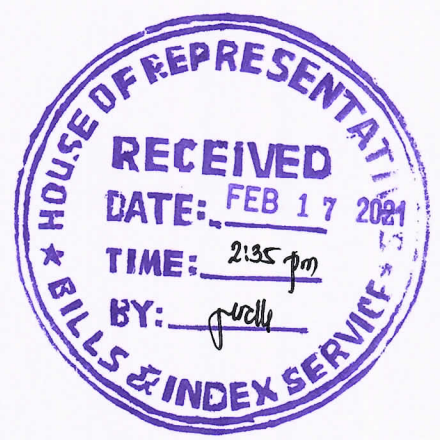




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

House Bill No. 8761



Introduced by **REPRESENTATIVE AURELIO D. GONZALES, JR.**

AN ACT AMENDING SECTIONS 56, 108, 110, AND 117 OF PRESIDENTIAL DECREE NO. 1529 ALSO KNOWN AS THE PROPERTY REGISTRATION DECREE

EXPLANATORY NOTE

This bill seeks to amend provisions of Presidential Decree No. 1529 or the Property Registration Decree which was signed into law by the late President Ferdinand E. Marcos in year 1978.

The Property Registration Decree (P.D. No. 1529) finds its origin in statutory principle which recognizes private ownership as conferred by the sovereign authority. For the Filipino people, ownership of real property is often considered as real treasure to which every owner can perpetuate and preserve landholdings for future generations. Real rights in property are considered as the primordial source of livelihood of mankind.

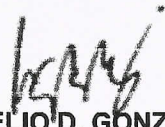
Accordingly, the utilization, registration, and management of ownership of real property should be adeptly improved in this fast changing times in order to achieve the maximum possible benefit a real property can provide to its owner.

With our current setting in Land Registration and related laws, it is imperative to revisit and introduce amendments to antiquated provisions and overlapping jurisdictions in the Property Registration Decree. More often, the hands of the landowners are tied with multifarious and complicated laws under Presidential Decree No. 1529 which causes undue delay in the registration and voluntary and involuntary dealings with their real properties.

This representation deems it proper to propose reformation and simplification of the processes under certain provisions existing in Presidential Decree No. 1529 to conform to the current state of affairs in Land Registration after decades of being incarcerated to the archaic law of 1978.

This is also a parallel effort to strengthen the adoption of the Land Registration Authority of its electronic registration of land titles and deeds as they adopt Republic Act No. 8792 otherwise known as the "E-Commerce Act".

In view of the foregoing, the immediate passage of the bill is earnestly sought.


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

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

SECTION 1. Section 56 of Presidential Decree No. 1529 otherwise known as the Property Registration Decree is hereby amended to read as follows:

“Section 56. Primary Entry Book; fees; certified copies. - Each Registry of Deeds shall keep a primary entry book in which, upon the payment of entry fee, he shall enter, in the order of their reception, all instruments including copies of writs and processes filed with him relating to registered land. He shall, as a preliminary process in registration, note in such book the date, hour, and minute of reception of all instruments, in the order in which they were received. **THE ELECTRONIC PRIMARY ENTRY BOOK AS USED BY THE REGISTRIES OF DEEDS SHALL OFFER ENTRY NUMBERS FACILITATED THROUGH INTERNET AND GENERATED THROUGH THE LAND REGISTRATION AUTHORITY WEBSITE. THE PRIORITIES OF RIGHTS ATTACHED THEREWITH SHALL BE CONDITIONED UPON THE FULL PAYMENT OF ENTRY FEES AS PRESCRIBED BY THE LAND REGISTRATION AUTHORITY AND THE COMPLETENESS OF THE DOCUMENTS PRESENTED AS PERSONALLY DETERMINED BY THE LAND REGISTRY SPECIALIST (REGISTRY OF DEEDS EXAMINER) WITHIN A NON-EXTENDIBLE PERIOD OF FIVE (5) WORKING DAYS FROM THE DATE THE REGISTRANT WAS GIVEN AN ENTRY NUMBER IN THE WEB. THE ENTRY NUMBER AS PROVIDED FOR IN THE LAND REGISTRATION WEBSITE SHALL BE LIMITED TO PROVIDE ENTRY NUMBERS FOR THE MANAGEMENT OF PRIORITY OF RIGHTS AND DOES NOT IN ANY MANNER GIVE AN ABSOLUTE AND UNQUALIFIED RIGHT TO THE PERSON DEALING WITH THE REGISTRY OF DEEDS.** They shall be regarded as registered from the time so noted, and the memorandum of each instrument, when made on the certificate of title to which it refers, shall bear the same date : Provided, that the national government as well as the provincial and city governments shall be exempt of payment of such fees in advance in order to be entitled to entry and registration.

x x x ”

SECTION 2. Section 108 of Presidential Decree No. 1529 otherwise known as the Property Registration Decree is hereby amended to read as follows:

“Section 108. ADMINISTRATIVE Amendment and alteration of certificates. ~~[No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same be Register of Deeds, except by order of the proper Court of First Instance. A registered owner of other person having an interest in registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interests of any~~

~~description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that new interest not appearing upon the certificate have arisen or been created; or that an omission or error was made in entering a certificate or any memorandum thereon, or, on any duplicate certificate; or that the same or any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interests of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not convened the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; Provided, however, That this section shall not be construed to give the court authority to reopen the judgment or decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs and assigns, without his or their written consent. Where the owner's duplicate certificate is not presented, a similar petition may be filed as provided in the preceding section.~~

~~All petitions or motions filed under this Section as well as under any other provision of this Decree after original registration shall be filed and entitled in the original case in which the decree or registration was entered.]~~

NO ENTRY IN THE CERTIFICATE OF TITLE SHALL BE ERASED, ALTERED, OR AMENDED WITHOUT A JUDICIAL ORDER AFTER THE ENTRY OF A CERTIFICATE OF TITLE OR OF A MEMORANDUM THEREON AND THE ATTESTATION OF THE SAME BY THE REGISTER OF DEEDS EXCEPT CLERICAL OR TYPOGRAPHICAL ERRORS, INNOCUOUS WRONGFUL CARRY-OVER OF MEMORANDA OR OMISSIONS THEREOF DUE TO INADVERTENCE OR OVERSIGHT WHICH DO NOT INVOLVE A SUBSTANTIAL CHANGE IN THE NATURE OF THE PROPERTY IN THE ENTRIES IN THE CERTIFICATE OF TITLE, AND CHANGE IN CIVIL STATUS WHICH CAN BE CORRECTED, AMENDED, OR CHANGED BY THE REGISTRY OF DEEDS OR ITS DEPUTIES THROUGH A VERIFIED PETITION BY ANY PERSON HAVING DIRECT AND PERSONAL INTEREST IN THE CORRECTION OF A CLERICAL OR TYPOGRAPHICAL ERROR, OMISSIONS IN THE ENTRIES IN THE CERTIFICATE OF TITLE OR CHANGE IN CIVIL STATUS TO BE FILED IN THE REGISTRY OF DEEDS WHERE THE PROPERTY IS REGISTERED."

SECTION 3. Section 110 of Presidential Decree No. 1529 otherwise known as the Property Registration Decree is hereby amended to read as follows:

"Section 110. Reconstitution of lost or destroyed Torrens Title. - Original copies of certificates of title lost or destroyed in the offices of Register of Deeds as well as liens and encumbrances affecting the lands covered by such titles shall be reconstituted judicially in accordance with the procedure prescribed in Republic Act No. 26 insofar as not inconsistent with this Decree. The procedure relative to administrative reconstitution of lost or destroyed certificate prescribed in said Act is hereby abrogated [-] **EXCEPT AS ENUMERATED UNDER REPUBLIC ACT NO. 6732 ENTITLED "AN ACT ALLOWING ADMINISTRATIVE RECONSTITUTION OF ORIGINAL COPIES OF CERTIFICATES OF TITLES LOST OR DESTROYED DUE TO FIRE, FLOOD, AND OTHER FORCE MAJEURE."**

ADMINISTRATIVE RECONSTITUTION OF LOST OR DESTROYED OWNER'S DUPLICATE OF TITLE IS HEREBY ALLOWED AND AUTHORIZED DURING NATURAL CALAMITIES AND OTHER FORCE MAJEURE AS MAY BE DETERMINED BY THE ADMINISTRATOR. THEREUPON, THE ADMINISTRATOR SHALL DECLARE THAT ADMINISTRATIVE RECONSTITUTION SHALL BE ALLOWED WITHIN THE TERRITORIAL JURISDICTION OF THE AFFECTED REGISTRY OR REGISTRIES, AS THE CASE MAY BE. PROVISIONAL REGISTRATION OF TRANSACTIONS PENDING RECONSTITUTION OF THE REGISTRY COPY, AS PROVIDED IN LRA CIRCULAR NO. 3 DATED DEC. 6, 1988, IS HEREBY ADOPTED UNDER THIS ACT. ENTRY IN THE ELECTRONIC PRIMARY ENTRY BOOK AND PAYMENT OF REGISTRATION FEES IS CONSIDERED AS A COMPLETE ACT OF REGISTRATION WHERE ALL REQUIREMENTS ARE COMPLIED WITH.

Notice of all hearings of the petition for judicial reconstitution shall be given to the Register of Deeds of the place where the land is situated and to the [Commissioner of

~~Land Registration]~~ **ADMINISTRATOR OF THE PROPERTY REGISTRATION AUTHORITY.** No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of ~~[thirty days]~~ **FIFTEEN (15)** days from receipt by the Register of Deeds and by the ~~[Commissioner of Land Registration]~~ **PROPERTY REGISTRATION AUTHORITY** of a notice of such order or judgment without any appeal having been filed by any of such officials."

SECTION 4. Section 117 of Presidential Decree No. 1529 otherwise known as the Property Registration Decree is hereby amended to read as follows:

"Section 117. Procedure. – x x x

Where the instrument is denied registration, the Registry of Deeds shall notify the interested party in writing **OR THROUGH E- MAIL OR OTHER MODES OF COMMUNICATION**, setting forth the defects of the instrument or legal grounds relied upon, and advising him that if he is not agreeable to such ruling, he may, without withdrawing the documents from the Registry, elevate the matter by consulta within five days from receipt of notice of denial of registration to the Commissioner of Land Registration **UPON PAYMENT OF A CONSULTA FEE IN SUCH AMOUNT AS SHALL BE PRESCRIBED BY THE COMMISSIONER OF LAND REGISTRATION.**

x x x "

SECTION 5. Implementing Rules and Regulations. – Within thirty days (30) days from the approval of this Act, the Secretary of Justice shall promulgate rules and regulations for the effective implementation of this Act.

SECTION 6. Repealing Clause. – All existing laws or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,