REGISTER OF DEEDS, IMPROPER PARTY TO FILE PETITION FOR RECONSTITUTION

LRA CIRCULAR NO. 16, March 26, 1990

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By virtue of the recent decision of the Supreme Court in "Register of Deeds of Malabon, Metro Manila, vs. Hon. Regional Trial Court, Malabon, Metro Manila, Br. 170", G.R. No. 88623, promulgated on February 5, 1990, the Register of Deeds is not the proper party to file petition for reconstitution of lost or destroyed original copies of certificates of title, as follows:

> "Apart from the defective publication of the petition, another reason for its dismissal is that the Register of Deeds for Malabon is not the proper party to file the petition for reconstitution. Sec. 6 of R.A. 26, which allowed the Register of Deeds to motu proprio reconstitute a lost or destroyed certificate, was expressly repealed or declared to be `inoperative' by Sec. 6 of R.A. 6732, approved on July 17, 1989. A petition for reconstitution may now be filed only by 'the registered owner, his assigns, or any person who has an interest in the property' (Sec. 12, R.A. 26). In other respects, the special procedure provided in R.A. 26 remains unchanged and therefore still applies (Zuniga vs. Vivencio, 153 SCRA 720)." Underlining ours.

Henceforth, effective immediately, Register of Deeds and/or Deputy Registers of Deeds, are hereby directed to discontinue the practice of filing petitions for reconstitution of original copies of titles lost or destroyed. Instead, advise the registered owner...himself to file the necessary petition, through his lawyer.

This Circular amends Memorandum Circular dated January 15, 1990, insofar as directing the Register of Deeds to file the petition for reconstitution of title.

Strict compliance herewith is hereby enjoined.

Adopted: 26 March 1990

(SGD.) TEODORO G. BONIFACIO
Administrator

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