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SENATE

Senate Bill No. **3424** RECEIVED

Introduced by **SENATOR PIA S. CAYETANO**

EXPLANATORY NOTE

Land, as a valuable and vital resource, needs to be utilized properly and developed appropriately with the general objective of sustainable development for the Philippines and the present and future generations of Filipinos.

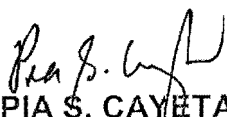
The Philippines' more than 7,100 islands form part of the country's 30 million hectares of land. This sizeable yet scarce resource has to be shared by our growing population, currently estimated at 80 million. It is thus imperative that our country's land resources are effectively administered and equitably managed, a function that is bestowed mainly on the national government.

However, fundamental legal and institutional defects result from the current structure where land administration functions such as land surveys, mapping, classification, titling and disposition and registration are being undertaken by different government agencies. There is thus the need to reform the system of land administration in our country through streamlining of these responsibilities within a single agency.

The proposed Land Administration Reform Act (LARA) of 2009 aims to upgrade, systematize and integrate the administration, management and operations of the country's land resources. It also aims to improve, rationalize and systematize the land records, titling, documentation and information systems into an open, updated, and reliable system.

The bill will lay the foundation for responsive and efficient land administration and management and improve the delivery of land-related services to the general public and reduce delays in land document processing and releases. The bill also aims to enhance and improve transparency and governance in the land resource and administration system by cutting down the overly bureaucratic and technically-oriented land titling and registration processes in the country.

Given the importance of efficient, effective, and responsible distribution and management of lands in the country as a means for a sustainable development, the immediate passage of this measure is earnestly urged.


PIA S. CAYETANO
Senator

SENATE
Senate Bill No. 3424

RECEIVED BY: 

Introduced by **SENATOR PIA S. CAYETANO**

AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION SYSTEM, CREATING THE
LAND ADMINISTRATION AUTHORITY, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as “The Land Administration
Reform Act of 2009”.

SECTION 2. Declaration of Policy.- It is hereby declared the policy of the
State to institute continuing reforms in land administration and management in order to
optimize and rationalize their contribution to the goals of national development, tenurial
security, eradication of poverty, and attainment of social, economic, cultural, justice and
asset reform. Towards this end, the State shall:

- (a) Integrate and rationalize the structure, powers, functions, and responsibilities of
the different agencies involved in land administration and management in order
to increase the efficiency, effectiveness, transparency and accountability and to
expedite the delivery of services.
- (b) Undertake reforms in land administration and management to ensure equitable
distribution and full utilization and development of land resources.
- (c) Provide an efficient and effective cadastral mapping, cadastral surveying,
disposition, registration and management of land resources; and
- (d) Develop, establish and maintain up-to-date, open, accessible, integrated and
computer-based land information and records.

SECTION 3. Definition of Terms. – For the purpose of this Act, the following
terms shall, unless the context indicates otherwise, have the following meanings:

1
2 (a) "Alienable and disposable lands" refer to agricultural lands of the public
3 domain which have been delineated, classified and certified as available for disposition
4 under the Public Land Act.

5 (b) "Agricultural lands" refer to lands devoted to or suitable for the cultivation of
6 the soil, planting of crops or growing of trees, and not classified as mineral land, forest
7 land or national park, or subclassified as residential land, commercial land or industrial
8 land.

9 (c) "Automated registration system" refers to a system using appropriate
10 technology for scanning, recording and land registration using electronic devices to
11 store the copy of certificates of title and other documents relative thereto.

12 (d) "Classification and reclassification" refers to the act of Congress in setting the
13 specific limits of forest lands and national parks, and increasing or decreasing their
14 boundaries by law, as provided for in Article XII, Section 4 of the 1987 Philippine
15 Constitution.

16 (e) "Consulta" refers to the procedure wherein the issue of registrability of certain
17 instruments is resolved in accordance with Presidential Decree No. 1529.

18 (f) "Director General" refers to the person occupying the position of Director
19 General of the Land Administration Authority created by this Act.

20 (g) "Land" refers to resources, both human-made and natural, found on the
21 surface, below and above the ground, including inland waters and the air therein.

22 (h) "Land Administration and Management Project (LAMP)" refers to the project
23 office providing technical and administrative support to the interagency endeavor of the
24 Philippine government to identify strategic directions toward land administration reform
25 in land institutions, laws, taxes and fees, and valuation.

26 (i) "Land administration and public land management" refers to the administration
27 of all functions, powers and activities related to cadastral/parcellary survey and
28 mapping, ownership, disposition and registration of land titles and deeds, and the
29 management of public lands.

30 (j) "Land Information System" refers to a system of linking textual attributes (such
31 as ownership, identity, location and value) of land into spatial reference designed to
32 facilitate access to information and assist in planning and decision-making

33 (k) "Land Management Bureau (LMB)" refers to the staff bureau of the
34 Department of Environment and Natural Resources (DENR).

35 (l) "Land Management Services (LMS)" refers to the land management sector or
36 offices of the DENR at the regional, provincial and district level.

37 (m) "Land registration case" refers to the proceeding, either administrative or
38 judicial, for registering the title to, or interest in, a land so that such title or interest

1 becomes a matter for public record, and all persons who have interest in the land may
2 be informed thereof, actually or constructively, and be bound thereby if they make no
3 objections thereto within a specific time.

4 (n) "Land Registration Authority (LRA)" refers to the agency which is formerly
5 attached to the Department of Justice (DOJ) but has been transferred to DENR by
6 virtue of Executive Order 690, including the Registry of Deeds (RoD).

7 (o) "National Mapping and Resources Information Authority (NAMRIA)" refers to
8 the agency known by that name attached to the DENR.

9 (p) "President" refers to the President of the Philippines.

10 (q) "Public domain" refers to lands that belong to the State which may either be
11 agricultural, forest or timber, mineral or national park as provided for in the Constitution.

12 (r) "Public lands" refer to lands which have not been subject to private property
13 rights or subject to sale or other modes of acquisition or concession under general laws,
14 and are devoted to public use.

16 ARTICLE II

17 CREATION OF THE LAND ADMINISTRATION AUTHORITY

18
19 **SEC. 4. *Creation of the Land Administration Authority (LAA).*** – To carry out
20 the purposes of this Act, the Land Administration Authority (LAA) is hereby created and
21 placed under the Office of the President. It shall be the primary government agency
22 responsible for land administration and public land management.

23
24 **SEC. 5. *General Powers and Functions of the LAA.***– The LAA shall exercise
25 the following powers and functions:

27 a) **Cadastral/Parcellary Survey & Mapping**

28 1) Execute, complete and continually update the nationwide cadastral surveys in
29 accordance with the provisions of Act No. 2259 as amended, and update all
30 existing cadastral maps taking into consideration the protected areas created
31 under RA 7586 or the National Integrated Protected Areas System Act
32 (NIPAS) of 1992;

33 2) In coordination with local government units and the pertinent agencies,
34 conduct and/or approve cadastral surveys and mapping necessary in the
35 implementation of Republic Act No. 7160 or the Local Government Code,
36 Republic Act No. 7279 or the Urban Development and Housing Act, Republic
37 Act No. 8435 or the Agriculture and Fisheries Modernization Act (AFMA),
38 Republic Act 7916 or the Ecozone Law, Republic Act No. 6657 or the

1 Comprehensive Agrarian Reform Law (CARL), and other existing laws
2 requiring survey and mapping;

3 3) Verify and approve all private land consolidation, subdivision and
4 consolidation-subdivision surveys intended for titling purposes;

5 4) Prescribe standards, rules and regulations for the conduct of all kinds of
6 cadastral/parcellary surveys and mapping and similar activities in accordance
7 with existing laws and internationally accepted principles, practices and
8 standards;

9 5) Prescribe a uniform base map that shall be used for all cadastral/parcellary
10 mapping activities, and provide convenient and affordable public access to
11 the same; and

12 6) Establish and maintain an appropriate custodial and storage system that shall
13 ensure the security and integrity of all cadastral survey and mapping records.
14

15 **b) Land Registration**

16 1) Register original titles to land and subsequent dealings in registered lands
17 under the provisions of Act No. 496 and Presidential Decree No. 1529 as
18 amended: *Provided*, That prior to registering a tenure instrument and issuing
19 an original certificate of title based thereon, the LAA shall first verify
20 compliance with the conditions and requirements prescribed under the law
21 authorizing the issuance of said tenure instrument;

22 2) Establish and maintain an appropriate custodial and storage system that shall
23 ensure the security and integrity of all registration and titling records, subject
24 to the provisions of Act No. 496, Presidential Decree 1529 and pertinent laws;
25 and

26 3) Compile a nationwide master list of suspected spurious land titles and tenure
27 instruments, undertake thorough investigation of the same and, when
28 merited, initiate the proper proceedings for the cancellation thereof by a
29 competent court: *Provided*, That cancellation of instruments which have not
30 yet been registered under the Torrens system as provided under existing laws
31 and which are found to be spurious shall be effected by the LAA under rules
32 and procedures that it shall promulgate consistent with this Act and existing
33 laws: *Provided further*, That patently fake titles shall also be dealt with
34 administratively by the LAA.
35

36 **c) Public Land Administration**

37 1) Administer, manage and/or dispose of all alienable and disposable lands of
38 the public domain under the provisions of Commonwealth Act No. 141

1 otherwise known as the Public Land Act, as amended, Friar Lands under the
2 provisions of Act No. 1120, patrimonial property of the national government
3 under Act No. 3038, and such other public lands as have not been placed
4 under the jurisdiction of any other government agency or instrumentality, in
5 accordance with existing laws; and

- 6 2) Coordinate with local government units and the appropriate agencies in
7 releasing alienable and disposable lands of the public domain for the
8 accelerated implementation of agrarian reform, socialized housing,
9 resettlement and other government programs requiring land.

10
11 **d) Land Records and Information Technology**

- 12 1) Establish and maintain a secure, integrated, and accessible computerized
13 database of all cadastral/parcellary survey and mapping records, registration
14 and titling records and other land information data, and ensure the timely
15 updating of said database; and
16 2) Establish and maintain an open system to provide convenient nationwide
17 public access to cadastral/parcellary survey, mapping, registration, titling and
18 other land data; subject, however, to the requirements of security and
19 confidentiality under existing laws.

20
21 **e) Other Functions**

- 22 1) Formulate and recommend policies and programs to achieve the intent and
23 purposes of this Act;
24 2) Determine, fix and collect reasonable amounts to be charged as fees, fines
25 and penalties in the implementation of this Act;
26 3) Receive grants and donations;
27 4) Conduct, regulate, verify and approve all types of cadastral/parcellary land
28 surveys including surveys intended for the implementation of Commonwealth
29 Act No. 141, as amended, Republic Act No. 6657 or the Comprehensive
30 Agrarian Reform Law (CARL) and Republic Act No. 8371 or the Indigenous
31 Peoples' Rights Act of 1997 (IPRA);
32 5) Enter into contracts in the implementation of this Act, subject to existing laws;
33 6) Perform such other powers and functions as are currently lodged with the
34 LRA/RoD, LMB/LMS, DENR-CARP National Coordinating Office under PD
35 1529, CA 141 as amended and other existing laws and issuances; and
36 7) Perform such other functions as are necessary, proper and incidental to
37 implement the provisions of this Act.
38

1 Whenever any reference is made to the LRA/RoD, the LMB/LMS and the DENR-
2 CARP National Coordinating Office under Executive Order No. 192, Presidential Decree
3 No. 1529 and Commonwealth Act No. 141, as amended, pertaining to a duty, power,
4 purpose, responsibility or jurisdiction transferred to the LAA by this Act, it shall be
5 deemed to be a reference to, and to mean, the LAA and the Director General of the
6 LAA, as the case may be.

7
8 **SECTION 6. *Stakeholders' Advisory Committee.*** – The LAA shall be assisted by
9 a Stakeholders' Advisory Committee with 16 members composed of the following:

10 (a) Six (6) representatives from the basic sectors composed of but not limited to
11 farmers, fisherfolk, urban poor, workers in the informal sector, indigenous peoples and
12 NGOs chosen through the nomination process of the National Anti-Poverty Commission
13 (NAPC);

14 (b) One (1) representative from the NAPC Women's Sectoral Council;

15 (c) Five (5) representatives from the private sector appointed by the President.
16 One representative shall come from each of the following: business sector/real estate
17 professionals, banking sector, academe, the geodetic engineer's sector and the
18 Integrated Bar of the Philippines;

19 (d) Three (3) representatives from the League of Municipalities, Cities and
20 Provinces, respectively; and

21 (e) The Director General, as ex-officio member.

22
23 The Director General may call on heads or representatives of other government
24 agencies to attend the meetings of the committee as the need arises.

25
26 The President shall designate the chairperson from among the members of the
27 committee. With the exception of the LAA Director General, the members of the
28 advisory committee shall not hold office in the LAA nor receive any salary but shall be
29 entitled, for actual attendance during meetings, to such allowances and honoraria as
30 are allowed by the rules and regulations promulgated by the Commission on Audit.

31
32 **SECTION 7. *Functions of the Stakeholders' Advisory Committee.*** – The
33 committee shall advise the LAA on the formulation of policies and policy development
34 pertaining to land administration and public land management and shall monitor their
35 implementation. It shall submit, within three months following the end of each calendar
36 year, a report to the President on its advisory and monitoring activities.

37
38 **SECTION 8. *Meetings of the Committee.*** – The chairperson shall convene

1 regular meetings of the committee at least once every quarter. Special meetings may
2 also be called by the chairperson or at the initiative of at least three members.

3
4 **SECTION 9. Secretariat and Logistical Support.** – The office of the LAA Director
5 General shall provide secretariat and logistical support to the committee.

6
7 **ARTICLE III**
8 **IMPLEMENTING MECHANISM**
9

10 **SECTION 10. Structure and Organization.** – The LAA shall consist of:

- 11 (a) The Office of the Director General;
12 (b) The Offices of the Deputy Directors General; and
13 (c) Land offices.
14

15 **SECTION 11. The Director General.** – The authority and responsibility for the
16 exercise of the mandate of the LAA, the accomplishment of its objectives and the
17 discharge of its powers and functions shall be vested in the Director General (DG), of
18 cabinet rank, who shall be appointed by the President.

19 The Director General shall have the following functions:

- 20 (a) Advise the President on the promulgation of rules, regulations and other
21 issuances relative to land administration and public land management;
22 (b) Establish policies and standards for the efficient and effective operations of
23 the LAA in accordance with the programs of the government;
24 (c) Promulgate rules, regulations and other issuances necessary in carrying out
25 the LAA's mandate, objectives, policies, plans, programs and projects;
26 (d) Exercise control and supervision over all functions and activities of the LAA;
27 (e) Delegate authority over all powers, functions and activities of the LAA; and
28 (f) Perform such other functions as may be provided by law or assigned by the
29 President.
30

31 **SECTION 12. Office of the Director General.** – The Office of the Director
32 General shall consist of the Director General, his immediate staff and the Office of the
33 Legal Services. The DG shall be appointed by the President and shall be a lawyer or a
34 geodetic engineer.
35

36 **SECTION 13. Deputy Directors General.** – The Director General shall be
37 assisted by not more than five (5) Deputy Directors General (DDG) who shall be
38 appointed by the President. They shall oversee the land administration and public land

1 management functions of the LAA. They shall be responsible for the following:

- 2 (a) Land Registration;
- 3 (b) Land Surveying;
- 4 (c) Land Records and Information Technology;
- 5 (d) Land Administration; and
- 6 (e) Administration and Finance.

7
8 At least one of the Deputy Directors General shall be a member of the bar or a
9 geodetic engineer with at least five years experience in any land administration function.
10 The Deputy Director General for Land Registration should be a member of the
11 Philippine Bar with experience on land registration. The Deputy Director General for
12 Land Surveying shall be a geodetic engineer.

13
14 The Director General is hereby authorized to delineate, assign and/or reassign the
15 respective functional areas of responsibility of the Deputy Directors General. Within his
16 functional area of responsibility, a Deputy Director General shall have the following
17 functions:

18 (a) Advise the Director General in the promulgation of administrative orders and
19 other issuances with respect to his area of responsibility;

20 (b) Exercise supervision over the offices, departments or operating units, and
21 officers and employees under his responsibility;

22 (c) Promulgate rules and regulations that will efficiently and effectively govern the
23 activities of the units under his responsibility;

24 (d) Coordinate the functions and activities of the units under his responsibility
25 with those of other units under the responsibility of other Deputy Directors General;

26 (e) Exercise authority on substantive and administrative matters related to the
27 functions and activities of the units under his responsibility as may be delegated by the
28 Director General;

29 (f) Assist the Director General in the formulation, management and
30 implementation of land administration and public land management laws, policies,
31 plans, programs and projects; and

32 (g) Perform such other functions as may be provided by law or assigned by the
33 Director General.

34
35 *Provided, That aside from the functions stated herein, the Deputy Director General*
36 *for Land Registration shall exercise executive supervision over all clerks of court and*
37 *personnel of the regular courts throughout the Philippines with respect to the discharge*
38 *of their duties and functions in relation to the registration of lands:*

1
2 *Provided, further,* That each office of the Deputy Director General may create
3 appropriate bureaus, in accordance with existing laws and regulations, as the need
4 arises.

5
6 **SECTION 14. Land Offices.** – Permanent field offices at the city and provincial
7 levels are hereby established and shall be called Land Offices. The LAA may also
8 establish additional Land Offices in a city or province as it may be determined for the
9 efficient and effective delivery of its services: *Provided,* That provinces and cities with
10 existing Registry of Deeds upon approval of this Act shall automatically establish Land
11 Offices: *Provided, further,* That the additional field offices may be abolished by the
12 Director General when these are no longer necessary.

13
14 The Land Offices shall be headed by an Executive Land Officer. He/She shall
15 exercise general supervision on land survey, land registration, public land administration
16 and record and information management within his/her jurisdiction. He/She shall also
17 implement such other functions of the LAA in his/her respective area of responsibility as
18 may be delegated by the Director General to provide a more efficient and effective
19 delivery of services. *Provided,* That the registration personnel shall continue to exercise
20 its other registration functions in accordance with existing laws.

21
22 **ARTICLE IV**
23 **LAND ADJUDICATION BOARD**
24

25 **SECTION 15. Creation of the Land Adjudication Board (LAB).** – There is
26 hereby created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial
27 body of the LAA and shall have the following functions:

28 (a) Exercise exclusive original jurisdiction over all matters involving the
29 implementation of laws, rules and regulations on land administration and public land
30 management, and all cases and/or controversies arising therefrom: *Provided,* That all
31 petitions for the correction of clerical or typographical errors committed in writing,
32 copying, transcribing, or typing of an entry in the maps, survey plans, and certificate of
33 land titles shall be administratively addressed by the LAA Land Offices; and

34 (b) Exercise exclusive original jurisdiction on conflicts arising from the
35 determination and adjudication in land administration and public land management
36 matters, except cases falling under the jurisdiction of the Department of Agrarian
37 Reform (DAR) under the CARP law and the National Commission on Indigenous
38 Peoples under the IPRA law unless specifically provided herein: *Provided,* That

1 jurisdiction over conflicts and cases arising from ownership of private lands shall remain
2 with the regular courts: *Provided, further,* That existing cases on land ownership and
3 conflicts pending in the regular courts shall remain under the court's jurisdiction unless
4 otherwise remanded by the courts to the LAA or LAB for disposition subject to the
5 pertinent provisions of this Act.

6
7 The LAB shall be under the administrative supervision of the Director General
8 and shall be divided into three divisions. Each division shall exercise equal powers,
9 independently resolving cases raised on appeal from the decisions of the Local Land
10 Adjudication Boards, created pursuant to Section 17 hereof, from Luzon, Visayas, and
11 Mindanao: *Provided,* That whenever such a need arises, there shall be created another
12 division: *Provided, further,* That the divisions assigned to handle cases from Visayas
13 and Mindanao shall hold permanent office in any of the cities therein.

14
15 **SECTION 16. Composition.** – Each division of the LAB shall be composed of
16 three (3) permanent members who shall be nominated by the Stakeholder's Advisory
17 Committee and be appointed by the President: *Provided,* That the Director General of
18 the LAA shall sit as *ex officio* or fourth member of each division.

19
20 All members of the Land Adjudication Board shall be members of the Philippine
21 Bar with at least ten (10) years of experience in property and land administration and
22 management related matters. The permanent members of each division shall elect their
23 presiding officer.

24
25 **SECTION 17. Local Land Adjudication Board.** – Local Land Adjudication
26 Boards (LLAB) are hereby created in all provincial and city Land Offices that shall serve
27 as first level board. The LLAB shall be composed of three (3) members. The Presiding
28 Officer shall be the Executive Land Officer, the two other members shall be the head of
29 the local surveys unit and the head of the local registration unit.

30
31 Decisions, orders, and resolutions of the Local Land Adjudication Board shall be
32 raised on appeal to the LAB.

33
34 **SECTION 18. Budget and Administrative Support.** – The LAB shall determine
35 and propose its budgetary requirements and shall be submitted as part of the LAA's
36 budget request. Disbursements of the approved budget resources shall be the sole
37 responsibility of the LAB. Secretariat services shall be provided by the LAA.

1 **SECTION 19. *Proceedings and Procedures.*** – The LAB shall not be bound by
2 technical rules of procedure and evidence but shall proceed to hear and decide all
3 cases, disputes or controversies in a most expeditious manner, employing all
4 reasonable means to ascertain the facts of every case in accordance with justice and
5 equity and the merits of the case. Towards this end, it shall adopt uniform rules of
6 procedure to achieve a just, expeditious and inexpensive determination of merits:
7 *Provided*, That it shall endeavor to settle disputes and controversies amicably.

8
9 In the exercise of its functions, the LAB shall have the power to summon
10 witnesses, administer oaths, take testimony, require submission of reports, compel the
11 production of books and documents and answers to interrogatories, issue *subpoena ad*
12 *testificandum* and *subpoena duces tecum* and enforce its writs through sheriffs or other
13 duly deputized officers. It shall punish direct and indirect contempt in the same manner
14 and subject to the same penalties as provided for in the Rules of Court.

15
16 Responsible persons shall be allowed to represent themselves or their
17 organizations in any proceedings before the LAB: *Provided, however*, That when there
18 are two or more representatives for any individual or group, the representatives shall
19 choose only one from among themselves to represent such party or group before any
20 LAB proceedings.

21
22 **SECTION 20. *Finality of Determination.*** – Any case or controversy before the
23 LAB shall be decided within thirty (30) days after it is submitted for resolution. Only one
24 motion for reconsideration shall be allowed. Moreover, any order, award, ruling or
25 decision shall be final after the lapse of fifteen (15) days from receipt by the parties of a
26 copy thereof.

27
28 **SECTION 21. *Frivolous Appeals.*** – To discourage frivolous or dilatory appeals
29 from the decisions, awards, rulings or orders, the LAB may impose reasonable penalties
30 including, but not limited to, fines or censures upon erring parties.

31
32 **ARTICLE V**
33 **JUDICIAL REVIEW**
34

35 **SECTION 22. *Certiorari.*** – Any decision, order, award or ruling of the LAA on any
36 dispute or on any matter pertaining to the application, implementation, enforcement or
37 interpretation of this Act and other pertinent laws on land administration and public land
38 management may be brought to the Court of Appeals by certiorari within fifteen (15)

1 days from the receipt of a copy thereof.

2
3 The findings of fact of the LAA shall be final and conclusive if based on substantial
4 evidence.

5
6 **SECTION 23. *Restraining Order or Preliminary Injunction.*** – Only the Court of
7 Appeals and the Supreme Court of the Philippines shall have jurisdiction to issue any
8 restraining order or writ of preliminary injunction against the LAA or any of its duly
9 authorized or designated offices in any case, dispute or controversy arising from,
10 necessary to, or in connection with the application, implementation, enforcement or
11 interpretation of this Act and other pertinent laws on land administration and public land
12 management.

13
14 **SECTION. 24. *Procedure on Review.*** – Review by the Court of Appeals or the
15 Supreme Court, as the case may be, shall be governed by the Rules of Court. The
16 Court of Appeals, however, may require the parties to file simultaneous memoranda
17 within a period of fifteen (15) days from notice, after which the case is deemed
18 submitted for decision.

19
20 **SECTION 25. *Authenticity and Validity of Land Record and Titles*** - The LAA
21 shall have the sole authority and power to validate, authenticate and reconstitute land
22 titles and land ownership records and information: *Provided*, That existing cases filed
23 under the regular courts shall remain under its jurisdiction unless remanded to the LAA.

24
25 **ARTICLE VI**
26 **TRANSITORY PROVISIONS**
27

28 **SECTION 26. *Transfer of Powers and Transition Plan.*** - The powers and
29 functions of the LAA heretofore vested by law in the DENR, LRA/RoD, LMB/LMS and
30 DENR-CARP National Coordinating Office or in any office within or attached to these
31 agencies, are hereby transferred to and vested in the Office of the Director General.
32 The Director General shall be responsible for the identification, preparation and
33 formulation of a transition plan to ensure the smooth and seamless transfer and
34 assumption of powers, functions and personnel from the abovementioned agencies to
35 the LAA: *Provided*, That such transition plan shall be prepared, formulated and
36 developed in consultation with the affected agencies and its representative
37 stakeholders: *Provided, further*, That the transition plan shall integrate such other

1 actions and activities necessary, including provisions under this section and as provided
2 for under this Act to complete the transition to the LAA.

3
4 **SECTION 27. *Organization of the LAA.*** - The LAA's organizational and
5 administrative structure and functions and staffing pattern, including the personnel's
6 duties and responsibilities and the appropriate compensation package shall be
7 submitted by the Director General within six (6) months upon approval of this Act for
8 review and approval of the President and shall be fully implemented within a period of
9 six (6) months after such approval of the President.

10
11 **SECTION 28. *Transfer of Personnel.*** - To ensure a smooth transition, all
12 incumbent personnel of the DENR's LMB/LMS, LRA/RoD and DENR-CARP National
13 Coordinating Office and its field offices shall continue to perform their present duties
14 and functions as interim personnel of the LAA until such time, being not later than
15 twelve (12) months from the effectivity of this Act, that the regular staff of the LAA,
16 based on the new staffing pattern, shall have been appointed: *Provided*, That all
17 incumbent and qualified personnel of the DENR's LMB/LMS, LRA/RoD and DENR-
18 CARP National Coordinating Office and its field offices shall be allowed to fill up the
19 appropriate positions for regular personnel of the LAA and its field offices: *Provided*,
20 *further*, That the regular personnel shall be appointed by the Director General, or his/her
21 duly authorized representative, on the basis of merit, previous permanent appointment,
22 fitness, and seniority.

23
24 The existing number of officials and employees of the Land Registration Authority
25 and other agencies to be integrated to the Land Administration Authority shall not be
26 increased and no new hiring shall be allowed until all of them shall have been properly
27 placed. Those who opt to stay shall retain their remuneration and seniority. No official or
28 personnel shall be dislocated and involuntarily separated, except for cause.

29
30 **SECTION 29. *Separation Pay and Other Benefits.*** - Personnel who are not
31 offered appointment within twelve (12) months upon the effectivity of this Act under the
32 new staffing pattern of the LAA on at least equivalent terms and conditions as their
33 present employment by reason of duplication or redundancy and those who decline an
34 appointment in the LAA by reason of diminution in rank and conditions shall be entitled
35 to the separation pay and other benefits in accordance with Sections 10.1 to 10.3 and
36 13 of Executive Order No. 366 dated October 4, 2004.

37
38 **SECTION 30. *Reemployment.*** - Government personnel who are separated as a

1 result of the integration of the aforecited offices may apply for positions and be
2 employed in other agencies or branches of the government including government-
3 owned and/or -controlled corporations (GOCCs), government financial institutions
4 (GFIs) or local government units (LGUs).

5
6 **SECTION 31. *Unexpended Appropriations and Transfer of Assets.*** – The
7 unexpended balances of appropriations in the current General Appropriations Act and
8 other laws in force upon approval hereof, pertaining to, held, or used by, or available to
9 the LRA and RoD, the LMB, the LMS, the DENR-CARP National Coordinating Office
10 and its field offices, and the LAMP are hereby transferred to the LAA.

11
12 Such other unexpended balances of appropriations as may be deemed
13 appropriate by the Department of Budget and Management for transfer to the LAA shall
14 also be so transferred.

15
16 All real and personal properties, assets, liabilities, records, documents, positions,
17 appropriations, contracts and agreements which, upon the effectivity of this Act, are
18 vested in, or owned, by the LMB/LMS, the DENR-CARP National Coordinating Office
19 and its field offices, the LRA/RoD and the LAMP are hereby transferred to the LAA.

20
21 **SECTION 32. *Penal Provisions.*** – Any person who sells forms issued and
22 distributed gratuitously under this Act or who, being an officer charged with distributing
23 them, refuses or fails without sufficient reason to furnish the same shall be punished for
24 each offense by a fine of not less than One hundred thousand pesos (P100,000.00) and
25 not more than One million pesos (P1,000,000.00) or imprisonment of not less than six
26 months nor more than three years, or both, at the discretion of the court.

27
28 Any person, corporation, association or partnership which, not being qualified or no
29 longer authorized to apply for registration purposes, files or induces or knowingly
30 permits another person, corporation, association or partnership to file an application in
31 his/her or its behalf, or for his/her or its interest, benefit or advantage shall be punished
32 for each offense by a fine of not less than One hundred thousand pesos (P100,000.00)
33 or imprisonment of not less than five years, or both, at the discretion of the court:
34 *Provided, That in case the offender is a corporation, association or partnership, their*
35 *responsible officials shall be deemed jointly and severally liable. The application shall*
36 *be cancelled.*

37
38 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of the

1 public domain or other real property or any right, title or interest, or property right of any
2 class to the same, and any person aiding and abetting him therein or serving as a
3 means or tool thereof shall, upon conviction, be punished by a fine of not less than One
4 hundred thousand pesos (P100,000.00) and imprisonment of not less than five years
5 nor more than twelve (12) years, or both, at the discretion of the court.
6

7 Any person who shall tamper or attempt to tamper any records of the LAA that will
8 result in the acquisition of rights, title or interest over real property and any person
9 aiding and abetting him therein or serving as a means or tool thereof shall, upon
10 conviction, be punished by a fine of not less than Five hundred thousand pesos
11 (P500,000.00) and imprisonment of not less than twelve (12) years, or both, at the
12 discretion of the court.
13

14 For purposes of this Act, if the offender is a public official or government official or
15 employee, he or she shall be, in addition to the existing penalties, removed from office,
16 forfeit all retirement benefits except the monetary value of accumulated leave credits
17 and be perpetually disqualified from holding any elective or appointive public office.
18

19 **SECTION 33. *Preservation of Records.*** – The LAA shall have possession and
20 control of all records, books, papers, offices, equipment, supplies, moneys, funds,
21 appropriations, land and other property, real or personal, held for the benefit or use of
22 all bodies, offices and officers whose duties, powers and functions have been
23 transferred to and conferred upon the LAA.
24

25 Pending a written notice of receipt issued by a duly authorized officer of the LAA, it
26 shall be the duty of any and all personnel responsible for, or in possession of records
27 relating to the affairs of the LMB, the LMS, the DENR-CARP National Coordinating
28 Office and its field offices, the LRA and the RoD to protect and preserve such records.
29

30 Without prejudice to any other penalties provided for by law, any person who fails
31 to fulfill his/her duty pursuant to the above paragraph shall be guilty of an offense
32 against the provisions of this Act, punishable by a fine of not less than One million
33 pesos (P1,000,000.00) or imprisonment of not more than five years, or both, at the
34 discretion of the court.
35

36 **SECTION 34. *Saving Clause.*** – All orders, determination, rules, regulations,
37 permits, certificates, licenses and privileges which have been issued, made or granted
38 effective by the former LMB, LMS, LRA, RoD, DENR-CARP National Coordinating

1 Office and its field offices, and LAMP, or their predecessors shall continue to be in effect
2 according to their terms until modified, terminated, superseded, set aside or repealed.
3

4 No suit, action or other proceedings commenced by or against any officer in his
5 official capacity as an officer of any division or unit of the former LMB, LMS, LRA, RoD,
6 DENR-CARP National Coordinating Office and its field offices, and LAMP, the functions
7 of which are transferred by this Act to the LAA shall abate by reason of this Act. In like
8 manner, no cause of action by or against such division or unit or by or against any
9 officer thereof in his official capacity shall abate by reason of the enactment of this Act.
10 Causes of actions, suits or other proceedings may be asserted for or against the LAA or
11 such official of the LAA, as may be appropriate.
12

13 ARTICLE VII 14 MISCELLANEOUS PROVISIONS 15

16 **SECTION 35. *Use of Income and Other Sources of Funds.*** - The LAA is
17 hereby authorized to use fifty percent (50%) of all revenues derived from fees, charges,
18 fines, penalties and other sources for capital outlay on infrastructure, procurement of
19 equipment and services related to the integration, updating and maintenance of
20 computer-based land information and database system, training and skills upgrading
21 including personnel capacity building of LAA.
22

23 The LAA shall be allowed to receive, hold and utilize funds from grants,
24 donations, contributions and other gratuitous sources both foreign and local for the
25 implementation of its mandate, programs and projects, subject to existing rules and
26 regulations.
27

28 **SECTION 36. *Assurance Fund.*** - A special account within the LAA is hereby
29 created for the entire proceeds of the Assurance Fund, which shall no longer be paid to
30 the National Treasury as provided for in Section 94 of Presidential Decree No. 1529.
31

32 Claims from the Assurance Fund shall be heard, decided and determined by the
33 LAB. All pending cases or claims against the Assurance Fund now being handled by
34 the Bureau of Treasury, through the Office of the Solicitor General, shall likewise be
35 transferred to the LAB. Thereafter, the National Treasurer shall no longer be impleaded
36 as party in any action against the Assurance Fund.
37

38 **SECTION 37. *Indemnification of Officials and Personnel.*** - The LAA shall

1 indemnify all officials and personnel for all costs and expenses reasonably incurred by
2 such persons in connection with any civil or criminal actions, suits or proceedings to
3 which they may be or made a party by reason of the performance of their functions or
4 duties, unless they are finally adjudged in such actions or proceedings to be liable.

5
6 In the event of settlement or compromise, indemnification shall be provided only in
7 connection with such matters covered by the settlement as to which the LAA is advised
8 by an external counsel that the persons to be indemnified did not commit any gross
9 negligence or misconduct.

10
11 The costs and expenses incurred in defending the aforementioned action, suit or
12 proceeding may be paid by the LAA in advance of the final disposition of such action,
13 suit or proceeding upon receipt of an undertaking by or on behalf of the Director
14 General wherein the official or employee shall repay the amount advanced should it
15 ultimately be determined by the LAA that such official or employee is not entitled to be
16 indemnified as provided in this section.

17
18 **SECTION. 38. *Implementing Rules and Regulations.*** – Within sixty (60) days
19 from the effectivity of this Act, the LAA shall promulgate the rules and regulations to
20 implement the provisions of this Act. In the process of the formulation of the IRR for this
21 Act, consultations shall be made with the Stakeholders' Advisory Committee and
22 submitted to the Office of the President for approval. Copies of the IRR shall be
23 distributed to the Congressional Oversight Committee on Land Administration created
24 under Section 39 hereof.

25
26 **SECTION 39. *Congressional Oversight Committee on the Land***
27 ***Administration Reform Act.*** – There is hereby created a Congressional Oversight
28 Committee on the Land Reform Act composed of seven (7) members from the Senate
29 and seven (7) members from the House of Representatives to be designated by the
30 Senate President and the House Speaker, respectively. The Committee on
31 Environment and Natural Resources shall act as chair.

32
33 The Congressional Oversight Committee, which shall function for a period of not
34 more than three years, shall oversee the implementation of this Act.

35
36 The secretariat of the Congressional Oversight Committee shall be drawn from the
37 existing secretariat personnel of the committees of the Senate and the House of
38 Representatives comprising the oversight committee and the funding for its operations

1 shall be taken from the existing budget of the concerned committees.

2
3 **SECTION 40. *Separability Clause.*** – Should any provision of this Act or any part
4 hereof be declared unconstitutional or invalid by a court, the other provisions hereof
5 which are not affected thereby shall remain in force and effect.
6

7 **SECTION 41. *Repealing Clause.*** – All laws, decrees, orders, instructions,
8 proclamations, rules and regulations or parts thereof, including pertinent provisions of
9 Commonwealth Act No. 141, Act No. 496, Presidential Decree No. 1529, Executive
10 Order No. 192 and its related rules and regulations; Executive Order No. 469 dated
11 February 11, 1981 and the subsequent Presidential Memorandum Circular dated 30
12 September 1988 and their related rules and regulations; and the Administrative Code of
13 1987, which are inconsistent with any provision of this Act, are hereby repealed,
14 modified, or amended accordingly.
15

16 **SECTION 42. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
17 complete publication in the *Official Gazette* or in a newspaper of general circulation.
18
19

20 Approved,