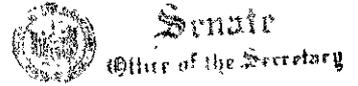


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 MAY -6 P4:35

SENATE
S.B. No. 2753

RECEIVED BY: Ji

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING SECTION 70 OF PRESIDENTIAL DECREE NO. 1529
OTHERWISE KNOWN AS THE PROPERTY REGISTRATION DECREE

EXPLANATORY NOTE

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

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

The previous rule stipulated in Republic Act No. 496 also known as the Land Registration Act, Section 110 which provides that "the court, upon a petition of any party in interest, shall grant a speedy hearing upon the question of the validity of such adverse claim and shall enter such decree therein as justice and equity may require. If the claim is

adjudged to be invalid, the registration shall be cancelled” is more reasonable and thus, should be revived.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
RP

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.



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

1 AN ACT
2 AMENDING SECTION 70 OF PRESIDENTIAL DECREE NO. 1529
3 OTHERWISE KNOWN AS THE PROPERTY REGISTRATION DECREE

4 SECTION 1. Presidential Decree No. 1529 otherwise known as the Property
5 Registration Decree, Section 70 is hereby amended as follows:

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

13 The statement shall be signed and sworn to, and shall state the adverse claimant's
14 residence, and a place at which all notices may be served upon him. [This statement shall
15 be entitled to registration as an adverse claim on the certificate of title. The adverse claim
16 shall be effective for a period of 30 days from the date of registration. After the lapse of
17 said period, the annotation of adverse claim may be cancelled upon filing of a verified
18 petition therefore by the party in interest: Provided, however, that after cancellation, no
19 second adverse claim based on the same ground shall be registered by the claimant.]

1 [Before the lapse of thirty days aforesaid, any party in interest may file a petition
2 in the Court of First Instance where the land is situated for the cancellation of the adverse
3 claim, and the court shall grant a speedy hearing upon the question of the validity of such
4 adverse claim, and shall render judgment as may be just and equitable. If the adverse
5 claim is adjudged to e invalid, the registration thereof shall be ordered cancelled. If, in
6 any case, the court, after notice and hearing, shall find that the adverse claim thus
7 registered was frivolous, it may fine the claimant in an amount not less than one thousand
8 pesos nor more than five thousand pesos, in its discretion. Before the lapse of thirty days,
9 the claimant may withdraw his adverse claim by filing with the Register of Deeds a
10 sworn petition to that effect.] **THIS STATEMENT SHOULD BE ENTITLED TO
11 REGISTRATION AS AN ADVERSE CLAIM, AND THE COURT UPON
12 PETITION OF ANY PARTY IN INTEREST, SHALL GRANT A SPEEDY
13 HEARING UPON THE QUESTION OF THE VALIDITY OF SUCH ADVERSE
14 CLAIM AND SHALL ENTER SUCH DECREE THEREIN AS JUSTICE AND
15 EQUITY MAY REQUIRE. IF THE CLAIM IS ADJUDGED TO BE INVALID,
16 THE REGISTRATION SHALL BE CANCELLED. IF, IN ANY CASE THE
17 COURT AFTER NOTICE AND HEARING SHALL FIND THAT A CLAIM THUS
18 REGISTERED WAS FRIVOLOUS OR VEXATIOUS, IT MAY TAX THE
19 ADVERSE CLAIMANT DOUBLE OR TREBLE COSTS IN ITS DISCRETION.”**

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

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

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

3 Approved,

/dpmApril2015