

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



'13 SEP 11 P6:33

SENATE
S. B. No. 1651

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Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Several cases have reached the Supreme Court involving land-grabbing syndicates seeking to wrest titles of real properties from their legitimate owners using fake documents. As early as 1990, no less than the Supreme Court En Banc in *Acting Registrars of Land Titles and Deeds of Pasay City, Pasig and Makati vs. Judge Velez et. al.*, G.R. No. 81564 April 26, 1990 has expressed its deep disappointment with regard to a judge who was involved in the controversial land cases involving a supposed Hacienda de Maricaban. Fast forward to more recent cases, the Supreme Court in *Fidela Angeles vs. Secretary of Justice*, G.R. No. 142549, March 9, 2010 noted that up for its resolution is touted as "one of the biggest and most extensive land-grabbing incidents in recent history". The Court stated that the lands involved in the case encompasses One Thousand Three Hundred Forty-Two (1,342) hectares of the Maysilo Estate, previously described by the Court En Banc as a "vast tract of land [that] stretches over three cities, comprising an area larger than the sovereign states of Monaco and the Vatican."

In some of these cases, unscrupulous individuals bank-rolled by syndicates have been using our courts to legitimize their land-grabbing activities by resorting to petitions for reconstitution of titles allegedly lost due to fire or other force majeure events (typhoons, wars etc.), among other court proceedings. After these titles are reconstituted and new Torrens titles are issued, the same are sold to "innocent purchasers for value" in the hope that said new titles are protected under the Torrens System.

Existing laws on falsification of public documents, perjury and subordination to perjury among others appear to be grossly inadequate in deterring unscrupulous individuals from their land-grabbing activities. Recently, land grabbers have become too bold to make ownership claims even against the government using fraudulent documents.

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


MARIA LOURDES NANCY S. BINAY
Senator



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1 AN ACT ENHANCING PROTECTION FOR LEGITIMATE OWNERS OF
2 REAL PROPERTY AND PROVIDING PENALTIES FOR FRAUDULENT
3 ACTS IN REAL ESTATE TRANSACTIONS
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1.** This act shall be known as the "Real Property Owners Protection Act of
9 2013."
10

11 **SECTION 2. Unlawful Acts.** In addition to criminal liabilities under the Revised Penal
12 Code, Republic Act 6732 and other special laws, the following acts are hereby declared
13 unlawful:
14

- 15 (a) Falsification of public and private documents such as but not limited to
16 *survey/subdivision plans, board resolutions authorizing the sale of real property in*
17 *the case of juridical persons deeds of sale or donation and other forms of*
18 *conveyances; wills, deeds of extrajudicial settlement dividing real property among*
19 *alleged heirs of the previous owner and other related documents in any transaction*
20 *involving real property;*
21
22 (b) Use of falsified documents in Section 2(a) in any administrative, quasi-judicial or
23 court proceedings to support a fraudulent claim of ownership over real property;
24
25 (c) Offering false testimony or procurement of such false testimony in court or any quasi-
26 judicial proceedings to support a fraudulent claim of ownership over real property;
27

28 **SECTION 3. Penalty.** Any person found guilty of any of the acts stated in Section 2 shall be
29 punished with imprisonment of a minimum of *eight (8) years up to twelve (12) years* and a
30 fine of not less than One Million Pesos (P1,000,000.00) but not exceeding Two Million Pesos
31 (P2,000,000.00), or both, at the discretion of the Court.
32

33 **SECTION 4. Special Qualifying Circumstances.** The penalty under Section 3 shall be
34 imposed in its maximum if any of the following circumstances are present:
35

- 36 (a) The person committing any of the unlawful acts under Section 2 is a public officer
37 taking advantage of his official position;

- 1 (b) When any of the unlawful acts is committed by a person who is part of a syndicate.
2 Section 2 is deemed committed by a syndicate if carried out by a group of three (3) or
3 more persons conspiring or confederating with one another.
4 (c) When any of the unlawful acts under Section 2 is committed in large scale. It is
5 deemed committed in large scale if committed against three (3) or more persons,
6 individually or as a group;
7 (d) When the person has been previously convicted of any of the acts mentioned under
8 Section 2.
9

10 **SECTION 5. *Separability Clause.*** If any provision or part of this Act, or the application
11 thereof to any person or circumstance be held unconstitutional or be invalid, such parts not
12 affected thereby shall remain in full force and effect.
13

14 **SECTION 6. *Effectivity Clause.*** This Act shall take effect fifteen (15) days following its full
15 and complete publication in the Official Gazette or in at least two (2) newspapers of general
16 circulation.
17

18 Approved,