

TITLING PROCESSES

Titling refers to the process of as a proof of ownership.

STEPS ON HOW TO ACQUIRE ORIGINAL CERTIFICATE OF TITLE

I. SURVEY OF LAND

The land shall be measured by a licensed surveyor or Geodetic Engineer who shall also prepare the plan in tracing cloth or Diazo Polyester Film.

II. APPROVAL OF PLAN

The plan shall be approved by the Director of Lands or the Regional Lands Director or the Regional Technical Director who has jurisdiction over the place where the property is located. The plan shall have a technical description that is verified and certified by the Director of Lands or the Regional Technical Director or his designated official authorized to issue such certification.

III. FILING OF APPLICATION

The application for land registration shall be typewritten and shall be filed at the Regional Trial Court that has jurisdiction over the place where the land is located. It shall be in Seven (7) copies, which shall be signed and sworn into by the applicant.

The application shall be supported by the following;

- a. The original plan in tracing cloth duly approved by the Director of Lands/ Regional Lands Director/ Regional technical Director and Two (2) blue print copies duly certified by the aforementioned officers.
- b. Three (3) copies of technical description that conforms with LRC Circular No. 365 which duly verified and certified by the Regional Technical Director or his authorized representative.
- c. Three (3) copies of certificates from the surveyor or Geodetic Engineer or certificate of non-availability from the Regional Technical Director; and
- d. Four (4) copies of the latest Tax Declaration or Assessment Certificate from the Assessor's Office where the land is located.

The application shall contain the following information;

- a. Description of the land.
- b. Civil Status of the applicant. If married, include the name of spouse. If separated (when, where and what court gives the order of separation). If the applicant is of minor age, state the age.

- c. Complete name and address of the applicant, the present occupant of the land, owners of the adjacent lands if known, if not known, statement how shall they be located. If minor, complete name and address of legal guardian.
- d. Citizenship of the applicant.

IV. LAND REGISTRATION CASE NUMBER

The clerk of Court shall issue a Land Registration Case Number once the application has been received.

V. DATE OF HEARING

The court shall set the date and time of hearing for the application pursuant to Section 23, PD 1529 and LRC Circular No. 353. The court order for the first hearing shall be sent to LRA together with the duplicate copy of the application, original or certified copy of plan in tracing cloth, original duplicate copy of technical description, surveyor's certificate, latest tax declaration and proof of payment of publication to the Official Gazette.

VI. PUBLICATION

The Notice of Initial Hearing prepared by LRA shall be published at the Official Gazette and at the newspaper of general circulation in the Philippines. The cost of publication of P1,012.50, if the application is for each lot and an additional cost of P322.50 for every lot in excess of one lot, have to be paid by the applicant at the Clerk of Court after filing the application. The amount paid shall be given to the Director of National Printing Office.

VII. OPPOSITION

All persons who claim ownership or have interest over the land shall file opposition at the Court to be heard.

VIII. EVIDENCE

The applicant and the opposition shall present proof of ownership during the hearing.

IX. DECISION

After the hearing, the Court shall read the decision in favor of the person who has proven his ownership over the land. If the decision has been declared final, the Court shall issue Court Order directing the Administrator of LRA to provide Degree of Registration for the said person.

X. DECREE OF REGISTRATION

After receipt of the Court Order, the Administrator of LRA shall provide a Decrees of Registration with number, written in the Original Certificate of title and the original Owner's Duplicate Copy of it to be delivered to the Register of Deeds of the place where the land is located.

XI. CERTIFICATE OF TITLE

After receipt of the original and duplicate copies of Original Certificate of Title or Decree of Registration, the Register of Deeds shall assign an OCT number and shall be kept at the vault of the registry. The Register of Deeds shall provide to the registered owner the owner's duplicate copy of the Original Certificate of Title after paying the legal fees thereof.

REQUIREMENTS FOR PETITION FOR RECONSTITUTION OF ORIGINAL/TRANSFER CERTIFICATE OF TITLE

The Petitioner is required to submit the following:

1. A signed copy of the petition;
2. A certification from the Register of Deeds concerned that the original of the certificate of title in the Registry was either lost or destroyed;
3. Certification from the Lands Management Bureau that Patent title was issued to Lot No. _____; on the basis of which the reconstitution is to be made, duly certified by the Clerk of Court pursuant to Par. 4 (a) of LRC Circular No. 35, and that the same is/are the true and faithful reproduction of the document presented by the petitioner.
4. The original with two (2) duplicate copies and a Xerox copy of the original of the technical description of the parcel of land covered by the lost/destroyed certificate of title, certified by the authorized officer of the Land Registration Authority/Land Management Bureau;
5. The certified copy of lot data computation or area computation prepared by a duly licensed Geodetic Engineer;
6. The sepia film plan with two (2) print copies of the subject parcel of land prepared by a duly licensed Geodetic Engineer who shall certify thereon that its preparation was made on the basis of a certified technical description;

REQUIREMENTS FOR REGISTRATION

VOLUNTARY TRANSACTIONS – (Sale, Donation, Settlement, Adjudication, Petition, Mortgage, Exchange, Lease, Merger)

Common Requirements:

- Original copy of the Deed/Instrument

If the original copy cannot be produced, the duplicate original or certified true copy shall be presented accomplished with a sworn affidavit executed by the interested party stating why the original copy can not be presented.

- Owner's and co-owner's copy of the certificate of title (if one had been issued), if the land is registered.
- DAR Clearance and Affidavit of Aggregate Land Holding of the transferee if the land is covered by CARP.

Specific Requirements:

1. Deeds of Transfer
 - a. BIR certificate authorizing registration re: payment of capital gains tax, estate tax and donor's as the case may be.
 - b. Revenue tax receipts evidencing payment of documentary stamp tax, if the amount paid is P10.00 and above.
 - c. Real Property tax clearance indicating the tax declaration number.
 - d. Proof of payment of transfer tax, except if the document was executed before July 1, 1973.
 - e. Affidavit and Certificate of No Improvements, in case no improvement by the Assessor's Office.
 - f. Tax declaration

Additional Requirements:

- For extra judicial settlement/adjudication - Affidavit of publication of the publisher/editor stating that the deed/instrument had been published for the three (3) consecutive weeks.
- Sale of Subdivision Lots - License to sell and/or certificate of registration by HLURB (In case of subdivision projects)

□□□ Power of Attorney or any deed, instrument executed abroad - Certificate of authentication by the nearest Philippine Consulate.

□□□ Judicial Settlement of Estate

- a. Order approving the project of partition.
- b. Certificate of finality of the order/termination of special proceeding.
- c. Letter of administration – if the property is encumbered or sold during the settlement proceedings.

□□□ Mortgage, Lease

- a. Certificate of non-delinquency in the payment of real estate tax.
- b. Documentary Stamp Tax

□□ Extra judicial Foreclosure of Mortgage

- a. Certificate of sale by the sheriff.
- b. Approval of the Executive Judge, RTC (except where the sale was conducted by the notary public)
- c. Documentary Stamp Tax

□□□□ Consolidation of ownership

Affidavit of consolidation of the purchase/deed of sale of the mortgage.

□□□ Judicial Foreclosure of Mortgage

- a. Court order directing the sale by public auction.
- b. Certificate of sale issued by the sheriff.

□□□ For Subdivision and/or Consolidation plan

- a. Without change of ownership
 1. Letter request
 2. Tracing cloth of the plan duly approved by the Land Registration Authority or the Land Management Bureau.
 3. Blue print copy of plan

4. Original technical description
- b. With change of ownership
 1. agreement of partition
 2. real estate tax clearance

PROCEDURE IN ACQUIRING TITLE THROUGH DEED OF DONATION:

- 1st Step Execute Deed of Donation
- 2nd Step Annotation of OCT or TCT and the executed deed of donation to the Office of the Register of Deeds
- 3rd Step Proceed to the Assessor's Office for the issuance of the following:
- a. Payment of Realty Tax, if any
 - b. Latest certified copy of a Tax Declaration
 - c. Issuance of Tax Clearance
 - d. Payment of Transfer Tax, if any (75% of 1.0% of the assessed value)
 - e. Issuance of Transfer Tax Clearance.
- 4th Step Proceed to District/Regional Office of BIR
1. Present the following:
 - a. Deed of donation
 - b. Owner's Duplicate Copy of OCT/TCT
 - c. Tax Clearance
 - d. Transfer Tax Certificate
 - e. Certification of No Improvements from the Assessor's Office and Affidavit executed by the taxpayer
 2. Payment of Donor's Tax, if any
 3. Issuance of Donor's Tax Certificate
 4. Issuance of Certificate Authorizing Registration (CAR)

5th Step Proceed to Register of Deeds

1. Present the following:
 - a. Owner's Duplicate Copy of OCT/TCT
 - b. Tax Clearance Certificate
 - c. Transfer Tax Receipt
 - d. Certified Copy of Tax Declaration
 - e. Realty Tax Clearance
 - f. Donor's Tax Clearance
 - g. Certificate Authorizing Registration (CAR)
2. Filing of Application Form
3. Payment of fees, if any
4. Issuance of Transfer Certificate of Title

Note: Payments are made depending on the location of the property and year of acceptance. Tables of payments are available in each office concerned.

PROCEDURE IN ACQUIRING TITLE THROUGH DEED OF SALE:

1st Step Execute Deed of Sale

2nd Step Annotation of OCT or TCT and the executed deed of sale to the Office of the Register of Deeds

3rd Step Proceed to the Assessor's Office for the issuance of the following:

- a. Payment of Realty Tax, if any
- b. Latest certified copy of a Tax Declaration
- c. Issuance of Tax Clearance
- d. Payment of Transfer Tax, if any (75% of 1.0% of the assessed value)
- e. Issuance of Transfer Tax Clearance.

4th Step Proceed to District/Regional Office of BIR

1. Present the following:
 - a. Deed of Sale
 - b. Owner's Duplicate Copy of OCT/TCT
 - c. Tax Clearance
 - d. Transfer Tax Certificate
 - e. Certification of No Improvements from the Assessor's Office and Affidavit executed by the taxpayer
2. Payment of Capital Gains Tax, if any (7.5% of the Zonal Value)
3. Payment of Documentary Stamp Tax (1.5% of the Zonal Value)
4. Issuance of Capital Gains Tax Certificate
5. Issuance of Certificate Authorizing Registration

5th Step Proceed to Register of Deeds

1. Present the following:
 - a. Owner's Duplicate Copy of OCT/TCT
 - b. Transfer Tax Receipt
 - c. Certified Copy of Tax Declaration
 - d. Tax Clearance Certificate
 - e. Realty Tax Clearance
 - f. Documentary Stamp Tax
 - g. Capital Gains Tax Clearance
 - h. Certificate Authorizing Registration (CAR)
2. Filing of Application Form
3. Payment of fees, if any
4. Issuance of Transfer Certificate of Title

Note: Payments are made depending on the location of the property and year of acceptance. Tables of payments are available in each office concerned.

DONOR'S TAX CLEARANCE REQUIREMENTS

1. Donor's Tax Return (4 copies)
2. Deed of Donation (2 Xerox copies)
3. Title (back to back) (2 Xerox copies)
4. Latest Tax Declaration (back to back) (2 Xerox copies)
 - a. Tax declaration for improvement introduced in 1985 and prior years (2 Xerox copies)
 - b. Building Permit or occupancy permit for improvement introduced in 1986-1990) (2 Xerox copies)
5. If no improvement
 - a. Affidavit of no improvement secured from Lawyer (2 copies)
 - b. Certification from the City Assessor's Office that there is no existing improvement (2 copies)
6. Donor's tax return duly received by accredited bank (1 copy duplicate and 2 Xerox copies)
7. Birth Certificate or Sworn Statement of Relationship (2 copies)
8. Computation sheet accomplished by Revenue Officer (original)
9. Certification Fee (original)
10. Documentary Stamp Tax (original)
11. Marriage Contract (1 Xerox copy)