

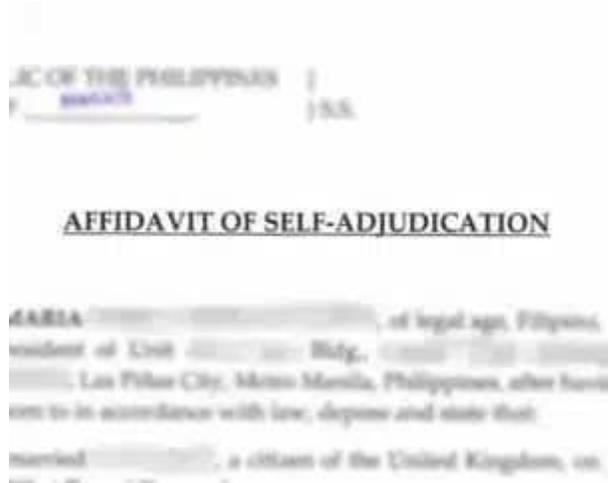
Deed of Sole Adjudication

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[affidavit of self adjudication](#)[deed of adjudication](#)[self adjudication](#)

A Deed of Sole Adjudication is a document used to transfer an inheritance from the deceased when there is only one heir.

It contains the technical descriptions of all the properties involved and includes the personal documents of the heir and the deceased. It is very similar to an Extrajudicial Settlement (EJS) and differs only in that there is only one heir, whereas an EJS may have many heirs.



A Deed of Sole Adjudication deals with one heir unlike an EJS which has several heirs.

It is a requirement for the release of money from the deceased's bank account or for the transfer of property titles to the heir.

The article explains what a Deed of Sole Adjudication is, its requirements, and how to process it step by step.

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Deed of Sole Adjudication

What is Self Adjudication?

Self-adjudication is the process by which an individual asserts ownership or rights over a property without the necessity of engaging in formal court proceedings.

Specifically, it applies when there is only one heir, like an only child or spouse who wants to directly claim property from deceased parents or deceased husband.

Affidavit of Self Adjudication vs. Deed of Sole Adjudication

These terms are frequently mistaken for one another.

People use the terms interchangeably, even though they are slightly different.

An Affidavit of Self Adjudication is an informal sworn statement that an individual can utilize to declare oneself the sole heir.

Conversely, a Deed of Sole Adjudication is a legally recognized document that facilitates the official transfer of property rights from a deceased person to an heir.

Deed of Sole Adjudication vs. [Extrajudicial Settlement of Estate](#)

A Deed of Sole Adjudication is used when there is only one heir.

On the other hand, an [Extrajudicial Settlement of Estate](#) is used when there are multiple heirs. All heirs must agree to divide the estate without going to court

Both share similar requirements, such as notarization, apostilled if applicable, and publication in a newspaper of general circulation.

They also have the same steps and goals to legally transfer a deceased estate without going to court.

Both are also grounded in Section 1, Rule 74 of the Rules of Court, which allows non-court settlement if the decedent died without a will, if there are no outstanding debts or debts are settled and all heirs have agreed to settle the estate including the minors through proper representation of their immediate family member.

What is the cost to transfer with Deed of Self Adjudication?



The right lawyer can help you plan an estate settlement that is most economical

The Deed of Sole Adjudication costs the same as an EJS, as the same taxes are levied.

- Cost of Title Transfer in the Philippines:
- Cost of gathering the documents
- Accounting fees for Estates over 5 million
- 6% Estate tax paid to the BIR
- 5% to 0.75% Transfer fees at the City Assessor's
- Fees at the Registry of Deeds after the BIR is paid to transfer the title and tax declarations



The tax due will depend on the date of death of the decedent and several other factors

In many of our articles on how to change ownership of a property after death, we always focus on the difficulty of gathering the documents.

In many cases, the heirs may not have the documents or enough information to settle the estate.

When this happens, it may be impossible to settle the estate or it may become costly. A lot of investigation must be done when documents are missing.

Costs increase when there is a lot of investigation.

I cannot stress enough how important it is to ensure that all the documents are available.

In our example of an only child inheriting, having the documents available makes it very easy to accomplish the land title transfer from parent to child in the Philippines without extraneous cost.

What are the requirements for a Deed of Sole Adjudication?



The requirements for Sole adjudication are pretty much the same as a regular extrajudicial settlement of estate

The requirements for a Deed of Adjudication are ownership and family documents.

These requirements are:

- Original Owner's Land title
- Certified True Copy of Original Owner's Land title from the Registry of Deeds
- Tax Declarations
- Certified True Copy of Tax Declarations
- Realty taxes paid and up-to-date
- Birth Certificate, TIN, ID of heir
- Death and marriage certificates of the estate owners

Settling an estate is a lot of work.

It becomes even more work when the documents are missing or have erroneous information.

For instance –



A certificate of no record is now accepted if there is no death certificate

If an Original Owner's Land title or a Certified True Copy of Original Owner's Land title from the Registry of Deeds is missing, then the heir has to go to court to ask the court for a new copy.

This new copy is needed at the land registry for transfer of ownership after death, as the RD won't put the property in your name without the title.

Problems also arise when family documents are missing.

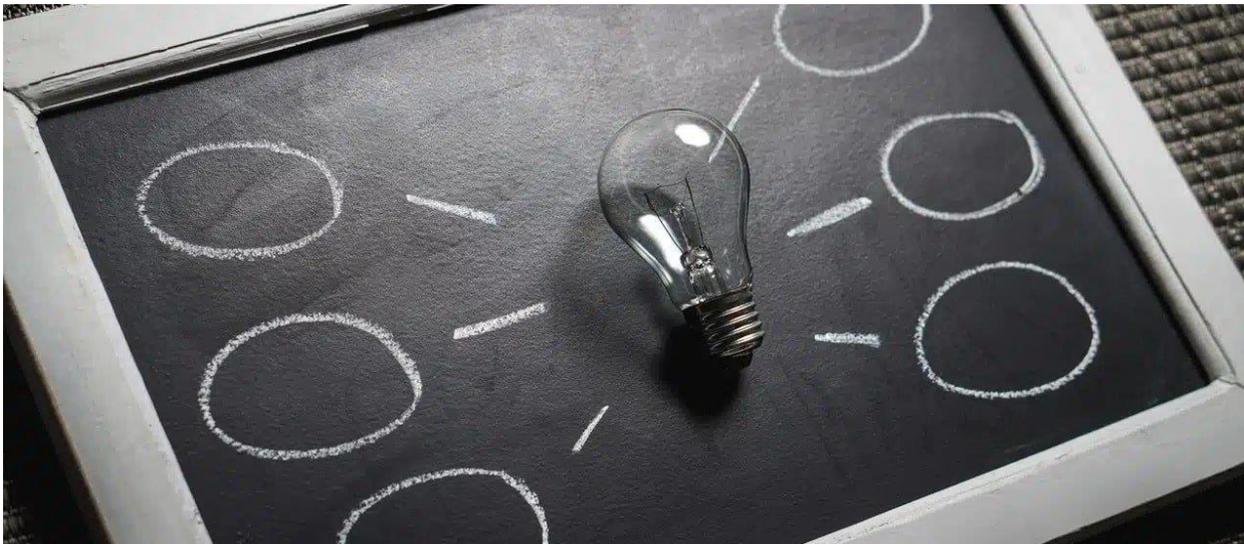
If the PSA birth, marriage, or death certificate cannot be easily retrieved from the PSA service, then an investigation to the Local Civil Registry may be needed. Visits to the National or Spanish archives might be needed as well.

When documents cannot be retrieved at all, it becomes a big problem.

When I discuss how to transfer estate property after death, I always stress that a lack of documents may actually make it impossible to transfer.

If you are missing documents, please discuss it with an [Inheritance lawyer](#) so that he can advise you.

What is the process to transfer using a Deed of Sole Adjudication?



The process is pretty simple but it is the legwork that makes it very hard as government offices are often overcrowded and busy

In general, how to transfer property from a deceased parent to child/only one heir is the same as an EJS.

I'll list the steps here:

Step 1: Gather the documents.

Start by collecting the basic requirements:

- Death Certificate of the deceased (from PSA)
- Your Birth Certificate (to prove relationship)
- Certificate of No Marriage (CENOMAR) of the deceased (if single)
- Land Title (or Certified True Copy)
- Tax Declaration (from City Hall)
- Valid government IDs

- Sketch plan or location map of the property
- BIR Form 1904 (for TIN, if not yet issued)

Step 2: Sign and notarize the Deed of Self Adjudication

Write or have a lawyer draft the Deed of Self-Adjudication, stating:

- That you are the only legal heir
- That you are claiming the estate
- That you acknowledge liability for any debts or claims

Then, sign it in front of a notary public to make it legally binding.

Step 3: Publication Requirement

It must be published in a newspaper of general circulation for three consecutive weeks.

The purpose of this is to allow potential claimants to contest it.

Step 4: Submit at the BIR

Go to the BIR Revenue District Office (RDO) that covers the area where the deceased last lived.

Submit:

- The notarized Deed
- All supporting documents
- BIR Form 1801 (Estate Tax Return)

Step 5: Pay the estate taxes

BIR will calculate the estate tax (6% of net estate). Once they give you the tax assessment:

- Pay it through an authorized bank or BIR payment center
- Submit proof of payment to the BIR

Once everything is in order, BIR will issue the Certificate Authorizing Registration (eCAR).

Step 6: Complete the registration at the land registry and city hall

With the eCAR, go to the Registry of Deeds where the property is located and file for:

- Transfer of Title to your name
- Submission of new owner's information

Bring the original and photocopies of the Title, eCAR, notarized deed, and ID documents.

Lastly, go to the City or Municipal Assessor's Office:

- Submit the new land title and eCAR
- Apply for the transfer of Tax Declaration in your name
- Pay any fees or dues (if any)

The process is straightforward, although a lot of work so long as you have gathered the requirements.

The process is mostly manual, so gathering the documents and submitting them to the BIR means standing in line, submitting, and then coming back.

The BIR process is one of the biggest hurdles.

When that is completed, the rest of the case should be relatively smooth, although it will still take time and be tedious.

Always remember that after you get your eCAR, you will need to go to the Registry of Deeds to transfer the Land Title.

You will also need to go to the City Hall Tax Assessor's office to transfer the Tax Declaration.

Please don't forget those last 2 steps—we've come across clients who have done the difficult work of estate settlement at the BIR only to stop there. This can cause a lot of headaches down the road when another transfer or sale is considered.

What are the legal risks and consequences of mishandling a Deed of Sole Adjudication?

While undertaking Deed of Sole adjudication, it is inevitable that certain potential risk factors may arise.

Provided below are potential fraud and liability issues:

Risk 1: Other Heirs Contest the Claim

If another heir challenges the deed, they can file a case for judicial settlement of estate.

The court may invalidate the deed and order the proper partition of the estate accordingly.

Risk 2: Failure to Publish the Deed

The publication of the deed in a newspaper of general circulation for three consecutive week is mandatory.

This omission may also delay transfer at the Registry of Deeds, which typically requires proof of publication.

The deed is not legally binding unless it is published in a newspaper to allow public scrutiny.

Risk 3: Unpaid Debts & Liabilities

Creditors may claim a portion of the estate, making the heir personally liable for unpaid debts.

Risk 4: Tax Evasion Consequences

If the estate tax is not settled, the Bureau of Internal Revenue (BIR) may impose penalties and even freeze assets.

What are the alternative estate settlement options?

A Deed of Sole Adjudication is the simplest and easiest option when there is only one heir, but if there are multiple heirs, unresolved debts, or disputes then you may have to do an Extrajudicial Settlement of Estate (EJS) or Judicial Settlement of Estate.

In such situations, a Deed of Sole Adjudication is no longer applicable.

Let's take a look at the other scenarios.

Scenario 1: Multiple Heirs

When more than one person is legally entitled to inherit, a Deed of Sole Adjudication cannot be used.

Instead, the proper document is Extrajudicial Settlement of Estate (EJS)

All heirs must jointly sign the document.

It must be notarized, published in a newspaper for 3 consecutive weeks, and submitted to the BIR for tax computation.

Once approved, properties and assets can be lawfully transferred to each heir's name based on the agreed division.

Scenario 2: Disputed Inheritance or Contested Claims

If the heirs cannot agree or if someone challenges their rights, you must go through Judicial Settlement of Estate

The court-supervised process to determine who the rightful heirs are and how the estate should be divided.

Scenario 3: Estate Has Unpaid Debts or Liabilities

If the deceased left outstanding loans, mortgages, or other debts, it's advisable to avoid informal division.

Instead, pursue Court-Supervised Settlement

The court ensures that all debts and obligations are settled before the estate is distributed.

This protects heirs from personal liability and prevents disputes with creditors.

Frequently Asked Questions (FAQs)

1. What is required to execute a Deed of Sole Adjudication?

The essential documents include the original land title, tax declarations, and proof of identification.

2. Can I use an Affidavit instead?

No, an Affidavit is not legally recognized for property transfers; a formal deed must be utilized. –

3. What happens if I lack necessary documents?

The absence of required documents can complicate or delay the transfer process; it is advisable to consult with an expert.

4. How long does it take to execute a Deed of Sole Adjudication?

It will take at least 6 months to complete the entire process if the documents from the individual and the government are complete.

5. How much does a Deed of Sole Adjudication cost?

A major cost would be the 6% estate taxes to settle the estate, which is most of the

cost. The amount of estate taxes is thus higher when the estate is larger. There are also transfer taxes at the Registry of Deeds as well as processing fees and legal fees.

6: Can I still use a Deed of Sole Adjudication if my sibling is abroad?

No, because there are multiple heirs. A joint settlement is required.

7: What happens if another heir appears after I have registered the estate under my name?

They can challenge the adjudication in court, and you may be required to return their rightful share.

8: How much are the estate taxes?

The rate varies, but it is typically 6% of the total net estate.