

SC ADMINISTRATIVE CIRCULAR NO. 7-96, July 15, 1996

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TO

: ALL JUDGES AND CLERKS OF COURT OF REGIONAL TRIAL COURTS. METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT

:STRICT OBSERVANCE OF LAND REGISTRATION AUTHORITY (LRA) CIRCULARS ON RECONSTITUTION AND LAND REGISTRATION CASES

The attention of the Court has been called to the fact that Judges and Clerks of Court, in the exercise of their functions, fail to observe pertinent LRA circulars relative, among others, to ordinary and cadastral land registration cases which are prescribed in the Manual of Instructions (Annex "A") dated February 20, 1991 for the purpose of insuring uniform and expeditious procedure in the adjudication of land titles under the provisions of Presidential Decree No. 1529 and Act 2259, as amended, otherwise known as the Property Registration Decree and the Cadastral Act, respectively; LRC Circular No. 364 (Annex "R") dated December 5, 1979 prescribing supplemental rules and regulations relative to inscription of technical descriptions under Section 108, P.D. 1529, and inscription of technical descriptions under Section 21 of R.A. No. 26; and plotting of the technical descriptions of lots subject of petitions for reconstitution of lost or destroyed certificates of title; LRC Circular No. 35 (Annex "C") dated June 13, 1983 prescribing supplemental rules and regulations governing the reconstitution of lost or destroyed Land Certificates of Title; LRC Circular No. 53 (Annex "D") dated August 15, 1984, reiterating LRC Circular No. 176 on precautionary measures to prevent falsification of decisions and orders for the issuance of decrees; and NALTDRA Circular No. 92 (Annex "E") dated November 27, 1986, reiterating clearance required in Land Registration Cases (Re: LRC Circular No. 381 of 22 August 1980).

The above-mentioned circulars were issued to fast-track the settlement, adjudication and registration of private claims to land, prevent duplication of titles, issuance of decrees based on falsified court decisions and orders for the issuance of decrees and irregular reconstitution of lost or destroyed land certificates of title based on unauthorized sources.

Attention is invited to the following:

The provisions of the Manual of Instruction to be observed by the Clerk of Court in Ordinary and Cadastral Land Registration Cases, and specifically to the following paragraphs thereof:

- I -

Part 1. in Ordinary Land Registration Cases

"28. Preparation of Order for the issuance of Decree as Soon as a Decision Becomes Final - To prepare and submit to the Judge for his signature, as soon as a Decision has become final, the corresponding order for the issuance of decree for all lots covered by such decision from which no appeal has been interposed or on which no motion for a new trial or reconsideration has been filed, using for this purpose Judicial Form No. 91 (Revised); and to transmit immediately two certified copies thereof to the Authority thru registered mail with covering letter. The Clerk of Court shall not require the adjudicatees to file a petition for the purpose before preparing the said order.

"29. Certification at the Foot of the Order for the Issuance of Decree - If the decision of the court has not been amended, the Clerk of Court shall make a certification, signed by him, at the foot of the order substantially as follows:

Clerk of Court

Where the order for the issuance of decree refers to an amending decision or order, a footnote, in addition to the aforementioned certification, shall be made substantially as follows:

'Note: the decision [or order as the case may be] referred to above amends the decision of this Court dated _____ 19____

"33. Copies of Decisions. Orders. Petition, etc., to be Forwarded to the Land Registration Authority - To forward immediately and without fail to the Authority two legible copies of all decisions, orders, resolution, minutes, writs, notifications, and other processes after their issuance by the Court, on all answers and petitions and their enclosures as soon as they are filed by registered mail with covering letter.

"34. Papers to be Sent to the Land Registration Authority to be Certified, Signed and Sealed - All papers and documents called for in the preceding paragraphs shall be certified true copies of their originals, duly signed on every page thereof by the Clerk of Court or his deputy authorized to do so, and sealed with the seal of the court. In this connection, Clerks of Court are required to submit to the Authority a list, in triplicate, of their deputies authorized to certify and sign true copies, together with the specimen of their signatures.

Part II. In Cadastral Land Registration Cases

"44. Preparation of the Order for the Issuance of Decrees Immediately After the Decision Becomes Final - After the decision has been rendered in a case, the Clerk of Court shall, without waiting for the interested parties to file a petition for that purpose, and if no motion for a new trial or reconsideration has been filed, or no appeal has been interposed, prepare the order for the issuance of decrees (Judicial Form No. 115) for the signature of Judge immediately after the lapse of the fifteen day period prescribed by law by which a decision becomes final.

"50. Land Registration Authority to be Furnished with Copies of all Documents and Processes Filed or Issued Duly Certified - To forward immediately and without fail to the Authority two legible copies of all decisions, orders, resolutions, minutes, notifications, and other processes after their issuance by the Court, and of all petitions and their enclosures as soon as they are filed, which shall be duly certified, signed by the certifying officer on all pages thereof, and sealed with the seal of the court, by registered mail with, covering letter.

"The Clerk of Court shall also stamp on the front pages of all papers and documents forwarded to the Authority a rubber stamp bearing the inscriptions : "DUPLICATE FOR LRA RECORD'.

- II -

The provisions of LRA Circular No. 35 dated June 13, 1983, particularly the following paragraphs thereof:

"5. In case the reconstitution is to be made exclusively from sources enumerated in sections 2 (f) and 3 (f) of Republic Act No. 26 in relation to section 12 thereof, the signed duplicate copy of the petition to be forwarded to this Commission shall be accompanied by the following:

(a) A duly prepared plan of said parcel of land in tracing cloth, with two (2) print copies thereof, prepared by the government agency which issued the certified technical description, or by a duly licensed Geodetic Engineer who shall certify thereon that he prepared the same on the basis of a duly certified technical description. Where the plan as submitted is certified by the government agency which issued the same, it is sufficient that the technical description be prepared by a duly licensed Engineer on the basis certified plan.

(b) The original two (2) duplicate copies, and a xerox copy of the original of the technical description of the parcel of land covered by the certificate of title, duly certified by the authorized officer of the Bureau of Lands or the Land Registration Commission who issued the technical description.

(c) A signed copy of the certification of the Register of Deeds concerned that the original of the certificate of title on file in the Registry was either lost or destroyed, indicating the name of the registered owner, if known from the other records on file in the said office.

"6. things:

The Notice shall state, among other

(a) the number of the lost or destroyed certificate of title, if known;

(b) the name of the registered owner;

(c) the location and area of the property;

(d) the names of the occupants or persons in possession of the property;

(e) the owners of the adjoining properties;

(f) all other interested parties; and

(g) the date on which all persons having any interest therein must appear and file their claim or objection to the petition.

"7. The Clerk of Court must comply strictly with the requirements of publication, posting and mailing as required under Section 13 of Republic Act No. 26.

Notices of hearing shall also be given to the Register of Deeds of the place where the property is located, the Land Registration Commissioner and the provincial or city fiscal of the province or city where, the land is located who shall appear for and protect the interests of the government in court on the basis of the report and recommendations of the Land Registration Commissioner and the Register of Deeds concerned which are required to be submitted to the Court.

"13. The Court, after considering the report of the Land Registration Commission and comments and findings of the Register of Deeds concerned, as well as the documentary and parole evidence presented by the petitioner, may take such action on the petition as it may deem proper.

"14. The Clerk of Court shall furnish by registered mail the Land Registration Commission, the Register of Deeds concerned, the Solicitor General and the Provincial or City Fiscal each with a copy of the Order or judgment."

- III -

NALTDRA Circular No. 91 dated November 27, 1986, which partly reads:

"In order to forestall, if not to entirely eliminate, duplication of land titles, Judges of the Court of First Instance and Municipal judges who have been delegated to hear cadastral and ordinary land registration cases pursuant to Section 88 of Republic Act No. 296; as amended, are hereby directed:

'(1) to furnish the Bureau of Lands and the Land Registration Commission with a list of the lots being applied for in ordinary or cadastral cases;

'(2) to require the Bureau of Lands to submit a report, on or before the date of hearing, indicating which of the lots listed have already been issued patent by the Bureau or is the object of a pending application for the issuance of a patent;

'(3) to enjoin the Bureau of Lands from issuing patents to lots subject of pending land registration or cadastral proceedings until the question as to actual ownership is threshed out by the proper court and

'(4) to require the Land Registration Commission (now, National Land Title and Deeds Registration Administration, Banawe St., Quezon City) to submit a report on or before the date of hearing, indicating which of the lots listed have already been issued titles by the Commission or are the subject of pending decrees."

-IV -

The pertinent provisions of December 5, 1979, to wit: LRC Circular No. 364

"1. SECTION 108, P.D. 1529 -

1. Petitions for inscription of technical descriptions on certificates of title under the provisions of Section 108 of Presidential Decree No. 1529 shall be directly filed with the Clerk of court of the Court of First Instance of the province or city where the property is located, accompanied by the following requirements:

(a) The original and two (2) duplicate copies of the technical description of the lot sought to be inscribed duly certified by the Bureau of Lands, or any other government entity which might be in official custody of said technical descriptions:

(b) A certified and legible xerox copy of the certificate of title on which the technical description is sought to be inscribed."

All Judges and Clerks of Court of Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts are hereby reminded, under pain of disciplinary sanctions, henceforth to comply strictly with the aforementioned circulars.

July 15 1996.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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