

HOUSE OF REPRESENTATIVES

OFFICE NO. 787

Introduced by Rep. Aurelio "Dong" D. Gonzales, Jr.

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 on 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.

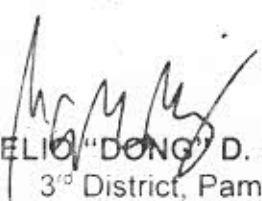
However, there are many incidents of fake or fabricated titles that are inflicting harm on the integrity and stability of the certificates of title and making a travesty of the Torrens system of registration in this country.

These fake or fabricated titles are foisted as genuine titles upon the unsuspecting public who later on discover to their dismay that what they have 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.


REP. AURELIO "DONG" D. GONZALES, JR.
3rd District, Pampanga

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

HOUSE OF REPRESENTATIVES

H. NO. 787

Introduced by Rep. Aurelio "Dong" D. Gonzales, Jr.

AN ACT
TO CLASSIFY THE FAKING OR FABRICATING, NEGOTIATING,
TRANSACTIONING, CONVEYING OR MORTGAGING OF FAKE OR
ILLEGALLY FABRICATED TORRENS CERTIFICATES OF TITLE AS A
HEINOUS OFFENSE

*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 prevent the proliferation of patently fake or fabricated Torrens certificates of title in order 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.

SECTION 2. Definition of Terms. – For the purpose of this Act;

- a) *Patently fake or fabricated Torrens certificates of title* are those that have not gone through the regular process of registration or have not been duly issued by the Register of Deeds.

b) Faking or illegally fabricating, 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 illegally fabricating, negotiating, transacting, conveying, or mortgaging a fake Torrens certificate of title is deemed committed in *large scale* if it involves three or more fake or spurious land titles.

SECTION 3. **Penalty.** – Any person or persons who shall fake or illegally fabricate, negotiate, transact, convey or mortgage a fake Torrens certificates of title shall suffer the penalty of fifteen (15) to thirty (30) years of imprisonment.

When such is committed by a *syndicate* or in a *large scale*, it shall be considered a heinous offense involving economic sabotage and shall be punished by life imprisonment.

SECTION 4. All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 5. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,