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“REGISTRY LAW IN MEXICO AND THE IMPORTANCE OF ITS KNOWLEDGE BY SOCIETY”

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Abstract: This article examines the importance of registry law in Mexico and how its knowledge by society can have a significant impact on the protection of property rights and legal certainty. The theoretical and legal foundations of registry law are analyzed, as well as its evolution in the Mexican context. In addition, it highlights the benefits of understanding the registry system for citizens and addresses the challenges and obstacles that may arise in its application. Through a multidisciplinary approach, it explores the social, economic and legal implications of registry law, and argues that its dissemination and widespread understanding are fundamental for a just and equitable society.

Keywords: Law, Registration, Importance, Knowledge, Society.

INTRODUCTION

Registration law plays a fundamental role in the protection of property rights and legal certainty in Mexico. The registry system allows for the registration and publicity of acts and contracts that affect ownership and other real rights over real estate, providing certainty and transparency to legal relations. However, despite its importance, the knowledge and understanding of registry law by society in general is still limited. In this context, the purpose of this article is to analyze the importance of registry law in Mexico and to highlight the need for its dissemination and understanding by society. The theoretical and legal foundations of registry law will be addressed, examining its historical evolution in the Mexican context.

In addition, the benefits that knowledge of the registry system can offer citizens, both in the protection of their rights and in the promotion of a more secure and equitable legal environment, will be explored. The challenges and obstacles that may arise in the effective implementation of registry law in Mexico

will be discussed, and possible solutions to overcome them will be proposed. The social, economic and legal implications of having an efficient and accessible registry system will be analyzed, highlighting the importance of its knowledge in order to achieve a fair and equitable society in terms of property and real rights.

In summary, this article seeks to promote awareness of registry law in Mexico, highlighting its relevance in the protection of property rights and legal certainty. It is argued that widespread knowledge and understanding of the registry system by society are fundamental to strengthen the rule of law and promote an environment conducive to the economic and social development of the country.

DEVELOPMENT

Registration Law is a branch of law that regulates public registries and the registration of legal acts and rights over real estate and other rights in rem. Its main objective is to provide legal certainty to citizens and to guarantee the publicity and enforceability of registered rights. Through registry law, a system of compulsory registration of acts and contracts affecting real estate is established, which allows such rights to be known by third parties and to be enforceable in the event of disputes or litigation. In addition, it covers aspects such as the formality of acts and contracts, the validity of registrations, registry publicity, priority of rights, among others; therefore, it contributes to transparency and fraud prevention, by providing accessible and reliable information on the legal status of the property.

The Public Registries perform a certifying function, which is the institution in charge of carrying out the registration and recording of acts and rights related to real estate and commercial property. The main function of the Public Registry of Property and Commerce is the registration of property rights, mortgages,

leases, liens and other acts or contracts affecting such property, with the purpose of providing legal certainty and security to real estate and commercial transactions. Through the registration of acts and contracts in the registry, a documented and accessible history is generated, which allows to know the legal status of the property and the rights over them.

This helps to protect the rights of the owners and third parties that may have an interest in the registered property. In addition to the registration of acts and contracts, the public registry also has the function of publicizing the registered rights, which means that anyone can consult the records to find out the legal status of a property or a commercial transaction. This registry publicity allows interested parties to make informed decisions and avoid possible conflicts or litigation.

In Mexico, the regulations on registry law are composed of several laws and regulations that establish the provisions and procedures related to public registries and the registration of acts and rights over real estate and other real rights. The Law of the Public Registry of Property and Commerce is the main law that regulates the operation of public registries in Mexico, establishing the rules and procedures for the registration and publicity of real estate and commercial rights, as well as the requirements and effects of the registrations.

It should be noted that the Federal Civil Code also contains relevant provisions related to registry law, since they establish the rights and obligations of the parties involved in the legal acts that must be registered. It is important to keep in mind that the applicable legislation may vary depending on the federal entity in which the public registry is located, since there are variations of state laws and regulations in Mexico.

Mexican registry law is based on a number of key concepts and principles that are fundamental to understanding its operation. Each of these concepts and principles is

described below:

Key Concepts:

- **Real Rights:** These are the rights that fall directly on a real estate property, such as the right of ownership, usufruct, mortgage, among others. These rights may be subject to registration.
- **Electronic Folio Real:** Refers to the digital or electronic version of a real estate property registered in the Public Registry of Property, with its own legal history. It is an individual registry that contains the information and legal acts related to a specific real estate, but in digital format.
- **Registration History:** These are those facts, documents or previous records that are considered relevant to establish the history and legal status of a real property or a real right. These antecedents provide information on transactions, acts or rights that have occurred in relation to the property over time.
- **Certification:** This refers to the act by which the Registrar attests to the existence or non-existence of the information contained in the public registry. The purpose of this certification is to provide legal certainty and authenticity to the registered acts and rights.
- **Registration:** It is the act by which the acts, contracts and real rights over real estate are registered in a public registry. The purpose of this act is to provide such acts and rights with publicity and enforceability against third parties.
- **Registered ownership:** It is the condition of being the holder of a right registered in the registry. The registry ownership generates a presumption of ownership and confers legal certainty to the owners.

Fundamental Principles:

- **Publicity Principle:** The principle of registry publicity establishes that the acts and rights registered in public registries are accessible and known by any person. This allows any interested party to obtain information on the legal status of a real property or a real right, providing legal certainty by guaranteeing transparency and enforceability of rights against third parties.
- **Principle of Legality:** This principle establishes that only those acts or rights that are provided for and regulated by law may be registered in the public registry. The registry must verify that the legal requirements are complied with before making the registration, thus guaranteeing the legality of the acts and rights registered.
- **Opposability Principle:** The principle of opposability establishes that the rights recorded in the public registry are opposable against third parties. This means that any person acquiring a right over real estate or a right in rem must previously verify its existence and validity in the public registry.
- **Principle of public faith in the registry:** The public registry enjoys public faith, which implies that the entries made in the registry are presumed to be true and valid. This generates a presumption of truthfulness and accuracy that provides confidence to those interested in real estate transactions and in the registered rights. The public faith of the registry protects legal certainty and provides certainty in commercial transactions.
- **Principle of successive tract:** The principle of successive tract establishes that the registration of a right in the public registry must follow an uninterrupted

chain of transmissions. This means that in order to register a right, it is necessary to prove the ownership of the previously registered right. The successive tract ensures the integrity of the rights and avoids the overlapping or duplication of registrations.

- **Priority Principle:** The principle of registry priority determines the order of registration of rights in the public registry to establish which have priority over unregistered or subsequently registered rights. In case of conflicts or disputes, the right registered first prevails over later rights, guaranteeing legal security and certainty to the interested parties as to the ownership of the rights.
- **Rogation Principle:** The principle of Rogation establishes that registration in the public registry is a voluntary act that must be requested by the interested parties. It is the responsibility of the interested parties to submit the documents and comply with the necessary requirements to carry out the registration. Therefore, this principle ensures that the public registry is a true reflection of the will of the parties, avoiding the registration of unwanted acts or rights.

The Registry Law has faced several challenges and obstacles that have affected its effectiveness and efficiency. One of them is the complexity and lack of uniformity in the registry regulations throughout the country. Each state has its own registry legislation, which hinders coordination and homogeneity in registry procedures and criteria. This lack of harmonization can generate confusion and obstacles for users and make it difficult to consult and verify registry records.

Another important challenge is the lack of technology and updated computer systems in the Public Registries of some states. Many registries still operate manually or with obsolete

systems, which generates delays and difficulties in the registration and updating processes for the interested parties. In addition, there is a lack of trained human resources specialized in registry law, since their training is essential to ensure the proper handling of procedures, the correct interpretation of the regulations and the quality of the information registered.

However, in recent years, Registry Law has undergone significant changes that have had important implications in the Mexican legal system. One of them has been the implementation of digitalization in the Public Registries. With the introduction of electronic systems and online platforms, it has been possible to streamline registry procedures, reduce delays and facilitate access to information. This has improved the efficiency of the system, allowing for faster registration and consultation of registry acts, which in turn has contributed to strengthening legal certainty and transparency in real estate transactions.

Another, no less important, has been the promotion of coordination and homogenization of registry criteria at the national level, with the objective of guaranteeing uniformity in procedures and facilitating the consultation of antecedents and the obtaining of certifications, promoting greater trust and legal certainty in transactions. On the other hand, in 2010 the Single Registry of Movable Guarantees (RUG) was implemented, an electronic system whose purpose has been the registration of mercantile movable guarantees received by creditors from debtors, providing greater legal certainty and effects before third parties. In addition, measures have been implemented to strengthen the protection of the rights of holders and prevent fraud by verifying the identity of applicants and the authenticity of the documents submitted.

Knowledge of the Registry Law should not go unnoticed, and should be promoted as a Culture of Legality issue, due to its significant impact on society in several aspects; mainly

in the protection of property rights, in such a way that it provides security and legal certainty to the holders of rights over real estate. By having knowledge of the registry system, society can more effectively protect its property rights, avoiding disputes and legal conflicts that could arise due to lack of registration or the existence of fraudulent acts.

The following are examples of real cases that illustrate the benefits of knowing the Registry Law:

1. A homebuyer who makes an inquiry at the public land registry discovers that the property he wishes to purchase is encumbered with a mortgage. Thanks to registry law, the buyer can obtain verifiable information on the rights that encumber the property, allowing him to make an informed decision and protect his interests. This demonstrates how registry law contributes to legal certainty and transparency in real estate transactions, giving citizens confidence when making real estate purchases.
2. Two people are involved in a property dispute claiming to be the owners of a piece of land. Through registry law, it can be determined who has registered ownership of the land and the conflict can be resolved in a fair and efficient manner. The Public Registry of Property provides a reliable database to prove ownership of property rights, avoiding lengthy and costly disputes in court.
3. A company needs to obtain financing to expand its business, and thanks to registration law, it can use registered real estate as collateral to obtain a loan. Registration provides confidence to lenders by showing the existence and ownership of the real estate, which facilitates the transaction and promotes economic activity.

4. A person acquires a property and registers it in the Public Registry of Property. This registration provides legal certainty, since he/she becomes the legally recognized owner of the property. In addition, it allows third parties to verify the existence and ownership of the property rights, which provides confidence in real estate transactions and avoids possible conflicts.
5. Finally, an entrepreneur who wishes to establish a branch of his business in new premises. Before signing a lease contract, he can consult the public land registry to verify that the lessor is the registered owner and has the rights over the property. This provides protection to the entrepreneur, avoiding the risk of falling into fraudulent contracts or contracts with third parties that do not have the legal rights over the property.

Access to and understanding of registries allows citizens to verify the ownership, encumbrances and limitations of a property, providing confidence in property transactions and transfers. This promotes transparency in real estate transactions and helps prevent corrupt practices, such as falsification of documents or concealment of relevant information. Society can monitor and supervise registry operations more effectively, promoting integrity and trust in the system.

An efficient and accessible registry system facilitates access to credit and economic development. Therefore, knowledge of registry law allows citizens and companies to evaluate the legal status of a real estate property before making investments or applying for mortgage loans. The existence of reliable and updated registries reduces uncertainty and risk for financial institutions, stimulating the granting of credit and investment in real estate projects.

In addition, their knowledge enables the firm to resolve disputes related to real property rights in a more agile and effective manner. By understanding the registry procedures and requirements, the parties involved can file the appropriate documents and use the available legal remedies to protect their interests, as well as avoid unnecessary delays in judicial and administrative proceedings.

Registry Law not only has important implications in the legal sphere, but also in the social and economic sphere. From a social perspective, registry law provides legal security to citizens by establishing a reliable system to register and protect rights over real estate. This promotes confidence in transactions and avoids potential conflicts or legal disputes, which in turn contributes to social stability and fosters an environment of certainty and trust in commercial relations.

In economic terms, registry law plays a fundamental role in promoting economic development, since having an effective and efficient registry system facilitates the sale and purchase of properties, access to mortgage financing and the constitution of guarantees, which attracts investment and promotes economic activity in the real estate sector. In addition, registry law contributes to the stability and appreciation of real estate by providing a legal framework that protects the rights of property owners, which creates an environment conducive to investment and promotes the sustainable development of properties.

Within the legal sphere, public registries have evidentiary value, which means that the acts and rights recorded in the registry enjoy presumption of veracity and authenticity. This facilitates the proof of ownership and rights over real estate in legal cases, providing security and certainty to the parties involved. In addition, registry law allows the enforcement of security interests, such as mortgages, by establishing the order of preference and priori-

ty of the rights over the property, providing security to creditors and facilitating the recovery of credits in case of default.

CONCLUSIONS

Recapitulating all of the above, knowledge of registry law in Mexico is of vital importance to society. Through the understanding of the theoretical and legal foundations of the registry system, society can effectively protect its property rights, guaranteeing legal certainty and avoiding unnecessary conflicts and disputes. The transparency and publicity provided by the registry allow citizens to access reliable information about real estate, promoting the prevention of corrupt practices and fostering an environment of trust in real estate transactions.

By being able to assess the legal status of a real estate property, citizens and businesses can make informed decisions regarding investments and mortgage loan applications. An efficient and accessible registry system reduces uncertainty and risk for financial institutions, thus stimulating the granting of credit and investment in the real estate sector. Finally, knowledge of the registry system allows for a more agile resolution of conflicts, by understanding the registry procedures and requirements, the parties involved can present the appropriate documentation and use the available legal resources to protect their interests.

In conclusion, it is important for society to have knowledge about registry law in order to be able to exercise their rights and be protected against any fraudulent act.

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