

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

8 APR 17 1966

SENATE
S. B. No. 2164

RECEIVED BY: JA

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

To date, it is not unusual to see petitions for reconstitution of lost or destroyed certificates of title clogging the dockets of our courts all filed by the registered owners themselves though admittedly, they are not responsible for the loss or destruction of their original certificates of title as these are in the possession and custody of the Register of Deeds of the place where subject property is located at the time of loss or destruction. Compounding their woes of having to go through tedious court proceedings is the fact that such petitions entail expensive cost in the form of court charges and lawyer's fees.

While original certificates are reposed in the Office of the Register of Deeds supposedly for safekeeping and protection, it is also in such places where the certificates of titles, ironically, get lost or suffer destruction. Hence, it is grossly unfair and prejudicial on the part of the registered property owners to undergo the tedious court process filing the petition.

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

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

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

1 FOURTEENTH CONGRESS OF THE REPUBLIC)
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7 AN ACT AMENDING SECTION 110
8 OF PRESIDENTIAL DECREE NO. 1529 OTHERWISE KNOWN
9 AS THE PROPERTY REGISTRATION DECREE
10

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

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

15 "SECTION 110. Reconstitution of lost or destroyed original of Torrens title. –
16 Original copies of certificates of title lost or destroyed in the offices of the Register of Deeds as
17 well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted
18 judicially insofar as not inconsistent with this Decree. X X X X

19 "THE PETITION FOR JUDICIAL RECONSTITUTION OF LOST OR DESTROYED
20 ORIGINAL CERTIFICATES OF TITLE SHALL BE FILED BY THE REGISTER OF DEEDS
21 OF THE PLACE WHERE THE LAND IS SITUATED UPON THE REQUEST OF THE
22 REGISTERED OWNER(S), COPIES THEREOF SHALL BE FURNISHED TO THE LAND
23 REGISTRATION AUTHORITY (LRA) AND THE REGISTERED OWNER(S).

24 "THE SAID PETITION SHALL BE VERIFIED AND SHALL BE PUBLISHED IN A
25 NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK FOR THREE (3)
26 CONSECUTIVE WEEKS FROM THE DATE OF FILING. X X X

27 "NO PETITION FOR JUDICIAL RECONSTITUTION SHALL BE APPROVED
28 UNLESS THE REGISTERED OWNER(S) SHALL HAVE IN POSSESSION THE OWNERS
29 DUPLICATE CERTIFICATE OF TITLE OF THE LOST TORRENS TITLE.

1 Notice of all hearings of the petition for judicial reconstitution shall be given to the
2 ADMINISTRATOR OF THE LAND REGISTRATION AUTHORITY (LRA) AND THE
3 REGISTERED OWNER(S). No order of judgment ordering the reconstitution of a certificate of
4 title shall become final until the lapse of thirty days from receipt by the ADMINISTRATOR OF
5 THE LAND REGISTRATION AUTHORITY (LRA) of a notice of such order or judgment
6 without any appeal having been filed by the said official.”

7 SECTION 2. The amount necessary to carry out the provisions of this Act shall be
8 included in the General Appropriations Act of the year following its enactment into law and
9 thereafter.

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

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

16 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

18 Approved,