



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 116-2024

TO : ALL CLERKS OF COURT OF SINGLE-SALA AND MULTI-SALA REGIONAL TRIAL COURTS

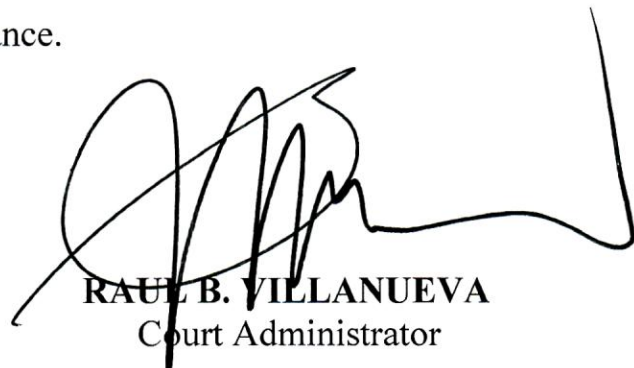
SUBJECT : PRACTICE OF CERTAIN CLERKS OF COURT OF REQUIRING NOTARIZATION OF THE SHERIFF'S CERTIFICATE OF SALE AND THE FINAL CERTIFICATE OF SALE/FINAL DEED OF SALE IN EXTRAJUDICIAL FORECLOSURE OF MORTGAGE

For the information, guidance, and strict observance of all concerned, the Court, in its Resolution dated 30 January 2024 in A.M. No. 23-02-09-RTC (*Re: Query on the Notarization of the Sheriff's Certificate of Sale and the Final Certificate of Sale/Final Deed of Sale in Extrajudicial Foreclosure of Mortgage*), ruled that the growing practice of certain clerks of court, in their capacities as *ex-officio* sheriffs, requiring the notarization of the certificates of sale and final certificates of sale for extrajudicial foreclosures of mortgages, has no legal basis. In particular, the Court pronounced that "the certificate of sale of final deed of sale issued in relation to an extrajudicial foreclosure sale of a mortgaged property need not be notarized or "converted to a public document" before it is filed with the Registry of Deeds. In fact, the mere filing of the final deed of sale is sufficient for the issuance of a new *torrens* title."

Thus, according to the Court, all concerned are enjoined "from requiring the notarization of the sheriff's certificate of sale, final certificate of sale/final deed of sale, and certificate of redemption in relation to extrajudicial foreclosure of mortgaged properties."

For information and guidance.

24 April 2024



RAUL B. VILLANUEVA
Court Administrator