B 3973



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1573

Introduced by: **HONORABLE MARCELINO C. LIBANAN**

EXPLANATORY NOTE

Land title refers to that upon which ownership is based. It is the evidence of the right of the owner or the extent of his interest, and by which means he can maintain control and as a rule assert right to exclusive possession and enjoyment of the property (Registration of Land Titles and Deeds, Peña, 1980 Revised Edition).

The Torrens system is an instrument of social and economic growth and development. it has a vital role in stimulating commerce and trade in the country as business transactions are facilitated by the use of titled properties as a source of capital for investment.

It is also a symbol of peace and prosperity as rights of ownership over property become incontrovertible once title to property is issued in favor of the registered owner, thus settling conflicts over property and ensuring economic well being.

However, there are many incidents of fake or fabricated titles that are inflicting harm on the integrity and stability of the certificates of title and making a travesty of the Torrens system of registration in this country.

These fake or fabricated titles are foisted as genuine titles upon the

paid with their hard-earned money is not even worth the paper on which the titles are printed.

If this illegal practice is allowed to prosper, time will come when the people will lose trust and confidence in the Torrens title to the great prejudice of the genuine holders of land titles and the public in general.

The proposed bill seeks to provide the necessary deterrent to the proliferation of fake or fabricated titles by providing stiff penalties of fifteen (15) to thirty (30) years of imprisonment for faking and/or using spurious titles and classifying the same as a heinous offense if committed by a syndicate or in large scale.

Approval of this bill is therefore urged.

HON. MARCELINO C. LIBANAN

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AN ACT
DECLARING THE FAKING OR FABRICATING, KNOWINGLY NEGOTIATING, TRANSACTING, CONVEYING OR MORTGAGING OF FAKE OR FABRICATED TORRENS CERTIFICATES OF TITLE A A SPECIAL CRIME AND IMPOSING PENALTIES THEREFOR

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

SECTION 1. Declaration of Policy. - It is hereby declared the policy of the State to preserve the integrity and stability of the Torrens system of registration in this country and maintain the confidence of the public in the Torrens title by preventing the proliferation of patently fake or fabricated Torrens Certificates of Title.

SEC. 2. Definition of Terms. - For the purpose of this Act:

(a) "patently fake or fabricated Torrens Certificates of Title" is that which has not gone through the regular process of registration or has not been duly issued by the Register of Deeds;

(b) "Faking or fabricating, knowingly negotiating, transacting, conveying or mortgaging a fake Torrens Certificate of Title." is deemed committed by a syndicate if carried out by a group of three or more persons conspiring or confederating with one another;

(c) "Faking or fabricating, knowingly negotiating, transacting, conveying or mortgaging a fake Torrens Certificate of Title" is deemed committed in *large scale* if it involves three or more fake

covered is Ten million pesos (PhP 10,000,000.00), or more regardless of its area and classification, or the area of the land covered is ten (10) hectares or more regardless of its value and classification.

SEC. 3. *Penalties*. - Independent of the criminal liability under existing laws, any private individual found guilty of faking or fabricating Torrens Certificates of Title, or in any manner knowingly deal in transactions using fake and spurious land titles shall suffer the penalty of reclusion temporal in its minimum to medium period, and a fine of One hundred thousand pesos (PhP 100,000.00).

In case the offender is a public employee, officer/official, or notary and is found guilty of utilizing the resources, manpower or the functions of the office, he/she shall suffer the penalty of reclusion temporal in its maximum period to reclusion perpetua, and a fine of One hundred fifty thousand pesos (PhP150,000.00),

The penalty of reclusion perpetua shall be imposed on syndicate/s or group/s a of private individuals found guilty of the acts defined herein if committed in *large scale* equivalent to economic sabotage. However, if committed by syndicate/s or group/s of public employees, officers/officials, the penalty of death shall be imposed.

SEC. 4. Separability Clause. - When any provision or part of this Act is declared unconstitutional, those not otherwise declared shall remain valid and constitutional.

SEC. 5- Repealing Clause. - All law, presidential decrees and issuance, executive orders, rules and regulations or parts thereof in consistent with the provisions of this Act are hereby repealed or modified accordingly,

SEC. 6. Effectivity. - This Act shall take effect fifteen (15) days after its publication in (two (2) national newspapers of general circulation,

Approved,