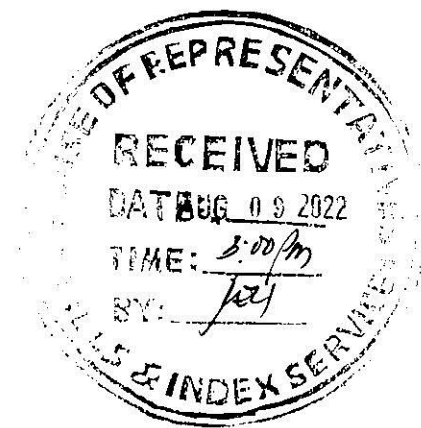


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH (19th) CONGRESS
First Regular Session

HOUSE BILL NO. 3404



Introduced by HONORABLE LORETO "AMBEN" S. AMANTE
Third (3rd) Legislative District, Province of Laguna

AN ACT
AUTHORIZING THE CONCERNED REGISTERS OF DEEDS
TO CORRECT CERTAIN CLERICAL OR TYPOGRAPHICAL ERRORS
IN THE CERTIFICATES OF TITLE WITHOUT NEED
OF A JUDICIAL ORDER, AMENDING FOR SUCH PURPOSE
SECTION 108 OF PRESIDENTIAL DECREE NO. 1529, AS AMENDED,
OR OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION
DECREE", AND FOR OTHER PURPOSES"

Explanatory Note

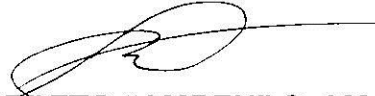
Presidential Decree No. 1529, or otherwise known as the "Property Registration Decree", aimed to codify all laws relating to registration of land property for the purpose of facilitating effective implementation of the said laws. Its prescribed objectives are to strengthen the Torrens System of titling, to adopt safeguards to prevent anomalous titling of real property and to streamline or simplify registration proceedings and the consequent issuance of certificates of title.

Nevertheless, it is beyond question that the said codifying Decree has been in existence since June 11, 1978, or not less than forty four (44) years to date. And amid the digitized world of the new millennium, the mentioned law must necessarily acclimatize to dynamically conform and harmonize with the ever changing society, if and when the primary objectives of the law seeking streamlining and simplification of registration proceedings are essentially meant to be achieved by the government.

At present, with the gruesome backlog of our courts to hear and decide countless cases, at least 15% to 20% of monthly case proceedings involved simple petitions for correction of clerical or typographical errors in entries in the Certificates of Title, by which, owing to the inflexible provision entrenched under Section 108 of PD No. 1529, it admits of no any exception or exclusion, but all entries in the Certificates of Title should be accompanied with corresponding court orders in order to grant and authorize the sought correction, however trivial or insignificant in character.

Further, while the entry corrections in Certificates of Title are generally treated as simple petitions, the court filing thereof is undoubtedly not an effortless and costless action. Aside from the intricate documentation preparatory to the court submission, as well as the possible witnesses presentation during the pendency thereof, various fees and charges certainly await the affected public from its institution and until the actual rectification of the prayed correction, if ever a favorable decision has been granted.

Thus, in keeping with the fundamental objectives of the law to streamline and simplify registration proceedings for the meaningful benefit of the public, pointless delays and worthless cost of money should be prevented, especially during these challenging times. And along this line, the approval of this proposed measure is hereby most solemnly sought.



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

Section 1. **Short Title.**— This Act shall be known as the “*Administrative Correction of Clerical or Typographical Errors in the Certificates of Title Act.*”

Section 2. **Definition of Terms.**— For purposes of this Act, the following terms shall mean:

- (a) *Certificate of Title*- refers to evidence of ownership issued pursuant to the order of the court over registered land or the muniment of title issued by a government administrative agency for the conveyance of some portion of public domain. It includes, but not limited to, Original Certificate of Title (OCT), Transfer Certificate of Title (TCT), Certificate of Land Ownership Award (CLOA), Land Patents, Sales Patents, Homestead Patents and Free Patents;
- (b) *Department of Justice (DOJ)*- refers to the regular department of the National Government exercising executive supervision over the Land Registration Authority (LRA);
- (c) *Land Registration Authority (LRA)*- refers to the specific agency of the National Government responsible for issuing decrees of registration and certificates of title;

- (d) *Office of the Register of Deeds (RD)*- refers to the public repository of records or instruments affecting registered or unregistered lands in the province or city wherein such office is situated;
- (e) *Clerical or Typographical error*- refers to a patently unsubstantial mistake committed in the performance of a clerical work in writing, copying, transcribing, or typing an entry in the Certificate of Title or its Memorandum, including innocuous carry-over or omission due to inadvertence or oversight; *Provided, however*, that no correction pursuant to this Act must involve citizenship, nationality, filiation, legitimacy, civil status, or other controversial issues needing adversarial court litigations;
- (f) *Petitioner*- refers to either natural or juridical person filing an administrative verified petition consonant with this Act, and has the direct and exclusive interest in the correction of a clerical or typographical error in an entry in the Certificate of Title;

Section 3. *Section 108 of Presidential Decree No. 1529, as amended, otherwise known as the "Property Registration Decree", is hereby amended to read as follows.*—

"Section 108. 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 by Register of Deeds, except by order of the proper Court of First Instance; **PROVIDED THAT ANY CLERICAL OR TYPOGRAPHICAL ERROR AS DEFINED IN THIS ACT MAY BE ALLOWED BY THE CONCERNED REGISTER OF DEEDS WHERE THE PROPERTY IS SITUATED AFTER FILING OF A VERIFIED PETITION FOR SUCH PURPOSE BY THE PROPER PETITIONER AND ESSENTIALLY PROVEN TO THE FULL SATISFACTION OF THE REGISTER OF DEEDS.** A registered owner or other person having an interest in registered property, or, in proper cases, the Register of Deeds with the approval 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; of 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 judgement 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."

Section 4. *Who may file the Petition.*— The Petition in accordance with this Act shall be filed only by any person, whether natural or juridical, who has the direct and exclusive interest in the correction of a clerical or typographical error in an entry in the Certificate of Title.

Section 5. *Where to file the Petition.*— The Petition shall be exclusively filed before the proper office of the Register of Deeds of the province or city where the subject property is situated. In case of any unfavorable resolution, the petitioner may institute the proper appeal before the Land Registration Authority (LRA) in accordance with its pertinent rules of procedure on appeal.

Section 6. *Form and Contents of the Petition.*— The Petition shall be verified by the petitioner in the form of an affidavit, subscribed and sworn to before any person authorized to administer oaths. It shall set forth the material facts necessary to establish the merits of the petition. In particular, the petition must show the direct and exclusive interest of the petitioner to file the petition, including the competency to testify on the matters stated therein, the specific erroneous entry/ies sought to be corrected, and the change/s sought to be made, including the legal applicability of this Act to the issues raised in the petition.

The petition shall likewise contain supporting documents pertinent to the change/s sought, to the full satisfaction of the concerned Register of Deeds.

Section 7. *Posting and Publication Requirements.*— If the concerned Register of Deeds finds the Petition and its supporting documents to be sufficient in form and substance, the same shall be caused to be posted by the Register of Deeds in a conspicuous place provided for such purpose for ten (10) consecutive days. Further, the Register of Deeds shall likewise direct the petitioner to cause the publication thereof at least once a week for two (2) consecutive weeks in a newspaper of general circulation.

Section 8. *Action on the Petition.*— Absent any well-founded opposition or objection to the Petition filed by any interested person in writing and on oath, the Register of Deeds shall render the decision not later than five (5) working days after the completion of the posting and publication requirements. Thereafter, the decision, together with the record of the proceedings, shall be transmitted to the Land Registration Authority (LRA) within five (5) working days from the date of the decision.

Section 9. ***Finality of the Decision.***— Within ten (10) working days from receipt of the decision and its supporting documents from the concerned Register of Deeds, the Land Registration Authority (LRA) shall review the same. In case of a favorable review, it shall declare the decision to be final and executory, as well as the order to effect the proper correction pursuant to the reviewed decision. In the event it finds the error/s sought in the petition not clerical or typographical in character or the subject entry is substantial or controversial in nature, the Land Registration Authority (LRA) shall reverse the decision and return the same to the concerned Register of Deeds with its resolution denying the Petition. Failure to act on the matter within the prescribed period stated herein shall cause the decision of the Register of Deeds to be final and executory.

Section 10. ***Remedy of the Aggrieved Petitioner.***— When the petition is denied by the concerned Register of Deeds, or on appeal, by the Land Registration Authority (LRA), the aggrieved petitioner may file appropriate petition before the proper court.

Section 11. ***Payment of Fees.***— With the exemption from payment of fees of indigent petitioner/s, the Register of Deeds and/or the Land Registration Authority shall be authorized to collect reasonable fees as a condition precedent for accepting the petition pursuant to this Act.

Section 12. ***Implementing Rules and Regulations.***— The Land Registration Authority (LRA), in consultation with the Department of Justice (DOJ), Office of the Supreme Court Administrator and UP Law Center, shall issue the necessary rules and regulations for the effective implementation of this Act within a period of sixty (60) days from the effectivity of this Act.

Section 13. ***Separability Clause.***— If any provision of this Act is declared unconstitutional, invalid or void, the rest of the provisions not affected thereby shall remain in full force and effect.

Section 14. ***Repealing Clause.***— All laws, decrees, executive orders, rules or regulations, and other issuances, or parts thereof, inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

Section 15. ***Effectivity Clause.***— This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.