

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 231



Introduced by HON. RODRIGUEZ D. DADIVAS

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 actions for the reconstitution of their Torrens certificates of title that were 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 lost 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 P.D No. 1529 and direct instead that Register of Deeds be the proper party to initiate the filing of petitions for reconstitution of lost or destroyed owner's certificate of title.

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**AN ACT
AMENDING SECTION 110 OF PRESIDENTIAL DECREE NO. 1529
OTHERWISE KNOWN AS THE PROPERTY REGISTRATION DECREE
AND APPROPRIATING FUNDS THEREFOR**

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

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

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

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

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

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

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

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

SECTION 3. All laws, decrees, rules and regulations inconsistent with this Act shall be amended or repealed accordingly.

SECTION 4. If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SECTION 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,