

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




Senate  
Office of the Secretary

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SENATE

S. B. No. 760

RECEIVED BY: 

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Introduced by Senator FRANCIS G. ESCUDERO

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AN ACT  
ESTABLISHING A SYSTEM OF REGISTRATION FOR LEASE ON REGISTERED  
LANDS

EXPLANATORY NOTE

Real property right is unique because there are multiple "rights" associated with each piece of property. In our jurisdiction, the following rights, among others, are accorded by law to an owner of a land: right to sell, right to lease, right to use, right to possess and right to acquire mineral.

Our system of property registration as embodied in Presidential Decree (PD) No. 1529, as amended, covers this bundle of rights under real property right. However, the system of registration, especially on lease on registered property is limited only to registration by annotation, which is the inscription of a memorandum on the original certificate title of property and the owner's duplicate.

This bill proposes to expand this system of registration, especially on lease on registered lands by authorizing the issuance of certificates of lease. It is by virtue of this certificate that a lessee, like a certificate of title to an owner, may be able to prove the existence of the lease. True, Section 52, PD No. 1529 provides that a registration of lease in the Register of Deeds is a constructive notice to all persons from the time of such filing or registering. However, with this proposal it is not only notice but with an indefeasible proof of lease as well that are provided for to safeguard the right of a lessee.

Passage of this bill is thus submitted for deliberation.



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

1           **SECTION 1.** *Short Title.* This Act shall be known as the "Property Lease  
2           *Registration Act.*"

3           **SEC. 2.**       *Registration.* Upon presentation for registration of a lease contract  
4           or agreement together with the owner's duplicate certificate, the Register of Deeds shall  
5           enter upon the original of the certificate of title and also upon the owner's duplicate  
6           certificate a memorandum thereof, the date and time of filing and the file number  
7           assigned to the contract or agreement, the number of the issued certificate of lease, and  
8           shall sign the said memorandum. He or she shall also note on the contract or agreement  
9           the date and time of filing and a reference to the volume and page of the registration  
10          book in which it is registered.

11          The Register of Deeds shall issue a certificate of lease in the name of the lessee  
12          with complete reference to the certificate of title of the registered land so leased and the  
13          details on the terms and conditions of the lease.

14          **SEC. 3.**       *Discharge or Cancellation.* A lease on registered land may be  
15          discharge or canceled by means of an instrument executed by the lessee in a form  
16          sufficient in law, which shall be filed with the Register of Deeds who shall cause the  
17          cancellation of the certificate of lease and make the appropriate memorandum upon the  
18          certificate of title.

19          **SEC. 4.**       *Amendatory Clause.* All laws, presidential decrees, executive orders,  
20          proclamations and/or administrative regulations, specifically Sections 54, 60, 61 and 62

1 of Presidential Decree No. 1529, as amended, which are inconsistent with the provisions  
2 of this Act are hereby amended, modified, superseded or repealed accordingly.

3       **SEC. 5.**       *Implementing Rules and Regulations.* The Land Registration  
4 Authority in coordination with other agencies of government concerned shall within  
5 ninety (90) days from the effectivity of this Act promulgate the required rules and  
6 regulations for the effective implementation of this Act.

7       **SEC. 6.**       *Separability Clause.* If any provision or part hereof is held invalid or  
8 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
9 remain valid and subsisting

10       **SEC. 7.**       *Effectivity Clause.* This Act shall take effect fifteen (15) days from its  
11 publication in the Official Gazette or at least two newspapers of national circulation.

12       *Approved,*