

[REPUBLIC ACT NO. 26, September 25, 1946]

**AN ACT PROVIDING A SPECIAL PROCEDURE FOR THE
RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE LOST
OR DESTROYED.**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Certificates of title lost or destroyed shall be reconstituted in accordance with the provisions of this Act.

SEC. 2. Original certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- a. The owner's duplicate of the certificate of title;
- b. The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- c. A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- d. An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;
- e. A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- f. Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.

SEC. 3. Transfer certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order;

- a. The owner's duplicate of the certificate of title;
- b. The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- c. A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- d. The deed of transfer or other document, on file in the registry of deeds, containing the description of the property, or an authenticated copy thereof, showing that its original had been registered, and pursuant to which the lost or destroyed transfer certificate of title was issued;
- e. A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged,

- leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- f. Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.

SEC. 4. Liens and other encumbrances affecting a destroyed or lost certificate of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- a. Annotations or memoranda appearing on the owner's, co-owner's, mortgagee's or lessee's duplicate;
- b. Registered documents on file in the registry of deeds, or authenticated copies thereof showing that the originals thereof had been registered; and
- c. Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the liens or encumbrances affecting the property covered by the lost or destroyed certificate of title.

SEC. 5. Petitions for reconstitution from sources enumerated in sections 2(a), 2(b), 3(a), 3(b), and/or 4(a) of this Act may be filed with the register of deeds concerned by the registered owner, his assigns, or other person having an interest in the property. The petition shall be accompanied with the necessary sources for reconstitution and with an affidavit of the registered owner stating, among other things, that no deed or other instrument affecting the property had been presented for registration, or, if there be any, the nature thereof, the date of its presentation, as well as the names of the parties, and whether the registration of such deed or instrument is still pending accomplishment. If the reconstitution is to be made from any of the sources enumerated in section 2(b) or 3(b), the affidavit should further state that the owner's duplicate has been lost or destroyed and the circumstances under which it was lost or destroyed. Thereupon, the register of deeds shall, no valid reason to the contrary existing, reconstitute the certificate of title as provided in this Act.

SEC. 6. The register of deeds may *motu proprio* reconstitute a certificate of title from its corresponding owner's duplicate, and, for this purpose, may compel the registered owner, or any person holding such owner's duplicate, to surrender the same to the registry of deeds. After the reconstitution said owner's duplicate shall be returned to the person concerned.

SEC. 7. Reconstituted certificates of title shall have the same validity and legal effect as the originals thereof: *Provided, however,* That certificates of title reconstituted extra judicially, in the manner stated in sections five and six hereof, shall be without prejudice to any party whose right or interest in the property was duly noted in the original, the time it was lost or destroyed, but entry or notation of which has not been made on the reconstituted certificate of title. This reservation shall be noted as an encumbrance on the reconstituted certificate of title.

SEC. 8. Any person whose right or interest was duly noted in the original of a certificate of title, at the time it was lost or destroyed, but does not appear so noted on the reconstituted certificate of title, which is subject to the reservation provided in the preceding section, may, while such reservation subsists, file a petition with the proper Court of First Instance for the annotation of such right or interest on said reconstituted certificate of title, and the court, after notice and hearing, shall

determine the merits of the petition and render such judgment as justice and equity may require. The petition shall state the number of the reconstituted certificate of title and the nature, as well as a description, of the right or interest claimed.

SEC. 9. A registered owner desiring to have his reconstituted certificate of title freed from the encumbrance mentioned in section seven of this Act, may file a petition to that end with the proper Court of First Instance, giving his reason or reasons therefore. A similar petition may, likewise, be filed by a mortgagee, lessees or other lien holder whose interest is annotated in the reconstituted certificate of title. Thereupon, the court shall cause a notice of the petition to be published, at the expense of the petitioner, twice in successive issues of the *Official Gazette*, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land lies, at least thirty days prior to the date of hearing, and after hearing, shall determine the petition and render such judgment as justice and equity may require. The notice shall specify, among other things, the number of the certificate of title, the name of the registered owner, the names of the interested parties appearing in the reconstituted certificate of title, the location of the property, and the date on which all persons having an interest in the property must appear and file such claim as they may have. The petitioner shall, at the hearing, submit proof of the publication and posting of the notice: *Provided, however,* That after the expiration of two years from the date of the reconstitution of a certificate of title, if no petition has been filed within that period under the preceding section, the court shall, on motion *ex parte* by the registered owner or other person having registered interest in the reconstituted certificate of title, order the register of deeds to cancel, proper annotation, the incumbrance mentioned in section seven hereof.

SEC. 10. Nothing hereinbefore provided shall prevent any registered owner or person in interest from filing the petition mentioned in section five of this Act directly with the proper Court of First Instance, based on sources enumerated in sections 2(a), 2(b), 3(a), 3(b) and/or 4(a) of this Act: *Provided, however,* That the court shall cause a notice of the petition, before hearing and granting the same, to be published in the manner stated in section nine hereof: *And, provided, further,* That certificates of title reconstituted pursuant to this section shall not be subject to the encumbrance referred to in section seven of this Act.

SEC. 11. Petitions for reconstitution of registered interests, liens and other encumbrances, based on sources enumerated in sections 4(b) and/or 4(c) of this Act, shall be filed, by the interested party, with the proper Court of First Instance. The petition shall be accompanied with the necessary documents and shall state, among other things, the number of the certificate of title and the nature as well as a description of the interest, lien or encumbrance which is to be reconstituted, and the court, after publication, in the manner stated in section nine of this Act, and hearing, shall determine the merits of the petition and render such judgment as justice and equity may require.

SEC. 12. Petitions for reconstitution from sources enumerated in sections (2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e) and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The Petition shall state or contain, among other things, the following; (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, Mortgagee's or lessee's duplicate had been