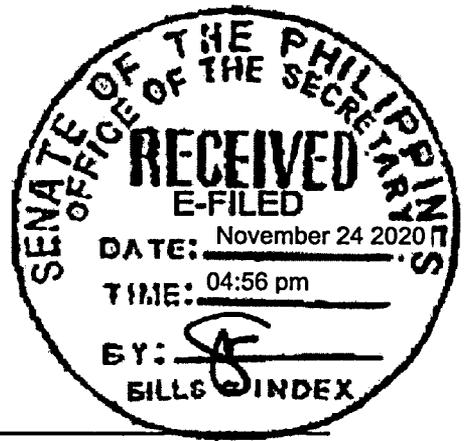


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



S E N A T E

COMMITTEE REPORT NO. 146

Submitted by the Committee on Justice & Human Rights on November 24 2020.

Re: Senate Bill No. 1931 Prepared by the Committee

Recommending its approval in substitution of Senate Bill Nos. 1268 and 1852.

Sponsor: Richard J. Gordon

MR. PRESIDENT:

The Committee on Justice & Human Rights to which was referred **Senate Bill No. 1268**, by Senator Sonny Angara, entitled:

**"AN ACT
SIMPLIFYING THE CONFIRMATION OF IMPERFECT TITLES, AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH
ACT NO. 141 AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES"**

and

Senate Bill No. 1852, introduced by Senator Richard J. Gordon, entitled:

**"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"

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached **Senate Bill No. 1931**, prepared by the Committee, entitled:

**"AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH ACT NO. 141, AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES"**

be approved in substitution of Senate Bill Nos. 1268 and 1852, with Senators Angara and Gordon, as authors thereof.

Respectfully submitted:

Chairperson


RICHARD J. GORDON

Vice-Chairperson


PANFILO M. LACSON

Members

RONALD "BATO" DELA ROSA



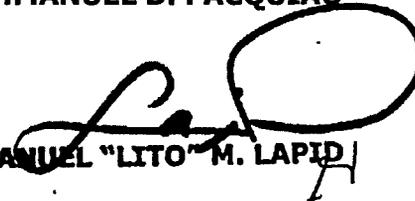
SONNY ANGARA



FRANCIS "KIKO" N. PANGILINAN



EMMANUEL D. PACQUIAO



MANUEL "LITO" M. LAPID



AQUILINO "KOKO" PIMENTEL III



RISA HONTIVEROS

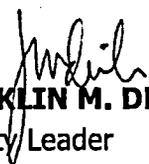
Ex-Officio Members



RALPH S. RECTO
President Pro-Tempore



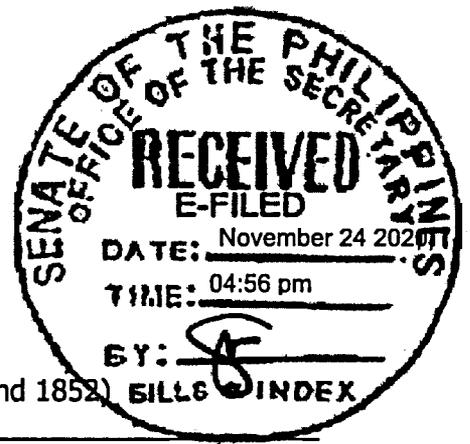
JUAN MIGUEL F. ZUBIRI
Majority Leader



FRANKLIN M. DRILON
Minority Leader

Hon. VICENTE C. SOTTO III
Senate President

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



SENATE No. 1931
(In Substitution of Senate Bill Nos. 1268 and 1852)

*Prepared by the Committee on Justice and Human Rights
with Senators Sonny Angara and Richard J. Gordon as authors*

AN ACT
IMPROVING CONFIRMATION OF IMPERFECT TITLES, AMENDING FOR THE
PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH ACT NO.
141, AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES

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

9 "Section 14. Who may apply. The following persons may file in
10 the proper [~~Court of First Instance~~] **REGIONAL TRIAL COURT**
11 an application for registration of title to land, **NOT EXCEEDING**
12 **TWELVE (12) HECTARES**, whether personally or through their
13 duly authorized representatives:

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- (1)** Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain under a bona fide claim of ownership [~~since June 12, 1945, or earlier.~~] **FOR AT LEAST THIRTY (30) YEARS IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION FOR CONFIRMATION OF TITLE EXCEPT WHEN PREVENTED BY WAR OR FORCE MAJEURE. THEY SHALL BE CONCLUSIVELY PRESUMED TO HAVE PERFORMED ALL THE CONDITIONS ESSENTIAL TO A GOVERNMENT GRANT AND SHALL BE ENTITLED TO A CERTIFICATE OF TITLE UNDER THIS SECTION.**
- (2)** **THOSE WHO HAVE ACQUIRED OWNERSHIP OF PRIVATE LANDS OR ABANDONED RIVERBEDS BY RIGHT OF ACCESSION OR ACCRETION UNDER THE EXISTING LAWS.**
- (3)** **THOSE WHO HAVE ACQUIRED OWNERSHIP OF LAND IN ANY OTHER MANNER PROVIDED FOR BY LAW."**

1 "SECTION 48. The following-described citizens of the
2 Philippines, occupying lands of the public domain or claiming to
3 own any such lands or an interest therein, but whose titles have
4 not been perfected or completed, may apply to the [~~Court of~~
5 ~~First Instance of the province~~] **REGIONAL TRIAL COURT**
6 where the land is located for confirmation of their claims and
7 the issuance of a certificate of title therefor, under the Land
8 Registration Act, to wit:

9 **(1) THOSE WHO BY THEMSELVES OR THROUGH**
10 **THEIR PREDECESSORS-IN-INTEREST HAVE BEEN**
11 **IN OPEN, CONTINUOUS, EXCLUSIVE AND**
12 **NOTORIOUS POSSESSION AND OCCUPATION OF**
13 **ALIENABLE AND DISPOSABLE LANDS OF THE**
14 **PUBLIC DOMAIN UNDER A BONA FIDE CLAIM OF**
15 **OWNERSHIP FOR AT LEAST THIRTY (30) YEARS**
16 **IMMEDIATELY PRECEDING THE FILING OF THE**
17 **APPLICATION FOR CONFIRMATION OF TITLE**
18 **EXCEPT WHEN PREVENTED BY WAR OR FORCE**
19 **MAJEURE. THEY SHALL BE CONCLUSIVELY**
20 **PRESUMED TO HAVE PERFORMED ALL THE**
21 **CONDITIONS ESSENTIAL TO A GOVERNMENT**
22 **GRANT AND SHALL BE ENTITLED TO A**
23 **CERTIFICATE OF TITLE UNDER THIS SECTION.**

1 **(2) THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
2 **PRIVATE LANDS OR ABANDONED RIVERBEDS BY**
3 **RIGHT OF ACCESSION OR ACCRETION UNDER THE**
4 **EXISTING LAWS.**

5 **(3) THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
6 **LAND IN ANY OTHER MANNER PROVIDED FOR BY**
7 **LAW."**

8 **SEC 3. Proof that the Land is Alienable and Disposable** - For purposes
9 of judicial confirmation of imperfect titles filed under PD No. 1529, a duly signed
10 certification by a duly designated DENR Geodetic Engineer that the land is part of
11 alienable and disposable agricultural lands of the public domain is sufficient proof that
12 the land is alienable. Said certification shall be imprinted in the approved survey plan
13 submitted by the applicant in the land registration court. The imprinted certification in
14 the plan shall contain a sworn statement by the geodetic engineer that the land is
15 within the alienable and disposable lands of the public domain and shall state the
16 applicable Administrative Order, DENR Administrative Order, Executive Order,
17 Proclamations and the Land Classification Map Project Number covering the land.

18 Should there be no available copy of the Forestry Administrative Order,
19 Executive Order or Proclamation, it is sufficient that the Land Classification Map
20 Number, Project Number, and released classification indicated in the land classification
21 map be stated in the sworn statement declaring that said land classification map is
22 existing in the inventory of LC Map records of the National Mapping and Resource
23 Information Authority (NAMRIA) and is being used by the DENR as land classification
24 map.

1 **SEC 4. Administrative legalization of Free Patents.** – Sections 44,
2 Chapter VI of Commonwealth Act (CA) No. 141, as amended, is further amended to
3 read as follows:

4 "SECTION 44. Any natural-born citizen of the Philippines who is
5 not the owner of more than twelve (12) hectares and who, for
6 at least thirty (30) years prior to the ~~[effectivity of this~~
7 ~~amendatory Act]~~ **FILING OF THE APPLICATION**, has
8 continuously occupied and cultivated, either by
9 himself/**HERSELF** or through his/**HER** predecessors-in-
10 interest a tract or tracts of **ALIENABLE AND DISPOSABLE**
11 agricultural public lands subject to disposition, **AND** who shall
12 have paid the real estate tax thereon ~~[while the same has not~~
13 ~~been occupied by any person]~~ shall be entitled, under the
14 provisions of this Chapter, to have a free patent issued to him
15 for such tract or tracts of such land not to exceed twelve (12)
16 hectares."

17 **SEC. 5.** Section 45, as amended, of CA No. 141 shall be deleted and
18 a new Section 45 shall be inserted as follows:

19 **"SECTION 45. PERIOD FOR APPLICATION. ALL**
20 **APPLICATIONS SHALL BE FILED AT ANY TIME AFTER**
21 **THE EFFECTIVITY OF THIS ACT BEFORE THE**
22 **COMMUNITY ENVIRONMENT AND NATURAL**
23 **RESOURCES OFFICE (CENRO) OR REGION OF THE**
24 **DEPARTMENT OF ENVIRONMENT AND NATURAL**

1 **RESOURCES (DENR). THE CENRO IS MANDATED TO**
2 **PROCESS THE APPLICATION WITHIN ONE HUNDRED**
3 **AND TWENTY (120) DAYS TO INCLUDE COMPLIANCE**
4 **WITH THE REQUIRED NOTICES AND OTHER LEGAL**
5 **REQUIREMENTS, AND FORWARD THEIR**
6 **RECOMMENDATION TO THE PROVINCIAL**
7 **ENVIRONMENT AND NATURAL RESOURCES OFFICE**
8 **(PENRO) IF THE AREA OF THE LAND IS BELOW FIVE (5)**
9 **HECTARES; TO THE DENR REGIONAL DIRECTOR IF THE**
10 **AREA OF THE LAND IS FIVE (5) TO TEN (10) HECTARES;**
11 **AND TO THE SECRETARY OF DENR IF THE AREA OF THE**
12 **LAND IS MORE THAN 10 TO TWELVE (12) HECTARES,**
13 **WHO SHALL HAVE FIVE (5) DAYS TO APPROVE OR**
14 **DISAPPROVE THE PATENT. IN CASE OF APPROVAL, THE**
15 **PATENT SHALL BE ISSUED; IN CASE OF CONFLICTING**
16 **CLAIMS AMONG DIFFERENT CLAIMANTS, THE PARTIES**
17 **MAY SEEK THE PROPER JUDICIAL REMEDIES.**
18 **PROVIDED, THAT IN PROVINCES WITH NO CENRO, THE**
19 **APPLICATION SHALL BE FILED WITH THE PENRO."**

20 **SEC. 6.** Section 47, Chapter VIII of CA No. 141, as amended by Republic Act
21 No. 9176, is hereby amended to read as follows:

22 "Section 47. The persons specified in the next following section
23 ~~[are hereby granted time, not to extend beyond December 31,~~
24 ~~2020 within which to]~~ **MAY** avail of the benefits of this Chapter

1 **AT ANYTIME.** [~~Provided, That this period shall apply only~~
2 ~~where the area applied for does not exceed twelve (12) hectares:~~
3 ~~Provided, further, That the several periods of time designated by~~
4 ~~the President in accordance with Section Forty five of this Act~~
5 ~~shall apply also to the lands comprised in the provisions of this~~
6 ~~Chapter, but this Section shall not be construed as prohibiting~~
7 ~~any of said persons from acting under this Chapter at any time~~
8 ~~prior to the period fixed by the President.]”~~

9 **SEC. 7. Removal of Restrictions.** – The provisions of Republic Act No. 11231
10 shall be applicable to Free Patents issued under this Act.

11 **SEC. 8. Implementing Rules and Regulations.** – Within sixty (60) days
12 from the effectivity of this Act, the Director of the Land Management Bureau of DENR
13 shall promulgate the Implementing Rules and Regulations to carry out the provisions
14 of this Act, and shall see to it that such are gender responsive.

15 **SEC. 9. Repealing Clause.** – All laws, decrees, executive orders, executive
16 issuances or letters of instruction, rules and regulations or any part thereof
17 inconsistent with or contrary to the provisions of this Act are hereby deemed repealed,
18 amended or modified accordingly.

19 **SEC. 10. Separability Clause.** – If, for any reason or reasons, any part or
20 parts of this Act shall be declared unconstitutional or invalid by any competent court,
21 other parts of this Act shall be thereby shall continue to be in full force and effect.

22 **SEC. 11. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
23 publication in the Official Gazette or in at least two (2) newspapers of general
24 circulation.

Approved,