city, municipality, or municipal district in which the land  
18 or portion thereof lies, besides travel fees, eighteen pesos.  
19

20 4. For serving notices upon cadastral claimants to appear before the land  
21 adjudicator, travel fees only as provided in the Rules of Court.  
22

23 5. For all other services not mentioned above, the same fees including travel fees  
24 as provided in the Rules of Court for similar services.  
25

26 **C. Fees payable to the Register of Deeds.** - The Register of Deeds shall collect fees for  
27 all services rendered by him under this Act in accordance with the following schedule:  
28

29 1. Original certificate of title. - For the entry of one original certificate of title and  
30 issuance of one owner's duplicate certificate, sixty pesos for the first parcel of land  
31 described thereon and thirty pesos for each additional parcel.  
32

33 2. Entry fee. - For each entry fee in the primary entry book, thirty pesos.  
34

35 3. Attachment, levy, etc. - For the annotation of an attachment, levy, writ of  
36 execution, adverse claim, thirty pesos for each parcel of land affected thereby.  
37

38 4. Lis Pendens, etc. - For the annotation of a notice of lis pendens, or of any  
39 document or order in connection therewith, for each of land affected thereby, thirty  
40 pesos.  
41

42 5. Release of encumbrance. - For the annotation of a release of any encumbrance,  
43 except mortgage, lease, or other lien for the cancellation of which a specific fee is  
44 prescribed herein, for each parcel of land so released, thirty pesos; but the total amount

1 of fees to be collected shall not exceed the amount of fees paid for the registration of  
2 such encumbrance.

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4 6. Land Adjudicator Order. – For the annotation of an order of the land adjudicator  
5 for the amendment of, or the making of a memorandum on, a certificate of title, except  
6 inclusion of buildings or improvements, or any order directing the registration of a  
7 document, or of any right or interest referred to in said order, or the cancellation of a  
8 certificate of title and/or the issuance of a new one, sixty pesos for each certificate of  
9 title on which the annotation is made, in addition to the fees prescribed under  
10 paragraphs sixteen or seventeen, as the case may be, of this subsection, in the same  
11 are also due for the registration of such document, right or interest.

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13 7. Building. – For the annotation of an order of the land adjudicator for the inclusion  
14 of building and/or improvement in a certificate of title, sixty pesos for each certificate  
15 of title.

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17 8. Powers of attorney, letters of administration, appointment of guardian, resolution  
18 or revocation thereof. – For registering and filing a power of attorney, letters of  
19 administration or letters testamentary whether or not accompanied by a copy of the  
20 testament, certificate of allowance of a will with attested copy of the will annexed,  
21 appointment of guardian for a minor or incompetent person, appointment of receiver,  
22 trustee, or administrator, articles of incorporation of any corporation, association or  
23 partnership, or resolution of its board of directors empowering an officer or member  
24 thereof to act in behalf of the same, one hundred and twenty pesos; and for the  
25 annotation of such papers on certificates of title when required by existing laws or  
26 regulations, thirty pesos for each certificate of title so annotated: Provided, however,  
27 that when the certificate of allowance of a will and the letters testamentary or letters  
28 of administration are filed together, only one fee shall be collected. For registering an  
29 instrument of revocation of any of the paper mentioned above, thirty pesos, and if  
30 annotated on the corresponding certificate of title, eighteen pesos for each certificate  
31 of title.

32  
33 9. Notice of tax lien, loss, etc. – For the annotation of a notice of tax lien of any  
34 description notice of lost duplicate or copy of a certificate of title, order of the land  
35 adjudicator declaring such duplicate or copy null and void, notice of change of address,  
36 or the cancellation of any such annotation, for each certificate of title, thirty pesos.

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38 10. Carry over of annotation. – For transferring the memorandum of an  
39 encumbrance of any kind from one certificate of title which is canceled to a new one in  
40 lieu thereof, for each memorandum thus transferred, thirty pesos.

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42 11. Annotation on additional copy of title. – For any memorandum made in a  
43 standing co-owner's copy of a certificate of title after a similar memorandum has been  
44 made in the original thereof, of each certificate of title, thirty pesos.

1 12. No specific fee. – For any memorandum made in a certificate of title for which  
2 no specific fee is prescribe above, for each certificate of title, thirty pesos.

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4 13. Transfer to trustee, executor, administrator receiver. – For the issuance of a  
5 transfer certificate of title, including its duplicate, to a trustee, executor, administrator,  
6 or receiver, or for the cancellation of such certificate of title and issuance of a new one,  
7 including its duplicate, to the cestui que trust in case of trusteeship, sixty pesos. If the  
8 certificate covers more than one parcel or lot, an additional fee of thirty pesos shall be  
9 collected for each additional parcel or lot.

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11 14. Transfer certificate of title. – For the issuance of a transfer certificate of title,  
12 including its duplicate, to a person other than those named in the next preceding  
13 paragraph, sixty pesos, in addition to the fees hereinafter prescribed in paragraph  
14 sixteen or seventeen, as the case may be, of this subsection, if the same are also due.  
15 If the certificate covers more than one parcel or lot, an additional fee of thirty pesos  
16 shall be collected for each additional parcel or lot.

17  
18 15. Additional copy of title. – For the issuance of a new owner's duplicate or a co-  
19 owner's copy of a certificate of title, or any additional duplicate or copy thereof, sixty  
20 pesos for the first page and thirty pesos for each subsequent page, or fraction thereof.

21  
22 16. Registration fee. – For the registration of a deed of sale, conveyance, transfer,  
23 exchange, partition, or donation; a deed of sale with pacto de retro, conditional sale,  
24 sheriff's sale at public auction, sale for non-payment of taxes, or any sale subject to  
25 redemption, or the repurchase or redemption of the property so sold; any instrument,  
26 order, judgment or decree divesting the title of the registered owner, except in favor  
27 of a trustee, executor, administrator or receiver; option to purchase or promise to sell;  
28 any mortgage, surety, bond, lease, easement, right-of-way, or other real right or lien  
29 created or constituted by virtue of a distinct contract or agreement, and not as an  
30 incidental condition of sale, transfer or conveyance; the assignment, enlargement,  
31 extension or novation of a mortgage or of any other real right, or a release of mortgage,  
32 termination of lease, or consolidation of ownership over a property sold with pacto de  
33 retro; where no specific fee is prescribed therefor in the preceding paragraphs, the fees  
34 shall be based on the value of the consideration in accordance with the following  
35 schedule:

36  
37 (a) Six thousand pesos maximum. When the value of the consideration does not  
38 exceed six thousand pesos, seven pesos for the first five hundred pesos, or  
39 fractional part thereof, and three pesos for each additional five hundred pesos,  
40 or fractional part thereof.

41  
42 (b) Thirty thousand pesos maximum. When the value of the consideration is more  
43 than six thousand pesos but does not exceed thirty thousand pesos, or fractional

1 part thereof, and eight pesos for each additional two thousand pesos, or  
2 fractional part thereof.  
3

4 (c) One hundred thousand pesos maximum. When the value of the consideration is  
5 more than thirty thousand pesos but does not exceed one hundred thousand  
6 pesos, one hundred fifty pesos for the first thirty-five thousand pesos, or  
7 fractional part thereof, and fourteen pesos for each additional five thousand  
8 pesos, or fractional part thereof.  
9

10 (d) Five hundred thousand pesos maximum. When the value of the consideration is  
11 more than one hundred thousand pesos but does not exceed five hundred  
12 thousand pesos, three hundred fifty-two pesos for the first one hundred ten  
13 thousand pesos, or fractional part thereof, and twenty pesos for each additional  
14 ten thousand pesos, or fractional part thereof.  
15

16 (e) More than five hundred thousand pesos. When the value of the consideration is  
17 more than five hundred thousand pesos, one thousand one hundred sixty-two  
18 pesos for the first five hundred twenty thousand pesos, or fractional part thereof,  
19 and thirty pesos for each additional twenty thousand pesos, or fractional part  
20 thereof.  
21

22 17. Fees for specific transactions. – In the following transactions, however, the basis  
23 of the fees collectible under paragraph sixteen of this subsection, whether or not the  
24 value of the consideration is stated in the instrument, shall be as hereunder set forth:  
25

26 (a) Exchange. – In the exchange of real property, the basis of the fees to be paid  
27 by each party shall be the current assessed value of the properties acquired by  
28 one party from the other, in addition to the value of any other consideration, if  
29 any, stated in the contract.  
30

31 (b) Hereditary transfer. – In the transmission of a hereditary estate without partition  
32 or subdivision of the property among the heirs, devisees or legatees, although  
33 with specification of the share of each in the value of the estate, the basis shall  
34 be the total current assessed value of the property thus transmitted.  
35

36 (c) Partition of hereditary estate; Conjugal property. – In the partition of a  
37 hereditary estate which is still in the name of the deceased, in which determinate  
38 properties are adjudicated to each heir devisee or legatee, or to each group of  
39 heirs, devisees or legatees, the basis of the fees to be paid by each person or  
40 group, as the case may be, shall be the total current assessed value of the  
41 properties thus adjudicated to each person or group. In the case, however, of  
42 conjugal property, the basis of the fees for the registration of one-half thereof  
43 in the name of the surviving spouse shall be the total current assessed value of  
44 the properties adjudicated to said spouse.



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- (d) Subdivision or partition. – In the partition of real property held in common by several registered co-owner's the basis of the fees to be paid by each co-owner or group of co-owners shall be the total assessed value of the property taken by each co-owner or group.
- (e) Conveyance: several lots and parties. – In the sale, conveyance or transfer of two or more parcels of land in favor of two or more separate parties but executed in one single instrument, the basis shall be the total selling price paid by each party-buyer, or, in the case of lump sum consideration, such portion thereof as apportioned in accordance with the assessed value of the respective land acquired by each party-buyer.
- (f) Conveyance of properties in different places. – In the sale, conveyance, or transfer of properties situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the instrument is to be registered shall be the total selling price of the properties situated in the respective city or province, or, in the case of lump sum consideration, such portion thereof as obtained for those properties lying within the jurisdiction of the respective registry after apportioning the total consideration of the sale, conveyance or transfer in accordance with the current assessed value of such properties.
- (g) Conveyance of mortgaged properties. – In the sale, conveyance, or transfer of a mortgaged property, the basis shall be the selling price of the property proper plus the full amount of the mortgage, or the unpaid balance thereof if the latter is stated in the instrument. If the properties are situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the instrument is to be registered shall be such sum as obtained for the properties situated in the respective city or province after apportioning in accordance with the current assessed values of said properties the total amount of consideration as above computed, unless the selling price of the properties in each city or province and the proportionate share thereof in the amount of unpaid balance of the mortgage are stated in the instrument, in which case, the aggregate of such selling price and share shall be the basis. In any case, however, where the aggregate value of the consideration as above computed shall be less than the current assessed value of the properties in the city or province concerned, such assessed value shall be the basis of the fees in the respective Registry.
- (h) Mortgage of properties in different places. – In a mortgage affecting properties situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the document is to be registered shall be such amount as obtained for the properties lying within the jurisdiction of said Registry after apportioning the total amount of the mortgage in accordance with the current assessed value of such properties.

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- (i) Release of mortgage. – In the release of a mortgage the basis of the fees shall be an amount equal to ten per centum of the total amount of obligation secured by the mortgage. If the properties are situated in different cities or provinces, the basis of the fees in each Registry shall be ten per centum of such sum as obtained for the properties in the respective city or province after apportioning the amount of the mortgage in accordance with the current assessed values of such properties. In the case of a partial release, the fees shall be based on ten per centum of the current assessed value of the property so released in the respective city or province; Provided, however, That where several partial releases had been registered, the fees corresponding to the final release shall be computed on the basis of ten per centum of the difference between the amount of the mortgage and the aggregate of the consideration used as basis for the collection of the fees paid for the registration of all previous partial releases.
  
- (j) Certificate of sale. – In a certificate of sale at public auction by virtue of an order of execution or sale for delinquency in the payment of taxes, or repurchase of the property so sold, the basis of the fees in each Registry shall be ten per centum of the selling or repurchase price of the property lying within the jurisdiction of the Registry.
  
- (k) Affidavit of consolidation of ownership. – In an affidavit for the consolidation of ownership over a property sold with pacto de retro or pursuant to an extra judicial foreclosure under the provisions of Act Numbered Thirty-one hundred and thirty-five, as amended, the basis of the fees in each Registry shall be an amount equivalent to ten per centum of the consideration of the sale in the respective city or province.
  
- (l) Contract of lease. – In contracts of lease, the basis of the fees in each Registry shall be the sum total to be paid by the lessee for the properties situated in the respective city or province during the entire period specified in the contract, including the extension contemplated by the parties which may be given effect without the necessity of further registration. If the period is from year to year, or otherwise not fixed, the basis shall be the total amount of rentals due for thirty months. If the rentals are not distributed, the total amount thereof as above computed shall be apportioned to said properties in accordance with their assessed values, and the proportionate sum thus obtained for each city or province shall be the basis of the fees to be collected in the Registry concerned.
  
- (m) Termination of lease. – In the termination of lease, the basis of the fees in each registry shall be ten per centum of the amount used as basis for the collection of the fees paid for the registration of said lease.

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(n) Option to purchase or promise to sell. - In contracts of option to purchase or promise to sell, the basis of the fees in each Registry shall be ten per centum of the current assessed value of the property subject of such contract in the respective city or province.

(o) Consideration not stated or fixed or less than assessed value. - In other transactions where the actual value of the consideration is not fixed in the contract or cannot be determined from the terms thereof, or, in case of a sale, conveyance, or transfer, the consideration stated is less than the current assessed value of the property, the basis of the fees shall be the current assessed value of the property involved in the transaction. If the properties are situated in different cities or provinces, the basis of the fees in each Registry shall be the current assessed value of the properties lying within the jurisdiction of the Registry concerned.

18. Issuance of copy of document. - For furnishing copies of any entry, decree, document, or other papers on file, fifty centavos for each hundred words of fraction thereof contained in the copies thus furnished.

19. Certified copy. - For certifying a copy furnished under the next preceding paragraph, for each certification, five pesos for one page and one peso for each additional page certified.

20. Certification. - For issuing a certificate relative to, or showing the existence or non-existence of, an entry in the registration books or a document on file, for each such certificate containing not more than two hundred words, five pesos; if it exceeds that number an additional fee of one peso shall be collected for every hundred words, or fraction thereof, in excess of the first two hundred words.

21. Research fee. - For services rendered in attending to request for reference or researches on any records or documents on file in the Registry, there shall be collected two pesos per document or record.

D. Fees payable to the Commission. - The fees payable to the Commission shall be as follows:

1. For verification and approval of subdivision plans, the fee shall be:

(a)	For each lot .....	P2.00
(b)	For each corner of a lot, irrespective of whether such corner is common to two or more lots .....	0.20
(c)	For each traverse station .....	0.10

(d)	For each observation .....	0.50
(e)	In case the plan is a resurveyed or relocation plan an additional 40 per cent of the rates prescribed above shall be collected.	

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*Provided, however,* that the total fee as computed above, whether for subdivision and/or consolidation-subdivision survey, resurveyed or relocation plan, shall in no case be less than P8.00 per plan.

2. For changing or correcting the name of any person appearing on the subdivision plan or other plan in order to have it conform to that stated in the certificate of title covering the land, and for the cancellation of an approved plan when so requested by the interested party, there shall be a fee of P5.00 per plan.

3. The rates of fees prescribed in paragraph 1 and 2, inclusive, shall apply to similar services rendered in connection with the examination, verification, and approval of consolidation, consolidation-subdivision, resubdivision, and reconsolidation plans, special work order plans on the basis of certified copies of technical descriptions of plans approved by the Commission, private surveys, and other plans of similar nature.

In the computation of fees relative to lots subject of consolidation and consolidation-subdivision plans, a fee of two pesos shall be collected per lot as appearing in the old survey in addition to the fee collectible in paragraph 1 hereof for the new lots.

4. For the preparation of a plan in a tracing cloth of any survey, the data of which are available in the Commission, except when the same is merely traced from an existing plan, the fees shall be computed as follows:

(a) When the plan to be so prepared contains only one lot:

(1.)	For the first ten corners or fraction thereof .....	P40.00
(2.)	For the next ten corners or fraction thereof .....	6.00
(3.)	For each corner in excess of the first twenty corners .....	0.40

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(b) When the plan to be so prepared contains two or more lots:

(1.)	For the first lot, which must be the biggest of the group, irrespective of the number of its corner .....	P40.00
(2.)	For each additional lot, irrespective of the number of its corners, said lot being adjacent to the first lot or any other lot .....	P15.00
(3.)	For each non-adjacent lot (other than the first charged lot), irrespective of the number of its corners .....	P20.00
(4.)	If any lot contains more than twenty corners for each corner of such lot in the first twenty corners .....	P0.40

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5. For the preparation of a plan in tracing cloth, to be traced from an existing plan, complete with bearings and distances of corners and tie lines, the fee shall be 30 per centum of the fees prescribed in paragraph 4 above.

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6. For the preparation of a plan in tracing cloth, to be copied from an existing plan, complete with bearings and distances of sides and tie-lines, but using a different scale, the fee shall be 50 per centum of the fees prescribed under paragraph 4 above, if made on a reduced scale; or 60 per centum of the same fees, if made on an enlarged scale.

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7. For the preparation of a simple plan or sketch of any available survey or plan on any paper other than a tracing cloth, the fee on the basis of each lot, shall be as follows:

(a)	For the first ten corners or fraction thereof .....	P20.00
(b)	For the second ten corners or fraction thereof .....	5.00
(c)	For the third ten corners or fraction thereof .....	2.00

(d)	For each corner in excess of the first thirty corners .....	0.20
(e)	If the sketch is prepared in tracing cloth, add to the total fees as above computed ...	5.00
(f)	If the plan or sketch so prepared contains the bearing and distances of the sides and tie-lines, add to the total fees as above computed 10 per centum thereof.	

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8. For furnishing a plan copy (blue-print, or white print) of any plan on file in the Authority, the fee shall be as follows:

(a)	For the copy of any size not exceeding forty square decimeters .....	P3.00
(b)	For one copy of more than forty square decimeters but not exceeding eighty square decimeters in size .....	6.00
(c)	For one copy of more than eighty square decimeters but not exceeding one hundred twenty square decimeter in size .....	9.00
(d)	For one copy in excess of one hundred twenty square decimeters in size, the basis rate of nine pesos plus for every twenty square decimeters or fraction thereof in excess .....	0.50

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9. For the preparation of technical descriptions, other than mere copying from an existing copy, there shall be collected the following fees:

(a)	For technical descriptions of lots or parcels, typewritten in triplicate and double-spaced, including certification:	
1.	For each lot .....	P3.00
2.	For each corner of a lot .....	0.20

3.	For each extra carbon copy, extra charge ....	0.20
4.	Minimum total charge .....	3.00
(b)	For lot description prepared in tracing cloth (on tabulated form) including certification:	
1.	For each sheet .....	P1.50
2.	For each lot .....	0.20
3.	For each corner in excess of ten for a lot ....	0.10
(c)	Any common corner shall be counted as many items as there are lots to which it pertains.	

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10. For certification of plans or copies of plans as to the correctness of the same, per plan or print copy P3.00 and for the issuance of all other certification P5.00 plus one 30-centavo documentary stamp to be affixed thereto.

11. For inspection of land subject of private surveys, simple or complex subdivision plans, or consolidation, consolidation-subdivision, resubdivision, or reconsolidation plans, special work orders, and other plans of similar nature for the purpose of verification and/or approval:

(a)	For each plan with an aggregate area of 1,000 sq. m. or less .....	P100.00
(b)	For each subdivision with an aggregate area of more than 1,000 sq. m.:	
1.	For the first 1,000 s.m. ....	P100.00
2.	For every succeeding 1,000 sq. m. or fraction thereof .....	10.00

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12. For actual field work of subdivision survey, relocation survey and resurveyed of land, the fees shall be as follows:

(a) Subdivision survey:  
1. Rural (Agricultural)

Area	Survey Fee
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For the first hectare .....	P 350.00
For the 2nd ha. to 10th ha.	An additional 60.00 per ha.
For the 11th ha. to 20th ha.	An additional P30.00 per ha.
For the 21st ha. to 30th ha.	An additional P20.00 per ha.
For the 31st ha. to 200th ha.	An additional P10.00 per ha.
For the 201st ha. or over	An additional P8.00 per ha.

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A fraction of a hectare shall be considered one hectare.

2. Urban (Solar):

First 200 sq. m. or less .....	P350.00
Succeeding 201 sq. m. or more .....	P20.00 100 sq. m.

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(b) Relocation Survey or Resurveyed:

The fee for relocation survey or resurveyed shall be one hundred fifty per cent (150%) of the amount of survey fee collectible on the basis of the schedule of fees for subdivision survey as provided in the preceding paragraph plus one per cent (1%) of the assessed value of the land.

Special Account. - Twenty per centum of all the collections of the Registers of Deeds and of the Commission under this Section and Section 126 of this Act shall be appropriated and upon approval of a budget for it by the Department of Budget, such amounts shall be disbursed and all offices under the Commission, for the purchase of necessary equipment, for payment of allowances of officials and employees of the Commission, including those of the Registries of Deeds, as authorized by the Commission, for contracts regarding security printing of Land title forms, for survey contracts, and for the maintenance and other operating expenses of the Commission.

**SEC. 122. Lien.** - When it is determined by the Commission after audit and investigation that there has been an underpayment or non-payment of registration fees due to oversight, negligence, errors, or by deliberate act of Registry of Deeds personnel, the same shall constitute as a lien which shall be annotated in the corresponding certificate of title free of charge.

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1 The said lien, upon payment, or upon proper disposition, of the discrepancy, as  
2 noted, the same shall forthwith be cancelled or discharged upon order of the  
3 Commission.

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5 **CHAPTER XII**  
6 **FORMS USED IN LAND REGISTRATION AND CONVEYANCING**

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8 **SEC. 123. *Forms in Conveyancing.*** – Deeds, conveyances, encumbrances,  
9 discharges, powers of attorney and other voluntary instruments, whether affecting  
10 registered or unregistered land, executed in accordance with law in the form of public  
11 instruments shall be registrable: Provided, that, every such instrument shall be signed  
12 by the person or persons executing the same in the presence of at least two witnesses  
13 who shall likewise sign thereon, and shall acknowledged to be the free act and deed of  
14 the person or persons executing the same before a notary public or other public officer  
15 authorized by law to take acknowledgment. Where the instrument so acknowledged  
16 consists of two or more pages including the page whereon acknowledgment is written,  
17 each page of the copy which is to be registered in the office of the Register of Deeds,  
18 or if registration is not contemplated, each page of the copy to be kept by the notary  
19 public, except the page where the signatures already appear at the foot of the  
20 instrument, shall be signed on the left margin thereof by the person or persons  
21 executing the instrument and their witnesses, and all the pages sealed with the notarial  
22 seal, and this fact as well as the number of pages shall be stated in the  
23 acknowledgment. Where the instrument acknowledged relates to a sale, transfer,  
24 mortgage or encumbrance of two or more parcels of land, the number thereof shall  
25 likewise be set forth in said acknowledgment.

26  
27 The Commission shall cause to be prepared convenient blank forms as may be  
28 necessary to help facilitate the proceedings in land registration and shall cause to be  
29 printed forms for land titles exclusively by the Bangko Sentral ng Pilipinas.

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32 **CHAPTER XIII**  
33 **DEALINGS WITH UNREGISTERED LANDS**

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35 **SEC. 124. *Recording of instruments relating to unregistered lands.*** –  
36 No deed, conveyance, mortgage, lease, or other voluntary instrument affecting land  
37 not registered under the Torrens system shall be valid, except as between the parties  
38 thereto, unless such instrument shall have been recorded in the manner herein  
39 prescribed in the office of the Register of Deeds for the province or city where the land  
40 lies, henceforth no transactions affecting unregistered land shall be sold, transferred,  
41 assigned, mortgaged, or leased, unless recorded under this section.

- 42  
43 (a) The Register of Deeds for each province or city shall keep a Primary Entry  
44 Book and a Registration Book. The Primary Entry Book shall contain, among

1 other particulars, the entry number, the names of the parties, the nature  
2 of the document, the date, hour and minute it was presented and received.  
3 The recording of the deed and other instruments relating to unregistered  
4 lands shall be effected by any of annotation on the space provided therefor  
5 in the Registration Book, after the same shall have been entered in the  
6 Primary Entry Book.  
7

8 (b) If, on the face of the instrument, it appears that it is sufficient in law, the  
9 Register of Deeds shall forthwith record the instrument in the manner  
10 provided herein. In case the Register of Deeds refuses its administration to  
11 record, said official shall advise the party in interest in writing of the ground  
12 or grounds for his refusal, and the latter may appeal the matter to the  
13 Commission in accordance with the provisions of Section 134 of this Act. It  
14 shall be understood that any recording made under this section shall be  
15 without prejudice to a third party with a better right.  
16

17 (c) After recording on the Record Book, the Register of Deeds shall endorse  
18 among other things, upon the original of the recorded instruments, the file  
19 number and the date as well as the hour and minute when the document  
20 was received for recording as shown in the Primary Entry Book, returning  
21 to the registrant or person in interest the duplicate of the instrument, with  
22 appropriate annotation, certifying that he has recorded the instrument after  
23 reserving one copy thereof to be furnished the provincial or city assessor  
24 as required by existing law.  
25

26 (d) Tax sale, attachment and levy, notice of lispendens, adverse claim and other  
27 instruments in the nature of involuntary dealings with respect to  
28 unregistered lands, if made in the form sufficient in law, shall likewise be  
29 admissible to record under this section.  
30

31 (e) For the services to be rendered by the Register of Deeds under this section,  
32 he shall collect the same amount of fees prescribed for similar services for  
33 the registration of deeds or instruments concerning registered lands.  
34

35  
36 **CHAPTER XIV**  
37 **REGISTRATION OF CHATTEL MORTGAGES**  
38

39 **SEC. 125. *Recording of Chattel Mortgages.*** – A chattel mortgage shall be  
40 recorded in the office of the Register of Deeds of the province or city where the  
41 mortgagor resides as well as where the property is situated or ordinarily kept.  
42

43 **SEC. 126. *Manner of Recording Chattel Mortgages.*** – Every Register of Deeds  
44 shall keep a Primary Entry Book and a Registration Book for chattel mortgages; shall

1 certify on each mortgage filed for record, as well as on its duplicate, the date, hour,  
2 and minute when the same was by him received; and shall record in such books any  
3 chattel mortgage, assignment or discharge thereof, and any other instrument relating  
4 to a recorded mortgage, and all such instruments shall be presented to him in duplicate,  
5 the original to be filed and the duplicate to be returned to the person concerned.  
6

7 The recording of a mortgage shall be effected by making an entry, which shall  
8 be given a correlative number, setting forth the names of the mortgagee and the  
9 mortgagor, the sum or obligation guaranteed, date of the instrument, name of the  
10 notary before whom it was sworn to or acknowledged, and a note that the property  
11 mortgaged, as well as the terms and conditions of the mortgage, is mentioned in detail  
12 in the instrument filed, giving the proper file number thereof. The recording of other  
13 instruments relating to a recorded mortgage shall be effected by way of annotation on  
14 the space provided therefor in the Registration Book, after the same shall have been  
15 entered in the primary Entry Book.  
16

17 The Register of Deeds shall also certify the officer's return of sale upon any  
18 mortgage, making reference upon the record of such officer's return to the volume and  
19 page of the record of the mortgage, and a reference of such return on the record of  
20 the mortgage itself, and give a certified copy thereof, when requested, upon payment  
21 of the legal fees for such copy thereof, when requested, upon payment of the legal  
22 fees for such copy and certify upon each mortgage officer's return of sale or discharge  
23 of mortgage, and upon any other instrument relating to such a recorded mortgage,  
24 both on the original and in the duplicate, the date, hour, and minute when the same is  
25 received for record and record such certificate index of mortgagors and mortgagees,  
26 which record and index shall be open to public inspection.  
27

28 Duly certified copies of such records and of filed instruments shall be receivable  
29 as evidence in any court.  
30

31 **SEC. 127. Fees for Chattel Mortgages.** – The register of Deeds shall collect  
32 the following fees for services rendered by him under this section:  
33

34 1. Entry fee. – For entry or presentation of any document in the Primary Entry  
35 Book, five pesos. Supporting papers presented together with the principal  
36 document need not be charged any entry or presentation fee unless the party  
37 in interest desires that they be likewise entered.  
38

39 2. Chattel Mortgage. – For filing and recording each chattel mortgage, including  
40 the necessary certificates and affidavits, the fees established in the following  
41 schedule shall be collected:  
42

43 (a) Six thousand pesos maximum. – When the amount of the mortgage does  
44 not exceed six thousand pesos, seven pesos for the first five hundred

1 pesos, or fractional part thereof, and three pesos for each additional five  
2 hundred pesos, or fractional part thereof.

3  
4 (b) Thirty thousand pesos maximum. – When the amount of the mortgage is  
5 more than six thousand pesos but does not exceed thirty thousand pesos,  
6 forty-eight pesos for the initial amount not exceeding eight thousand pesos,  
7 and eight pesos for each additional two thousand pesos or fractional part  
8 thereof.

9  
10 (c) One hundred thousand pesos maximum. – When the amount of the  
11 mortgage is more than thirty thousand pesos but does not exceed one  
12 hundred thousand pesos, one hundred fifty pesos for the initial amount not  
13 exceeding thirty-five thousand pesos, and fourteen pesos for each  
14 additional five thousand pesos of fractional part thereof.

15  
16 (d) Five hundred thousand pesos maximum. – When the amount of the  
17 mortgage is more than one hundred thousand pesos but does not exceed  
18 five hundred thousand pesos, three hundred fifty-two pesos for the initial  
19 amount not exceeding one hundred ten thousand pesos and twenty pesos  
20 for each additional ten thousand pesos or fractional part thereof.

21  
22 (e) More than five hundred thousand pesos. – When the amount of the  
23 mortgage is more than five hundred thousand pesos, one thousand one  
24 hundred sixty-two pesos for the initial amount not exceeding five hundred  
25 twenty thousand pesos, and thirty pesos for each additional twenty  
26 thousand pesos or fractional part thereof: Provided, however, that  
27 registration of the mortgage in the province where the property is situated  
28 shall be sufficient registration and provided, further, that if the mortgage  
29 is to be registered in more than one city or province, the Register of Deeds  
30 of the city or province where the instrument is first presented for  
31 registration shall collect the full amount of the fees due in accordance with  
32 the schedule prescribed above, and the Register of Deeds of the other city  
33 of province where the same instrument is also to be registered shall collect  
34 only a sum equivalent to twenty per centum of the amount of fees due and  
35 paid in the first city of province, but in no case shall the fees payable in any  
36 Registry be less than the minimum fixed in this schedule.

37  
38 3. Conveyance of mortgaged property, etc. – For recording each instrument of  
39 sale, conveyance, or transfer of the property which is subject of a recorded  
40 mortgage, or of the assignment of mortgage credit, the fees established in the  
41 preceding schedule shall be collected on the bases of ten per centum of the  
42 amount of the mortgage or unpaid balance thereof, provided, that the latter is  
43 stated in the instrument.

1 4. Notice of attachment. - For recording each notice of attachment, including  
2 the necessary index and annotations, eight pesos.

3  
4 5. Release of mortgage. - For recording such release of mortgage, including the  
5 necessary index and references, the fees established in the schedule under  
6 paragraph (b) above shall be collected on the basis of five per centum of the  
7 amount of the mortgage.

8  
9 6. Release of attachment. - For recording each release of attachment, including  
10 the proper annotations, five pesos.

11  
12 7. Sheriff's return of sale. - For recording each sheriff's return of sale, including  
13 the index and references, seven pesos.

14  
15 8. Power of attorney, appointment of guardian, administrator or trustee. - For  
16 recording a power of attorney, appointment of judicial guardian, administrator,  
17 or trustee, or any other instrument in which a person is given power to act in  
18 behalf of another in connection with a mortgage, ten pesos.

19  
20 9. No specific fee. - For recording each instrument or order relating to a  
21 recorded mortgage, including the necessary index and references, for which no  
22 specific fee is provided above, five pesos.

23  
24 10. Certified copy. - For certified copies of records, such fees as are allowed by  
25 law for copies kept by the Register of Deeds.

26  
27 11. Certification. - For issuing a certificate relative to, or showing the existence  
28 or non-existence of an entry in the registration book, or a document on file, for  
29 each such certificate containing not more than two hundred words, five pesos;  
30 if it exceeds that number, an additional fee of one peso shall be collected for  
31 every one hundred words or fractional part thereof, in excess of the first two  
32 hundred words.

33  
34 12. Research Fee. - For services rendered in attending to requests for references  
35 to, or researches on any document on file in the Registry, there shall be collected  
36 a fee of two pesos per document.

37  
38 **CHAPTER XV**  
39 **REGISTRATION OF CONDOMINIUMS**

40  
41 **SEC. 128. *Registration of Master Deed.*** - Any property or properties divided  
42 or to be divided into Condominiums shall be recorded in the Register of Deeds of the  
43 province or city in which the property lies, and duly annotated in the corresponding  
44 certificate of title of the land, if the latter had been patented or registered under either

1 the Land Registration or Cadastral Acts, an enabling or master deed which shall contain  
2 the following:

- 3
- 4 1. Description of the land on which the building or buildings and improvements are  
5 or are to be located;
- 6 2. Description of the building or buildings, stating the number of stories and  
7 basements, the number of units and their accessories, if any;
- 8 3. Description of the common areas and facilities;
- 9 4. A statement of the exact nature of the interest acquired or to be acquired by the  
10 purchaser in the separate units and in common areas of the condominium  
11 project. Where title to or the appurtenant interests in common areas are or is to  
12 be held by a condominium corporation, a statement to this effect shall be  
13 included;
- 14 5. A certificate of the registered owner of the property, if he is other than those  
15 executing the master deed, as well as of all registered holders of any lien or  
16 encumbrance on the property, that they consent to the registration of the deed;
- 17 6. A survey plan of the land included in the project, unless a survey plan of the  
18 same property had previously been filed in said office and a diagrammatic floor  
19 plan of the building or buildings in the project, in sufficient detail to identify each  
20 unit, its relative location and approximate dimensions should be appended;
- 21 7. Any reasonable restriction not contrary to law, morals or public policy regarding  
22 the right of any condominium owner to alienate or dispose of his condominium.

23  
24 **SEC. 129. Procedure for Registration of the Master Deeds and**  
25 **Declaration of Restrictions and Amendments thereto.** – The Register of Deeds  
26 shall enter the Master Deed with Declaration of Restrictions including the supporting  
27 documents and annotate upon the certificate of title covering the land included within  
28 the project. A corresponding registration fee shall be collected based on the assessed  
29 value of the property/ies divided or to be divided into condominiums. There shall also  
30 be collected an assurance fund premium of one-fourth of one percent of the zonal value  
31 of the building or buildings divided or to be divided into condominiums, or constituting  
32 part of the condominium project.

33  
34 The enabling or master deed may be amended or revoked upon registration of  
35 an instrument executed by the registered owner or owners of the property and  
36 consented to by all registered holders of any lien or encumbrance on the land or  
37 building or portion thereof.

38  
39 **SEC. 130. Procedure for the Issuance of Individual Condominium**  
40 **Certificates of Title.** – The following procedures shall be observed in the Registry for  
41 the issuance of individual condominium certificate of title.

- 42
- 43 a) The client shall submit the owner's duplicate certificate of title and co-owner's  
44 duplicate certificate of title, as the case may be, together with the required

1 documents. All information from documents received supporting the transaction  
2 shall be entered into the EPEB-RL. The date, hour and minute of reception of all  
3 instruments in the order in which they were received shall likewise be noted. The  
4 document shall be automatically assigned with an entry number as its control or  
5 reference number.

6  
7 b) The corresponding fees shall be automatically computed by the system and the  
8 corresponding electronic receipt generated upon payment. In default of payment,  
9 the entry made in the EPEB-RL, shall be rendered of no force and effect.

10  
11 c) All pertinent data on the current title shall be encoded in the system and the  
12 corresponding annotations shall be made using the PHILARIS format and  
13 templates. If documents received are complete, the findings of the examination  
14 shall be transmitted to the approving authority.

15  
16 d) If the transaction is approved, the titles and documents shall be stamped and  
17 signed by the approving authority. A Condominium Certificate of Title shall then  
18 be issued, and its issuance shall be annotated on the certificate of title covering  
19 the lot where the Master Deeds is annotated. The Condominium Certificate of Title  
20 shall contain the restrictions annotated in said certificate of title.

21  
22 e) The owner's duplicate certificate of titles and all the documents submitted by the  
23 client shall be scanned, and the resulting images shall be stored in the database.  
24 After scanning, the documents shall be kept in the vault for safekeeping.

25  
26 f) The resulting condominium owner's copy of title, owner's duplicate transfer  
27 certificate of title, and the duplicate of the documents shall then be delivered to  
28 the registered owner or his duly authorized representative who presents a Letter  
29 of Authority and the valid identification cards of the grantor and representative,  
30 who shall sign the acknowledgment slip generated by the system.

31  
32 ***SEC. 131. Procedure for Initial Sale of Condominium Certificate of Title.***

33 – The following procedures shall be observed in the Registry of Deeds for the initial  
34 sale of a condominium certificate of title.

35  
36 a) The client shall submit the condominium owner's copy of title, owner's duplicate  
37 certificate of title and co-owner's duplicate certificate of title, as the case may be,  
38 together with the required documents. All basic information from documents  
39 received supporting the transaction shall be entered into the EPEB-RL. The date,  
40 hour and minute of reception of all instruments in the order in which they were  
41 received shall likewise be noted. The document shall be automatically assigned  
42 with an entry number as its control or reference number.

- 1 b) The corresponding fees shall be automatically computed by the system and the  
2 corresponding electronic receipt generated upon payment. In default of payment,  
3 the entry made in the EPEB-RL shall be rendered of no force and effect.  
4
- 5 c) All pertinent data on the current title shall be encoded in the system and the  
6 corresponding annotations shall be made using the PHILARIS format and  
7 templates. If documents received are complete, the findings of the examination  
8 shall be transmitted to the approving authority.  
9
- 10 d) If the transaction is approved, the titles and documents shall be stamped and  
11 signed by the approving authority. The CCT shall then be issued, and the sale  
12 shall be annotated on the certificate of title covering the lot where the Master  
13 Deed is annotated and on the condominium owner's copy of title, which will be  
14 stamped cancelled. The new CCT shall contain the restrictions annotated in said  
15 certificate of title.  
16
- 17 e) The owner's duplicate certificate of title, and all the documents submitted by the  
18 client shall be scanned, and the resulting images shall be stored in the database.  
19 After scanning the documents shall be kept in the vault for safekeeping.  
20
- 21 f) The resulting owner's duplicate transfer certificate of title, condominium owner's  
22 copy of title and the duplicate of the documents shall then be delivered to the  
23 registered owner or his duly authorized representative who presents a Letter of  
24 Authority and the valid identification cards of the grantor and representative, who  
25 shall sign the acknowledgment slip generated. (n)

26  
27 **SEC. 132. *Assessments and Liens.*** – Notice of assessment upon any  
28 condominium unit must be registered by management body with the Register of Deeds  
29 of the city or province where such condominium project is located. Upon payment of  
30 said assessment and charges or other satisfaction thereof, the management body shall  
31 cause to be registered a release of the lien.  
32

33 Real property tax liens shall likewise be registered with the Register of Deeds of  
34 the city or province where such condominium project is located.  
35

36 **SEC. 133. *Decree of Partition, Dissolution or Reorganization.*** – Upon  
37 receipt of a copy of the decree of partition of a condominium project or a reorganization  
38 of the project or for the dissolution of condominium corporation, the Register of Deeds  
39 shall enter and annotate the same on the pertinent certificate of title.  
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**CHAPTER XVI  
CONSULTAS**

**SEC. 134. Procedure.** – When the Register of Deeds is in doubt with regard to the proper step/s to be taken or memorandum to be made in pursuance of any deed, mortgage, or other instrument presented to him for registration, the question shall be submitted to the Commission, whose ruling thereon shall be conclusive and binding upon all Registers of Deeds.

Where the instrument is denied registration, the Register of Deeds shall notify the interested party in writing, setting forth the defects of the instrument or legal grounds relied upon, and advising him that if he is not agreeable to such ruling, he may, without withdrawing the documents from the Registry, elevate the matter by consulta within five days from receipt of notice of the denial of registration to the Commission thru the Register of Deeds.

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

The Commission, considering the consulta and the records certified to him after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made. However, the party in interest who disagrees with the final resolution, ruling or order of the Commission relative to consulta, may appeal to the Court of Appeals within the period and in manner provided in Republic Act No. 5434.

**CHAPTER XVII  
FINAL PROVISIONS**

**SEC. 135. Postage Exemption.** – No postage stamps or mailing charges shall be required in all matters transmitted by the Commission or any of its Registry of Deeds in the implementation of provisions of this Act.

**SEC. 136. Applicability of the E-commerce Law.** – The pertinent provisions of the E-Commerce Law as to the acceptability of electronic copies of documents as evidence, shall heretofore be acceptable as true copies of documents required under this Act.

**SEC. 137. Congressional Oversight Committee.** – There is hereby created a Congressional Oversight Committee to monitor progress of the implementation of the provisions of this Act. The Committee shall, among others, in aid of legislation monitor and ensure the implementation of this Act.

1 The Committee shall be composed of six (6) members of the Senate and six (6)  
2 members of the House of Representatives with the Chairpersons of the Committees on  
3 National Defense and Security of both Houses as Joint Chairpersons. The five (5)  
4 members of from each Chamber shall be designated by the Senate President and the  
5 Speaker of the House of Representatives, respectively. The Minority shall have one (1)  
6 representative from both Chambers.

7  
8 **SEC. 138. Appropriations.** – The amount necessary to finance the initial  
9 implementation of this Act shall be charged against the current year's appropriation of  
10 the LRA, DENR and DAR. Thereafter, such sums as may be necessary for its continued  
11 implementation shall be included in the annual General Appropriations Act.

12  
13 **SEC. 139. Implementing Rules and Regulations.** – Within ninety (90) days  
14 from the effectivity of this Act, the Department of Justice and the Land Registration  
15 Authority, in coordination with the Department of Environment and Natural Resources  
16 (DENR), Department of Agrarian Reform (DAR) and the National Commission of  
17 Indigenous Peoples (NCIP), shall promulgate the necessary rules and regulations for  
18 the effective implementation of this Act.

19  
20 **SEC. 140. Separability Clause.** – Should any provision herein be declared  
21 unconstitutional, the same shall not affect the validity of other provisions of this Act.

22  
23 **SEC. 141. Repealing Clause.** – All laws, decrees, orders, rules, and  
24 regulations or other issuances of parts inconsistent with the provisions of this Act are  
25 hereby repealed or modified accordingly.

26  
27 **SEC. 142. Effectivity.** – This Act shall take effect fifteen (15) days after its  
28 publication in the *Official Gazette* or in any two (2) newspapers of general circulation  
29 in the Philippines.

*Approved,*