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REVISED GUIDELINES ON THE REGISTRATION OF TRANSACTIONS UNDER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP)

LRA CIRCULAR NO. 54, June 09, 1993

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In order to ensure uniformity in the procedure of registration of Emancipation Patents (EPs) and/or Certificates of Land Ownership Award (CLOAs) in the Registries of Deeds nationwide, and in consonance with the thrust of this Administration to hasten registration of transactions under CARP, thereby enhancing the distribution of Land Titles to millions of Agrarian Reform beneficiaries, these amended guidelines/requirements are hereby promulgated, to wit:

I
Landowner to the Republic of the Philippines (RP)
The Register of Deeds shall issue title to the RP upon presentation of the following:

a) Where there is Deed of Transfer (DOT)

- Deed of Transfer duly notarized

- Owner's Duplicate Copy of Title

- Realty Tax Clearance (Sec. 209-B, RA 7160, Local Government Code of 1991)

b) Where there is no DOT

- Request of the Department of Agrarian Reform (DAR) to the Register of Deeds for the transfer of the title to the RP. (Revised CARP form No. 16, Annex A*).

- Certification that the Land Bank of the Philippines (LBP) has fully paid/reserved the compensation for the land. (Revised CARP Form No. 15, Annex B*).

II
Registration of CLOA
Documents required:

For titled lands

Transmittal letter of the Provincial Agrarian Reform Officer (PARO)

Original and Owner's Duplicate Copy of the CLOA

Owner's Duplicate Copy of the RP title

For untitled government and public lands

- Transmittal letter of the PARO

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- Original and Owner's Duplicate copy of the CLOA

- DOT or MOA between the government agencies concerned and DAR relative to the transfer of untitled government lands to DAR pursuant to EO 407, s. 1990 as amended by EO 448, s. 1991 and EO 506, s. 1992.

For untitled private lands

- Transmittal letter of the PARO

- Original and Owner's Duplicate copy of the CLOA

- Certification that the LBP has fully paid/reserved the compensation for the land. (Revised CARP Form No. 15, Annex "B"*).

III
Registration of CLOAs Derived from Landed Estates and Settlements
Documents required:

- Transmittal letter of the PARO

- Original and owner's duplicate copy of the CLOA

IV
Registration of Emancipation Patents (EP)
Documents required:

- Transmittal letter of the PARO.

- Original and owner's copy of the EP together with one carbon copy thereof;

V
Lands Transferred to the Department of Agrarian Reform (DAR) by the Government Financial Institutions (GFIs) shall be Governed by the Memorandum of Agreement (MOA) Entered into by and among the LRA, DAR, LBP, BIR and GFIs dated August 28, 1992. Hence, the Register of Deeds (RDs) shall Accept and Register the Following Documents:

- Affidavit of consolidation

- Owner's Duplicate Certificate of Title

- Deed of Transfer

- Original and Owner's Duplicate Copy of CLOA

In all cases mentioned under item nos. I, II, III, IV and V above, whenever applicable, two (2) print copies of the approved segregation/subdivision plan authenticated by DENR/LMS together with technical description shall be submitted for registration.

VI
Documents Required Under other Situations:
A. Lost or destroyed certificates of title (Registry File)

EPs and CLOAs shall be allowed provisional registration provided proof must be submitted that an application or petition has been filed by the landowner or DAR for the judicial or administrative reconstitution of the certificate of title subject of the transaction, i.e., copy of the petition duly received by the court or copy of the application

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duly received by the Register of Deeds concerned.

Registration Procedures:

- Upon receipt of the EPs and CLOAs, the same shall be given an entry number and entered in the Primary Entry Book for CARP transaction;

- The EP or CLOA shall not be signed but the following certification:

> "THIS IS TO CERTIFY THAT THIS EP/CLOA HAS BEEN ENTERED IN THE PRIMARY ENTRY BOOK FOR EPs/CLOAs AND SHALL BE SIGNED AFTER THE RECONSTITUTION OF THE ORIGINAL COPY OF THE TITLE INVOLVED.
>
> REGISTER OF DEEDS"

shall be indorsed at the back thereof and signed by the Register of Deeds concerned.

- The original and owner's copy of the EPs/CLOAs shall be assigned a temporary number to be replaced after the approval of the Petition for Reconstitution. For this purpose, the Register of Deeds shall provide a Provisional Registration Book which shall contain 400 titles. The first volume shall start with temporary number 1, the second volume with temporary number 401, and so on.

- The original copy of the EP/CLOA shall be retained in the registry, while the owner's copy thereof shall be released to the duly authorized representative of the DAR for distribution to the farmer beneficiaries.

- For purposes of cross reference, the Register of Deeds shall prepare an index card for each title subject of provisional registration, indicating therein the actual title number and the temporary number assigned to it, as well as such other information as may be necessary to expedite search and retrieval of records. The index cards shall be arranged numerically in accordance with the actual title number.

- After the certificate of title has been duly reconstituted, registration may be completed without the need of re-entering the instrument. The original entry number as reflected in the Primary book shall be used for this purpose.

- Provisional Registration Book and Index Cards exclusive for CARP transactions shall be prepared.

B. Where the signatory to the Deed of Transfer (DOT) or conveyance is one other than the registered owner:

1. Heir

- If settlement of estate is extrajudicial:

- Deed of Extrajudicial Partition

- Estate Tax Clearance

- Affidavit of Publication and/or a copy of each week's issue of the newspaper where the publication appeared

- Transfer Tax

- Realty Tax Clearance

- Latest Tax Declaration

- If settlement of estate is judicial

b.1 Pending

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- Court authority or approval to sell/ dispose of the property.

- Letter of administration

- Oath of Office of the Administrator of the property

b.2 Terminated

- Court order approving settlement of estate

- Certificate of Finality

- Estate tax clearance

- Realty tax clearance

- Latest tax declaration

2. Attorney-in-Fact

- Special Power of Attorney (SPA) executed by absentee in favor of signatory.

- If SPA is executed abroad, it should be authenticated by the Philippine Consul.

3. Guardian/Executor/Administrator of minor or incapacitated person

a. If by the father and/or mother of minor whose property is P50,000.00 or less:

- Court approval of disposition

- Certificate of finality

b. If by the father and/or mother of minor whose property is worth more than P50,000.00:

- Court approval of bond

- Court approval of DOT

- Certificate of finality

c. If by persons other than parents:

- Judicial appointment as guardian

- Court approval of DOT

- Certificate of finality

4. Mortgage

a. If executed by a private corporation or partnership:

- Affidavit of consolidation

- Capital gains tax

- Documentary stamp

- Transfer tax

- Realty tax clearance

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- Latest tax declaration

- Authenticated copies of Articles of Incorporation and by-laws of the corporation or partnership with certificate of registration from the Securities and Exchange Commission (SEC).

- Authenticated Board Resolution or Secretary's certificate, duly notarized, appointing a particular person to dispose of the property and to sign the land transfer documents.

b. If executed by a private person:

- Affidavit of consolidation

- Transfer tax

- Realty tax clearance

- Latest tax declaration

5. Prevailing party in a court case

a. Annulment/rescission/reconveyance/specific performance:

- Court decision

- Certificate of finality

- Surrender of owner's duplicate/order nullifying owner's copy

b. Money judgment:

- Sheriff's Final Deed of Sale

- Surrender of owner's duplicate/order nullifying owner's copy

6. A transferee

a. DONEE

- Deed of Donation

- Proof of payment of donor's tax

- Owner's duplicate certificate of title

- Latest tax declaration

- Proof of payment of real property taxes

- Transfer tax

b. VENDEE

- Deed of sale or deed of conveyance

- Proof of payment of capital gains tax

- Documentary stamp tax

- Proof of payment or real property taxes

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- Transfer tax

- Owner’s duplicate certificate of title

c. ASSIGNEE

- Deed of assignment

- Proof of payment of capital gains tax

- Documentary stamp tax

- Proof of payment of real property taxes

- Transfer tax

- Latest tax declaration

- Owner’s duplicate certificate of title

d. DEED OF EXCHANGE

- Deed of Exchange

- Owner’s duplicate certificate of title of all titles subject of exchange

- Proof of payment of capital gains tax

- Documentary stamp tax

- Proof of payment of real property taxes

- Transfer tax

- Latest tax declaration

The transactions mentioned under item VI-B, nos. 1-6 shall be treated as ordinary transactions and therefore, shall be entered in the Regular Primary Entry Book and subject to payment of registration fees.

In other instances not mentioned in item no. VI-B, deed of instrument evidencing ownership shall be required and the Register of Deeds shall examine if the same is registrable. If registrable, the other requirements for the registration of such conveyance or transfer must be required, i.e., if subject to transfer tax, capital gains tax, etc.

VII
Where the Landowner is a Corporation or Partnership
1. Authenticated copies of the Articles of Incorporation and By-Laws of the corporation or partnership with Certificate of Registration from the Securities and Exchange Commission (SEC).

2. Board Resolution - in case of a corporation, duly authenticated or an appropriate Secretary’s certificate duly notarized, appointing a particular person to dispose the subject property and to sign land transfer documents.

3. For partnership, DOT executed by a partner in the name of the partnership.

VIII
Liens and Encumbrances
A. Mortgages with private person(s)/bank(s)/other financial institution(s):

1. Release or Discharge of Mortgage

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B. Notice of lis pendens (Sec. 77, PD 1529)

b.1 Before final judgment

1. By verified petition on the part of who caused for its registration.

2. By order of the Court

b.2. After final judgment

Certification of the Clerk of Court stating the manner of disposal:

1. In favor of defendant, or

2. Other disposition such as to terminate finally all the rights of the plaintiff.

C. Adverse Claim

- After the lapse of thirty (30) days, by verified petition to Register of Deeds by party in interest.

- Before the lapse of thirty (30) days:

2.1 By order of the Court presented by any party in interest

2.2 Sworn petition before Register of Deeds of the claimant withdrawing his claim.

D. Attachment/Execution

- A certificate issued by the Clerk of Court or judge under its seal of the entry of the order of judgment dissolving or cancelling the attachment or levy.

- By public instrument executed by the attaching creditor lifting the attachment or levy.

E. Two (2) years lien (Section 4, Rule 74 of the Rules of Court)

- Sworn petition presented to the Register of Deeds stating that two (2) years has elapsed without any heir filing a claim over the property.

F. For Reconstituted Office Titles (Sec. 7, RA 26)

- Before the lapse of two (2) years from annotation:

- Court decision ordering cancellation

- After the lapse of two (2) years:

- Court decision ordering cancellation

G. Cadastral Survey Cost (first lien)

- Official receipt of payment issued by the DENR or by the local treasurer

H. Usufructuary Right/Easement/Servitude

- Order of the court terminating usufruct/easement/servitude

I. Lease

1. Before expiration

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- A public document executed by the lessor and lessee to cancel or discharge the lease

- Order of the court

2. After the expiration

- A public document executed by the lessee to cancel or discharge the lease

- Order of the court

J. Tax Liens

- Notice lifting tax liens

K. Attorney lien/Money Claims

- By order of the Court

In all of the cases mentioned in item VIII, A to K, the liens or encumbrances shall be carried over to the EP/CLOA presented for registration, unless the appropriate instrument for its cancellation is likewise presented.

Transactions under CARP involving a transfer of ownership, whether from natural or juridical person, shall be exempted from taxes arising from capital gains. These transactions shall also be exempted from payment of registration fees, and other taxes and fees for the conveyance or transfer, thereof. Provided, that all arrearages in real property taxes, without penalty or interest, shall be deductible from the compensation to which the owner may be entitled (see Sec. 66, RA 6657).

All Circulars, Memoranda, Agreements, and Orders inconsistent hereof are hereby repealed/amended accordingly.

Adopted: 9 June 1993

(Sgd.) REYNALDO Y. MAULIT
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* Text available upon request at the Office of the National Administrative Register (ONAR) U.P. Law Center, Diliman, Quezon City.

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