

SC CIRCULAR NO. 38-97, June 20, 1997

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TO

: REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT

: CLARIFICATION OF THE EXTENT OF DELEGATED JURISDICTION UNDER ADMINISTRATIVE CIRCULAR NO. 6-93-A OF METCs, MTCCs, MTCs . AND MCTCs TO HEAR AND DETERMINE CADASTRAL AND LAND REGISTRATION CASES

Numerous queries from the Courts concerned have been received by the Court Administrator regarding the scope of the delegated jurisdiction under Administrative Circular No. 6-93-A of METCs, MTCCs, MTCs and MCTCs to hear and determine cadastral and land registration cases, particularly as to whether or not the delegation covers petitions and motions filed after original registration including petitions for reconstitution of lost certificate of title.

The clear tenor and intention of Administrative Circular No. 6-93-A is. that only original cadastral or land registration "cases are covered. The jurisdiction of the First Level Courts, being merely delegated, should be limited to what is expressly mentioned in the delegation.

- There, are limits to the delegation, i.e, either . the subject matter is an uncontested lot or if contested the value of the lot should not exceed One Hundred Thousand (P100,000.00) Pesos. There will be difficulty in the determination of these limits if and when the First Level Courts are required to exercise delegated jurisdiction over petitions subsequent to original registration.

- A first Level Court should not be placed in a-situation where, in disposing of a matter-subsequent to registration, it will have to consult the records of another Court which granted the original registration.

- To require First Level Courts to handle petitions after original registration would unduly increase their dockets already loaded with cases covered by RA 7691, the law on their expanded jurisdiction.

Therefore, matters subsequent to the original registration determined by Second Level. Courts, inci petitions for reconstitution of lost titles, should no unloaded to, the First Level Courts. The Second Level are hereby directed to take cognizance of and jurisdiction over such matters.

June 20, 1997.

(SGD.)ALFREDO L. BENIPAYO
Court Administrator

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