

## **PRESIDENTIAL DECREE No. 1529**

### **AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES**

WHEREAS, there is a need to update the Land Registration Act and to codify the various laws relative to registration of property, in order to facilitate effective implementation of said laws;

WHEREAS, to strengthen the Torrens system, it is deemed necessary to adopt safeguards to prevent anomalous titling of real property, and to streamline and simplify registration proceedings and the issuance of certificates of title;

WHEREAS, the decrees promulgated relative to the registration of certificates of land transfer and emancipation patents issued pursuant to Presidential Decree No. 27 to hasten the implementation of the land reform program of the country form an integral part of the property registration laws;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following:

#### **CHAPTER I GENERAL PROVISIONS**

**Section 1.** *Title of Decree.* This Decree shall be known as the PROPERTY REGISTRATION DECREE.

**Sec. 2.** *Nature of registration proceedings; jurisdiction of courts.* Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles underlying the Torrens system.

Courts of First Instance shall have exclusive jurisdiction over all applications for original registration of title to lands, including improvements and interests therein, and over all petitions filed after original registration of title, with power to hear and determine all questions arising upon such applications or petitions. The court through its clerk of court shall furnish the Land Registration Commission with two certified copies of all pleadings, exhibits, orders, and decisions filed or issued in applications or petitions for land registration, with the exception of stenographic notes, within five days from the filing or issuance thereof.

**Sec. 3.** *Status of other pre-existing land registration system.* The system of registration under the Spanish Mortgage Law is hereby discontinued and all lands recorded under said system which are not yet covered by Torrens title shall be considered as unregistered lands.

Hereafter, all instruments affecting lands originally registered under the Spanish Mortgage Law may be recorded under Section 113 of this Decree, until the land shall have been brought under the operation of the Torrens system.

The books of registration for unregistered lands provided under Section 194 of the Revised Administrative Code, as amended by Act No. 3344, shall continue to remain in force; provided, that all instruments dealing with unregistered lands shall henceforth be registered under Section 113 of this Decree.

## CHAPTER II THE LAND REGISTRATION COMMISSION AND ITS REGISTRIES OF DEEDS

**Sec. 4. *Land Registration Commission.*** In order to have a more efficient execution of the laws relative to the registration of lands, geared to the massive and accelerated land reform and social justice program of the government, there is created a commission to be known as the Land Registration Commission under the executive supervision of the Department of Justice.

**Sec. 5. *Officials and employees of the Commission.*** The Land Registration Commission shall have a chief and an assistant chief to be known, respectively, as the Commissioner and the Deputy Commissioner of Land Registration who shall be appointed by the President. The Commissioner shall be duly qualified member of the Philippine Bar with at least ten years of practice in the legal profession, and shall have the same rank, compensation and privileges as those of a Judge of the Court of First Instance. The Deputy Commissioner, who shall possess the same qualifications as those required of the Commissioner, shall receive compensation which shall be three thousand pesos per annum less than that of the Commissioner. He shall act as Commissioner of Land Registration during the absence or disability of the Commissioner and when there is a vacancy in the position until another person shall have been designated or appointed in accordance with law. The Deputy Commissioner shall also perform such other functions as the Commissioner may assign to him.

They shall be assisted by such number of division chiefs as may be necessary in the interest of the functioning of the Commission, by a Special Assistant to the Commissioner, and by a Chief Geodetic Engineer who shall each receive compensation at the rate of three thousand four hundred pesos per annum less than that of the Deputy Commissioner.

All other officials and employees of the Land Registration Commission including those of the Registries of Deeds whose salaries are not herein provided, shall receive salaries corresponding to the minimum of their respective upgraded ranges as provided under paragraph 3.1 of Budget Circular No. 273, plus sixty per centum thereof across the board, notwithstanding the maximum salary allowed for their respective civil service eligibilities.

The salaries of officials and employees provided in this Decree shall be without prejudice to such benefits and adjustments as may from time to time be granted by the President or by the legislature to government employees.

All officials and employees of the Commission except Registers of Deeds shall be appointed by the Secretary of Justice upon recommendation of the Commissioner of Land Registration.

### **Sec. 6. *General Functions.***

(1) The Commissioner of Land Registration shall have the following functions:

- (a) Issue decrees of registration pursuant to final judgments of the courts in land registration proceedings and cause the issuance by the Registers of Deeds of the corresponding certificates of title;
- (b) Exercise supervision and control over all Registers of Deeds and other personnel of the Commission;
- (c) Resolve cases elevated en consulta by, or on appeal from decision of, Registers of Deeds;
- (d) Exercise executive supervision over all clerks of court and personnel of the Courts of First Instance throughout the Philippines with respect to the discharge of their duties and functions in relation to the registration of lands;

(e) Implement all orders, decisions, and decrees promulgated relative to the registration of lands and issue, subject to the approval of the Secretary of Justice, all needful rules and regulations therefor;

(f) Verify and approve subdivision, consolidation, and consolidation-subdivision survey plans of properties titled under Act No. 496 except those covered by P.D. No. 957.

(2) The Land Registration Commission shall have the following functions:

(a) Extend speedy and effective assistance to the Department of Agrarian Reform, the Land Bank, and other agencies in the implementation of the land reform program of the government;

(b) Extend assistance to courts in ordinary and cadastral land registration proceedings;

(c) Be the central repository of records relative to original registration of lands titled under the Torrens system, including subdivision and consolidation plans of titled lands.

**Sec. 7. Office of the Register of Deeds.** There shall be at least one Register of Deeds for each province and one for each city. Every Registry with a yearly average collection of more than sixty thousand pesos during the last three years shall have one Deputy Register of Deeds, and every Registry with a yearly average collection of more than three hundred thousand pesos during the last three years, shall have one Deputy Register of Deeds and one second Deputy Register of Deeds.

The Secretary of Justice shall define the official station and territorial jurisdiction of each Registry upon the recommendation of the Commissioner of Land Registration, with the end in view of making every registry easily accessible to the people of the neighboring municipalities.

The province or city shall furnish a suitable space or building for the office of the Register of Deeds until such time as the same could be furnished out of national funds.

**Sec. 8. Appointment of Registers of Deeds and their Deputies and other subordinate personnel;** salaries. Registers of Deeds shall be appointed by the President of the Philippines upon recommendation of the Secretary of Justice. Deputy Registers of Deeds and all other subordinate personnel of the Registries of Deeds shall be appointed by the Secretary of Justice upon the recommendation of the Commissioner of Land Registration.

The salaries of Registers of Deeds and their Deputies shall be at the following rates:

(1) First Class Registries The salaries of Registers of Deeds in first class Registries shall be three thousand four hundred pesos per annum less than that of the Deputy Commissioner.

(2) Second Class Registries The salaries of Registers of Deeds in second class Registries shall be three thousand four hundred pesos per annum less than those of Registers of Deeds in first class Registries.

(3) Third Class Registries The salaries of Registers of Deeds in third class Registries shall be three thousand four hundred pesos per annum less than those of Registers of Deeds in second class Registries.

(4) The salaries of Deputy Registers of Deeds and Second Deputy Registers of Deeds shall be three thousand four hundred pesos per annum less than those of their corresponding Registers of Deeds and Deputy Registers of Deeds, respectively.

The Secretary of Justice, upon recommendation of the Commissioner of Land Registration, shall cause the reclassification of Registries based either on work load or the class of province/city, whichever will result in a higher classification, for purposes of salary adjustments in accordance with the rates hereinabove provided.

**Sec. 9. *Qualifications of Registers of Deeds and Deputy Registers of Deeds.*** No person shall be appointed Register of Deeds unless he has been admitted to the practice of law in the Philippines and shall have been actually engaged in such practice for at least three years or has been employed for a like period in any branch of government the functions of which include the registration of property.

The Deputy Register of Deeds shall be a member of the Philippine Bar. Provided, however, that no Register of Deeds or Deputy Register of Deeds holding office as such upon the passage of this Decree shall by reason hereof, be removed from office or be demoted to a lower category or scale of salary except for cause and upon compliance with due process as provided for by law.

**Section 10. *General functions of Registers of Deeds.*** The office of the Register of Deeds constitutes a public repository of records of instruments affecting registered or unregistered lands and chattel mortgages in the province or city wherein such office is situated.

It shall be the duty of the Register of Deeds to immediately register an instrument presented for registration dealing with real or personal property which complies with all the requisites for registration. He shall see to it that said instrument bears the proper documentary and science stamps and that the same are properly canceled. If the instrument is not registerable, he shall forthwith deny registration thereof and inform the presenter of such denial in writing, stating the ground or reason therefor, and advising him of his right to appeal by consulta in accordance with Section 117 of this Decree.

**Section 11. Discharge of duties of Register of Deeds in case of vacancy, etc.**

(1) Until a regular Register of Deeds shall have been appointed for a province or city, or in case of vacancy in the office, or upon the occasion of the absence, illness, suspension, or inability of the Register of Deeds to discharge his duties, said duties shall be performed by the following officials, in the order in which they are mentioned below, unless the Secretary of Justice designates another official to act temporarily in his place:

(a) For the province or city where there is a Deputy Register of Deeds, by said Deputy Register of Deeds, or by the second Deputy Register of Deeds, should there be one;

(b) For the province or city where there is no Deputy or second Deputy Register of Deeds, by the Provincial or City Fiscal, or any Assistant Fiscal designated by the Provincial or City Fiscal;

(2) In case of absence, disability or suspension of the Register of Deeds without pay, or in case of vacancy in the position, the Secretary of Justice may, in his discretion, authorize the payment of an additional compensation to the official acting as Register of Deeds, such additional compensation together with his actual salary not to exceed the salary authorized for the position thus filled by him.

(3) In case of a newly-created province or city and pending establishment of a Registry of Deeds and the appointment of a regular Register of Deeds for the new province or city, the Register of Deeds of the mother province or city shall be the ex-officio Register of Deeds for said new province or city.

**Section 12. *Owner's Index; reports.*** There shall be prepared in every Registry an index system which shall contain the names of all registered owners alphabetically arranged. For this purpose, an index

card which shall be prepared in the name of each registered owner which shall contain a list of all lands registered in his name.

The Register of Deeds shall submit to the Land Registration Commission within ten days after the month to which they pertain his monthly reports on collections and accomplishments. He shall also submit to the Commission at the end of December of each year, an annual inventory of all titles and instruments in his Registry.

**Section 13. Chief Geodetic Engineer.** There shall be a Chief Geodetic Engineer in the Land Registration Commission who shall be the technical adviser of the Commission on all matters involving surveys and shall be responsible to him for all plats, plans and works requiring the services of a geodetic engineer in said office. He shall perform such other functions as may, from time to time, be assigned to him by the Commissioner.

### CHAPTER III ORIGINAL REGISTRATION

#### I ORDINARY REGISTRATION PROCEEDINGS

##### A. APPLICATIONS

**Section 14.** Who may apply. The following persons may file in the proper Court of First Instance an application for registration of title to land, whether personally or through their duly authorized representatives:

- (1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership since June 12, 1945, or earlier.
- (2) Those who have acquired ownership of private lands by prescription under the provision of existing laws.
- (3) Those who have acquired ownership of private lands or abandoned river beds by right of accession or accretion under the existing laws.
- (4) Those who have acquired ownership of land in any other manner provided for by law.

Where the land is owned in common, all the co-owners shall file the application jointly.

Where the land has been sold under pacto de retro, the vendor a retro may file an application for the original registration of the land, provided, however, that should the period for redemption expire during the pendency of the registration proceedings and ownership to the property consolidated in the vendee a retro, the latter shall be substituted for the applicant and may continue the proceedings.

A trustee on behalf of his principal may apply for original registration of any land held in trust by him, unless prohibited by the instrument creating the trust.

**Section 15. Form and contents.** The application for land registration shall be in writing, signed by the application or the person duly authorized in his behalf, and sworn to before any officer authorized to administer oaths for the province or city where the application was actually signed. If there is more than one applicant, the application shall be signed and sworn to by and in behalf of each. The application shall contain a description of the land and shall state the citizenship and civil status of the

applicant, whether single or married, and, if married, the name of the wife or husband, and, if the marriage has been legally dissolved, when and how the marriage relation terminated. It shall also state the full names and addresses of all occupants of the land and those of the adjoining owners, if known, and, if not known, it shall state the extent of the search made to find them.

The application, shall, in form, be substantially as follows:

Republic of the Philippines  
Court of First Instance of \_\_\_\_\_

The undersigned, \_\_\_\_\_ hereby applies (or apply) to have the land hereinafter described brought under the operation of the Property Registration Decree, and to have the title thereto registered and confirmed:

AND DECLARE . . . . .

1. That the applicants/s is/are the owners of the land (by virtue of inheritance or deed of sale or conveyance and/or possession in accordance with Section 14 of said Decree), together with the building and improvements thereon, with the exception of the following: \_\_\_\_\_ which is/are the property of \_\_\_\_\_ residing at \_\_\_\_\_ The said land, consisting of \_\_\_\_\_ parcel/s is/are situated, bounded and described as shown on the plan and technical descriptions attached hereto and made a part hereof, with the following exception: \_\_\_\_\_

2. That said land at the last assessment for taxation was assessed at P \_\_\_, Philippine currency, and the buildings and other improvements at P \_\_\_\_\_, Philippine currency.

3. That to the best of my/our knowledge and belief, there is no mortgage or encumbrance of any kind whatsoever affecting said land, nor any other person having any interest therein, legal or equitable, or in possession, other than as follows:

\_\_\_\_\_

4. That the applicant/s has/have acquired said land in the following manner:

\_\_\_\_\_

(Note: Refer to Sec. 14 of said Decree. State also whether the property is conjugal, paraphernal or exclusive property of the applicant/s)

5. That said land is occupied by the following person: \_\_\_\_\_

\_\_\_\_\_

6. That the names in full and addresses, as far as known to the undersigned, of the owners of all adjoining properties, of the persons mentioned in paragraphs 3 and 5, and of the persons shown on the plan as claimants, are as follows:

\_\_\_\_\_

\_\_\_\_\_

7. That the applicant/s is/are single or married to \_\_\_\_\_ (Note: if marriage has been legally dissolved, state when and how the marriage relation terminated.) \_\_\_\_\_

8. That the applicant's/s' full name, age, citizenship, residence, and postal address/es is/are as follows:  
\_\_\_\_\_

9. That (Note: If the land included in the application is bounded by a public or private way or road, there should be stated in this paragraph whether or not the applicant claims any and what land within the limits of the way or road and whether the applicant desires to have the line of the way or road determined.) \_\_\_\_\_

10. That the following documents are attached hereto and made a part hereof:  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, in the year nineteen hundred and \_\_\_\_\_.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
(Post Office Address)

REPUBLIC OF THE PHILIPPINES  
PROVINCE (OR CITY) OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ personally appeared before me the above- named \_\_\_\_\_ known to me to be the person/s who executed the foregoing application and made oath that the statements therein are true of his/their knowledge, information and belief.

The Residence Certificate/s \_\_\_\_\_ of the applicant/s \_\_\_\_\_ was/were exhibited to me being No. \_\_\_\_\_ issued at \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public, or other Officer  
authorized to administer oaths)

PTR NO. \_\_\_\_\_

**Section 16. *Non-resident applicant.*** If the applicant is not a resident of the Philippines, he shall file with his application an instrument in due form appointing an agent or representative residing in the Philippines, giving his full name and postal address, and shall therein agree that the service of any legal process in the proceedings under or growing out of the application made upon his agent or representative shall be of the same legal effect as if made upon the applicant within the Philippines. If the agent or representative dies, or leaves the Philippines, the applicant shall forthwith make another appointment for the substitute, and, if he fails to do so the court may dismiss the application.

**Section 17. *What and where to file.*** The application for land registration shall be filed with the Court of First Instance of the province or city where the land is situated. The applicant shall file together with the application all original muniments of titles or copies thereof and a survey plan of the land approved by the Bureau of Lands.

The clerk of court shall not accept any application unless it is shown that the applicant has furnished the Director of Lands with a copy of the application and all annexes.

**Section 18. *Application covering two or more parcels.*** An application may include two or more parcels of land belonging to the applicant/s provided they are situated within the same province or city. The court may at any time order an application to be amended by striking out one or more of the parcels or by a severance of the application.

**Section 19. *Amendments.*** Amendments to the application including joinder, substitution, or discontinuance as to parties may be allowed by the court at any stage of the proceedings upon just and reasonable terms.

Amendments which shall consist in a substantial change in the boundaries or an increase in area of the land applied for or which involve the inclusion of an additional land shall be subject to the same requirements of publication and notice as in an original application.

**Sec. 20. *When land applied for borders on road.*** If the application describes the land as bounded by a public or private way or road, it shall state whether or not the applicant claims any and what portion of the land within the limits of the way or road, and whether the applicant desires to have the line of the way or road determined.

**Sec. 21. *Requirement of additional facts and papers; ocular inspection.*** The court may require facts to be stated in the application in addition to those prescribed by this Decree not inconsistent therewith and may require the filing of any additional paper. It may also conduct an ocular inspection, if necessary.

**Sec. 22. *Dealings with land pending original registration.*** After the filing of the application and before the issuance of the decree of registration, the land therein described may still be the subject of dealings in whole or in part, in which case the interested party shall present to the court the pertinent instruments together with a subdivision plan approved by the Director of Lands in case of transfer of portions thereof and the court, after notice to the parties, shall order such land registered subject to the conveyance or encumbrance created by said instruments, or order that the decree of registration be issued in the name of the person to whom the property has been conveyed by said instruments.

## **B. PUBLICATION, OPPOSITION AND DEFAULT**

**Sec. 23.** Notice of initial hearing, publication, etc. The court shall, within five days from filing of the application, issue an order setting the date and hour of the initial hearing which shall not be earlier than forty-five days nor later than ninety days from the date of the order.

The public shall be given notice of the initial hearing of the application for land registration by means of (1) publication; (2) mailing; and (3) posting.

1. By publication.

Upon receipt of the order of the court setting the time for initial hearing, the Commissioner of Land Registration shall cause notice of initial hearing to be published once in the Official Gazette and once in a newspaper of general circulation in the Philippines: Provided, however, that the publication in the Official Gazette shall be sufficient to confer jurisdiction upon the court. Said notice shall be addressed to all persons appearing to have an interest in the land involved including the adjoining owners so far as known, and "to all whom it may concern". Said notice shall also require all persons concerned to appear in court at a certain date and time to show cause why the prayer of said application shall not be granted.

2. By mailing.

(a) Mailing of notice to persons named in the application. The Commissioner of Land Registration shall also, within seven days after publication of said notice in the Official Gazette, as hereinbefore provided, cause a copy of the notice of initial hearing to be mailed to every person named in the notice whose address is known.

(b) Mailing of notice to the Secretary of Public Highways, the Provincial Governor and the Mayor. If the applicant requests to have the line of a public way or road determined, the Commissioner of Land Registration shall cause a copy of said notice of initial hearing to be mailed to the Secretary of Public Highways, to the Provincial Governor, and to the Mayor of the municipality or city, as the case may be, in which the land lies.

(c) Mailing of notice to the Secretary of Agrarian Reform, the Solicitor General, the Director of Lands, the Director of Public Works, the Director of Forest Development, the Director of Mines and the Director of Fisheries and Aquatic Resources. If the land borders on a river, navigable stream or shore, or on an arm of the sea where a river or harbor line has been established, or on a lake, or if it otherwise appears from the application or the proceedings that a tenant-farmer or the national government may have a claim adverse to that of the applicant, notice of the initial hearing shall be given in the same manner to the Secretary of Agrarian Reform, the Solicitor General, the Director of Lands, the Director of Mines and/or the Director of Fisheries and Aquatic Resources, as may be appropriate.

3. By posting.

The Commissioner of Land Registration shall also cause a duly attested copy of the notice of initial hearing to be posted by the sheriff of the province or city, as the case may be, or by his deputy, in a conspicuous place on each parcel of land included in the application and also in a conspicuous place on the bulletin board of the municipal building of the municipality or city in which the land or portion thereof is situated, fourteen days at least before the date of initial hearing.

The court may also cause notice to be served to such other persons and in such manner as it may deem proper.

The notice of initial hearing shall, in form, be substantially as follows:

(Caption and Title)

NOTICE OF INITIAL HEARING

To (here insert the names of all persons appearing to have an interest and the adjoining owners so far as known, and to all whom it may concern):

An application (or petition) having been filed in the above-entitled case by (full name and address) praying for the registration and confirmation (or for the settlement and adjudication, in case of petition in cadastral proceedings) of title to the following described lands:

(Insert description)

You are hereby served this notice to appear before this Court at its session to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ then and there to present such claims as you may have to said lands or any portion thereof, and to submit evidence in support of such claim; and unless you appear at said Court at the time and place aforesaid, your default will be recorded and the title to the lands will be adjudicated and determined in accordance with law and the evidence before the Court, and thereafter you will forever be barred from contesting said application (or petition) or any decree entered thereon.

Witness, the Hon. \_\_\_\_\_ Judge of the Court of First Instance of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_\_.

Attest:

Commissioner of Land Registration

**Sec. 24. Proof of publication and notice.** The certification of the Commissioner of Land Registration and of the sheriff concerned to the effect that the notice of initial hearing, as required by law, has been complied with shall be filed in the case before the date of initial hearing, and shall be conclusive proof of such fact.

**Sec. 25. Opposition to application in ordinary proceedings.** Any person claiming an interest, whether named in the notice or not, may appear and file an opposition on or before the date of initial hearing, or within such further time as may be allowed by the court. The opposition shall state all the objections to the application and shall set forth the interest claimed by the party filing the same and apply for the remedy desired, and shall be signed and sworn to by him or by some other duly authorized person.

If the opposition or the adverse claim of any person covers only a portion of the lot and said portion is not properly delimited on the plan attached to the application, or in case of undivided co-ownership,

conflicting claims of ownership or possession, or overlapping of boundaries, the court may require the parties to submit a subdivision plan duly approved by the Director of Lands.

**Sec. 26. Order of default; effect.** If no person appears and answers within the time allowed, the court shall, upon motion of the applicant, no reason to the contrary appearing, order a default to be recorded and require the applicant to present evidence. By the description in the notice "To all Whom It May Concern", all the world are made parties defendant and shall be concluded by the default order.

Where an appearance has been entered and an answer filed, a default order shall be entered against persons who did not appear and answer.

### C. HEARING JUDGMENT AND DECREE OF REGISTRATION

**Sec. 27. Speedy hearing; reference to a referee.** The trial court shall see to it that all registration-proceedings are disposed or within ninety days from the date the case is submitted for decision,

The Court, if it deems necessary, may refer the case or any part thereof to a referee who shall hear the parties and their evidence, and the referee shall submit his report thereon to the Court within fifteen days after the termination of such hearing. Hearing before a referee may be held at any convenient place within the province or city as may be fixed by him and after reasonable notice thereof shall have been served the parties concerned. The court may render judgment in accordance with the report as though the facts have been found by the judge himself: Provided, however, that the court may in its discretion accept the report, or set it aside in whole or in part, or order the case to be recommitted for further proceedings:

**Sec. 28. Partial judgment.** In a case where only a portion of the land subject of registration is contested, the court may render partial judgment provided that a subdivision plan showing the contested and uncontested portions approved by the Director of Lands is previously submitted to said court.

**Sec. 29. Judgment confirming title.** All conflicting claims of ownership and interest in the land subject of the application shall be determined by the court. If the court, after considering the evidence and the reports of the Commissioner of Land Registration and the Director of Lands, finds that the applicant or the oppositor has sufficient title proper for registration, judgment shall be rendered confirming the title of the applicant, or the oppositor, to the land or portions thereof.

**Sec. 30. When judgment becomes final; duty to cause issuance of decree.** The judgment rendered in a land registration proceedings becomes final upon the expiration of thirty days to be counted from the data of receipt of notice of the judgment. An appeal may be taken from the judgment of the court as in ordinary civil cases.

After judgment has become final and executory, it shall devolve upon the court to forthwith issue an order in accordance with Sec. 39 of this Decree to the Commissioner for the issuance of the decree of registration and the corresponding certificate of title in favor of the person adjudged entitled to registration.

**Sec. 31. Decree of registration.** Every decree of registration issued by the Commissioner shall bear the date, hour and minute of its entry, and shall be signed by him. It shall state whether the owner is married or unmarried, and if married, the name of the husband or wife: Provided, however, that if the land adjudicated by the court is conjugal property, the decree shall be issued in the name of both spouses. If the owner is under disability, it shall state the nature of disability, and if a minor, his age. It shall contain a description of the land as finally determined by the court, and shall set forth the estate of the owner, and also, in such manner as to show their relative priorities, all particular estates, mortgages, easements, liens, attachments, and other encumbrances, including rights of tenant-farmers,

if any, to which the land or owner's estate is subject, as well as any other matters properly to be determined in pursuance of this Decree.

The decree of registration shall bind the land and quiet title thereto, subject only to such exceptions or liens as may be provided by law. It shall be conclusive upon and against all persons, including the National Government and all branches thereof, whether mentioned by name in the application or notice, the same being included in the general description "To all whom it may concern".

**Sec. 32. Review of decree of registration; Innocent purchaser for value.** The decree of registration shall not be reopened or revised by reason of absence, minority, or other disability of any person adversely affected thereby, nor by any proceeding in any court for reversing judgments, subject, however, to the right of any person, including the government and the branches thereof, deprived of land or of any estate or interest therein by such adjudication or confirmation of title obtained by actual fraud, to file in the proper Court of First Instance a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration, but in no case shall such petition be entertained by the court where an innocent purchaser for value has acquired the land or an interest therein, whose rights may be prejudiced. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Decree, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value.

Upon the expiration of said period of one year, the decree of registration and the certificate of title issued shall become incontrovertible. Any person aggrieved by such decree of registration in any case may pursue his remedy by action for damages against the applicant or any other persons responsible for the fraud.

**Sec. 33. Appeal from judgment, etc.** The judgment and orders of the court hearing the land registration case are appealable to the Court of Appeals or to the Supreme Court in the same manner as in ordinary actions:

**Sec. 34. Rules of procedure.** The Rules of Court shall, insofar as not inconsistent with the provision of this Decree, be applicable to land registration and cadastral cases by analogy or in a suppletory character and whenever practicable and convenient.

## II CADASTRAL REGISTRATION PROCEEDINGS

### A. ORDER FOR SPEEDY SETTLEMENT AND ADJUDICATION; SURVEY; NOTICES

**Sec. 35. Cadastral Survey preparatory to filing of petition.**

(a) When in the opinion of the President of the Philippines public interest so requires that title to any unregistered lands be settled and adjudicated, he may to this end direct and order the Director of Lands to cause to be made a cadastral survey of the lands involved and the plans and technical description thereof prepared in due form.

(b) Thereupon, the Director of Lands shall give notice to persons claiming any interest in the lands as well as to the general public, of the day on which such survey will begin, giving as fully and accurately as possible the description of the lands to be surveyed. Such notice shall be published once in the Official Gazette, and a copy of the notice in English or the national language shall be posted in a conspicuous place on the bulletin board of the municipal building of the municipality in which the lands or any portion thereof is situated. A copy of the notice shall also be sent to the mayor of such municipality as well as to the barangay captain and likewise to the Sangguniang Panlalawigan and the Sangguniang Bayan concerned.

(c) The Geodetic Engineers or other employees of the Bureau of Lands in charge of the survey shall give notice reasonably in advance of the date on which the survey of any portion of such lands is to begin, which notice shall be posted in the bulletin board of the municipal building of the municipality or barrio in which the lands are situated, and shall mark the boundaries of the lands by monuments set up in proper places thereon. It shall be lawful for such Geodetic Engineers and other employees to enter upon the lands whenever necessary for the purposes of such survey or the placing of monuments.

(d) It shall be the duty of every person claiming an interest in the lands to be surveyed, or in any parcel thereof, to communicate with the Geodetic Engineer upon his request therefor all information possessed by such person concerning the boundary lines of any lands to which he claims title or in which he claims any interest.

(e) Any person who shall willfully obstruct the making of any survey undertaken by the Bureau of Lands or by a licensed Geodetic Engineer duly authorized to conduct the survey under this Section, or shall maliciously interfere with the placing of any monument or remove such monument, or shall destroy or remove any notice of survey posted on the land pursuant to law, shall be punished by a fine of not more than one thousand pesos or by imprisonment for not more than one year, or both.

## **B. PETITION; LOT NUMBERS**

**Sec. 36. *Petition for registration.*** When the lands have been surveyed or plotted, the Director of Lands, represented by the Solicitor General, shall institute original registration proceedings by filing the necessary petition in the Court of First Instance of the place where the land is situated against the holders, claimants, possessors, or occupants of such lands or any part thereof, stating in substance that public interest requires that the title to such lands be settled and adjudicated and praying that such titles be so settled and adjudicated:

The petition shall contain a description of the lands and shall be accompanied by a plan thereof, and may contain such other data as may serve to furnish full notice to the occupants of the lands and to all persons who may claim any right or interest therein.

Where the land consists of two or more parcels held or occupied by different persons, the plan shall indicate the boundaries or limits of the various parcels as accurately as possible. The parcels shall be known as "lots" and shall on the plan filed in the case be given separate numbers by the Director of Lands, which numbers shall be known as "cadastral lot numbers". The lots situated within each municipality shall, as far as practicable, be numbered consecutively beginning with number "one", and only one series of numbers shall be used for that purpose in each municipality. However in cities or townsites, a designation of the landholdings by blocks and lot numbers may be employed instead of the designation by cadastral lot numbers.

The cadastral number of a lot shall not be changed after final decision has been entered decreasing the registration thereof, except by order of court. Future subdivisions of any lot shall be designated by a letter or letters of the alphabet added to the cadastral number of the lot to which the respective subdivisions pertain. The letter with which a subdivision is designated shall be known as its "cadastral letter": Provided, however, that the subdivisions of cities or townsites may be designated by blocks and lot numbers.

## **C. ANSWER**

**Sec. 37. *Answer to petition in cadastral proceedings.*** Any claimant in cadastral proceedings, whether named in the notice or not, shall appear before the court by himself or by some other authorized person in his behalf, and shall file an answer on or before the date of initial hearing or within such further time as may be allowed by the court. The answer shall be signed and sworn to by the claimant

or by some other authorized person in his behalf, and shall state whether the claimant is married or unmarried, and if married, the name of the spouse and the date of marriage, his nationality, residence and postal address, and shall also contain:

- (a) The age of the claimant;
- (b) The cadastral number of the lot or lots claimed, as appearing on the plan filed in the case by the Director of Lands, or the block and lot numbers, as the case may be;
- (c) The name of the barrio and municipality in which the lots are situated;
- (d) The names and addresses of the owners of the adjoining lots so far as known to the claimant;
- (e) If the claimant is in possession of the lots claimed and can show no express grant of the land by the government to him or to his predecessors-in-interest, the answer shall state the length of time he has held such possession and the manner in which it has been acquired, and shall also state the length of time, as far as known, during which the predecessors, if any, held possession;
- (f) If the claimant is not in possession or occupation of the land, the answer shall fully set forth the interest claimed by him and the time and manner of his acquisition;
- (g) if the lots have been assessed for taxation, their last assessed value; and
- (h) The encumbrances, if any, affecting the lots and the names of adverse claimants, as far as known.

#### **D. HEARING; JUDGMENT; DECREE**

**Sec. 38. *Hearing, Judgment, Decree.*** The trial of the case may occur at any convenient place within the province in which the lands are situated and shall be conducted, and orders for default and confessions entered, in the same manner as in ordinary land registration proceedings and shall be governed by the same rules. All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or to parts thereof and such decrees shall be the basis for issuance of original certificates of title in favor of said persons and shall have the same effect as certificates of title granted on application for registration of land under ordinary land registration proceedings.

#### **CHAPTER IV CERTIFICATE OF TITLE**

**Sec. 39. *Preparation of decree and Certificate of Title.*** After the judgment directing the registration of title to land has become final, the court shall, within fifteen days from entry of judgment, issue an order directing the Commissioner to issue the corresponding decree of registration and certificate of title. The clerk of court shall send, within fifteen days from entry of judgment, certified copies of the judgment and of the order of the court directing the Commissioner to issue the corresponding decree of registration and certificate of title, and a certificate stating that the decision has not been amended, reconsidered, nor appealed, and has become final. Thereupon, the Commissioner shall cause to be prepared the decree of registration as well as the original and duplicate of the corresponding original certificate of title. The original certificate of title shall be a true copy of the decree of registration. The decree of registration shall be signed by the Commissioner, entered and filed in the Land Registration Commission. The original of the original certificate of title shall also be signed by the Commissioner and shall be sent, together with the owner's duplicate certificate, to the Register of Deeds of the city or province where the property is situated for entry in his registration book.

**Sec. 40. *Entry of Original Certificate of Title.*** Upon receipt by the Register of Deeds of the original and duplicate copies of the original certificate of title the same shall be entered in his record book and shall be numbered, dated, signed and sealed by the Register of Deeds with the seal of his office. Said certificate of title shall take effect upon the date of entry thereof. The Register of Deeds shall forthwith send notice by mail to the registered owner that his owner's duplicate is ready for delivery to him upon payment of legal fees.

**Sec. 41. *Owner's duplicate certificate of title.*** The owner's duplicate certificate of title shall be delivered to the registered owner or to his duly authorized representative. If two or more persons are registered owners, one owner's duplicate certificate may be issued for the whole land, or if the co-owners so desire, a separate duplicate may be issued to each of them in like form, but all outstanding certificates of title so issued shall be surrendered whenever the Register of Deeds shall register any subsequent voluntary transaction affecting the whole land or part thereof or any interest therein. The Register of Deeds shall note on each certificate of title a statement as to whom a copy thereof was issued.

**Sec. 42. *Registration Books.*** The original copy of the original certificate of title shall be filed in the Registry of Deeds. The same shall be bound in consecutive order together with similar certificates of title and shall constitute the registration book for titled properties.

**Sec. 43. *Transfer Certificate of Title.*** The subsequent certificate of title that may be issued by the Register of Deeds pursuant to any voluntary or involuntary instrument relating to the same land shall be in like form, entitled "Transfer Certificate of Title", and likewise issued in duplicate. The certificate shall show the number of the next previous certificate covering the same land and also the fact that it was originally registered, giving the record number, the number of the original certificate of title, and the volume and page of the registration book in which the latter is found.

**Sec. 44. *Statutory liens affecting title.*** Every registered owner receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land taking a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted in said certificate and any of the following encumbrances which may be subsisting, namely:

First. Liens, claims or rights arising or existing under the laws and Constitution of the Philippines which are not by law required to appear of record in the Registry of Deeds in order to be valid against subsequent purchasers or encumbrancers of record.

Second. Unpaid real estate taxes levied and assessed within two years immediately preceding the acquisition of any right over the land by an innocent purchaser for value, without prejudice to the right of the government to collect taxes payable before that period from the delinquent taxpayer alone.

Third. Any public highway or private way established or recognized by law, or any government irrigation canal or lateral thereof, if the certificate of title does not state that the boundaries of such highway or irrigation canal or lateral thereof have been determined.

Fourth. Any disposition of the property or limitation on the use thereof by virtue of, or pursuant to, Presidential Decree No. 27 or any other law or regulations on agrarian reform.

**Sec. 45. *Statement of personal circumstances in the certificate.*** Every certificate of title shall set forth the full names of all persons whose interests make up the full ownership in the whole land, including their civil status, and the names of their respective spouses, if married, as well as their citizenship, residence and postal address. If the property covered belongs to the conjugal partnership, it shall be issued in the names of both spouses.

**Sec. 46. General incidents of registered land.** Registered land shall be subject to such burdens and incidents as may arise by operation of law. Nothing contained in this decree shall in any way be construed to relieve registered land or the owners thereof from any rights incident to the relation of husband and wife, landlord and tenant, or from liability to attachment or levy on execution, or from liability to any lien of any description established by law on the land and the buildings thereon, or on the interest of the owner in such land or buildings, or to change the laws of descent, or the rights of partition between co-owners, or the right to take the same by eminent domain, or to relieve such land from liability to be recovered by an assignee in insolvency or trustee in bankruptcy under the laws relative to preferences, or to change or affect in any way other rights or liabilities created by law and applicable to unregistered land, except as otherwise provided in this Decree.

**Sec. 47. Registered land not subject to prescriptions.** No title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession.

**Sec. 48. Certificate not subject to collateral attack.** A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or canceled except in a direct proceeding in accordance with law.

**Sec. 49. Splitting, or consolidation of titles.** A registered owner of several distinct parcels of land embraced in and covered by a certificate of title desiring in lieu thereof separate certificates, each containing one or more parcels, may file a written request for that purpose with the Register of Deeds concerned, and the latter, upon the surrender of the owner's duplicate, shall cancel it together with its original and issue in lieu thereof separate certificates as desired. A registered owner of several distinct parcels of land covered by separate certificates of title desiring to have in lieu thereof a single certificate for the whole land, or several certificates for the different parcels thereof, may also file a written request with the Register of Deeds concerned, and the latter, upon the surrender of the owner's duplicates, shall cancel them together with their originals, and issue in lieu thereof one or separate certificates as desired.

**Sec. 50. Subdivision and consolidation plans.** Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project has defined and provided for under P.D. No. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands a subdivision plan of such land on which all boundaries, streets, passageways and waterways, if any, shall be distinctly and accurately delineated.

If a subdivision plan, be it simple or complex, duly approved by the Commissioner of Land Registration or the Bureau of Lands together with the approved technical descriptions and the corresponding owner's duplicate certificate of title is presented for registration, the Register of Deeds shall, without requiring further court approval of said plan, register the same in accordance with the provisions of the Land Registration Act, as amended: Provided, however, that the Register of Deeds shall annotate on the new certificate of title covering the street, passageway or open space, a memorandum to the effect that except by way of donation in favor of the national government, province, city or municipality, no portion of any street, passageway, waterway or open space so delineated on the plan shall be closed or otherwise disposed of by the registered owner without the approval of the Court of First Instance of the province or city in which the land is situated.

A registered owner desiring to consolidate several lots into one or more, requiring new technical descriptions, shall file with the Land Registration Commission, a consolidation plan on which shall be shown the lots to be affected, as they were before, and as they will appear after the consolidation. Upon the surrender of the owner's duplicate certificates and the receipt of consolidation plan duly approved by the Commission, the Register of Deeds concerned shall cancel the corresponding certificates of title and issue a new one for the consolidated lots.

The Commission may not order or cause any change, modification, or amendment in the contents of any certificate of title, or of any decree or plan, including the technical description therein, covering any real property registered under the Torrens system, nor order the cancellation of the said certificate of title and the issuance of a new one which would result in the enlargement of the area covered by the certificate of title.

## CHAPTER V SUBSEQUENT REGISTRATION

### I VOLUNTARY DEALINGS WITH REGISTERED LANDS

#### GENERAL PROVISIONS

**Sec. 51.** *Conveyance and other dealings by registered owner.* An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same in accordance with existing laws. He may use such forms of deeds, mortgages, leases or other voluntary instruments as are sufficient in law. But no deed, mortgage, lease, or other voluntary instrument, except a will purporting to convey or affect registered land shall take effect as a conveyance or bind the land, but shall operate only as a contract between the parties and as evidence of authority to the Register of Deeds to make registration.

The act of registration shall be the operative act to convey or affect the land insofar as third persons are concerned, and in all cases under this Decree, the registration shall be made in the office of the Register of Deeds for the province or city where the land lies.

**Sec. 52.** *Constructive notice upon registration.* Every conveyance, mortgage, lease, lien, attachment, order, judgment, instrument or entry affecting registered land shall, if registered, filed or entered in the office of the Register of Deeds for the province or city where the land to which it relates lies, be constructive notice to all persons from the time of such registering, filing or entering.

**Sec. 53.** *Presentation of owner's duplicate upon entry of new certificate.* No voluntary instrument shall be registered by the Register of Deeds, unless the owner's duplicate certificate is presented with such instrument, except in cases expressly provided for in this Decree or upon order of the court, for cause shown.

The production of the owner's duplicate certificate, whenever any voluntary instrument is presented for registration, shall be conclusive authority from the registered owner to the Register of Deeds to enter a new certificate or to make a memorandum of registration in accordance with such instrument, and the new certificate or memorandum shall be binding upon the registered owner and upon all persons claiming under him, in favor of every purchaser for value and in good faith.

In all cases of registration procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud without prejudice, however, to the rights of any innocent holder for value of a certificate of title. After the entry of the decree of registration on the original petition or application, any subsequent registration procured by the presentation of a forged duplicate certificate of title, or a forged deed or other instrument, shall be null and void.

**Sec. 54.** *Dealings less than ownership, how registered.* No new certificate shall be entered or issued pursuant to any instrument which does not divest the ownership or title from the owner or from the transferee of the registered owners. All interests in registered land less than ownership shall be registered by filing with the Register of Deeds the instrument which creates or transfers or claims such interests and by a brief memorandum thereof made by the Register of Deeds upon the certificate

of title, and signed by him. A similar memorandum shall also be made on the owner's duplicate. The cancellation or extinguishment of such interests shall be registered in the same manner.

**Sec. 55.** *Grantee's name, nationality, etc., to be stated.* Every deed or other voluntary instrument presented for registration shall contain or have endorsed upon it the full name, nationality, residence and postal address of the grantee or other person acquiring or claiming an interest under such instrument, and every deed shall also state whether the grantee is married or unmarried, and if married, the name in full of the husband or wife. If the grantee is a corporation or association, the instrument must contain a recital to show that such corporation or association is legally qualified to acquire private lands. Any change in the residence or postal address of such person shall be endorsed by the Register of Deeds on the original copy of the corresponding certificate of title, upon receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates.

Notices and processed issued in relation to registered land in pursuance of this Decree may be served upon any person in interest by mailing the same to the addresses given, and shall be binding, whether such person resides within or without the Philippines, but the court may, in its discretion, require further or other notice to be given in any case, if in its opinion the interest of justice so requires.

**Sec. 56.** *Primary Entry Book; fees; certified copies.* Each Register of Deeds shall keep a primary entry book in which, upon payment of the 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. 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 from the payment of such fees in advance in order to be entitled to entry and registration.

Every deed or other instrument, whether voluntary or involuntary, so filed with the Register of Deeds shall be numbered and indexed and endorsed with a reference to the proper certificate of title. All records and papers relative to registered land in the office of the Register of Deeds shall be open to the public in the same manner as court records, subject to such reasonable regulations as the Register of Deeds, under the direction of the Commissioner of Land Registration, may prescribe.

All deeds and voluntary instruments shall be presented with their respective copies and shall be attested and sealed by the Register of Deeds, endorsed with the file number, and copies may be delivered to the person presenting them.

Certified copies of all instruments filed and registered may also be obtained from the Register of Deeds upon payment of the prescribed fees.

#### (A) CONVEYANCES AND TRANSFERS

**Sec. 57.** *Procedure in registration of conveyances.* An owner desiring to convey his registered land in fee simple shall execute and register a deed of conveyance in a form sufficient in law. The Register of Deeds shall thereafter make out in the registration book a new certificate of title to the grantee and shall prepare and deliver to him an owner's duplicate certificate. The Register of Deeds shall note upon the original and duplicate certificate the date of transfer, the volume and page of the registration book in which the new certificate is registered and a reference by number to the last preceding certificate. The original and the owner's duplicate of the grantor's certificate shall be stamped "canceled". The deed of conveyance shall be filled and indorsed with the number and the place of registration of the certificate of title of the land conveyed.

**Sec. 58. Procedure where conveyance involves portion of land.** If a deed or conveyance is for a part only of the land described in a certificate of title, the Register of Deeds shall not enter any transfer certificate to the grantee until a plan of such land showing all the portions or lots into which it has been subdivided and the corresponding technical descriptions shall have been verified and approved pursuant to Sec. 50 of this Decree. Meanwhile, such deed may only be annotated by way of memorandum upon the grantor's certificate of title, original and duplicate, said memorandum to serve as a notice to third persons of the fact that certain unsegregated portion of the land described therein has been conveyed, and every certificate with such memorandum shall be effectual for the purpose of showing the grantee's title to the portion conveyed to him, pending the actual issuance of the corresponding certificate in his name.

Upon the approval of the plan and technical descriptions, the original of the plan, together with a certified copy of the technical descriptions shall be filed with the Register of Deeds for annotation in the corresponding certificate of title and thereupon said officer shall issue a new certificate of title to the grantee for the portion conveyed, and at the same time cancel the grantor's certificate partially with respect only to said portion conveyed, or, if the grantor so desires, his certificate may be canceled totally and a new one issued to him describing therein the remaining portion: Provided, however, that pending approval of said plan, no further registration or annotation of any subsequent deed or other voluntary instrument involving the unsegregated portion conveyed shall be effected by the Register of Deeds, except where such unsegregated portion was purchased from the Government or any of its instrumentalities. If the land has been subdivided into several lots, designated by numbers or letters, the Register of Deeds may, if desired by the grantor, instead of canceling the latter's certificate and issuing a new one to the same for the remaining unconveyed lots, enter on said certificate and on its owner's duplicate a memorandum of such deed of conveyance and of the issuance of the transfer certificate to the grantee for the lot or lots thus conveyed, and that the grantor's certificate is canceled as to such lot or lots.

**Sec. 59. Carry over of encumbrances.** If, at the time of any transfer, subsisting encumbrances or annotations appear in the registration book, they shall be carried over and stated in the new certificate or certificates; except so far as they may be simultaneously released or discharged.

## (B) MORTGAGES AND LEASES

**Sec. 60. Mortgage or lease of registered land.** Mortgage and leases shall be registered in the manner provided in Sec. 54 of this Decree. The owner of registered land may mortgage or lease it by executing the deed in a form sufficient in law. Such deed of mortgage or lease and all instruments which assign, extend, discharge or otherwise deal with the mortgage or lease shall be registered, and shall take effect upon the title only from time of registration.

No mortgagee's or lessee's duplicate certificate of title shall hereafter be issued by the Registers of Deeds, and those issued prior to the effectivity of this Decree are hereby deemed canceled and the holders thereof shall immediately surrender the same to the Register of Deeds concerned.

**Sec. 61. Registration.** Upon presentation for registration of the deed of mortgage or lease together with the owner's duplicate, the Register of Deeds shall enter upon the original of the certificate of title and also upon the owner's duplicate certificate a memorandum thereof, the date and time of filing and the file number assigned to the deed, and shall sign the said memorandum. He shall also note on the deed the date and time of filing and a reference to the volume and page of the registration book in which it is registered.

**Sec. 62. Discharge or cancellation.** A mortgage or lease on registered land may be discharge or canceled by means of an instrument executed by the mortgage or lessee in a form sufficient in law, which shall be filed with the Register of Deeds who shall make the appropriate memorandum upon the certificate of title.

**Sec. 63. Foreclosure of Mortgage.** (a) If the mortgage was foreclosed judicially, a certified copy of the final order of the court confirming the sale shall be registered with the Register of Deeds. If no right of redemption exists, the certificate of title of the mortgagor shall be canceled, and a new certificate issued in the name of the purchaser.

Where the right of redemption exists, the certificate of title of the mortgagor shall not be canceled, but the certificate of sale and the order confirming the sale shall be registered by a brief memorandum thereof made by the Register of Deeds upon the certificate of title. In the event the property is redeemed, the certificate or deed of redemption shall be filed with the Register of Deeds, and a brief memorandum thereof shall be made by the Register of Deeds on the certificate of title of the mortgagor.

If the property is not redeemed, the final deed of sale executed by the sheriff in favor of the purchaser at a foreclosure sale shall be registered with the Register of Deeds; whereupon the title of the mortgagor shall be canceled, and a new certificate issued in the name of the purchaser.

(b) If the mortgage was foreclosed extrajudicially, a certificate of sale executed by the officer who conducted the sale shall be filed with the Register of Deeds who shall make a brief memorandum thereof on the certificate of title.

In the event of redemption by the mortgagor, the same rule provided for in the second paragraph of this section shall apply.

In case of non-redemption, the purchaser at foreclosure sale shall file with the Register of Deeds, either a final deed of sale executed by the person authorized by virtue of the power of attorney embodied in the deed of mortgage, or his sworn statement attesting to the fact of non-redemption; whereupon, the Register of Deeds shall issue a new certificate in favor of the purchaser after the owner's duplicate of the certificate has been previously delivered and canceled.

### (C) POWERS OF ATTORNEY; TRUSTS

**Sec. 64. Power of attorney.** Any person may, by power of attorney, convey or otherwise deal with registered land and the same shall be registered with the Register of Deeds of the province or city where the land lies. Any instrument revoking such power of attorney shall be registered in like manner.

**Sec. 65. Trusts in registered land.** If a deed or other instrument is filed in order to transfer registered land in trust, or upon any equitable condition or limitation expressed therein, or to create or declare a trust or other equitable interests in such land without transfer, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate; but only a memorandum thereof shall be entered by the words "in trust", or "upon condition", or other apt words, and by a reference by number to the instrument authorizing or creating the same. A similar memorandum shall be made upon the original instrument creating or declaring the trust or other equitable interest with a reference by number to the certificate of title to which it relates and to the volume and page in the registration book in which it is registered.

**Sec. 66. Trust with power of sale, etc., how expressed.** If the instrument creating or declaring a trust or other equitable interest contains an express power to sell, mortgage or deal with the land in any manner, such power shall be stated in the certificate of title by the words "with power to sell", or "power to mortgage", or by apt words of description in case of other powers. No instrument which transfers, mortgages or in any way deals with registered land in trust shall be registered, unless the enabling power thereto is expressly conferred in the trust instrument, or unless a final judgment or order of a court of competent jurisdiction has construed the instrument in favor of the power, in which case a certified copy of such judgment or order may be registered.

**Sec. 67. *Judicial appointment of new trustee.*** If a new trustee of registered land is appointed by a court of competent jurisdiction, a new certificate may be issued to him upon presentation to the Register of Deeds of a certified copy of the order or judicial appointment and the surrender for cancellation of the duplicate certificate.

**Sec. 68. *Implied, trusts, how established.*** Whoever claims an interest in registered land by reason of any implied or constructive trust shall file for registration with the Register of Deeds a sworn statement thereof containing a description of the land, the name of the registered owner and a reference to the number of the certificate of title. Such claim shall not affect the title of a purchaser for value and in good faith before its registration.

## II INVOLUNTARY DEALINGS

**Sec. 69. *Attachments.*** An attachment, or a copy of any writ, order or process issued by a court of record, intended to create or preserve any lien, status, right, or attachment upon registered land, shall be filed and registered in the Registry of Deeds for the province or city in which the land lies, and, in addition to the particulars required in such papers for registration, shall contain a reference to the number of the certificate of title to be affected and the registered owner or owners thereof, and also if the attachment, order, process or lien is not claimed on all the land in any certificate of title a description sufficiently accurate for identification of the land or interest intended to be affected. A restraining order, injunction or mandamus issued by the court shall be entered and registered on the certificate of title affected, free of charge.

**Sec. 70. *Adverse claim.*** Whoever claims any part or interest in registered land adverse to the registered owner, arising subsequent to the date of the original registration, may, if no other provision is made in this Decree for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, a reference to the number of the certificate of title of the registered owner, the name of the registered owner, and a description of the land in which the right or interest is claimed.

The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim on the certificate of title. The adverse claim shall be effective for a period of thirty days from the date of registration. After the lapse of said period, the annotation of adverse claim may be canceled upon filing of a verified petition therefor by the party in interest: Provided, however, that after cancellation, no second adverse claim based on the same ground shall be registered by the same claimant.

Before the lapse of thirty days aforesaid, any party in interest may file a petition in the Court of First Instance where the land is situated for the cancellation of the adverse claim, and the court shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall render judgment as may be just and equitable. If the adverse claim is adjudged to be invalid, the registration thereof shall be ordered canceled. If, in any case, the court, after notice and hearing, shall find that the adverse claim thus registered was frivolous, it may fine the claimant in an amount not less than one thousand pesos nor more than five thousand pesos, in its discretion. Before the lapse of thirty days, the claimant may withdraw his adverse claim by filing with the Register of Deeds a sworn petition to that effect.

**Sec. 71. *Surrender of certificate in involuntary dealings.*** If an attachment or other lien in the nature of involuntary dealing in registered land is registered, and the duplicate certificate is not presented at the time of registration, the Register of Deeds shall, within thirty-six hours thereafter, send notice by mail to the registered owner, stating that such paper has been registered, and requesting him to send or produce his duplicate certificate so that a memorandum of the attachment or other lien may be made thereon. If the owner neglects or refuses to comply within a reasonable time, the Register of Deeds

shall report the matter to the court, and it shall, after notice, enter an order to the owner, to produce his certificate at a time and place named therein, and may enforce the order by suitable process.

**Sec. 72.** Dissolution, etc. of attachments, etc. Attachments and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient in law, and to give effect to the continuance, reduction, discharge or dissolution thereof the certificate or other instrument for that purpose shall be registered with the Register of Deeds.

**Sec. 73.** Registration of orders of court, etc. If an attachment is continued, reduced, dissolved, or otherwise affected by an order, decision or judgment of the court where the action or proceedings in which said attachment was made is pending or by an order of a court having jurisdiction thereof, a certificate of the entry of such order, decision or judgment from the clerk of court or the judge by which such decision, order or judgment has been rendered and under the seal of the court, shall be entitled to be registered upon presentation to the Register of Deeds.

**Sec. 74.** *Enforcement of liens on registered land.* Whenever registered land is sold on execution, or taken or sold for taxes or for any assessment or to enforce a lien of any character, or for any costs and charges incident to such liens, any execution or copy of execution, any officer's return, or any deed, demand, certificate, or affidavit, or other instrument made in the course of the proceedings to enforce such liens and required by law to be recorded, shall be filed with the Register of Deeds of the province or city where the land lies and registered in the registration book, and a memorandum made upon the proper certificate of title in each case as lien or encumbrance.

**Sec. 75.** *Application for new certificate upon expiration of redemption period.* Upon the expiration of the time, if any, allowed by law for redemption after registered land has been sold on execution taken or sold for the enforcement of a lien of any description, except a mortgage lien, the purchaser at such sale or anyone claiming under him may petition the court for the entry of a new certificate of title to him.

Before the entry of a new certificate of title, the registered owner may pursue all legal and equitable remedies to impeach or annul such proceedings.

**Sec. 76.** *Notice of lis pendens.* No action to recover possession of real estate, or to quiet title thereto, or to remove clouds upon the title thereof, or for partition, or other proceedings of any kind in court directly affecting the title to land or the use or occupation thereof or the buildings thereon, and no judgment, and no proceeding to vacate or reverse any judgment, shall have any effect upon registered land as against persons other than the parties thereto, unless a memorandum or notice stating the institution of such action or proceeding and the court wherein the same is pending, as well as the date of the institution thereof, together with a reference to the number of the certificate of title, and an adequate description of the land affected and the registered owner thereof, shall have been filed and registered.

**Sec. 77.** *Cancellation of lis pendens.* Before final judgment, a notice of lis pendens may be canceled upon order of the court, after proper showing that the notice is for the purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be registered. It may also be canceled by the Register of Deeds upon verified petition of the party who caused the registration thereof.

At any time after final judgment in favor of the defendant, or other disposition of the action such as to terminate finally all rights of the plaintiff in and to the land and/or buildings involved, in any case in which a memorandum or notice of lis pendens has been registered as provided in the preceding section, the notice of lis pendens shall be deemed canceled upon the registration of a certificate of the clerk of court in which the action or proceeding was pending stating the manner of disposal thereof.

## CHAPTER VI REGISTRATION OF JUDGMENTS; ORDERS; PARTITIONS

**Sec. 78. *Judgment for Plaintiff.*** Whenever in any action to recover possession or ownership of real estate or any interest therein affecting registered land judgment is entered for the plaintiff, such judgment shall be entitled to registration on presentation of a certificate of the entry thereof from the clerk of court where the action is pending to the Register of Deeds for the province or city where the land lies, who shall enter a memorandum upon the certificate of title of the land to which such judgment relates. If the judgment does not apply to all the land described in the certificate of title, the certificate of the clerk of the court where the action is pending and the memorandum entered by the Register of Deeds shall contain a description of the land affected by the judgment.

**Sec. 79. *Judgment adjudicating ownership.*** When in any action to recover the ownership of real estate or an interest therein execution has been issued in favor of the plaintiff, the latter shall be entitled to the entry of a new certificate of title and to the cancellation of the original certificate and owner's duplicate of the former registered owner. If the registered owner neglects or refuses within a reasonable time after request of the plaintiff to produce his duplicate certificate in order that the same may be canceled, the court shall, on application and after notice, enter an order to the owner to produce his certificate at the time and place designated, and may enforce the order by suitable process.

**Sec. 80. *Execution of deed by virtue of judgment.*** Every court rendering judgment in favor of the plaintiff affecting registered land shall, upon petition of said plaintiff, order and parties before it to execute for registration any deed or instrument necessary to give effect to the judgment, and shall require the registered owner to deliver his duplicate certificate to the plaintiff or to the Register of Deeds to be canceled or to have a memorandum annotated upon it. In case the person required to execute any deed or other instrument necessary to give effect to the judgment is absent from the Philippines, or is a minor, or insane, or for any reason not amenable to the process of the court rendering the judgment, said court may appoint a suitable person as trustee to execute such instrument which, when executed, shall be entitled to registration.

**Sec. 81. *Judgment of partition.*** In proceedings for partition of registered land, after the entry of the final judgment of partition, a copy of such final judgment, certified by the clerk of the court rendering the same, shall be filed and registered; thereupon, if the land is set off to the owners in severalty, each owner shall be entitled to have his certificate entered showing the share set off to him in severalty, and to receive an owner's duplicate thereof.

If the land is ordered by the court to be sold, the purchaser or his assigns shall be entitled to certificate of title entered in his or their favor upon presenting a certified copy of the judgment confirming the sale.

In case the land is ordered by the court to be assigned to one of the parties upon payment to the others of the sum ordered by the court, the party to whom the land is thus assigned shall be entitled to have a certificate of title entered in his favor upon presenting a certified copy of the judgment: Provided, however, that any new certificate entered in pursuance of partition proceedings, whether by way of set-off or of assignment or of sale, shall contain a reference memorandum to the final judgment of partition, and shall be conclusive as to the title to the same extent and against the same persons as such judgment is made conclusive by the laws applicable thereto: and provided, further, that any person holding such certificate of title or a transfer thereof shall have the right to petition the court at any time to cancel the memorandum relating to such judgment or order and the court, after notice and hearing, may grant the petition. Such certificate shall thereafter be conclusive in the same manner and to the same extent as other certificates of title.

**Sec. 82.** *Registration of prior registered mortgaged or lease on partitioned property.* If a certified copy of a final judgment or decree of partition is presented and it appears that a mortgage or lease affecting a specific portion or an undivided share of the premises had previously been registered, the Register of Deeds shall carry over such encumbrance on the certificate of title that may be issued.

**Sec. 83.** *Notice of insolvency.* Whenever proceeding in bankruptcy or insolvency, or analogous proceedings, are instituted against a debtor who owns registered land, it shall be the duty of the officer serving the notice of the institution of such proceedings on the debtor to file a copy thereof with the office of the Register of Deeds for the province or city where the land of the debtor lies. The assignee or trustee appointed by the court in such proceedings shall be entitled to the entry of a new certificate of the registered land of the debtor or bankrupt, upon presenting and filing a certified copy of the assignment in insolvency or order or adjudication in bankruptcy with the insolvent's or bankrupt's duplicate certificate of title; but the new certificate shall state that it is entered to him as assignee in insolvency or trustee in bankruptcy or other proceedings, as the case may be.

**Sec. 84.** *Judgment or order vacating insolvency proceedings.* Whenever any of the proceedings of the character named in the preceding section against a registered owner, of which notice has been registered, is vacated by judgment, a certified copy of the judgment or order may be registered. Where a new certificate has been entered in the name of the assignee or trustee, such certificate shall be surrendered for cancellation and forthwith the debtor shall be entitled to the entry of a new certificate to him.

**Sec. 85.** *Land taken by eminent domain.* Whenever any registered land, or interest therein, is expropriated or taken by eminent domain, the National Government, province, city, municipality, or any other agency or instrumentality exercising such right shall file for registration in the proper Registry a certified copy of the judgment which shall state definitely, by an adequate description, the particular property or interest expropriated, the number of the certificate of title, and the nature of the public use. A memorandum of the right or interest taken shall be made on each certificate of title by the Register of Deeds, and where the fee simple title is taken, a new certificate shall be issued in favor of the National Government, province, city, municipality, or any other agency or instrumentality exercising such right for the land so taken. The legal expenses incident to the memorandum of registration or issuances incident to the memorandum of registration or issuance of a new certificate shall be for the account of the authority taking the land or interest therein.

**Sec. 86.** *Extrajudicial settlement of estate.* When a deed of extrajudicial settlement has been duly registered, the Register of Deeds shall annotate on the proper title the two-year lien mentioned in Sec. 4 of Rule 74 of the Rules of Court. Upon the expiration of the two-year period and presentation of a verified petition by the registered heirs, devisees or legatees or any other party in interest that no claim or claims of any creditor, heir or other person exist, the Register of Deeds shall cancel the two-year lien noted on the title without the necessity of a court order. The verified petition shall be entered in the Primary Entry Book and a memorandum thereof made on the title.

No deed of extrajudicial settlement or affidavit of adjudication shall be registered unless the fact of extrajudicial settlement or adjudication is published once a week for three consecutive weeks in a newspaper of general circulation in the province and proof thereof is filed with the Register of Deeds. The proof may consist of the certification of the publisher, printer, his foreman or principal clerk, or of the editor, business or advertising manager of the newspaper concerned, or a copy of each week's issue of the newspaper wherein the publication appeared.

**Sec. 87.** *Filing of letters of administration and will.* Before the executor or administrator of the estate of a deceased owner of registered land may deal with the same, he shall file with the office of the Register of Deeds a certified copy of his letters of administration or if there is a will, a certified copy thereof and the order allowing the same, together with the letters testamentary or of administration with the will annexed, as the case may be, and shall produce the duplicate certificate of title, and

thereupon the Register of Deeds shall enter upon the certificate a memorandum thereof, making reference to the letters and/or will by their file number, and the date of filing the same.

**Sec. 88.** *Dealings by administering subject to court approval.* After a memorandum of the will, if any, and order allowing the same, and letters testamentary or letters of administration have been entered upon the certificate of title as hereinabove provided, the executor or administrator may alienate or encumber registered land belonging to the estate, or any interest therein, upon approval of the court obtained as provided by the Rules of Court.

**Sec. 89.** *Land devised to executor.* When it appears by will, a certified copy of which with letters testamentary had already been filed as provided in this Decree, that registered land is devised to the executor to his own use, or upon some trust, the executor may have the land transferred to himself upon the register in like manner and subject to like terms and conditions and to like rights as in the case of a transfer pursuant to a deed filed in the office of the Register of Deeds.

**Sec. 90.** *When executor empowered by will to sell, etc.* When the will of a deceased owner of registered lands, or an interest therein, empowers the executor to sell, convey, encumber, charge or otherwise deal with the land, a certified copy of the will and letters testamentary being filed as provided in this Decree, such executor may sell, convey, encumber, charge or otherwise deal with the land pursuant to the power in like manner as if he were registered owner, subject to the terms and conditions and limitations expressed in the will.

**Sec. 91.** *Transfer in anticipation of final distribution.* Whenever the court having jurisdiction of the testate or intestate proceedings directs the executor or administrator to take over and transfer to the devisees or heirs, or any of them, in anticipation of final distribution a portion or the whole of the registered land to which they might be entitled on final distribution, upon the filing of a certified copy of such order in the office of the Register of Deeds, the executor or administrator may cause such transfer to be made upon the register in like manner as in case of a sale, and upon the presentation of the owner's duplicate certificate to the Register of Deeds, the devisees or heirs concerned shall be entitled to the issuance of the corresponding certificates of title.

**Sec. 92.** *Registration of final distribution of estate.* A certified copy of the partition and distribution, together with the final judgment or order of the court approving the same or otherwise making final distribution, supported by evidence of payment of estate tax or exemption therefrom, as the case may be, shall be filed with the Register of Deeds, and upon the presentation of the owner's duplicate certificate of title, new certificates of title shall be issued to the parties severally entitled thereto in accordance with the approved partition and distribution.

## CHAPTER VII ASSURANCE FUND

**Sec. 93.** *Contribution to Assurance Fund.* Upon the entry of a certificate of title in the name of the registered owner, and also upon the original registration on the certificate of title of a building or other improvements on the land covered by said certificate, as well as upon the entry of a certificate pursuant to any subsequent transfer of registered land, there shall be paid to the Register of Deeds one-fourth of one per cent of the assessed value of the real estate on the basis of the last assessment for taxation purposes, as contribution to the Assurance Fund. Where the land involved has not yet been assessed for taxation, its value for purposes of this decree shall be determined by the sworn declaration of two disinterested persons to the effect that the value fixed by them is to their knowledge, a fair valuation.

Nothing in this section shall in any way preclude the court from increasing the valuation of the property should it appear during the hearing that the value stated is too small.

**Sec. 94. Custody and investment of fund.** All money received by the Register of Deeds under the preceding section shall be paid to the National Treasurer. He shall keep this money in an Assurance Fund which may be invested in the manner and form authorized by law, and shall report annually to the Commissioner of the Budget the condition and income thereof.

The income of the Assurance Fund shall be added to the principal until said fund amounts to five hundred thousand pesos, in which event the excess income from investments as well as from the collections of such fund shall be paid into the National Treasury to the account of the Assurance Fund.

**Sec. 95. Action for compensation from funds.** A person who, without negligence on his part, sustains loss or damage, or is deprived of land or any estate or interest therein in consequence of the bringing of the land under the operation of the Torrens system of arising after original registration of land, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in the registration book, and who by the provisions of this Decree is barred or otherwise precluded under the provision of any law from bringing an action for the recovery of such land or the estate or interest therein, may bring an action in any court of competent jurisdiction for the recovery of damages to be paid out of the Assurance Fund.

**Sec. 96. Against whom action filed.** If such action is brought to recover for loss or damage or for deprivation of land or of any estate or interest therein arising wholly through fraud, negligence, omission, mistake or misfeasance of the court personnel, Register of Deeds, his deputy, or other employees of the Registry in the performance of their respective duties, the action shall be brought against the Register of Deeds of the province or city where the land is situated and the National Treasurer as defendants. But if such action is brought to recover for loss or damage or for deprivation of land or of any interest therein arising through fraud, negligence, omission, mistake or misfeasance of person other than court personnel, the Register of Deeds, his deputy or other employees of the Registry, such action shall be brought against the Register of Deeds, the National Treasurer and other person or persons, as co-defendants. It shall be the duty of the Solicitor General in person or by representative to appear and to defend all such suits with the aid of the fiscal of the province or city where the land lies: Provided, however, that nothing in this Decree shall be construed to deprive the plaintiff of any right of action which he may have against any person for such loss or damage or deprivation without joining the National Treasurer as party defendant. In every action filed against the Assurance Fund, the court shall consider the report of the Commissioner of Land Registration.

**Sec. 97. Judgment, how satisfied.** If there are defendants other than the National Treasurer and the Register of Deeds and judgment is entered for the plaintiff and against the National Treasury, the Register of Deeds and any of the other defendants, execution shall first issue against such defendants other than the National and the Register of Deeds. If the execution is returned unsatisfied in whole or in part, and the officer returning the same certifies that the amount due cannot be collected from the land or personal property of such other defendants, only then shall the court, upon proper showing, order the amount of the execution and costs, or so much thereof as remains unpaid, to be paid by the National treasurer out of the Assurance Fund. In an action under this Decree, the plaintiff cannot recover as compensation more than the fair market value of the land at the time he suffered the loss, damage, or deprivation thereof.

**Sec. 98. General Fund when liable.** If at any time the Assurance Fund is not sufficient to satisfy such judgment, the National Treasurer shall make up for the deficiency from any funds available in the treasury not otherwise appropriated.

**Sec. 99. Subrogation of government to plaintiff's rights.** In every case where payment has been made by the National Treasurer in accordance with the provisions of this Decree, the Government of the Republic of the Philippines shall be subrogated to the rights of the plaintiff against any other parties or

securities. The National Treasurer shall enforce said rights and the amount recovered shall be paid to the account of the Assurance Fund.

**Section 100. Register of Deeds as party in interest.** When it appears that the Assurance Fund may be liable for damages that may be incurred due to the unlawful or erroneous issuance of a certificate of title, the Register of Deeds concerned shall be deemed a proper party in interest who shall, upon authority of the Commissioner of Land Registration, file the necessary action in court to annul or amend the title.

The court may order the Register of Deeds to amend or cancel a certificate of title or to do any other act as may be just and equitable.

**Section 101. Losses not recoverable.** The Assurance Fund shall not be liable for any loss, damage or deprivation caused or occasioned by a breach of trust, whether express, implied or constructive or by any mistake in the resurveyed or subdivision of registered land resulting in the expansion of area in the certificate of title.

**Section 102. Limitation of Action.** Any action for compensation against the Assurance Fund by reason of any loss, damage or deprivation of land or any interest therein shall be instituted within a period of six years from the time the right to bring such action first occurred: Provided, That the right of action herein provided shall survive to the legal representative of the person sustaining loss or damage, unless barred in his lifetime; and Provided, further, That if at the time such right of action first accrued the person entitled to bring such action was a minor or insane or imprisoned, or otherwise under legal disability, such person or anyone claiming from, by or under him may bring the proper action at any time within two years after such disability has been removed, notwithstanding the expiration of the original period of six years first above provided.

## CHAPTER VIII REGISTRATION OF PATENTS

**Section 103. Certificates of title pursuant to patents.** Whenever public land is by the Government alienated, granted or conveyed to any person, the same shall be brought forthwith under the operation of this Decree. It shall be the duty of the official issuing the instrument of alienation, grant, patent or conveyance in behalf of the Government to cause such instrument to be filed with the Register of Deeds of the province or city where the land lies, and to be there registered like other deeds and conveyance, whereupon a certificate of title shall be entered as in other cases of registered land, and an owner's duplicate issued to the grantee. The deed, grant, patent or instrument of conveyance from the Government to the grantee shall not take effect as a conveyance or bind the land but shall operate only as a contract between the Government and the grantee and as evidence of authority to the Register of Deeds to make registration. It is the act of registration that shall be the operative act to affect and convey the land, and in all cases under this Decree, registration shall be made in the office of the Register of Deeds of the province or city where the land lies. The fees for registration shall be paid by the grantee. After due registration and issuance of the certificate of title, such land shall be deemed to be registered land to all intents and purposes under this Decree.

## CHAPTER IX CERTIFICATE OF LAND TRANSFER, EMANCIPATION PATENT, AFFIDAVIT OF NON-TENANCY

**Section 104. Provisional Register of Documents.** The Department of Agrarian Reform shall prepare by automate data processing a special registry book to be known as the "Provisional Register of Documents issued under PD-27" which shall be kept and maintained in every Registry of Deeds throughout the country. Said Registry Book shall be a register of:

- a. All Certificates of Land Transfer (CLT) issued pursuant to P.D. No. 27; and
- b. All subsequent transactions affecting Certificates of Land Transfer such as adjustments, transfer, duplication and cancellations of erroneous Certificates of Land Transfer.

**Section 105. *Certificates of Land Transfer Emancipation Patents.*** The Department of Agrarian reform shall pursuant to P.D. No. 27 issue in duplicate, a Certificate of Land Transfer for every land brought under "Operation Land Transfer", the original of which shall be kept by the tenant-farmer and the duplicate, in the Registry of Deeds.

After the tenant-farmer shall have fully complied with the requirements for a grant of title under P.D. No. 27, an Emancipation Patent which may cover previously titled or untitled property shall be issued by the Department of Agrarian Reform.

The Register of Deeds shall complete the entries on the aforementioned Emancipation Patent and shall assign an original certificate of title number in case of unregistered land, and in case of registered property, shall issue the corresponding transfer certificate of title without requiring the surrender of the owner's duplicate of the title to be canceled.

In case of death of the grantee, the Department of Agrarian Reform shall determine his heirs or successors-in-interest and shall notify the Register of Deeds accordingly.

In case of subsequent transfer of property covered by an Emancipation Patent or a Certificate of Title emanating from an Emancipation Patent, the Register of Deeds shall affect the transfer only upon receipt of the supporting papers from the Department of Agrarian Reform.

No fee, premium, of tax of any kind shall be charged or imposed in connection with the issuance of an original Emancipation Patent and for the registration or related documents.

**Section 106. *Sale of agricultural land; affidavit.*** No voluntary deed or instrument purporting to be a subdivision, mortgage, lease, sale or any other mode of encumbrance or conveyance of private agricultural land principally devoted to rice or corn or any portion thereof shall be registered unless accompanied by an affidavit of the vendor or executor stating that the land involved is not tenanted, or if tenanted, the same is not primarily devoted to the production of rice and/or corn.

If only a portion of the land is primarily devoted to the production of rice and/or corn, and such area so devoted is tenanted, no such deed or instrument shall be registered unless accompanied by an affidavit stating the area (size) of the portion which is tenanted and primarily devoted to rice and/or corn, and stating further that the deed or instrument covers only the untenanted portion or that which is not primarily devoted to the production of rice and/or corn. A memorandum of said affidavit shall be annotated on the certificate of title. The Register of Deeds shall cause a copy of the registered deed or instrument, together with the affidavit, to be furnished the Department of Agrarian Reform Regional Office where the land is located. The affidavit provided in this section shall not be required in the case of a tenant-farmer who deals with his Certificate of Land Transfer or Emancipation Patent in accordance with law.

## CHAPTER X PETITIONS AND ACTIONS AFTER ORIGINAL REGISTRATION

**Section 107. *Surrender of withhold duplicate certificates.*** Where it is necessary to issue a new certificate of title pursuant to any involuntary instrument which divests the title of the registered owner against his consent or where a voluntary instrument cannot be registered by reason of the refusal or failure of the holder to surrender the owner's duplicate certificate of title, the party in

interest may file a petition in court to compel surrender of the same to the Register of Deeds. The court, after hearing, may order the registered owner or any person withholding the duplicate certificate to surrender the same, and direct the entry of a new certificate or memorandum upon such surrender. If the person withholding the duplicate certificate is not amenable to the process of the court, or if not any reason the outstanding owner's duplicate certificate cannot be delivered, the court may order the annulment of the same as well as the issuance of a new certificate of title in lieu thereof. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment of the outstanding duplicate.

**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 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.

**Section 109. Notice and replacement of lost duplicate certificate.** In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree.

**Section 110. Reconstitution of lost or destroyed original of 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.

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. No order or judgment ordering the reconstitution of a certificate of title shall become final until the lapse of thirty days from receipt by the Register of Deeds and by the Commissioner of Land Registration of a notice of such order or judgment without any appeal having been filed by any of such officials.

## **CHAPTER XI** **SCHEDULE OF FEES: SPECIAL FUND**

**Section 111. Fees payable.** The fees payable to the Clerk of Court, the Sheriff, the Register of Deeds and the Land Registration Commission shall be as follows:

A. Fees payable to the Clerk of Court. The fees payable to the clerk of court or his deputies shall be as follows:

1. For filing an application for the registration of land, the fees shall be based on the assessed value of the property for the current year, in accordance with the following schedule

(a) When the value of the property does not exceed two thousand pesos, fifteen pesos for the first five hundred pesos, or fractional part thereof, and five pesos for each additional five hundred pesos, or fractional part thereof.

(b) When the value of the property does not exceed two thousand pesos but does not exceed ten thousand pesos, thirty five pesos for the first three thousand pesos, or fractional part thereof, and five pesos for each additional one thousand pesos, or fractional part thereof.

(c) When the value of the property is more than ten thousand pesos but does not exceed one hundred thousand pesos, eighty pesos for the first twenty thousand pesos, or fractional part thereof, and ten pesos for each additional ten thousand pesos, or fractional part thereof.

(d) When the value of the property is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, one hundred eighty pesos for the first one hundred twenty-five thousand pesos, or fractional part thereof, and twenty pesos for each additional twenty-five thousand pesos, or fractional part thereof.

(e) When the value of the property is more than five hundred thousand pesos, five hundred twenty pesos for the first five hundred fifty thousand pesos, or fractional part thereof, and forty pesos for each additional fifty thousand pesos, or fractional part thereof.

If the property has not been assessed for taxation, the fees above prescribed shall be based on the current market value; and the applicant shall file with his application a sworn declaration of three disinterested persons that the value fixed by him is to their knowledge a fair valuation.

2. For filing a petition for review of judgment and decree, or other claim adverse to the registered owner, for each petition, twenty pesos.

3. For filing a petition after the decision has become final, twenty pesos. If it affects land decrees in more than one case, for each additional case, one peso. If it affects several lots or parcels of land in which the petitioners have no common interest, each of such petitioners shall pay the corresponding fees as if separate petitions had been filed by him.

B. Fees payable to the Sheriff. The sheriff shall collect fees for his services rendered in connection with land registration and cadastral proceedings as follows:

1. For posting notices of initial hearing of land registration cases in conspicuous places on the lands described in the notice, for each parcel of land on which a copy of such notice is posted, besides travel fees, three pesos.
2. For posting notices of initial hearing of cadastral cases in conspicuous places on the lands included in the survey, for each group of one hundred lots on which a copy of the notice is posted, besides travel fees, three pesos.
3. For posting one copy of a notice of initial hearing in a conspicuous place upon the municipal building of the city, municipality, or municipal district in which the land or portion thereof lies, besides travel fees, three pesos.
4. For serving notices upon cadastral claimants to appear before the court, travel fees only as provided in the Rules of Court.
5. For all other services not mentioned above, the same fees including travel fees as provided in the Rules of Court for similar services.

C. Fees payable to the Register of Deeds. The Register of Deeds shall collect fees for all services rendered by him under this Decree in accordance with the following schedule:

1. Original certificate of title. For the entry of one original certificate of title and issuance of one owner's duplicate certificate, ten pesos for the first parcel of land described thereon and five pesos for each additional parcel.
2. Entry fee. For each entry fee in the primary entry book, five pesos.
3. Attachment, levy, etc. For the annotation of an attachment, levy, writ of execution, adverse claim, five pesos for each parcel of land affected thereby.
4. Lis Pendens, etc. For the annotation of a notice of lis pendens, or of any document or order in connection therewith, for each of land affected thereby, five pesos.
5. Release of encumbrance. For the annotation of a release of any encumbrance, except mortgage, lease, or other lien for the cancellation of which a specific fee is prescribed herein, for each parcel of land so released, five pesos; but the total amount of fees to be collected shall not exceed the amount of fees paid for the registration of such encumbrance.
6. Court Order. For the annotation of an order of the court for the amendment of, or the making of a memorandum on, a certificate of title, except inclusion of buildings or improvements, or any order directing the registration of a document, or of any right or interest referred to in said order, or the cancellation of a certificate of title and/or the issuance of a new one, ten pesos for each certificate of title on which the annotation is made, in addition to the fees prescribed under paragraphs sixteen or seventeen, as the case may be, of this subsection, in the same are also due for the registration of such document, right or interest.
7. Building. For the annotation of an order of the court for the inclusion of building and/or improvement in a certificate of title, ten pesos for each certificate of title.

8. Powers of attorney, letters of administration, appointment of guardian, resolution or revocation thereof. For registering and filing a power of attorney, letters of administration or letters testamentary whether or not accompanied by a copy of the testament, certificate of allowance of a will with attested copy of the will annexed, appointment of guardian for a minor or incompetent person, appointment of receiver, trustee, or administrator, articles of incorporation of any corporation, association or partnership, or resolution of its board of directors empowering an officer or member thereof to act in behalf of the same, twenty pesos; and for the annotation of such papers on certificates of title when required by existing laws or regulations, five pesos for each certificate of title so annotated: Provided, however, that when the certificate of allowance of a will and the letters testamentary or letters of administration are filed together, only one fee shall be collected. For registering an instrument of revocation of any of the paper mentioned above, five pesos, and if annotated on the corresponding certificate of title, three pesos for each certificate of title.

9. Notice of tax lien, loss, etc. For the annotation of a notice of tax lien of any description notice of lost duplicate or copy of a certificate of title, order of the court declaring such duplicate or copy null and void, notice of change of address, or the cancellation of any such annotation, for each certificate of title, five pesos.

10. Carry over of annotation. For transferring the memorandum of an encumbrance of any kind from one certificate of title which is canceled to a new one in lieu thereof, for each memorandum thus transferred, five pesos.

11. Annotation on additional copy of title. For any memorandum made in a standing co-owner's copy of a certificate of title after a similar memorandum has been made in the original thereof, of each certificate of title, five pesos.

12. No specific fee. For any memorandum made in a certificate of title for which no specific fee is prescribe above, for each certificate of title, five pesos.

13. Transfer to trustee, executor, administrator receiver. For the issuance of a transfer certificate of title, including its duplicate, to a trustee, executor, administrator, or receiver, or for the cancellation of such certificate of title and issuance of a new one, including its duplicate, to the cestui que trust in case of trusteeship, ten pesos. If the certificate covers more than one parcel or lot, an additional fee of five pesos shall be collected for each additional parcel or lot.

14. Transfer certificate of title. For the issuance of a transfer certificate of title, including its duplicate, to a person other than those named in the next preceding paragraph, ten pesos, in addition to the fees hereinafter prescribed in paragraph sixteen or seventeen, as the case may be, of this subsection, if the same are also due. If the certificate covers more than one parcel or lot, an additional fee of five pesos shall be collected for each additional parcel or lot.

15. Additional copy of title. For the issuance of a new owner's duplicate or a co-owner's copy of a certificate of title, or any additional duplicate or copy thereof, ten pesos for the first page and five pesos for each subsequent page, or fraction thereof.

16. Registration fee. For the registration of a deed of sale, conveyance, transfer, exchange, partition, or donation; a deed of sale with pacto de retro, conditional sale, sheriff's sale at public auction, sale for non-payment of taxes, or any sale subject to redemption, or the repurchase or redemption of the property so sold; any instrument, order, judgment or decree divesting the title of the registered owner, except in favor of a trustee, executor, administrator or receiver; option to purchase or promise to sell; any mortgage, surety, bond, lease, easement, right-of-way, or other real right or lien created or constituted by virtue of a distinct contract or agreement, and not as an incidental condition of sale, transfer or conveyance; the assignment, enlargement, extension or novation of a mortgage or of any other real right, or a release of mortgage, termination of lease, or consolidation of ownership over a

property sold with pacto de retro; where no specific fee is prescribed therefor in the preceding paragraphs, the fees shall be based on the value of the consideration in accordance with the following schedule:

- (a) Six thousand pesos maximum. When the value of the consideration does not exceed six thousand pesos, seven pesos for the first five hundred pesos, or fractional part thereof, and three pesos for each additional five hundred pesos, or fractional part thereof.
- (b) Thirty thousand pesos maximum. When the value of the consideration is more than six thousand pesos but does not exceed thirty thousand pesos, or fractional part thereof, and eight pesos for each additional two thousand pesos, or fractional part thereof.
- (c) One hundred thousand pesos maximum. When the value of the consideration is more than thirty thousand pesos but does not exceed one hundred thousand pesos, one hundred fifty pesos for the first thirty-five thousand pesos, or fractional part thereof, and fourteen pesos for each additional five thousand pesos, or fractional part thereof.
- (d) Five hundred thousand pesos maximum. When the value of the consideration is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, three hundred fifty-two pesos for the first one hundred ten thousand pesos, or fractional part thereof, and twenty pesos for each additional ten thousand pesos, or fractional part thereof.
- (e) More than five hundred thousand pesos. When the value of the consideration is more than five hundred thousand pesos, one thousand one hundred sixty-two pesos for the first five hundred twenty thousand pesos, or fractional part thereof, and thirty pesos for each additional twenty thousand pesos, or fractional part thereof.

17. Fees for specific transactions. In the following transactions, however, the basis of the fees collectible under paragraph sixteen of this subsection, whether or not the value of the consideration is stated in the instrument, shall be as hereunder set forth:

- (a) Exchange. In the exchange of real property the basis of the fees to be paid by each party shall be the current assessed value of the properties acquired by one party from the other, in addition to the value of any other consideration, if any, stated in the contract.
- (b) Hereditary transfer. In the transmission of an hereditary estate without partition or subdivision of the property among the heirs, devisees or legatees, although with specification of the share of each in the value of the estate, the basis shall be the total current assessed value of the property thus transmitted.
- (c) Partition of hereditary estate; Conjugal property. In the partition of an hereditary estate which is still in the name of the deceased, in which determinate properties are adjudicated to each heir devisee or legatee, or to each group of heirs, devisees or legatees, the basis of the fees to be paid by each person or group, as the case may be, shall be the total current assessed value of the properties thus adjudicated to each person or group. In the case, however, of conjugal property, the basis of the fees for the registration of one-half thereof in the name of the surviving spouse shall be the total current assessed value of the properties adjudicated to said spouse.
- (d) Subdivision or partition. In the partition of real property held in common by several registered co-owner's the basis of the fees to be paid by each co-owner or group of co-owners shall be the total assessed value of the property taken by each co-owner or group.

(e) Conveyance: several lots and parties. In the sale, conveyance or transfer of two or more parcels of land in favor of two or more separate parties but executed in one single instrument, the basis shall be the total selling price paid by each party-buyer, or, in the case of lump sum consideration, such portion thereof as apportioned in accordance with the assessed value of the respective land acquired by each party-buyer.

(f) Conveyance of properties in different places. In the sale, conveyance, or transfer of properties situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the instrument is to be registered shall be the total selling price of the properties situated in the respective city or province, or, in the case of lump sum consideration, such portion thereof as obtained for those properties lying within the jurisdiction of the respective registry after apportioning the total consideration of the sale, conveyance or transfer in accordance with the current assessed value of such properties.

(g) Conveyance of mortgaged properties. In the sale, conveyance, or transfer of a mortgaged property, the basis shall be the selling price of the property proper plus the full amount of the mortgage, or the unpaid balance thereof if the latter is stated in the instrument. If the properties are situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the instrument is to be registered shall be such sum as obtained for the properties situated in the respective city or province after apportioning in accordance with the current assessed values of said properties the total amount of consideration as above computed, unless the selling price of the properties in each city or province and the proportionate share thereof in the amount of unpaid balance of the mortgage are stated in the instrument, in which case, the aggregate of such selling price and share shall be the basis. In any case, however, where the aggregate value of the consideration as above computed shall be less than the current assessed value of the properties in the city or province concerned, such assessed value shall be the basis of the fees in the respective Registry.

(h) Mortgage of properties in different places. In a mortgage affecting properties situated in different cities or provinces, the basis of the fees in each Registry of Deeds where the document is to be registered shall be such amount as obtained for the properties lying within the jurisdiction of said Registry after apportioning the total amount of the mortgage in accordance with the current assessed value of such properties.

(i) Release of mortgage. In the release of a mortgage the basis of the fees shall be an amount equal to ten per centum of the total amount of obligation secured by the mortgage. If the properties are situated in different cities or provinces, the basis of the fees in each Registry shall be ten per centum of such sum as obtained for the properties in the respective city or province after apportioning the amount of the mortgage in accordance with the current assessed values of such properties. In the case of a partial release, the fees shall be based on ten per centum of the current assessed value of the property so released in the respective city or province; Provided, however, That where several partial releases had been registered, the fees corresponding to the final release shall be computed on the basis of ten per centum of the difference between the amount of the mortgage and the aggregate of the consideration used as basis for the collection of the fees paid for the registration of all previous partial releases.

(j) Certificate of sale. In a certificate of sale at public auction by virtue of an order of execution or sale for delinquency in the payment of taxes, or repurchase of the property so sold, the basis of the fees in each Registry shall be ten per centum of the selling or repurchase price of the property lying within the jurisdiction of the Registry.

(k) Affidavit of consolidation of ownership. In an affidavit for the consolidation of ownership over a property sold with pacto de retro or pursuant to an extra judicial foreclosure under the provisions of Act Numbered Thirty-one hundred and thirty-five, as amended, the basis of the fees in each Registry shall be an amount equivalent to ten per centum of the consideration of the sale in the respective city or province.

(l) Contract of lease. In contracts of lease, the basis of the fees in each Registry shall be the sum total to be paid by the lessee for the properties situated in the respective city or province during the entire period specified in the contract, including the extension contemplated by the parties which may be given effect without the necessity of further registration. If the period is from year to year, or otherwise not fixed, the basis shall be the total amount of rentals due for thirty months. If the rentals are not distributed, the total amount thereof as above computed shall be apportioned to said properties in accordance with their assessed values, and the proportionate sum thus obtained for each city or province shall be the basis of the fees to be collected in the Registry concerned.

(m) Termination of lease. In the termination of lease, the basis of the fees in each registry shall be ten per centum of the amount used as basis for the collection of the fees paid for the registration of said lease.

(n) Option to purchase or promise to sell. In contracts of option to purchase or promise to sell, the basis of the fees in each Registry shall be ten per centum of the current assessed value of the property subject of such contract in the respective city or province.

(o) Consideration not stated or fixed or less than assessed value. In other transactions where the actual value of the consideration is not fixed in the contract or cannot be determined from the terms thereof, or, in case of a sale, conveyance, or transfer, the consideration stated is less than the current assessed value of the property, the basis of the fees shall be the current assessed value of the property involved in the transaction. If the properties are situated in different cities or provinces, the basis of the fees in each Registry shall be the current assessed value of the properties lying within the jurisdiction of the Registry concerned.

18. Issuance of copy of document. For furnishing copies of any entry, decree, document, or other papers on file, fifty centavos for each hundred words of fraction thereof contained in the copies thus furnished.

19. Certified copy. For certifying a copy furnished under the next preceding paragraph, for each certification, five pesos for one page and one peso for each additional page certified.

20. Certification. For issuing a certificate relative to, or showing the existence or non-existence of, an entry in the registration books or a document on file, for each such certificate containing not more than two hundred words, five pesos; if it exceeds that number an additional fee of one peso shall be collected for every hundred words, or fraction thereof, in excess of the first two hundred words.

21. Research fee. For services rendered in attending to request for reference or researches on any records or documents on file in the Registry, there shall be collected two pesos per document or record.

D. Fees payable to the Commissioner of Land Registration. The fees payable to the Commissioner of Land Registration shall be as follows:

1. For verification and approval of subdivision plans, the fee shall be:

(a) For each lot .....	P2.00
(b) For each corner of a lot, irrespective of whether such corner is common to two or more lots .....	0.20
(c) For each traverse station .....	0.10
(d) For each observation .....	0.50

- (e) In case the plan is a resurveyed or relocation plan an additional 40 per cent of the rates prescribed above shall be collected.

Provided, however, that the total fee as computed above, whether for subdivision and/or consolidation-subdivision survey, resurveyed or relocation plan, shall in no case be less than P8.00 per plan.

2. For changing or correcting the name of any person appearing on the subdivision plan or other plan in order to have it conform to that stated in the certificate of title covering the land, and for the cancellation of an approved plan when so requested by the interested party, there shall be a fee of P5.00 per plan.

3. The rates of fees prescribed in paragraph 1 and 2, inclusive, shall apply to similar services rendered in connection with the examination, verification, and approval of consolidation, consolidation-subdivision, resubdivision, and reconsolidation plans, special work order plans on the basis of certified copies of technical descriptions of plans approved by the Land Registration Commission or the Bureau of Lands, private surveys, and other plans of similar nature.

In the computation of fees relative to lots subject of consolidation and consolidation-subdivision plans, a fee of two pesos shall be collected per lot as appearing in the old survey in addition to the fee collectible in paragraph 1 hereof for the new lots.

4. For the preparation of a plan in a tracing cloth of any survey, the data of which are available in the Commission, except when the same is merely traced from an existing plan, the fees shall be computed as follows:

(a) When the plan to be so prepared contains only one lot:

- |  |        |
|--|--------|
| 1. For the first ten corners or fraction thereof .....         | P40.00 |
| 2. For the next ten corners or fraction thereof .....          | 6.00   |
| 3. For each corner in excess of the first twenty corners ..... | 0.40   |

(b) When the plan to be so prepared contains two or more lots:

- |   |        |
|---|--------|
| 1. For the first lot, which must be the biggest of the group, irrespective of the number of its corner .....                        | P40.00 |
| 2. For each additional lot, irrespective of the number of its corners, said lot being adjacent to the first lot or any other lot .. | P15.00 |
| 3. For each non-adjacent lot (other than the first charged lot), irrespective of the number of its corners .....                    | P20.00 |
| 4. If any lot contains more than twenty corners for each corner of such lot in the first twenty corners .....                       | P0.40  |

5. For the preparation of a plan in tracing cloth, to be traced from an existing plan, complete with bearings and distances of corners and tie lines, the fee shall be 30 per centum of the fees prescribed in paragraph 4 above.

6. For the preparation of a plan in tracing cloth, to be copied from an existing plan, complete with bearings and distances of sides and tie-lines, but using a different scale, the fee shall be 50 per centum of the fees prescribed under paragraph 4 above, if made on a reduced scale; or 60 per centum of the same fees, if made on an enlarged scale.

7. For the preparation of a simple plan or sketch of any available survey or plan on any paper other than a tracing cloth, the fee on the basis of each lot, shall be as follows:

(a) For the first ten corners or fraction thereof .....	P20.00
(b) For the second ten corners or fraction thereof .....	5.00
(c) For the third ten corners or fraction thereof .....	2.00
(d) For each corner in excess of the first thirty corners .....	0.20
(e) If the sketch is prepared in tracing cloth, add to the total fees as above computed	5.00
...	
(f) If the plan or sketch so prepared contains the bearing and distances of the sides and tie-lines, add to the total fees as above computed 10 per centum thereof.	

8. For furnishing a plan copy (blue-print, or white print) of any plan on file in the Commission, the fee shall be as follows:

(a) For the copy of any size not exceeding forty square decimeters .....	P3.00
(b) For one copy of more than forty square decimeters but not exceeding eighty square decimeters in size .....	6.00
(c) For one copy of more than eighty square decimeters but not exceeding one hundred twenty square decimeter in size ..	9.00
(d) For one copy in excess of one hundred twenty square decimeters in size, the basis rate of nine pesos plus for every twenty square decimeters or fraction thereof in excess .....	0.50

9. For the preparation of technical descriptions, other than mere copying from an existing copy, there shall be collected the following fees:

(a) For technical descriptions of lots or parcels, typewritten in triplicate and double-spaced, including certification:	
1. For each lot .....	P3.00
2. For each corner of a lot .....	0.20
3. For each extra carbon copy, extra charge ....	0.20
4. Minimum total charge .....	3.00
(b) For lot description prepared in tracing cloth (on tabulated form) including certification:	
1. For each sheet .....	P1.50

2. For each lot ..... 0.20
3. For each corner in excess of ten for a lot .... 0.10
- (c) Any common corner shall be counted as many items as there are lots to which it pertains.

10. For certification of plans or copies of plans as to the correctness of the same, per plan or print copy P3.00 and for the issuance of all other certification P5.00 plus one 30-centavo documentary stamp to be affixed thereto.

11. For inspection of land subject of private surveys, simple or complex subdivision plans, or consolidation, consolidation-subdivision, resubdivision, or reconsolidation plans, special work orders, and other plans of similar nature for the purpose of verification and/or approval:

- (a) For each plan with an aggregate area of 1,000 sq. m. or less ..... P100.00
- (b) For each subdivision with an aggregate area of more than 1,000 sq. m.:
1. For the first 1,000 s.m. .... P100.00
2. For every succeeding 1,000 sq. m. or fraction thereof ..... 10.00

12. For actual field work of subdivision survey, relocation survey and resurveyed of land, the fees shall be as follows:

(a) Subdivision survey:

1. Rural (Agricultural)

Area	Survey Fee
For the first hectare .....	P 350.00
For the 2nd ha. to 10th ha.	An additional 60.00 per ha.
For the 11th ha. to 20th ha.	An additional P30.00 per ha.
For the 21st ha. to 30th ha.	An additional P20.00 per ha.
For the 31st ha. to 200th ha.	An additional P10.00 per ha.
For the 201st ha. or over	An additional P8.00 per ha.

A fraction of a hectare shall be considered one hectare.

2. Urban (Solar):

First 200 sq. m. or less .....	P350.00
Succeeding 201 sq. m. or more .....	P20.00 100 sq. m.

(b) Relocation Survey or Resurveyed:

The fee for relocation survey or resurveyed shall be one hundred fifty per cent (150%) of the amount of survey fee collectible on the basis of the schedule of fees for subdivision survey as provided in the preceding paragraph plus one per cent (1%) of the assessed value of the land.

Special Account. Twenty per centum of all the collections of the Registers of Deeds and of the Land Registration Commission under this Section and Sections 118 and 116 of this Decree shall be appropriated and upon approval of a budget for it by the Ministry of the Budget, such amounts shall be disbursed and all offices under the Land Registration Commission, for the purchase of necessary equipment, for payment of allowances of officials and employees of the Commission, including those of the Registries of Deeds, as authorized by the Commissioner, for contracts regarding security printing of Land title forms, for survey contracts, and for the maintenance and other operating expenses of the Commission.

## **CHAPTER XII**

### **FORMS USED IN LAND REGISTRATION AND CONVEYANCING**

**Section 112.** *Forms in conveyancing.* The Commissioner of Land Registration shall prepare convenient blank forms as may be necessary to help facilitate the proceedings in land registration and shall take charge of the printing of land title forms.

Deeds, conveyances, encumbrances, discharges, powers of attorney and other voluntary instruments, whether affecting registered or unregistered land, executed in accordance with law in the form of public instruments shall be registerable: Provided, that, every such instrument shall be signed by the person or persons executing the same in the presence of at least two witnesses who shall likewise sign thereon, and shall acknowledged to be the free act and deed of the person or persons executing the same before a notary public or other public officer authorized by law to take acknowledgment. Where the instrument so acknowledged consists of two or more pages including the page whereon acknowledgment is written, each page of the copy which is to be registered in the office of the Register of Deeds, or if registration is not contemplated, each page of the copy to be kept by the notary public, except the page where the signatures already appear at the foot of the instrument, shall be signed on the left margin thereof by the person or persons executing the instrument and their witnesses, and all the pages sealed with the notarial seal, and this fact as well as the number of pages shall be stated in the acknowledgment. Where the instrument acknowledged relates to a sale, transfer, mortgage or encumbrance of two or more parcels of land, the number thereof shall likewise be set forth in said acknowledgment.

## **CHAPTER XIII**

### **DEALINGS WITH UNREGISTERED LANDS**

**Section 113.** *Recording of instruments relating to unregistered lands.* No deed, conveyance, mortgage, lease, or other voluntary instrument affecting land not registered under the Torrens system shall be valid, except as between the parties thereto, unless such instrument shall have been recorded in the manner herein prescribed in the office of the Register of Deeds for the province or city where the land lies.

(a) The Register of Deeds for each province or city shall keep a Primary Entry Book and a Registration Book. The Primary Entry Book shall contain, among other particulars, the entry number, the names of the parties, the nature of the document, the date, hour and minute it was presented and received. The recording of the deed and other instruments relating to unregistered lands shall be effected by any of annotation on the space provided therefor in the Registration Book, after the same shall have been entered in the Primary Entry Book.

(b) If, on the face of the instrument, it appears that it is sufficient in law, the Register of Deeds shall forthwith record the instrument in the manner provided herein. In case the Register of Deeds refuses

its administration to record, said official shall advise the party in interest in writing of the ground or grounds for his refusal, and the latter may appeal the matter to the Commissioner of Land Registration in accordance with the provisions of Section 117 of this Decree. It shall be understood that any recording made under this section shall be without prejudice to a third party with a better right.

(c) After recording on the Record Book, the Register of Deeds shall endorse among other things, upon the original of the recorded instruments, the file number and the date as well as the hour and minute when the document was received for recording as shown in the Primary Entry Book, returning to the registrant or person in interest the duplicate of the instrument, with appropriate annotation, certifying that he has recorded the instrument after reserving one copy thereof to be furnished the provincial or city assessor as required by existing law.

(d) Tax sale, attachment and levy, notice of lis pendens, adverse claim and other instruments in the nature of involuntary dealings with respect to unregistered lands, if made in the form sufficient in law, shall likewise be admissible to record under this section.

(e) For the services to be rendered by the Register of Deeds under this section, he shall collect the same amount of fees prescribed for similar services for the registration of deeds or instruments concerning registered lands.

#### **CHAPTER XIV** **REGISTRATION OF CHATTEL MORTGAGES**

**Section 114.** *Recording of chattel mortgages.* A chattel mortgage shall be recorded in the office of the Register of Deeds of the province or city where the mortgagor resides as well as where the property is situated or ordinarily kept.

**Section 115.** *Manner of recording chattel mortgages.* Every Register of Deeds shall keep a Primary Entry Book and a Registration Book for chattel mortgages; shall certify on each mortgage filed for record, as well as on its duplicate, the date, hour, and minute when the same was by him received; and shall record in such books any chattel mortgage, assignment or discharge thereof, and any other instrument relating to a recorded mortgage, and all such instruments shall be presented to him in duplicate, the original to be filed and the duplicate to be returned to the person concerned.

The recording of a mortgage shall be effected by making an entry, which shall be given a correlative number, setting forth the names of the mortgagee and the mortgagor, the sum or obligation guaranteed, date of the instrument, name of the notary before whom it was sworn to or acknowledged, and a note that the property mortgaged, as well as the terms and conditions of the mortgage, is mentioned in detail in the instrument filed, giving the proper file number thereof. The recording of other instruments relating to a recorded mortgage shall be effected by way of annotation on the space provided therefor in the Registration Book, after the same shall have been entered in the primary Entry Book.

The Register of Deeds shall also certify the officer's return of sale upon any mortgage, making reference upon the record of such officer's return to the volume and page of the record of the mortgage, and a reference of such return on the record of the mortgage itself, and give a certified copy thereof, when requested, upon payment of the legal fees for such copy thereof, when requested, upon payment of the legal fees for such copy and certify upon each mortgage officer's return of sale or discharge of mortgage, and upon any other instrument relating to such a recorded mortgage, both on the original and in the duplicate, the date, hour, and minute when the same is received for record and record such certificate index of mortgagors and mortgagees, which record and index shall be open to public inspection.

Duly certified copies of such records and of filed instruments shall be receivable as evidence in any court.

**Section 116.** Fees for chattel mortgages, etc. The register of Deeds shall collect the following fees for services rendered by him under this section:

1. Entry fee. For entry or presentation of any document in the Primary Entry Book, five pesos. Supporting papers presented together with the principal document need not be charged any entry or presentation fee unless the party in interest desires that they be likewise entered.
2. Chattel Mortgage. For filing and recording each chattel mortgage, including the necessary certificates and affidavits, the fees established in the following schedule shall be collected:
  - (a) Six thousand pesos maximum. When the amount of the mortgage does not exceed six thousand pesos, seven pesos for the first five hundred pesos, or fractional part thereof, and three pesos for each additional five hundred pesos, or fractional part thereof.
  - (b) Thirty thousand pesos maximum. When the amount of the mortgage is more than six thousand pesos but does not exceed thirty thousand pesos, forty-eight pesos for the initial amount not exceeding eight thousand pesos, and eight pesos for each additional two thousand pesos or fractional part thereof.
  - (c) One hundred thousand pesos maximum. When the amount of the mortgage is more than thirty thousand pesos but does not exceed one hundred thousand pesos, one hundred fifty pesos for the initial amount not exceeding thirty-five thousand pesos, and fourteen pesos for each additional five thousand pesos or fractional part thereof.
  - (d) Five hundred thousand pesos maximum. When the amount of the mortgage is more than one hundred thousand pesos but does not exceed five hundred thousand pesos, three hundred fifty-two pesos for the initial amount not exceeding one hundred ten thousand pesos and twenty pesos for each additional ten thousand pesos or fractional part thereof.
  - (e) More than five hundred thousand pesos. When the amount of the mortgage is more than five hundred thousand pesos, one thousand one hundred sixty-two pesos for the initial amount not exceeding five hundred twenty thousand pesos, and thirty pesos for each additional twenty thousand pesos or fractional part thereof: Provided, however, that registration of the mortgage in the province where the property is situated shall be sufficient registration and provided, further, that if the mortgage is to be registered in more than one city or province, the Register of Deeds of the city or province where the instrument is first presented for registration shall collect the full amount of the fees due in accordance with the schedule prescribed above, and the Register of Deeds of the other city or province where the same instrument is also to be registered shall collect only a sum equivalent to twenty per centum of the amount of fees due and paid in the first city or province, but in no case shall the fees payable in any Registry be less than the minimum fixed in this schedule.
3. Conveyance of mortgaged property, etc. For recording each instrument of sale, conveyance, or transfer of the property which is subject of a recorded mortgage, or of the assignment of mortgage credit, the fees established in the preceding schedule shall be collected on the bases of ten per centum of the amount of the mortgage or unpaid balance thereof, provided, that the latter is stated in the instrument.
4. Notice of attachment. For recording each notice of attachment, including the necessary index and annotations, eight pesos.

5. Release of mortgage. For recording such release of mortgage, including the necessary index and references, the fees established in the schedule under paragraph (b) above shall be collected on the basis of five per centum of the amount of the mortgage.
6. Release of attachment. For recording each release of attachment, including the proper annotations, five pesos.
7. Sheriff's return of sale. For recording each sheriff's return of sale, including the index and references, seven pesos.
8. Power of attorney, appointment of guardian, administrator or trustee. For recording a power of attorney, appointment of judicial guardian, administrator, or trustee, or any other instrument in which a person is given power to act in behalf of another in connection with a mortgage, ten pesos.
9. No specific fee. For recording each instrument or order relating to a recorded mortgage, including the necessary index and references, for which no specific fee is provided above, five pesos.
10. Certified copy. For certified copies of records, such fees as are allowed by law for copies kept by the Register of Deeds.
11. Certification. For issuing a certificate relative to, or showing the existence or non-existence of an entry in the registration book, or a document on file, for each such certificate containing not more than two hundred words, five pesos; if it exceeds that number, an additional fee of one peso shall be collected for every one hundred words or fractional part thereof, in excess of the first two hundred words.
12. Research Fee. For services rendered in attending to requests for references to, or researches on any document on file in the Registry, there shall be collected a fee of two pesos per document.

## **CHAPTER XV CONSULTAS**

**Section 117. Procedure.** When the Register of Deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance of any deed, mortgage or other instrument presented to him for registration, or where any party in interest does not agree with the action taken by the Register of Deeds with reference to any such instrument, the question shall be submitted to the Commissioner of Land Registration by the Register of Deeds, or by the party in interest thru the Register of Deeds.

Where the instrument is denied registration, the Register of Deeds shall notify the interested party in writing, 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 the denial of registration to the Commissioner of Land Registration.

The Register of Deeds shall make a memorandum of the pending consulta on the certificate of title which shall be canceled motu proprio by the Register of Deeds after final resolution or decision thereof, or before resolution, if withdrawn by petitioner.

The Commissioner of Land Registration, considering the consulta and the records certified to him after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made. His resolution or ruling in consultas shall be conclusive and binding upon all Registers of Deeds, provided, that the party in interest who disagrees with the final resolution,

ruling or order of the Commissioner relative to consultas may appeal to the Court of Appeals within the period and in manner provided in Republic Act No. 5434.

## **CHAPTER XVI FINAL PROVISIONS**

**Section 118.** *Appropriation.* There is hereby appropriated initially the sum of TWELVE MILLION THREE HUNDRED FORTY THOUSAND PESOS (P12,340,000.00) from the National Treasury not otherwise appropriated for the implementation of this decree; thereafter, said sum shall be added to the regular appropriation act of every year.

**Section 119.** *Postage exemption.* No postage stamps or mailing charges shall be required in all matters transmitted by the Land Registration Commission or any of its Registry of Deeds in the implementation of Sections 21, 40, 106, 118 and 117 of this Decree.

**Section 120.** *Repealing clause.* All laws, decrees, orders, rules and regulations, or parts thereof, in conflict or inconsistent with any of the provisions of this Decree are hereby repealed or modified accordingly.

**Section 121.** *Separability clause.* In the event that any provision of this Decree is declared unconstitutional, the validity of the remainder shall not be affected thereby.

**Section 122.** *Effectivity.* This Decree shall take effect upon its approval.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.