

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

10 AUG 17 P2:32

SENATE
S. No. **2421**

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Pursuant to Article XIII, Section 1 of the 1987 Philippine Constitution, Congress is mandated to give highest priority to the enactment of measures that reduce social, economic and political inequalities and cultural inequities by equitably diffusing wealth and political power. The State shall, to this end, regulate the acquisition, ownership, use and disposition of property and its increments. The 1987 Constitution, in the same article, likewise upholds the rights of farmers to own directly the lands they till, and of fishermen to the preferential use of both inland and offshore communal marine resources.

However, 22 years after the ratification of the 1987 Constitution, the State has yet to fulfill this mandate. Land ownership continues to remain a dream for many landless farmers and fishermen. Thus, this bill proposes a mechanism that will ensure equitable access to and ownership of public lands by farmers and fisherfolks through a system of free patent. While the proposed measure extends the free patent system to qualified beneficiaries as defined, preferential right is given to (1) farmers and farm workers who have continuously occupied and cultivated either by themselves or their predecessors-in-interest a parcel of public land and (2) fisherfolks living along coastal areas and similar areas of the public domain near the fishing ground. As a safeguard for the qualified beneficiaries of the free patent system, any person who willfully obstructs or impedes the acquisition of a free patent by a qualified beneficiary, or who sells, transfers or acquires a land of public domain to circumvent the application of this bill, shall be criminally liable and meted out a penalty of fine and or imprisonment.

The importance of land tenure security cannot be overstated. Ownership of land tenure facilitates transactions in land and enables land to be used as collateral for loans. More importantly, food security depends on land security tenure in direct and indirect ways - farmers and fishermen who are given security of land tenure contribute to food security through their own food production and through other economic activity using land as a resource. This bill thus provides hope not only for landless, marginalized farmers and fishermen but also to the general Filipino public.

In view of the foregoing, early passage of this bill is earnestly requested.

This bill was originally filed by Senator Mar Roxas during the Second Regular Session of the Fourteenth Congress.

over 
MIRIAM DEFENSOR SANTIAGO

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE CLERK

10 AUG 17 12:32

SENATE
S. No. 2421

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROVIDING A MECHANISM FOR THE EQUITABLE ACCESS TO AND OWNERSHIP OF
3 PUBLIC LANDS BY FARMERS AND FISHERFOLKS, MANDATING FOR THAT
4 PURPOSE AN ADMINISTRATIVE PROCESS FOR THE TITLING OF SUCH PUBLIC
5 LANDS THROUGH THE ISSUANCE OF FREE PATENT AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

6 SECTION 1. *Short Title.* - This Act shall be known as the 'Farmers' and Fishermen's
7 Free Patent Act'

8 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to give
9 utmost priority to the right of farmers and fisherfolks to an equitable access to and ownership of
10 land. Toward these ends, the State shall implement a mechanism for an expeditious and
11 affordable land titling process, thereby providing farmers and farmworkers an opportunity to
12 directly own land and acquire security of land tenure. Further, the State shall endeavor to protect
13 the rights of fisherfolks and ensure their preferential use to communal marine and fishing
14 resources, both inland and offshore. Moreover, the State shall craft and implement measures that
15 will bring about the optimum use of land as a resource and ensure the sustainable use and
16 management of lands.

17 SECTION 3. *Coverage.* This Act shall cover only alienable and disposable lands of the
18 public domain classified as such in accordance with law.

1 SECTION 4. *Qualified Beneficiaries.* The provisions of any law, rules or regulations to
2 the contrary notwithstanding, any natural-born citizen of the Philippines who is not a registered
3 owner of more than twelve (12) hectares of alienable and disposable public land and who for ten
4 (10) years or prior thereto, either by himself or through his *bona fide* predecessor-in-interest, has
5 been actually residing on, and continuously possessing and occupying, under a *bona fide* claim
6 of acquisition of ownership, a parcel of untitled land of the public domain classified as alienable
7 and disposable, shall, upon application, be entitled to have a free patent issued to him for such
8 parcel of land; *Provided*, That the land applied for is not needed for public service or public use
9 and that no such free patent shall be issued for townsite reservations established under Chapter
10 XI of the Public Land Act: *Provided further*, That none of the provisions of Presidential Decree
11 No. 705, otherwise known as the *Revised Forestry Code* are violated by the issuance of such
12 patent; *Provided finally*, That the land for which a free patent is applied for shall not be
13 encumbered, sold, or converted into other uses by the applicant within five (5) years from the
14 issuance of the free patent.

15 SECTION 5. *Preferential Right to Free Patent.* - Except when ownership of a parcel of
16 land has already been acquired through homestead patents, judicial confirmation of title, or other
17 modes of acquisition of title recognized under Commonwealth Act No. 141, otherwise known as
18 the *Public Land Act*, the following shall have preferential right to apply for a free patent covering
19 the public land which they occupy:

20 (1) Farmers and farmworkers who have continuously occupied and cultivated either by
21 themselves or their predecessors-in-interest a parcel of public land; and

22 (2) Fishermen and fisherfolks living along coastal areas and similar areas of the public domain
23 near the fishing ground.

24 For purposes of this Act, "farmer" shall refer to a natural person whose primary
25 livelihood is cultivation of land or the production of agricultural crops either by himself or with
26 the help of his immediate household, "farmworker" shall refer to a natural person who renders
27 service for value as an employee or laborer in an agricultural enterprise or farm regardless of

1 whether his compensation is paid on a daily, weekly, monthly or “pakyaw” basis and
2 “fisherfolk” shall refer to any natural person directly or personally and physically engaged in
3 taking and/or culturing and processing fishery and/or aquatic resources.

4 SECTION 6. *Jurisdiction.* The Provincial Environment and Natural Resources Officer or
5 City Environment and Natural Resources Officer of the DENR shall have exclusive original
6 jurisdiction over all applications for the issuance of a free patent under this Act for all alienable
7 and disposable public lands within their area of jurisdiction. All protest and opposition to any
8 application for the issuance of a free patent shall likewise be adjudicated exclusively by the
9 Provincial or City Environment and Natural Resources Officer; Provided, *That*, jurisdiction over
10 all conflicts and cases arising from ownership of private lands shall remain with the regular
11 courts.

12 SECTION 7. *Requirements.* Every application under the provisions of this Act shall be
13 made under oath and shall set forth

- 14 (1) The name and address of the applicant;
- 15 (2) That the applicant has all the qualifications required by this Act;
- 16 (3) That the application is made in good faith;
- 17 (4) That the application is made for the exclusive benefit of the applicant and not, either directly
18 or indirectly for the benefit of any other person, or persons, corporation, association, or
19 partnership,
- 20 (5) As accurate a description of the land as may be given, the city or municipality where it is
21 located, and its limits and boundaries, specifying those having reference to accidents of the
22 ground or permanent monuments, if any; and
- 23 (6) That the land applied for shall not be encumbered, sold, or converted into other uses by the
24 applicant within five (5) years from the issuance of the free patent.

1 SECTION 8. *Publication.* All applications for a free patent filed under the provisions of
2 this Act shall be posted in the Provincial or City Environment and Natural Resources Office and
3 in the provincial capitol or city hall of the province or city where the land subject of the
4 application is situated.

5 SECTION 9. *Registration of Title.* If, after having duly complied with the posting
6 requirement, without any objection or opposition having been filed thereto, the land is
7 determined to be an alienable and disposable land of the public domain and the applicant is a
8 qualified beneficiary under the provisions of this Act, an order for the approval of application
9 and issuance of a free patent shall be signed and issued by the Provincial Environment and
10 Natural Resources Officer or the City Environment and Natural Resources Officer. The duly-
11 signed free patent shall be transmitted to the Register of Deeds of the province or city where the
12 land subject of application is situated within five (5) working days from the time of its issuance
13 for registration and the issuance of the corresponding certificate of title, in accordance with
14 Section 103 of Presidential Decree 1529. It shall be the duty of the Register of Deeds to register
15 the free patent within five (5) days *from* receipt thereof, whereupon a certificate of title shall be
16 entered as in other cases of registered lands, and an owner's duplicate certificate of title be issued
17 to the grantee.

18 SECTION 10. *Remedies.* Any person may file an objection or opposition under oath to
19 any application on the grounds that the applicant is not qualified under the provisions of this Act,
20 or that the land subject of the application is needed for public use and purposes. The City
21 Environment and Natural Resources Officer or the Provincial Environment and Natural Officer
22 shall resolve the matter raised by the opposition in accordance with the existing mechanism and
23 procedure for Settlement of Land Disputes.

24 SECTION 11. *Bar Against Conversions.* - Any land whose title is secured under the
25 provisions of this Act for the benefit of farmers/ farm workers and/or fishermen/fisherfolks shall

1 not be allowed for any large-scale conversions whether for residential, industrial or commercial
2 purposes for a period of twenty (20) years beginning from the date of issuance of the title. This
3 twenty year bar against land conversions, as provided in this Section, shall be expressly noted in
4 the land title issued under this Act.

5 SECTION 12. *Mandatory Support from Government Agencies.* - Any land whose title is
6 secured under the provisions of this Act for the benefit of farmers/ farm workers and/or
7 fishermen/fisherfolks shall be promptly given the adequate support from any government
8 agency, particularly from the *Departments of Trade and Industry, Agriculture and Environment*
9 *and Natural Resources*, which shall include such adequate entrepreneurial training, financial
10 access programs, and such other administrative support services necessary to ensure that these
11 lands and its use are maximized for the benefit of the farmers/fisherfolks and
12 fishermen/fisherfolks.

13 SECTION 13. *Penalties.* Any person who, without having the qualifications required by
14 this Act, shall by deceit or fraud secures or attempts to secure a certificate of title through a free
15 patent, or induces or knowingly permits another to do the same, and any person aiding and
16 abetting him therein shall, upon conviction, be punished by a fine of not less than 10% of the fair
17 market value of the land applied for as determined by the local government unit or by
18 imprisonment of *prision mayor*, or both, in the discretion of the court; Provided, That 24 if the
19 offender is a public official, the penalty shall include removal from office, forfeiture of all
20 retirement benefits and perpetual disqualification to hold any other appointive or elective
21 positions.

22 Any person who willfully prevents or obstructs the acquisition of a free patent by a
23 qualified beneficiary, or sells, transfers, acquires a land of the public domain for purposes of
24 circumventing the provisions of this Act shall, upon conviction, be punished by a fine of not less
25 than 20% of the fair market value of the land applied for as determined by the local government
26 unit or by imprisonment of *reclusion temporal*, or both, in the discretion of the court; Provided,

1 That if the offender is a public official, the penalty shall include removal from office, forfeiture
2 of all retirement benefits and perpetual disqualification to hold any other appointive or elective
3 positions.

4 Any violation of Section 11 of this Act shall be punishable by imprisonment of prison
5 mayor, or both, in the discretion of the court; provided that, if the offender is a public official, the
6 penalty shall include removal from office, forfeiture of all retirement benefits and perpetual
7 disqualification to hold any other appointive or elective positions.

8 SECTION 14. *Separability Clause.* If, for any reason or reasons, any part or parts of this
9 Act shall be declared unconstitutional or invalid by any competent court, other parts or
10 provisions thereof not affected thereby shall continue to be in full force and effect.

11 SECTION 15. *Repealing Clause.* All laws, decrees, executive orders, executive issuances
12 or letters of instruction, rules and regulations, or any part thereof, inconsistent with or contrary to
13 the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

14 SECTION 16. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
15 publication in two (2) national newspapers of general circulation.

16 Approved,