

[LRA CIRCULAR NO. 21, July 02, 1990]

**ISSUANCE OF NEW TRANSFER CERTIFICATES OF TITLE OVER
SUBDIVISION LOTS**

In response to the National Housing authority's letter-query dated 22 June 1990 to wit:

"Our regional, district and field offices in the Metro Manila areas as well as in the other parts of the country have been confronted with the problem of the issuance of individual transfer certificates of title to our project beneficiaries. There are Registers of Deeds of your agency which require that upon NHA's registration of an approved subdivision plan, the Registry of Deeds having jurisdiction over the property would first issue individual transfer certificate of titles in the name of the NHA for the approved subdivision and the said transfer certificate of title would be cancelled upon NHA's presentation of Deeds of Conveyance in favor of its beneficiaries."

we cited Section 58 of P.D. No. 1529 that partly reads:

"If the land has been subdivided into several lots, designated by numbers or letters, the Register of Deeds may, if desired by the grantor, instead of cancelling the latter's certificate and issuing a new one to the same for the remaining unconveyed lots, enter on said certificate and on its owner's duplicate a memorandum of such deed of conveyance and of the issuance of the transfer certificate to the grantee for the lot or lots thus conveyed, and that the grantor's certificate is cancelled as to such lot or lots."

Accordingly, if desired by the subdivision owner, new transfer certificates of title may only be issued over certain lot or lots with the corresponding memorandum of transfer and the issuance of new title/titles annotated on both the original and duplicate copies of the mother title. In this case, the mother title shall only be partially cancelled as to the lot or lots conveyed. Thus, the Register of Deeds may not require the issuance of transfer certificates of title for all the lots in a subdivision plan upon presentation thereof for registration for lack of legal basis. It is wrong practice to impose upon the landowner the issuance of individual titles for all the subdivision lots. The annotation of the approved subdivision plan presented together with the technical descriptions of the resulting lots on the original and owner's copies of the title involved upon request of the subdivision owner, is considered sufficient registration. Of course, where the subdivision owner so requests for the issuance of new titles for all the resulting lots in the subdivision, the Register of Deeds has no other alternative but to issue the desired certificates.

This procedure is not new. It is an accepted practice in registration of titles and deeds.