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SENATE

S. No. 1052

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Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

Land is vital to the people's sense of security and quest for a better quality of life. However, the security of people's land tenure can only be achieved through an efficient land administration system including efficient survey and mapping of land, first-time titling of alienable and disposable land, registration of land titles and title transfer and public land management.

The performance of government agencies in undertaking land surveys, mapping, classification, disposition and registration is currently hampered by fundamental legal and institutional defects in both the structure and operations of the land administration system.

These institutional and structural defects in land administration have caused major inefficiencies including extensive delays in the disposition and titling of alienable and disposable land, inaccurate and incomplete land records, duplicate and fake titles, duplication and overlapping of activities between government agencies, and unnecessary costs to both the national and local governments and the general public.

To address these problems, the Government has been undertaking a Land Administration and Management Project preparatory to a long-term program to fundamentally reform the present land administration system.

A fundamental prerequisite in the pursuit of the necessary reforms is the consolidation and streamlining within a single government agency of land administration powers and functions. Currently, this is dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds and the Department of Environment and Natural Resources' Lands Management Bureau, Land Management Services in the regional, provincial and community offices, National Mapping and Resource Information Authority, and CARP Secretariat and its field offices.

The Philippines is unusual, compared to its neighboring countries, in that the government's land administration functions are currently dispersed across multiple agencies. Without integrating these three agencies, it would be difficult to undertake the major long term investment of resources that will be necessary to implement the required overall reforms.

The proposed Land Administration Reform Act seeks to enable the lands sector to contribute to economic growth and poverty alleviation. It is for these reasons that the consideration and approval of the bill is earnestly sought.


EDGARDO J. ANGARA

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AN ACT
INSTITUTIONALIZING REFORMS IN LAND ADMINISTRATION, CREATING
FOR THE PURPOSE THE LAND ADMINISTRATION AUTHORITY AND FOR
OTHER PURPOSES

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as “The Land Administration Reform Act of 2004.”

SEC. 2. *Declaration of Policy.* - It is the policy of the State to institutionalise reforms in land administration to optimize and rationalize their contribution to the goals of national development, the eradication of poverty and the achievement of social, economic and cultural justice and asset reform.

SEC. 3. *Strategies.* – To pursue this policy, the State shall adopt the following strategies:

- (a) Provide leadership and management of reforms of land administration;
- (b) Promote the efficient and effective mapping, land survey, classification, disposition, valuation and registration of land and management of public lands;
- (c) Undertake a comprehensive and continuing land administration program, which will make the acquisition and registration of real property affordable and expeditious; and assist in the attainment of the government’s asset reform programs;
- (d) Adopt workable policies and programs, which will accelerate and complete the titling and registration of alienable and disposable lands, thereby providing security of land tenure;
- (e) Undertake reforms in land administration and management to ensure the equitable distribution and full utilization and development of alienable and disposable lands;

- (f) Improve the efficiency, effectiveness, transparency and accountability of land administration services;
- (g) Establish a sustainable and viable land administration by adopting the computerization of the land administration functions and removing of overlaps and duplication in the delivery of land administration services;
- (h) Establish an administrative system for the cancellation of duplicate and fake titles and eradication of land grabbing activities.
- (i) Provide accessible, efficient and affordable land administration services to the people through the establishment of One-Stop-Shops nationwide;
- (j) Establish an effective land information system and provide easy and cheap access to land information by members of the public;
- (k) Work towards the abolition of judicial registration of title in favor of more simple administrative processes, subject to rights of appeal to the Courts;
- (l) Reform and codify all land administration laws and regulations;
- (m) Rationalize and clarify the entitlements of persons to obtain land titles with the intention of making the process of issuing original titles fast and low-cost;
- (n) Work towards the establishment of one valuation system for all real property taxation purposes;
- (o) Improve the skills of, and career opportunities for, government employees engaged in the provision of land administration services;
- (p) Promote and support the development of a national land administration and management education system;
- (q) Reduce disincentives to the registration of property transactions;
- (r) Mainstream gender in all aspects of the land administration system;
- (s) Recognize, respect, ensure participation and assist in the enforcement of the land related rights of men and women of the basic sectors, as defined in RA 8425.

SEC. 4 *Definition of Terms.* - For the purpose of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

- (a) *Director General* – refers to the person occupying the position of Director General of the Land Administration Authority created by this Act including any person appointed as Acting Director General.
- (b) *Land Administration and Public Land Management* – refers to the administration of all functions, powers and activities related to the mapping, land survey, classification, ownership, disposition, and registration of land titles and deeds; and management of public lands.
- (c) *Lands Management Bureau (LMB)* – a staff Bureau of the Department of Environment and Natural Resources (DENR) and, for the purposes of this Act, all

other land administration and management functions and powers heretofore undertaken or exercised by that Department at its national, regional, provincial and all other levels by any Office of that Department, including the Office of the Secretary.

- (d) *Lands Management Services (LMS)* – refers to the lands management sector/offices of the DENR at the regional, provincial and district level.
- (e) *Land Registration Authority (LRA)* – an attached agency of the Department of Justice (DOJ), including the Register of Deeds (RoD).
- (f) *National Mapping and Resource Information Authority (NAMRIA)* – refers to the agency known by that name attached to the Department of Environment and Natural Resources.
- (g) *Classification and Reclassification* - refers to the act of Congress in setting the specific limits of forestlands and national parks and increasing or decreasing their boundaries by law, respectively as provided for in Article XII, Section 4 of the 1987 Philippine Constitution.

ARTICLE II

CREATION, MANDATE, POWERS AND FUNCTIONS OF THE LAND ADMINISTRATION AUTHORITY

SEC. 5 *Creation of the Land Administration Authority (LAA).* - To carry out the purposes of this Act, the Land Administration Authority, hereinafter referred to as the “Authority”, is hereby created and placed under the Office of the President.

SEC 6. *Mandate of the Authority.* - The Authority’s mandate is to lead and manage the implementation of the policy set forth in Sec. 2 hereof, through the Strategies set forth in Sec. 3 hereof, and such others as may be necessary to carry out its functions.

The Authority shall be the primary government agency responsible for land administration and public land management, especially in surveying, mapping and charting, classification, disposition of alienable lands of the public domain and patrimonial lands, registration of titles, and resource information generation and management in order to ensure that benefits therefrom are shared equitably among and by the present and future generations; and in a manner that meets the needs of users and the general public.

SEC. 7 Powers and Functions of the Authority. - To accomplish its mandate, the Authority shall perform the following powers and functions:

- (a) Conduct, integrate and regulate the functions of geodetic and geophysical surveys, land classification surveys, mapping, charting and oceanography aerial photography, remote sensing, management of resource information needed by both public and private sectors, and research development thereof in accordance with existing laws and internationally accepted norms and procedures and standards as provided under Executive Order No. 192;
- (b) Survey, map and maintain data base to support the determination of specific limits of forest lands and national parks by Congress as provided under Section 4, Article XII of the Constitution;
- (c) Survey, map, maintain database on, administer, manage and/or dispose of all alienable and disposable lands of the public domain and other lands, including foreshore and marsh lands, under the provisions of Commonwealth Act No. 141, as amended, otherwise known as the Public Land Act, and in accordance with existing laws such as, but not limited to, RA 8550, RA 7279 and RA 6657;
- (d) Manage, sell and/or dispose the remaining Friar Lands under the provisions of Act No. 1120, as amended, and in accordance with existing laws;
- (e) Manage and dispose lands of patrimonial property of the National Government under the provisions of Act No. 3038, or such other Government lands as have not been placed under the administration, management, control or exclusive use of any other Government agency by legislative or executive issuance;
- (f) Execute cadastral surveys in accordance with the provisions of Act No. 2259, as amended, and all other kinds of surveys for national mapping and land titling purposes;
- (g) Register original titles to land and subsequent dealings in registered lands under the provisions of Act No. 496 and Presidential Decree No. 1529, otherwise known as the Land Registration Act and the Property Registration Decree, respectively;
- (h) Such other functions as are currently undertaken by the LRA/RoD, LMB/LMS, NAMRIA, DENR-CARP National Secretariat under P.D. 1529 and C.A 141, as amended; and
- (i) Such other functions as are necessary, proper, and incidental to implement the provisions of this Act.

SEC. 8 *Stakeholders' Advisory Committee.* – The Authority shall be assisted by the a 16-member Stakeholders' Advisory Committee composed of the following:

- (a) The DENR and DAR Secretaries and Heads of the Office of Muslim Affairs (OMA), Housing and Urban Development Coordinating Council (HUDCC) and the National Commission for Indigenous Peoples (NCIP), or their duly authorized representatives;
- (b) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk, urban poor, workers in the informal sector; indigenous peoples and NGOs) chosen through the nomination process of the National Anti-Poverty Commission (NAPC);
- (c) Two (2) Representatives from the NAPC Women's Sectoral Council;
- (d) Two Representatives from the private sector such as, but not limited to, real estate, professionals/practitioners and academe to be chosen by the President; and
- (e) The Director General.

The President shall designate the Chairperson from among the members of the Committee excluding the Director General.

Members of the Committee, except for the Director General, shall receive such allowances and honoraria as are allowed by COA rules and regulations for actual attendance at meetings.

SEC. 9. *Functions of the Stakeholders Advisory Committee.* The Committee shall advise the Authority on national policies and policy development pertaining to land administration and public land management and shall monitor their implementation. It shall submit, within three months following the end of each calendar year, a report to the President on its advisory and monitoring activities.

SEC 10 *Meetings of the Committee.* - The Chair of the Committee Board shall convene regular meetings of the Board, which shall be at least once every quarter. Special meetings may be called by the Chair, as he/she may deem necessary, or at the initiative of at least five (5) members.

SEC. 11 *Secretariat and Logistical Support.* – The Office of the Director General shall provide secretariat and logistical support to the Committee.

ARTICLE III

MANAGEMENT, PERSONNEL, IMPLEMENTING AND COORDINATING MECHANISM

SEC 12. *Structural Organization.* - The Authority shall consist of:

- (a) The Office of the Director General;
- (b) The Offices of the Deputy Director Generals;
- (c) The Offices of the Assistant Director Generals; and
- (d) Field offices

SEC 13. *The Director General.* - The authority and responsibility for the exercise of the mandate of the Authority, the accomplishment of its objectives and the discharge of its powers and functions shall be vested in the Director General, a Cabinet Rank, who shall supervise the Authority and shall be appointed by the President. For such purposes, he/she shall have the following functions:

- (a) Advise the President on the promulgation of rules, regulations and other issuances relative to land administration and public land management;
- (b) Establish policies and standards for the efficient and effective operations of the Authority in accordance with the programs of the Government;
- (c) Promulgate rules, regulations and other issuances necessary in carrying out the Authority's mandate, objectives, policies, plans, programs and project;
- (d) Exercise supervision over all functions and activities of the Authority;
- (e) Delegate authority over all powers, functions and activities of the Authority;
- (f) Perform other functions as may be provided by law or assigned by the President.

SEC. 14. *Office of the Director General.* - The Office of the Director General shall consist of the Director General and his immediate staff.

SEC. 15. *Deputy Director Generals.* - The Director General shall be assisted by at least three (3) Deputy Director Generals, at least one of whom shall be a member of the Bar or a Geodetic Engineer with at least five (5) years experience in any land administration functions, who shall be appointed by the President upon the recommendation of the Director General. The Director General is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Deputy Director Generals, provided, that such responsibility shall be with respect to the mandate and objectives of the Authority; and provided, further, that no Deputy Director

General shall be assigned primarily administrative responsibilities. Within his functional area of responsibility, a Deputy Director General shall have the following functions:

- (a) Advise the Director General in the promulgation of department orders, administrative orders and other issuance, with respect to his area of responsibility;
- (b) Exercise supervision over the offices, departments, operating units and officers and employees under his responsibility;
- (c) Promulgate rules and regulations, consistent with Department policies that will efficiently and effectively govern the activities of units under his responsibility;
- (d) Coordinate the functions and activities of the units under his responsibility with those of other units under the responsibility of other Deputy Director Generals;
- (e) Exercise authority on substantive and administrative matters related to the functions and activities of units under his responsibility as may be delegated by the Director General; and
- (f) Perform other functions as may be provided by law or assigned by the Director General.

SEC. 16. *Assistant Director Generals.* - The Director General and Deputy Director Generals shall be assisted by five (5) Assistant Director Generals in the formulation, management and implementation of land administration and public land management laws, policies, plans and programs and projects.

SEC. 17. *Authority Functions.* - The Director General, Deputy Director Generals and Assistant Director Generals shall oversee day-to-day administration and supervision of all activities necessary for undertaking the Authority's powers and functions including, but not limited to, the following: legal affairs; legislative liaison; sectoral and community relations and public affairs; financial services; general services; human resources development; policy development and evaluation; planning and programs and projects development, monitoring and evaluation; public land management and utilization; mapping services; cadastral surveys; land registration services; land information services; remote sensing; and coast surveys, oceanography and charting.

SEC. 18. *Field Offices of the Authority.*- The Authority shall establish field offices at such levels as it may determine to be required for the efficient and effective delivery of its services.

The field offices shall undertake, among others, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the Authority on land administration and public land management;
- (b) Provide efficient and effective delivery of services to the people;
- (c) Coordinate with field offices of other agencies, departments, offices in the region and local government units in the enforcement of land administration and public land management laws and regulations and in the formulation and implementation of programs and projects;
- (d) Recommend and, upon approval, implement programs and projects on land administration and management and related concerns;
- (e) Conduct comprehensive inventory of alienable and disposable lands of the public domain and of patrimonial properties and formulate district/provincial/regional short and long term development plans for the management/administration/utilization/disposition of such toward national development;
- (f) Perform other functions as may be assigned by the Director General and/or as provided by law.

ARTICLE IV

ADMINISTRATIVE ADJUDICATION

SEC 19. *Quasi-Judicial Powers of the Authority.* - The Authority is hereby vested with the primary jurisdiction to determine and adjudicate land administration and public land management matters and shall have exclusive original jurisdiction over all matters involving the implementation of laws, rules and regulations on land administration and public land management.

It shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.

It shall have the power to investigate and resolve questions, complaints and issues involving maps, survey plans and certificate of land titles including the power to

confiscate patently fake and spurious certificates of land title and declare their nullification in summary proceedings.

It shall have the power to correct a clerical or typographical errors committed in writing, copying, transcribing or typing an entry in the maps, survey plans and certificate of land titles.

It shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories and issue subpoena, and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers. It shall likewise have the power to punish direct and indirect contempt in the same manner and subject to the same penalties as provided in the Rules of Court.

Responsible persons shall be allowed to represent themselves or their organizations in any proceedings before the Authority: Provided, however, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any Authority proceedings.

Notwithstanding an appeal to the Court of Appeals, the decision of the Authority shall be immediately executory.

SEC. 20. *Finality of Determination.* — Any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.

SEC 21. *Frivolous Appeals.* — To discourage frivolous or dilatory appeals from the decisions or orders, the Authority may impose reasonable penalties including, but not limited to, fines or censures upon erring parties.

ARTICLE V

JUDICIAL REVIEW

SEC. 22. *Certiorari.* — Any decision, order, award or ruling of the Authority on any dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public

land management may be brought to the Court of Appeals by certiorari within fifteen (15) days from the receipt of a copy thereof.

The findings of fact of the Authority shall be final and conclusive if based on substantial evidence.

SEC. 23. *No Restraining Order or Preliminary Injunction.* — No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Authority or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on land administration and public land management.

ARTICLE VI

TRANSITORY PROVISIONS

SEC 24. *Transfer of Powers.* All powers to perform the functions of the Authority heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA and DENR-CARP National Secretariat, or in any Office within or attached to these agencies, are hereby transferred to and vested in the Office of the Director General of the Authority.

SEC. 25. *Creation of Interim Offices.* Pending approval of a long-term organizational structure for the Authority, there are hereby created three (3) Offices within the Authority, namely: a) the Lands Management Office, to perform the functions through the structures of the former LMB/LMS; b) the Land Registration Office, to perform the functions through the structures of the former LRA/RoD; and c) the National Mapping and Resource Information Office, to perform the functions through the structures of the former NAMRIA. These interim offices shall continue until the long-term organizational structure for the Authority has been approved.

SEC 26. *Organization of the Authority.* - The Authority's organizational and administrative structure and functions and staffing pattern, including the personnel's duties and responsibilities and the appropriate compensation package shall be submitted by the Director General for approval of the President within six (6) months from the effectivity of this Act and shall be fully implemented within a period of three (3) months after such approval is given.

Sec. 27. *Transfer of Personnel.*- To ensure a smooth transition, all incumbent personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National Secretariat and its field offices, and LAMP; the DOJ's LRA/RoD shall continue to perform their present duties and functions as interim personnel of the Authority until such time, being not later than twelve (12) months from the effectivity of this Act, that they have been appointed as regular staff of the Authority based on the new staffing pattern, or separated from the service: *Provided*, That such personnel shall be appointed by the Director General, or his/her duly authorized representative, on the basis of merit and fitness: *Provided further*, That only personnel who are not offered appointment under the new staffing pattern of the Authority on at least equivalent terms and conditions as their present employment within twelve months of this Act's effectivity shall be entitled to a gratuity at a rate equivalent to three (3) months' salary for every year of continued and satisfactory service rendered, or the equivalent nearest fraction thereof favorable to them on the basis of highest salary received, in addition to the retirement benefits or pensions under existing retirement law.

SEC 28. *Abolition of LMB/LMS, NAMRIA, DENR-CARP National Secretariat, and LRA/RoD.* -The DENR's Lands Management Bureau, Land Management Services, National Mapping and Resources Information Authority and CARP National Secretariat and its field offices; and the DOJ's Land Registration Authority and Register of Deeds, are hereby abolished.

SEC. 29. *Unexpended Appropriations and Transfer of Assets.*- The unexpended balances of appropriations in the current General Appropriations Act and other Acts in force upon approval hereof, pertaining to, held or used by, or available to the LRA and RoD, NAMRIA, LMB, LMS, DENR-CARP National Secretariat and its field offices, and the Land Administration and Management project (LAMP), are hereby transferred to the Authority.

Such other unexpended balances of appropriations as may be deemed appropriate by the Department of Budget and Management for transfer to the Authority shall be so transferred.

All real and personal properties, assets, liabilities, records, documents, positions, appropriations, contracts, and agreements which, upon the effectivity of this Act, are vested in, or owned, by the LMB/LMS, NAMRIA, DENR-CARP National Secretariat and its Field Offices, LRA/RoD, and LAMP, are hereby transferred to the Authority.

SEC. 30. *Preservation of Records.* - Pending a written notice of receipt issued by a duly authorized officer of the Authority, it shall be the explicit duty of any and all personnel responsible for, or in possession of records relating to the affairs of the LMB, LMS, NAMRIA, the DENR-CARP National Secretariat and its field offices, the LRA and the RoDs to protect and preserve such records.

Without prejudice to any other penalties provided for by law, any person who fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of an offense against the provisions of this Act, punishable by a fine of not more than One million Pesos (PhP 1,000,000.00) or imprisonment of not more than five years, or both, upon the discretion of the Courts. He/She shall also be removed from the office, forfeit all retirement benefits, except for accumulated leave credits and be perpetually disqualified from holding any public office.

SEC 31. *Saving Clause.* - All orders, determination, rules, regulations, permits, certificates, licenses and privileges which have been issued, made, or granted effective by the former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and LAMP or their predecessors shall continue to be in effect according to their terms until modified, terminated, superseded, set aside, or repealed.

No suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of any division or unit of the former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and LAMP, the functions of which are transferred by this Act to the Authority shall abate by reason of this Act. In like manner, no cause of action by or against such division or unit or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted for or against the Authority or such official of the Authority as may be appropriate.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SEC 32. *Use of Income* - There is hereby established a trust fund to be known as Land Administration Authority Fund for purposes of financing projects of the Authority. The Authority may solicit and receive donations, endowments, and grants in the form of contributions, which shall all be exempted from income or gift taxes and all other taxes,

charges or fees imposed by the Government or any political subdivision or instrumentality thereof.

Fifty percent (50%) of all revenue derived by the Authority from all fees, charges and other sources shall directly accrue to the Fund, and may be utilized directly by the Authority for the above purpose.

Provided, however, That no provision of this Act shall be interpreted as amending, revoking or modifying any of the provisions of the Indigenous Peoples Rights Act (RA 8371), Agriculture and Fisheries Modernization Act (RA 8435), Urban Development and Housing Act (RA 7279) and the Comprehensive Agrarian Reform Act (RA 6657).

Sec. 33. *Exemption from the Salary Standardization Law and Attrition Law.* The Authority is hereby exempted from the provisions of R.A. 6758, otherwise known as the Salary Standardization Law, and R.A. 7430, known as the Attrition Law.

SEC 34. *Implementing Rules and Regulations.* - The Authority shall prepare, promulgate and adopt the implementing rules and regulations to carry out the provisions of this Act not later than 90 days after the effectivity of this Act.

SEC. 35. *Separability Clause.* - Should any provision of this Act or any part thereof be declared unconstitutional or invalid by a court, the other provisions hereof which are not affected thereby, shall remain in force and effect.

SEC 36. *Repealing Clause.* - All laws, decrees, orders, instructions, proclamations, rules and regulations or parts thereof, including pertinent provisions of Executive Order No. 192 and its related rules and regulations; EO 469 dated February 11, 1981 and the subsequent Presidential Memorandum Circular dated 30 September 1988 and their related rules and regulations; and the Administrative Code of 1987, which are inconsistent with any provision of this Act, are hereby repealed, modified or amended accordingly.

SEC. 37. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved