



MEMORANDUM

To: **All Heads and Personnel of the Computerized Registries of Deeds**

Atty. Rhandolfo B. Amansec
Director, Legal Service

Atty. Raymond G. Ramos
Chairperson, RD Operations Committee

Mr. Ser John C. Pastrana
Chief, Information and Communications Technology Division and Chairperson, Project Development and Coordination Committee

Land Registration Systems, Inc.

From: **The Administrator**
This Authority

Subject: **Processing of Consulta through the PHILARIS-RD Consulta Management Module**

Date: October 13, 2022

In the interest of the service, this memorandum is issued to reiterate the implementation of LRA Circular No. 32-2017 dated October 11, 2017 with the subject, "Revised Rules of Procedure on Consulta".

All concerned shall be guided by the following:

1. The PHILARIS-RD (PRD) Consulta Management Module shall be used for the processing of Consultas raised by the Registrant or the Register of Deeds covering transactions entered in the Computerized Registry of Deeds (RD);
2. All documentary requirements submitted for the Consulta raised shall be uploaded and transmitted to LRA Central Office using the PRD Consulta Management Module, as follows:
 - a. Consulta raised by the Register of Deeds:
 - 1) Indorsement/ Transmittal from the Register of Deeds;
 - 2) Copy of Title(s) with the Memorandum Subject for Consulta;
 - 3) Copy of the submitted documents; and,

CERTIFIED TRUE COPY:

[Signature] 11/9/2022

NORILYN T. TOMAS

Chief, Central Records Section



- 4) Position Paper.
- b. Consulta raised by the Registrant:
 - 1) Indorsement/ Transmittal from the Register of Deeds;
 - 2) Copy of Title(s) with the Memorandum Subject for Consulta;
 - 3) Copy of Notice of Denial by the Register of Deeds;
 - 4) Copy of proof of payments of the Consulta fee;
 - 5) Copy of the submitted documents; and,
 - 6) Position Paper.
3. Consultas with incomplete documents shall not be processed; and,
4. The Consulta Resolution, signed by the Administrator, shall be sent to the concerned RD through the PRD Consulta Management Module.

In view of the above, the following instructions are given:

1. All Registers of Deeds shall check on a regular basis the PRD Consulta Management Module to properly monitor the status of Consultas; and,
2. The Chief of the Information and Communications Technology Division and Chairperson of the RD Operations Committee shall coordinate with the Land Registration Systems, Inc. to provide necessary training to the RDs.


All issuances inconsistent herewith shall be revoked.

For guidance and compliance of all concerned.


GERARDO PANGA SIRIOS
Administrator

Cc: Dep. Admin. RNV Leyretana, CESO II
LTCP P MEC Secretariat
LARES PMO

CERTIFIED TRUE COPY:


11/9/2022
NORILYN T. TOMAS
Chief, Central Records Section



REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASIWAAN SA PATALAAN NG LUPAIN
(LAND REGISTRATION AUTHORITY)
East Avenue cor. NIA Road
Quezon City

LRA CIRCULAR NO. 32-2017

SUBJECT : Revised Rules of Procedure on Consulta
TO : All Registrars of Deeds, Deputy Registrars of Deeds and All Concerned
DATE : OCT 11 2017

Quoted hereunder is Section 117 of P.D. 1529, otherwise known as Property Registration Decree, to wit:

Section 117. Procedure.- *When the Register of Deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance of any deed, mortgage or other instrument presented for registration, or where any party in interest does not agree with the action taken by the Register of Deeds with reference to any such instrument, the question shall be submitted to the Commissioner of Land Registration by the Register of Deeds, or by the party in interest thru the Register of Deeds.*

"Where the instrument is denied registration, the Register of Deeds shall notify the interested party in writing, setting forth the defects of the instrument or the legal grounds relied upon, and advising him that if he is not agreeable to such ruling, he may without withdrawing the documents from the Registry, elevate the matter by consulta within five days from receipt of the notice of the denial of registration to the Commissioner of Land Registration upon payment of a consulta fee in such amount as shall be prescribed by the Commissioner of Land Registration.

The Register of Deeds shall make a memorandum of the pending consulta on the certificate of title which shall be cancelled motu proprio by the Register of Deeds after final resolution or decision thereof, or before resolution, if withdrawn by petitioner.

"The Commissioner of Land Registration, considering the consulta and the records certified to him after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made. His resolution or ruling in consultas shall be conclusive and binding upon all Register of Deeds, provided, that the party in interest who disagrees with the final resolution, ruling or order of the Commissioner relative to consultas may appeal to the Court of Appeals within the period and in the manner provided in Republic Act No. 5434."


With the end in view of standardizing the procedure in the resolution of consultas and in order to supplement the procedure contained in the above-quoted Section 117 of P.D. 1529, the following Revised Rules of Procedure on Consulta are hereby promulgated, **departing from the application of the Legal Information System**, amending LRA Circular No. 13-A dated September 24, 2002 and LRA Circular No. 29-2017, to wit:

CONSULTA PROCEDURE

1. Where the Register of Deeds is in doubt as to the proper action to be taken on an instrument or deed presented for registration, he may, pursuant to Section 117 of P.D. 1529, submit the question to the Administrator of the Land Registration Authority.
2. When the Register of Deeds denies the registration of an instrument, under Section 117 of the said decree, he shall do the following:
 - a. Notify the party in interest in writing of such denial stating the defects of the instrument and the legal grounds relied upon;
 - b. Advise the party in interest that if he does not agree with the denial or ruling, he may, without withdrawing the instrument or document from the Registry, elevate the matter by consulta within five (5) days from receipt thereof to the LRA Administrator, through the Register of Deeds, upon payment of a consulta fee of One Hundred Eighty (P180.00) Pesos;
3. The Register of Deeds, upon his elevation of the matter *en consulta* or the filing of the appeal by the registrant-appellant, shall make a memorandum of the pending Consulta at the back of the Certificate of Title covering the land subject of the instrument or deed.
4. The Register of Deeds (RD) shall then electronically transmit them including all relevant and required documents to the Records Officer of the Clerks of Court ("RO-CC")
5. Upon receipt of the Consulta together with all relevant and required documents, the RO-CC, shall **print** the same and shall enter into its official docket by stamping on the face of Consulta the time and receipt thereof. Thereafter, he shall assign a docket number based on the consulta number generated by the system.

6. The RO-CC shall maintain a docket book which shall contain the name of the Parties, the Title Type and Title Number of the Registered Property, location of the property subject of Consulta, the Registry of Deeds, the date and receipt of the consulta, the name of the Hearing Officer upon whom the case is assigned for hearing, the date of the assignment of consulta of the Administrator to the hearing Officer, the date of the receipt of the Records of the Case by the Hearing Officer.
7. Within ten (10) days from receipt of the Consulta, the Administrator shall issue an Assignment Order ("AO") designating a Hearing Officer, transmitting the records of the case to him, and directing him to hear the same and submit a Resolution thereof. A copy of this AO shall be furnished the RO-CC who shall update the docket book accordingly.
8. Within five (5) days upon receipt of the AO, the Hearing Officer shall issue an Order to the parties directing them to manifest within five (5) days from receipt thereof their preferred option between holding a hearing or submitting a position paper.
 - a. In case the parties shall move for a hearing of the case, the Hearing Officer shall set the same not later than thirty (30) days from receipt of said motion.
 - b. On the other hand, in case the parties shall move for the submission of position papers, the Hearing Officer shall require the parties to submit their respective position papers not later than thirty (30) days from receipt of the order directing them of such submission.
9. In any case, the Hearing Officer, together with the records of the case, shall submit his Draft Resolution to the Administrator within thirty (30) days from the termination of the hearing or the submission of the position papers, as the case may be.
10. Unless there is a necessity to call for a Conference with the Senior Officials of this Authority, which shall not be later than thirty (30) days from receipt of the Draft Resolution, the Administrator shall decide the case not later than ninety (90) days from receipt thereof.
11. Every consulta transaction forwarded shall have the effect of assurance from the concerned registry that the consulta fee has been paid.
12. Where the Register of Deeds is in doubt as to what steps to be taken and elevates the matter *en consulta*, the only party in interest shall be the Register of Deeds as petitioner to the consulta. On the other hand, where the Register of Deeds denies the registration of an instrument and an appeal thereto has been filed, the only real parties in interest shall be the registrant-appellant of the appeal as petitioner to the consulta and the Register of Deeds as respondent. No party other than the foregoing real parties in interest shall be joined in, nor entitled to intervene at any time during the hearing and resolution of the consulta.

13. The hearing shall be conducted by the Hearing Officer. Only one motion for re-setting/postponement of hearing shall be allowed, provided that second date of hearing shall not be set more than thirty (30) days after the original date set for hearing.
14. The Register of Deeds who elevated the matter *en consulta* shall, within twenty-four (24) hours from receipt of the resolution, ruling or order of the Consulta, *motu proprio* cancel the memorandum of pending consulta on the subject Certificate of Title. Said resolution, ruling or order shall be effective immediately and shall be conclusive and binding upon all Registers of Deeds.
15. The Register of Deeds may also cancel the memorandum if the Consulta is withdrawn by the registrant-appellant before its final resolution. Where the consulta was elevated by the Register of Deeds himself/herself, he/she shall cancel the memorandum only if the registrant withdraws the documents of the transaction from the Registry prior to the approval and signing of the consulta resolution by the Administrator. In either case, the consulta shall be deemed withdrawn upon issuance by this Authority of the order approving the withdrawal.
16. Where the Register of Deeds denied the registration of an instrument and an appeal thereto has been filed, the party in interest who disagrees with the resolution, ruling or order of the Administrator may file a Motion for Reconsideration (MR) with this Authority within fifteen (15) days from receipt of said resolution, or order, upon the expiration of which, the motion will no longer be given due course.
17. Where a MR is filed, the Hearing Officer to whom said MR is assigned shall, within thirty (30) days from receipt thereof, submit the draft order to the Administrator. The party in interest who disagrees with said order may appeal the same to the Court of Appeals within the period and in the manner provided for in Rule 43 of the 1997 Rules of Civil Procedure. The appeal shall not stay the resolution, ruling or order sought to be reviewed unless the Court of Appeals shall direct otherwise upon such terms as it may deem just.
18. The final resolution, ruling or order shall be effective immediately and shall be conclusive and binding upon all Registers of Deeds.
19. All orders, guidelines, circulars, rules and regulations inconsistent herewith are hereby repealed or amended accordingly.
- Strict compliance with this Circular is hereby enjoined.


RENATO D. BERMEJO
Administrator