

The Torrens Title: Registering and Applying for Land Titles in the Philippines

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I am a nurse working in Canada to be able to support my growing family in the Philippines. I regularly send money to my wife out of which she was able to purchase a three-hectare parcel of land in our province.

My Filipino friends here, however, advised me to have my wife take the necessary precaution, because lands in the provinces are easily taken over by others. Thus, I am confronted with the legal problem of how to protect the parcel of land my wife bought. Fortunately, I have come across your column at the website of The Manila Times Institute for Paralegal Studies helping readers solve their legal problems. I am, therefore, seeking your assistance on what to do to protect the parcel of land my wife bought for our family.

Ambo

Reply and advice

Dear Ambo: Initially, we wish to congratulate you for having married a very ideal and frugal wife who appears to be an expert in managing the family's finances.

Did she get the Torrens title for the land? If she did not, the best thing to do is to secure a title for it. It is conclusive proof of land ownership. One may lose all the documents and other evidence of ownership in his possession, but with the Torrens title in his name preserved, his property cannot be lost—he remains entitled to the full protection of the laws.

A Torrens title is a certificate issued by the state acting through the Register of Deeds, certifying that the person named in it is the absolute owner of the property described, free and clear of all liens and encumbrances of any kind whatsoever, except those that are expressly annotated in the document and such others as may be reserved by operation of law.

There are various stages in an ordinary registration proceeding leading to the acquisition of a Torrens title. **The initial step to be taken by a private owner or claimant is to file an application for land registration with the regional trial court of the province or city where the land is situated.** Such application should be in writing and must state the citizenship and civil status of the applicant. The application should contain: a description of the land and state the full names and addresses of all occupants thereof and those of the adjoining owners, if known; the survey plan approved by the Department of Environment and Natural Resources; the technical descriptions; the certificate of the geodetic engineer; and certificate regarding the last assessment for taxation of the property.

The second step is the sending of notice of the initial hearing. Upon receipt of such order, the Administrator of the Land Registration Authority will cause notice of initial hearing to be published once in the Official Gazette and once in a newspaper of general circulation in the Philippines. The public also has to be given notice of said hearing by means of: mailing and posting.

The third step is the filing of the opposition to said application by the person who claims the land or has any interest therein.

The fourth step is the hearing of the application and presentation of evidence.

The fifth step is the rendition of judgment by the court.

The sixth step is the issuance of decree of registration. After the judgment has become final and executory, the court shall issue an order to the Administrator of the Land Registration Authority for the issuance of the decree of registration and the corresponding certificate of title in the name of the person adjudged entitled to registration.

The final step is the issuance of the original certificate of title. That Torrens title shall be sent, together with the owner's duplicate certificate, to the Register of Deeds of the city or province where the property is situated for entry in his registration book. Upon receipt by the Register of Deeds of the original and duplicate copies of the original certificate of title, he shall send notice by mail to the registered owner that his owner's duplicate is ready for delivery to him upon payment of legal fees.