

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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Senate  
Office of the Secretary

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**SENATE**

PSR No. 591

*[Signature]*

Introduced by Senator Aquilino "Koko" L. Pimentel, III

**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND THE COMMITTEE ON CONSTITUTIONAL AMENDMENTS, REVISIONS OF CODES AND LAWS, AND OTHER PROPER COMMITTEES, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE INDEFEASIBILITY OF THE TORRENS CERTIFICATE OF TITLE, THE INTEGRITY OF THE TORRENS SYSTEM IN THE PHILIPPINES, AND THE NEED TO PUT UP A LAND-TITLING INSURANCE SYSTEM AND STRICTER RULES FOR THE RECONSTITUTION OF LAND TITLES, IN LIGHT OF THE RECENT CONTROVERSIAL LAND DISPUTE IN QUEZON CITY AFFECTING RESIDENTS OF SANVILLE 1, 2, 3 and 4, K-VILLE, K-SQUARE, METRO HEIGHTS, ARFEL HOMES, SADEL COURT, FERNWOOD GARDENS, CLARET SEMINARY, MARIA MONTESSORI SCHOOL, WILCON BUILDERS IN VISAYAS AVENUE, LIMQUECO COMPOUND AND OTHER AFFECTED LAND OWNERS.**

**WHEREAS**, Article III Section 1 of the 1987 Constitution, states that, "No person shall be deprived of life, liberty, or property without due process of law";

**WHEREAS**, under Act No. 496, or the "Land Registration Law of 1903", all public and private lands in the Philippines were placed under the Torrens System;

**WHEREAS**, the said system requires the government to issue an official certificate of title attesting to the fact that the person named is the owner of the property described therein, subject to such liens and encumbrances as thereon noted or as the law warrants or reserves;

**WHEREAS**, in 1978, Presidential Decree No. 1529 was promulgated to strengthen the Torrens System by adopting safeguards to prevent anomalous titling of real property, and to streamline and simplify registration proceedings and the issuance of certificates of title;

**WHEREAS**, the Philippine Daily Inquirer recently headlined a controversial land dispute in Quezon City affecting the areas mentioned in the title hereof, which involves the nullification of an alleged mother title and the reconstitution of another alleged mother title thereby affecting numerous derivative titles issued in the interregnum;

**WHEREAS**, the holders of these affected derivative titles are complaining that they were never notified of and made parties to the case which led to the nullification of the alleged first mother title. They further allege that no notice of lis pendens had been annotated on the derivative titles which they have acquired in good faith;

**WHEREAS**, Land Registration Authority Deputy Administrator Robert Leyretana has been quoted by newspapers as saying "that since the respondent's (Torres) mother title from which the concerned titles emanated was forged, it follows that all the concerned titles presented by him are likewise void";

**WHEREAS**, Chapter VII Section 93 of Presidential Decree 1529, provides for an Assurance Fund which is one-fourth of one per cent of the assessed value of the real estate on the basis of the last assessment for taxation purposes;

**WHEREAS**, the Assurance Fund will be used to compensate 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 or 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 (P. D. No. 1529) 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;

**WHEREAS**, there is a need to review Act 429 or "the Land Registration Law of 1903" and Presidential Decree 1529 to see if changes can be introduced to improve our country's land registration system;

**WHEREAS**, it is imperative to revisit the doctrine of indefeasibility of the Torrens Title and to look into the integrity of the Torrens System in light of what has happened with the title holders in the areas in Quezon City mentioned in the title hereof;

**WHEREAS**, there is also a need to look in to the effectivity and sufficiency of the Assurance Fund concept and if there is a need to replace this with a new system of land-titling insurance and stricter rules for reconstitution of land titles;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED,** THAT THE SENATE COMMITTEE ON JUSTICE AND THE COMMITTEE ON CONSTITUTIONAL AMENDMENTS, REVISIONS OF CODES AND LAWS, AND OTHER PROPER COMMITTEES, INQUIRE, IN AID OF LEGISLATION, INTO THE INDEFEASIBILITY OF THE TORRENS CERTIFICATE OF TITLE, THE INTEGRITY OF THE TORRENS SYSTEM IN THE PHILIPPINES, AND THE NEED TO PUT UP A LAND-TITLING INSURANCE SYSTEM AND STRICTER RULES FOR THE RECONSTITUTION OF LAND TITLES, IN LIGHT OF THE RECENT CONTROVERSIAL LAND DISPUTE IN QUEZON CITY AFFECTING RESIDENTS OF SANVILLE 1, 2, 3 AND 4, K-VILLE, K-SQUARE, METRO HEIGHTS, ARFEL HOMES, SADEL COURT, FERNWOOD GARDENS, CLARET SEMINARY, MARIA MONTESSORI SCHOOL, WILCON BUILDERS IN VISAYAS AVENUE, LIMQUECO COMPOUND, AND OTHER AFFECTED LAND OWNERS.

Adopted,

  
**AQUILINO "KOKO" L. PIMENTEL, III**