



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**

**DAR MEMORANDUM CIRCULAR**

NO. 05  
Series of 1994

TO : ALL DAR REGIONAL DIRECTORS, PROVINCIAL AGRARIAN REFORM OFFICERS, MUNICIPAL AGRARIAN REFORM OFFICERS AND OTHER PERSONS CONCERNED

SUBJECT : GUIDELINES ON THE RECONSTITUTION OF LOST OR DESTROYED ORIGINAL COPIES OF CERTIFICATES OF TITLE TO BE INITIATED BY THE DAR PROVINCIAL OFFICE

Reports from our field implementors indicate that there are substantial number of agricultural lands covered by either Presidential Decree No. 27 or Republic Act No. 6657, which could not be processed for acquisition and distribution because titles to these properties have been lost or destroyed due to fire, flood or other force majeure.

In order not to delay the acquisition and distribution of these lands, the Department of Agrarian Reform (DAR) may initiate, as a party in interest, the filing of petitions for reconstitution of titles to lands subject to CARP coverage. For this purpose, the DAR shall shoulder the publication expenses chargeable against the CARP funds.

The DAR shall endeavor to secure a written permission from the registered owner/s of lost or destroyed title/s for the DAR to initiate the administrative or judicial reconstitution and to obtain the owner's or co-owners' duplicate Certificate of Title.

The filing of petitions for reconstitution shall be based on the provisions of RA No. 6732, as implemented by LRA Circular No. 13 dated July 26, 1989, RA No. 26, as amended, LRA Circular No. 35 dated June 13, 1983, and other pertinent laws, rules and regulations.

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**I. ADMINISTRATIVE RECONSTITUTION**

- A. Administrative reconstitution may be availed of when there is a substantial loss or destruction of the original copies of certificate of title due to fire,

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\* As of the date of this Circular, administrative reconstitution shall be limited to the following Registries of Deeds: Malolos, Bulacan; Oriental Mindoro; Camarines Sur; Batangas City; Isabela; and Eastern Samar

flood or other force majeure as determined by the LRA Administrator, and the number of certificates of title lost or damaged is at least 10% of the total number in the possession of the ROD, but in no case shall be less than 500. (RA 6732 provides for a retroactive effect of the occurrence of the calamity to 15 years before its effectivity in 1989.)

In all cases, the owner's duplicate certificate must be available or existing.

B. Who and where to file

The administrative reconstitution shall be filed by the duly authorized DAR lawyer in the Registry of Deeds (ROD) concerned provided a Notice of Coverage has already been issued.

C. Sources or basis of reconstitution

Only the owner's or co-owners' duplicate copy of the certificate of title shall be used as a source or basis of administrative reconstitution.

D. Documentary requirements for administrative reconstitution:

1. Petition (Annex "A")
2. 3 legible xerox copies of the title authenticated by the ROD from the owner's duplicate certificate of title
3. 3 xerox copies of the latest Tax Declaration
4. 3 xerox copies of the Notice of Coverage

E. Procedure

1. The PARO, through the duly authorized DAR Lawyer, shall draft the petition for administrative reconstitution using Annex "A" attaching therewith all the supporting documents.
2. The petition shall be filed with the Register of Deeds of the province or city where the land is located.
3. After the processing of the petition and issuance of the Order by the LRA Reconstituting Officer, the Owner's or Co-owner's Duplicate Certificate of Title shall be surrendered to the ROD.



4. The ROD shall issue the reconstituted title and deliver its owner's or co-owner's certificate of title to the DAR.

## II. JUDICIAL RECONSTITUTION

### A. When is judicial reconstitution appropriate

Judicial reconstitution may be availed of if the original copy of the Certificate of Title on file in the ROD is lost for any reason. (If it is the owner's duplicate copy that is lost and the original is on file, a petition for the issuance of a new owner's duplicate copy of the Certificate of Title shall be filed.)

### B. Who and where to file

The judicial reconstitution shall be filed by the duly authorized DAR lawyer in the Regional Trial Court (RTC) concerned provided a Notice of Coverage has already been issued.

### C. Documentary requirements for judicial reconstitution:

1. Petition (refer to Annex B)
2. The source document (see paragraphs II.D-1 & II.D-2 hereof)
3. Certification of ROD that the original copy of the title was lost or destroyed
4. Xerox copies of the Notice of Coverage

### D. Sources or bases of reconstitution:

1. If the Original Certificate of Title was the one lost or destroyed, the applicable documents enumerated under Section 2, R.A. 26, quoted in full hereunder, may be used as source document, to wit:

"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 has been registered; and
  - f. Any other document which, in the judgement of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title."
2. If the Transfer Certificate of Title was the one lost or destroyed, the applicable document enumerated under Section 3, R.A. 26, quoted in full hereunder may be used as source document, to wit:

"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;

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Per Section 60, P.D. 1529, Mortgagee's and lessee's duplicate certificates of title are deemed cancelled.



- 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 has been registered; and
  - f. Any other document which, in the judgement of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title."
3. If the petition for reconstitution is based on sources enumerated in Sections 2-c to 2-f, 3-c to 3-f, R.A. 26, quoted under paragraphs II.D-1 and II.D-2 above, the contents of the petition should comply with Section 12, RA 26, quoted below:

"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 issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the building or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the



property have been presented for registration, or if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced as evidence in support to the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office (now Land Registration Authority) or with a certified copy of the description taken from a prior certificate of title covering the same property."

E. Procedure

1. The PARO, through the duly authorized DAR Lawyer, shall draft the petition for judicial reconstitution using Annex "B" attaching therewith all the supporting documents.
2. The petition shall be filed with Regional Trial Court which has jurisdiction over the property.
3. The Office of the Solicitor General, the Office of the Prosecutor for the City or Province, DENR-LMB, LRA, and ROD concerned, shall be furnished with copies of the petition pursuant to LRA Circular No. 35 dated June 13, 1983.
4. The Notice of Initial Hearing shall be published twice in the Official Gazzete charging the cost of publication to CARP funds, and securing certification of the publication from the government printing office, securing likewise from the sheriff certificate of posting of the notice of initial hearing in the bulletin boards in the respective municipality and province as the case may be. For this purpose, DAR shall coordinate with the sheriff in the posting of said notices.
5. The Notice of the Initial Hearing shall be mailed or served to adjoining owners and interested parties.
6. The authorized DAR lawyer shall attend all proceedings in Court.
7. Upon issuance of the Order by the Court, the ROD shall issue a reconstituted title and deliver the owner or co-owner's certificate of title to the DAR.

F. Exemption from fees

"No fees shall be charged for the filing of any petition under this Act, nor for any service rendered, in connection therewith or in compliance with any provision of this Act, by the Chief of the General Land Registration Office, clerks of Court of First Instance, sheriffs, and/or register of deeds. Any certified copy of document or paper that may be necessary in the reconstitution of a certificate of title under this Act shall, upon request of the court, register of deeds, of Chief of the General Land Registration Office, be furnished, free of charge, by any office or branch of the Government, including Government controlled corporations, institutions or instrumentalities." (Section 23, RA 26)

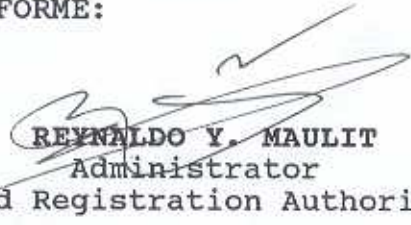
This Memorandum Circular shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation pursuant to Section 49 of RA No. 6657.

Please be guided accordingly.

Diliman, Quezon City, 11 APRIL, 1994.

  
ERNESTO D. GARILAO  
Secretary

CONFORME:

  
REYNALDO Y. MAULIT  
Administrator  
Land Registration Authority

Published in Two (2) National Newspapers of General Circulation:

1. MALAYA
2. PHILIPPINE TIMES JOURNAL



Date of Publication: April 15, 1994



Republic of the Philippines  
**DEPARTMENT of AGRARIAN REFORM**

**C E R T I F I C A T I O N**

This is to certify that DAR MEMORANDUM CIRCULAR NO. 5, SERIES OF 1994 entitled "GUIDELINES ON THE RECONSTITUTION OF LOST OR DESTROYED ORIGINAL COPIES OF CERTIFICATES OF TITLE TO BE INITIATED BY THE DAR PROVINCIAL OFFICE" was published in MALAYA and PHILIPPINE TIMES JOURNAL on 15 APRIL 1994 and the date of effectivity is APRIL 25, 1994.

  
JOSE AGUSTIN C. CUENCO  
Director, PAS 



Republic of the Philippines  
Department of Justice  
LAND REGISTRATION AUTHORITY  
Register of Deeds of \_\_\_\_\_

IN RE: IN THE MATTER OF ADMINISTRATIVE  
RECONSTITUTION OF THE ORIGINAL  
COPY OF THE ORIGINAL/TRANSFER  
CERTIFICATE OF TITLE NO.

IN THE REGISTRY OF DEEDS OF \_\_\_\_\_  
LRA Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner

x - - - - - x

**P E T I T I O N**

COMES NOW the above-named petitioner, represented by the DAR through the undersigned DAR Lawyer, and before this Reconstituting Officer thru the Register of Deeds, respectfully states:

1. That the petitioner is of legal age, Filipino, married and a resident of \_\_\_\_\_;
2. That the petitioner is the registered owner/co-owner/transferee/mortgagee of a parcel of land covered by and described in the Original/Transfer of Certificates of Title No. \_\_\_\_\_ of the Registry of Deeds of \_\_\_\_\_;
3. That the original of the aforesaid Original/Transfer Certificates of Title on file with the Registry of Deeds of \_\_\_\_\_ was lost or destroyed due to \_\_\_\_\_;
4. That submitted herewith are the following papers in support of this petition;
  - a) Owner's Duplicate Certificate of Title and three (3) xerox copies thereof. (If the owner's duplicate has been lost/destroyed/or is not available, then the

co-owner's duplicate certificate of title and three (3) xerox copies thereof should be submitted);

- b) Three (3) xerox copies of the latest Tax Declaration;
- c) Three (3) xerox copies of the Notice of Coverage.

**P R A Y E R**

WHEREFORE, it is respectfully prayed that the original of Original/Transfer Certificate of Title No. \_\_\_\_\_ lost or destroyed in the files of the said Registry of Deeds be ordered reconstituted on the basis of the owner's/co-owner's duplicate certificate of title and in accordance with Republic Act No. 6732.

\_\_\_\_\_ date \_\_\_\_\_  
place \_\_\_\_\_ 19\_\_\_\_.

**V E R I F I C A T I O N**

\_\_\_\_\_, after having been duly sworn to in accordance with law, depose and says; that he is the petitioner; that he/she caused the preparation of the foregoing petition; that he has read the contents and the facts stated therein are true and correct to his/her knowledge.

\_\_\_\_\_  
Affiant

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, affiant exhibited to me his/her Residence Certificate No. \_\_\_\_\_ issued on \_\_\_\_\_ 1994 at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
NOTARY PUBLIC

Until December 31, 19\_\_\_\_  
PTR NO. \_\_\_\_\_  
Issued at \_\_\_\_\_  
On \_\_\_\_\_

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 1994



REPUBLIC OF THE PHILIPPINES  
Regional Trial Court  
Branch \_\_\_\_\_

In Re: Petition to Reconstitute Original/Transfer  
Certificate of Title No. \_\_\_\_\_.

LRA Rec. No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

**P E T I T I O N**

COMES NOW the above-named petitioner, represented by the DAR through the undersigned DAR Lawyer, and pursuant to the provision of Sec. 110 of P.D. 1529, to this Honorable Court most respectfully states:

1. That the petitioner, is of legal age and resident of \_\_\_\_\_; That he/she is the registered owner in fee simple of certain real property covered by Original/Transfer Certificate of Title No. \_\_\_\_\_ issued by the Register of Deeds of \_\_\_\_\_ the original copy of which title was lost//burned and destroyed while being kept in his Office;
2. That this property/ies is/are the subject of compulsory acquisition/voluntary offer to sell by the DAR for distribution to the qualified beneficiaries; (A copy of the Notice of Coverage is herewith attached as Annex "A")
3. That no owner's and/or co-owner's duplicate copy of said certificate of title had been issued (or, if any, the same also had been lost or destroyed);
4. That the Lot No., location, boundaries and area of the property involved are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;
5. That the nature and description of the buildings and improvements existing on the land are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

6. That the names and addresses of the occupants or persons in possession of the property as well as the adjoining properties, and of persons who may have any interest therein, are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;
7. That the property is free and clear of all liens and encumbrances, except as follows: \_\_\_\_\_;
8. That no deeds or other instruments affecting the property have been presented for registration in the office of the Register of Deeds (of, if there be any, the registration thereof has not been accomplished as yet);
9. That in support of this petition for reconstitution, the following documents which may constitute a source or basis for the reconstitution, are herewith submitted:
- a) Owner's copy (or certified copy) of Original/Transfer Certificate of Title No. \_\_\_\_\_ issued by the Register of Deeds;
  - b) Authenticated copy of the Decree of Registration (or Patent) pursuant to which the original certificate of title was issued; (Note: This may be necessary only where the title to be reconstituted is an OCT issued pursuant to a decree or patent);
  - c) Certified copy of the deed of sale (or transfer) on file in the Office of the Register of Deeds, containing the description of the property, pursuant to which the lost or destroyed transfer certificate of title was issued; Note: This may be necessary only where the title to be reconstituted is a transfer certificate of title).
  - d) Certified copy of the document on file in the office of the Register of Deeds, by which the property as described therein is mortgaged (leased or encumbered);
  - e) Certification from the Register of Deeds to the effect that the Original/Transfer Certificate of Title No. \_\_\_\_\_ was lost or destroyed;
  - f) A duly prepared plan of the land in tracing cloth, with two white or blueprint copies thereof, prepared by a duly licensed geodetic engineer, certifying thereon that he prepared the same on the basis of a duly certified technical description of the property.



WHEREFORE, it is respectfully prayed that, after due notice and hearing, this Honorable Court order the Register of Deeds of \_\_\_\_\_ to reconstitute Original/Transfer Certificate Title No. \_\_\_\_\_ on the basis of \_\_\_\_\_ submitted herewith; and

That such other relief as this Honorable Court may deem just and equitable in the premises be granted the herein petitioner.

(Place and dated)

\_\_\_\_\_  
Attorney for Petitioner

Address: \_\_\_\_\_

P.T.R.: \_\_\_\_\_

(Verification)

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