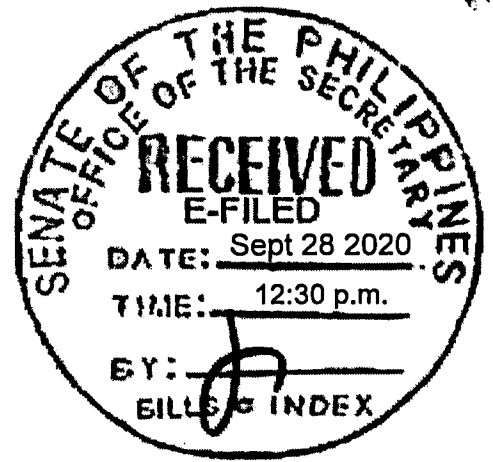


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE  
S.B. No. 1852

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Introduced by **Senator Richard J. Gordon**

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**AN ACT IMPROVING CONFIRMATION OF IMPERFECT TITLES UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529, IMPROVING THE PROCESSING OF AGRICULTURAL FREE PATENT UNDER SECTION 44 OF COMMONWEALTH ACT NO. 141, AND REMOVING THE PERIOD TO FILE APPLICATIONS THEREAT UNDER REPUBLIC ACT NO. 9176**

**EXPLANATORY NOTE**

Property rights are important to the country's growth and development. Unclear and unenforceable rights to property could lead to underinvestment, undervalued properties, land grabbing, fake titling and lack of access to credit. Land title is a clear proof of ownership and is important to protection of one's property rights.

In the Philippines, title to land can be obtained through either administrative mode or judicial mode. In 2010, under Republic Act No. 10023 (Residential Free Patent Act), Congress liberalized the titling process in residential lands by allowing administrative issuance of free patents to those who have been in actual occupation of residential public lands for a period of 10 years. Congress simplified the process of titling of residential lands, set a shorter period of possession for applicants to comply and at the same time, imposed upon the Department of Environment and Natural Resources (DENR) a period of 120 days to process applications. The law is an instant success and thousands of citizens filed free patent applications, with the DENR processing record breaking numbers in its first years of implementation with more than 382,529 titles issued to date.

However, government data on public land titling show that only 5,174 titles were confirmed by the courts in the last 10 years. Court titling has steadily declined, with only around 140 titles issued in 2017.

The steady decline in court-issued titles was due to the court's recent strict and literal interpretation on land laws. Although the court recognizes the countrywide

phenomenon of untitled lands and the problem of informal settlement, the court puts the burden in Congress to improve land tenure in the country. Congress may lay down a new phase of land reform to sensibly regularize and formalize the settlement of such lands, which in legal theory are lands of the public domain. Congress may act to liberalize the standards for judicial confirmation of imperfect title, or amend the Civil Code itself.

Moreover, Republic Act No. 9176 that allows titling through judicial and administrative legalization of titles is about to expire on December 31, 2020, which means that titling will come to a grinding halt.

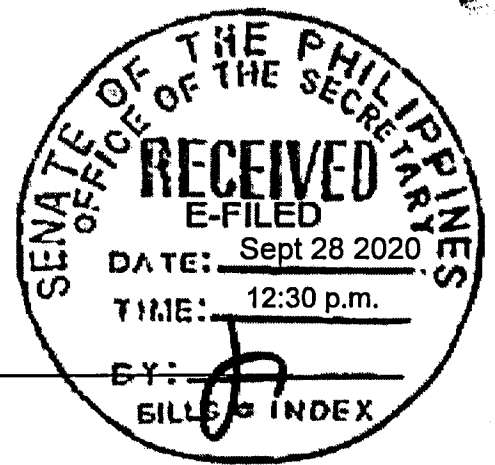
The proposed law aims to improve the efficiency of land titling by adopting the processes introduced under R.A. No. 10023 to Agricultural Free Patent under Section 44 of Commonwealth Act (CA) No. 141 (Public Land Act), integrate and liberalize court confirmation of imperfect titles under the provisions of Presidential Decree (PD) No. 1529 (Property Registration Decree) and CA No. 141, and remove the time period for application on both free patent and confirmation of imperfect title that is about to expire on December 31, 2020.

It is for the reasons stated above that the passage of this measure is earnestly sought.



**RICHARD J. GORDON**  
Senator

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S. No. 1852

Introduced by Senator Richard J. Gordon

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UNDER SECTION 14 OF PRESIDENTIAL DECREE NO. 1529,  
IMPROVING THE PROCESSING OF AGRICULTURAL FREE  
PATENT UNDER SECTION 44 OF COMMONWEALTH ACT NO.  
141, AND REMOVING THE PERIOD TO FILE APPLICATIONS  
THEREAT UNDER REPUBLIC ACT NO. 9176**

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

1 **SECTION 1. Declaration of Policy.** – It is the declared policy of the State to  
2 simplify, update and harmonize similar and related provisions of land laws in order to  
3 simplify and remove ambiguity in its interpretation and implementation. It is also the  
4 policy of the State to provide land tenure security by continuing judicial and  
5 administrative titling processes.  
6

7 **SEC. 2. Judicial Confirmation of Imperfect Title.** – The qualifications  
8 provided in Section 14 of Presidential Decree No. 1529 and Sections 47 and 48,  
9 Chapter VII of Commonwealth Act No. 141, as amended, shall be amended to read  
10 as follows:  
11

12 “The following persons may file **at any time**, in the proper ~~{Court of~~  
13 ~~First Instance}~~ **Regional Trial Court** an application for registration of  
14 title to land, **not exceeding twelve (12) hectares**, whether  
15 personally or through their duly authorized representatives:  
16  
17

18 (1) Those who by themselves or through their predecessors-in-  
19 interest have been in open, continuous, exclusive and notorious  
20 possession and occupation of alienable and disposable lands of the  
21 public domain under a bona fide claim of ownership ~~{since June~~  
22 ~~12, 1945, or earlier.}~~ **for at least thirty (30) years immediately**  
23 **preceding the filing of the application for confirmation of title**

1           **except when prevented by war or force majeure. They shall be**  
2           **conclusively presumed to have performed all the conditions**  
3           **essential to a government grant and shall be entitled to a**  
4           **certificate of title under this Section.**

5  
6           **(2) Those who have acquired ownership of private lands**  
7           **or abandoned river beds by right of accession or accretion**  
8           **under the existing laws.**

9  
10           **(3) Those who have acquired ownership of land in any**  
11           **other manner provided for by law.**

12  
13           **SEC 3. Certification that the land is Alienable and Disposable.** –To  
14           comply with this requirement, it is sufficient that the applicant submit a projection  
15           map prepared and signed by a licensed geodetic engineer and verified and approved  
16           by DENR official designated by the DENR Secretary showing that the land is within  
17           Alienable and Disposable lands of the public domain. The projection map shall contain  
18           a sworn statement by the geodetic engineer that the land is within the alienable and  
19           disposable lands of the public domain and shall state the applicable Forestry  
20           Administrative Order, DENR Administrative Order, Executive Order, Proclamations and  
21           the Land Classification Project Map covering the land.  
22

23           **SEC 4. Administrative legalization (Free Patent).** – Sections 44 par 1  
24           and Section 45, Chapter VI of Commonwealth Act No. 141, as amended, is hereby  
25           amended to read as follows:  
26

27           "SECTION 44. Any natural-born citizen of the Philippines who is not  
28           the owner of more than twelve (12) hectares and who, for at least  
29           thirty (30) years prior to the ~~{effectivity of this amendatory Act}~~ **filing**  
30           **of his/her application**, has continuously occupied and cultivated,  
31           either by himself/**herself** or through his/**her** predecessors-in-interest  
32           a tract or tracts of **alienable and disposable** agricultural public lands  
33           subject to disposition, **and** who shall have paid the real estate tax  
34           thereon ~~{while the same has not been occupied by any person}~~ shall  
35           be entitled to have a free patent issued to him/her for such tract or  
36           tracts of such land not to exceed twelve (12) hectares.  
37

38  
39           **"SEC. 45. Period for Application. All applications shall be filed**  
40           **at any time after the effectivity of this Act before the**  
41           **Community Environment and Natural Resources Office**  
42           **(CENRO) or region of the Department of Environment and**  
43           **Natural Resources (DENR). The CENRO is mandated to**  
44           **process the application within one hundred and twenty (120)**  
45           **days to include compliance with the required notices and**

1 other legal requirements, and forward his/her  
2 recommendation to the Provincial Environment and Natural  
3 Resources Office (PENRO), who shall have five (5) days to  
4 approve or disapprove the patent. In case of approval, the  
5 patent shall be issued; in case of conflicting claims among  
6 different claimants, the parties may seek the proper judicial  
7 remedies. Provided, that in provinces with no CENRO, the  
8 application shall be filed with the PENRO.”  
9

10 **SEC. 5. Removal of Restrictions.** – The provisions of Republic Act No. 11231  
11 shall be applicable to Free Patents issued under this Act.  
12  
13

14 **SEC. 6. Implementing Rules and Regulations.** – Within sixty (60) days  
15 from the effectivity of this Act, the Director of the Land Management Bureau of DENR  
16 shall promulgate the Implementing Rules and Regulations to carry out the provisions  
17 of this Act, and shall see to it that such are gender responsive.  
18  
19

20 **SEC. 7. Repealing Clause.** – All laws, decrees, executive orders, executive  
21 issuances or letters of instruction, rules and regulations or any part thereof  
22 inconsistent with or contrary to the provisions of this Act are hereby deemed repealed,  
23 amended or modified accordingly.  
24  
25

26 **SEC. 8. Separability Clause.** – If, for any reason or reasons, any part or  
27 parts of this Act shall be declared unconstitutional or invalid by any competent court,  
28 other parts of this Act shall be thereby shall continue to be in full force and effect.  
29  
30

31 **SEC. 9. Effectivity Clause.** – This Act shall take effect fifteen (15) days after  
32 publication in the Official Gazette or in at least two (2) newspapers of general  
33 circulation.  
34  
35

36 Approved