

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

5 JUN -6 P4:00

SENATE
S.B. No. 2037

RECEIVED BY: _____

Introduced by Senator Franklin M. Drilon

EXPLANATORY NOTE

Effective reforms must be made in the land administration system in the country as it is essential for sustainable development and facilitating full and equal access for men and women to land –related economic opportunities, such as credit and natural resources.

However, the services being provided by the government agencies such as land surveys, mapping and classification, titling and disposition and registration are not contributing to address our domestic problems on sustainable development.

At the core of these problems is an inefficient and inequitable land administration system that constrains economic development and discourages sustainable management of resources.

The problem is largely contributed by fundamental legal and institutional defects in both the structure and operations of the land administration system. Such defects in land administration cause major inefficiencies which include, among others, extensive delays in the disposition and titling of alienable and disposable land, inaccurate and incomplete land information and records, duplicate and fake titles, duplication and overlap of activities between government agencies, and unnecessary costs to both the national and local government and the users/clients of land administration services.

To address these concerns, the Government has undertaken a Land Administration and Management Project preparatory to a long-term program to fundamentally reform the present land administration system, thereby promoting sustainable development, economic growth, and poverty alleviation.

One of the proposals is this bill which seeks to institute a Land Administration Reform Act (LARA) to reorganize the land administration system in the country.

This legislative initiative is included in the Medium-Term Philippine Development Plan 2004 – 2010.

Since the government's land administration functions are currently dispersed across multiple agencies, integrating these agencies will make it easy to undertake the major long-term investment of resources that will be necessary to implement the required over all reforms.

The recognized fundamental prerequisite in pursuit of the necessary reforms is the consolidation and streamlining within a single government agency of land administration powers and functions currently dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds and

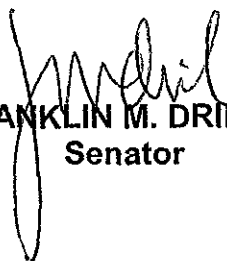
the Department of Environment and Natural Resources' Lands Management Bureau, Land Management Services in the regional, provincial and community offices, National Mapping and Resource Information Authority, and CARP Secretariat and its field offices.

The integration of these agencies/offices into a single agency will:

- Implement the necessary reforms in the land administration system to enable to provide land information and services necessary to pursue sustainable management of natural resources, among others;
- Enable the integrated planning, budgeting and implementation of the long term land titling program, including the development of integrated land classification, land titling and records management;
- Provide the necessary management structure for the creation and extension of a One Stop Shop network for the delivery of land titling, registration and information services to members of the public;
- Consolidate staffing patterns and training programs for government staff engaged in the provision of land administration services, thereby establishing the basis for the major training and professional development of staff needed to support the proposed reforms and improve their career structures and opportunities;
- Create scope to achieve significant savings through the elimination over time of duplicated administrative support services and other costs arising from the current fragmentation of land administration services; and
- Enable the development of increased transparency and enhancement of professionalism and accountability across the whole land administration system.

The proposed Land Administration Reform Act seeks to enable the lands sector to contribute to sustainable development, economic growth and poverty alleviation. The early enactment of this bill will ensure recognition of the Philippines to the global efforts for sustainable development while providing improved access to land and services to the majority of our Filipino people especially the poor.

In view of the foregoing, the immediate passage of the bill is sought.


FRANKLIN M. DRILON
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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First Regular Session)

5 JUN -6 P4:01

SENATE

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S.B. No. **2037**

Introduced by Senator Franklin M. Drilon

**AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION**

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

ARTICLE I

GENERAL PROVISIONS

Section 1. Short Title.- This Act shall be known as "The Land Administration Reform Act".

Section 2. Declaration of Policy.- It is the policy of the State to institutionalize reforms in land administration in order to optimize and rationalize their contribution to the goals of national development, the eradication of poverty, and the attainment of social, economic, and cultural justice. Towards this end, the State shall:

- a) Promote efficient and effective mapping, land survey, classification, disposition, registration, and management of private and public lands;
- b) Undertake a comprehensive and continuing land administration program that will make the processes and procedures on land registration and titling affordable and expeditious;
- c) Assist in the attainment of the government's asset reform programs;
- d) Accelerate and complete the distribution, titling, and registration of alienable or disposable lands to provide security of land tenure;
- e) Undertake reforms in land administration and management to ensure equitable distribution and full utilization and development of alienable or disposable lands;
- f) Improve the efficiency, effectiveness, transparency, and accountability of land administration services;

- g) Establish a sustainable and viable administration of land through computerization of functions and removal 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 the 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 affordable access to land information by members of the public;
- k) Rationalize and clarify the entitlements of persons to land titles to make the process of issuing original titles fast and low-cost;
- l) Promote and support the development of a national land administration and management education system;
- m) Identify and reduce disincentives to the registration of property transactions;
- n) Mainstream gender in all aspects of the land administration system; and
- o) Recognize, respect, ensure participation, and assist in the enforcement of land related rights of men and women of the basic sectors, as defined in Republic Act No. 8425, otherwise known as the "Social Reform and Poverty Alleviation Act."

ARTICLE II

CREATION OF THE LAND ADMINISTRATION AUTHORITY

Section 3. *Creation of the Land Administration Authority (LAA).*- To carry out the purposes of this Act, the Land Administration Authority (LAA) is hereby created and placed under the Office of the President. It shall be the primary government agency responsible for land administration and public land management.

Section 4. *Powers and Functions of the LAA.*- The LAA shall exercise the following powers and functions:

- a) Conduct, integrate and regulate the functions of geodetic and geophysical surveys, land classification surveys, mapping, 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, procedures, and standards;
- 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;
 - 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 which have not been placed under the administration, management, control or exclusive use of any other government agency by legislative or executive issuance;
 - f) Register original titles to land issued pursuant to Commonwealth Act No. 141 and subsequent dealings of 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;
 - g) Conduct, regulate and approve all types of land surveys including surveys intended for the implementation of Commonwealth Act No. 141, Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) and Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA);
 - h) Prepare, issue, and register all titles to land issued pursuant to Commonwealth Act No. 141 and subsequent dealings of registered lands including all types of tenure instruments intended for the implementation of the CARL and the IPRA;

- i) Determine, fix, and collect reasonable amounts to be charged as administration fees, fines, and penalties relative to the implementation of this Act;
- j) Formulate land administration and management policies in accordance with existing national laws;
- k) Promulgate rules, regulations, circulars and other administrative issuances as may be necessary to implement the provisions of this Act;
- l) Such other functions undertaken by the Land Registration Authority (LRA), Register of Deeds, Lands Management Bureau (LMB), Lands Management Services (LMS), National Mapping and Resources Information Authority (NAMRIA), Department of Environment and Natural Resources - Comprehensive Agrarian Reform Program (DENR - CARP) National Secretariat; and
- m) *Such other functions as are necessary, proper, and incidental to implement the provisions of this Act.*

Whenever any reference is made to the LRA, Register of Deeds, LMB, LMS, NAMRIA, DENR - CARP National Secretariat under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining to a duty, power, purpose, responsibility, or jurisdiction transferred to the LAA by this Act, it shall be deemed to be a reference to, and to mean, the Land Administration Authority and the Director General of the LAA, as the case may be.

Section 5. Stakeholders' Advisory Committee.- The LAA shall be assisted by a Stakeholders' Advisory Committee composed of the following:

- a) Four (4) representatives from the basic sectors as defined under Republic Act No. 8425 (Social Reform and Poverty Alleviation Act) chosen through the nomination process of the National Anti-Poverty Commission (NAPC);
- b) Two (2) representatives from the NAPC Women's Sectoral Council;
- c) Three (3) representatives from the Indigenous Peoples, at least one of whom should be a woman;
- d) Three (3) representatives from the private sector such as, but not limited to, real estate, professionals/practitioners, and academe to be appointed by the President; and

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

The President shall designate the chairperson from among the members of the Committee. The members of the Committee, except the LAA Director General, shall not hold office in the LAA nor receive any salary but shall be entitled, for actual attendance during meetings, to such allowances and honoraria as are allowed by rules and regulations promulgated by the Commission on Audit.

Section 6. Functions of the Stakeholders Advisory Committee.- The Committee shall advise the LAA on the formulation of 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.

Section 7. Meetings of the Committee.- The Chairperson shall convene regular meetings of the Committee, which shall be at least once every quarter. Special meetings may also be called by the Chairperson or at the initiative of at least three (3) members.

Section 8. Secretariat and Logistical Support.- The Office of the Director General shall provide secretariat and logistical support to the Committee.

ARTICLE III

IMPLEMENTING MECHANISM

Section 9. Structure and Organization.- The LAA shall consist of:

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

Section 10. The Director General.- The authority and responsibility for the exercise of the mandate of the LAA, 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 exercise control and supervision over the

LAA and shall be appointed by the President. For such purposes, the Director General 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) Exercise appellate jurisdiction of all cases arising from conflicting land surveys;
- c) Establish policies and standards for the efficient and effective operations of the LAA in accordance with the programs of the Government;
- d) Promulgate rules, regulations, and other issuances necessary in carrying out the LAA's mandate, objectives, policies, plans, programs and project;
- e) Exercise control and supervision over all functions and activities of the LAA; and
- f) Perform such other functions as may be provided by law or assigned by the President.

Section 11. Deputy Director Generals.- The Director General shall be assisted by at least three (3) Deputy Director Generals to be appointed by the President, each of whom shall head, respectively, the management support and information services, operations management services and legal and legislative services. The Director General is hereby authorized to delineate, assign, and/or reassign the respective functional areas of responsibility of the Deputy Director Generals. Within his functional area of responsibility, a Deputy Director General shall have the following functions:

- a) Advise the Director General in the promulgation of administrative orders and other issuances with respect to his area of responsibility;
- b) Exercise supervision over the offices, departments, or operating units and officers and employees under his responsibility;
- c) Promulgate rules and regulations 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.

Section 12. Field Offices.- The LAA shall establish permanent field offices at city and provincial levels. The LAA may also establish additional field offices in a city or province as it may determine for the efficient and effective delivery of its services subject to the approval of the President: *Provided*, That said additional field offices may be abolished by the Director General when no longer necessary.

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

- a) Implement laws, policies, plans, programs, projects, rules and regulations of the LAA on land administration and public land management;
- b) Provide efficient and effective delivery of services to the people;
- c) Coordinate with field or branch offices of other agencies of the government in the region and with 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 a 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, and disposition of such lands toward national development; and
- f) Perform such other functions as may be assigned by the Director General and/or as provided by law.

ARTICLE IV

LAND ADJUDICATION BOARD

Section 13. Creation of the Land Adjudication Board (LAB).- There is hereby created a Land Adjudication Board (LAB) that will exercise 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 including petitions for the correction of clerical or typographical errors committed in writing, copying, transcribing, or typing of an entry in the maps, survey plans, and certificate of land titles, except those cases falling under the jurisdiction of the Department of Agrarian Reform (DAR) unless specifically provided herein.

Section 14. Composition.- The LAB shall be composed of five (5) members to be appointed by the President, , one of whom must be a member of the Bar. The members of Board must have had at least five (5) years exposure to land administration and management-related concerns and issues. The Presiding Officer shall be selected by the members from among themselves.

Section 15. Local Land Adjudication Board.- The Board shall create a Local Land Adjudication Board in the provincial or city office which shall be composed of three members who shall be appointed by the LAB. Decisions, orders, and resolutions of the Local Land Adjudication Board shall be raised on appeal to the LAB.

Section 16. Budget and Administrative Support.- The LAB shall determine and propose its budgetary requirements and shall be submitted as part of the LAA's budget request. Disbursements of the approved budget resources shall be the sole responsibility of the LAB. Secretariat services shall be provided by the LAA.

Section 17. Proceedings and Procedures.- The LAB 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 of merits: *Provided*, That it shall endeavor to settle disputes and controversies amicably.

In the exercise of its functions, the LAB 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, issue subpoena and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers. It shall punish direct and indirect contempt in the same manner and subject to the same penalties as provided for in the Rules of Court.

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

Section 18. *Finality of Determination.*- Any case or controversy before the LAB shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Moreover, any order, award, ruling, or decision shall be final after the lapse of fifteen (15) days from receipt by the parties of a copy thereof.

Section 19. *Frivolous Appeals.*- To discourage frivolous or dilatory appeals from the decisions, awards, rulings, or orders, the LAB may impose reasonable penalties including, but not limited to, fines or censures upon erring parties.

ARTICLE V JUDICIAL REVIEW

Section 20. *Certiorari.*- Any decision, order, award, or ruling of the LAA 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 LAA shall be final and conclusive if based on substantial evidence.

Section 21. *Restraining Order or Preliminary Injunction.*- The Court of Appeals and Supreme Court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the LAA 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.

Section 22. *Procedure on Review.*- Review by the Court of Appeals or the Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require the parties to file simultaneous memoranda within a period of fifteen (15) days from notice, after which the case is deemed submitted for decision.

ARTICLE VI

TRANSITORY PROVISIONS

Section 23. *Transfer of Powers.*- The powers and functions of the LAA heretofore vested by law in the Department of Environment and Natural Resources, Department of Justice, LRA / Register of Deeds, Commission on the Settlement of Land Problems (COSLAP), LMB, LMS, NAMRIA except the powers and functions of its Coast and Geodetic Surveys Department, DENR-CARP National Secretariat, LAMP, or in any office within or attached to these agencies, are hereby transferred to and vested in the Office of the LAA Director General.

Section 24. *Transfer of the Coast and Geodetic Surveys Department of NAMRIA to the Office of the Secretary of National Defense.*- Within twelve (12) months upon the effectivity of this Act, the commissioned officers and enlisted and civilian technical personnel of the Coast and Geodetic Survey Department of NAMRIA and a complement of administrative support staff shall be constituted as the National Hydrographic Office directly under the Office of the Secretary of National Defense. The National Hydrographic Office shall be responsible for the hydrographic and oceanographic surveys necessary in chart

production and safety to navigation. It shall retain its budgetary allocation under the current General Appropriations Act, and all properties, survey instruments and equipment and other facilities necessary in the performance of its mandate.

Section 25. Organization of the LAA.- The LAA'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 to 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. The proposed staffing pattern shall not exceed the total number of permanent positions that have been merged.

Section 26. Transfer of Personnel.- To ensure a smooth transition, all incumbent personnel of the DENR, LMB, LMS, NAMRIA, DENR - CARP National Secretariat and its field offices, and LAMP; the DOJ's LRA/RoD and COSLAP shall continue to perform their present duties and functions as interim personnel of the LAA until such time, being not later than twelve (12) months from the effectivity of this Act, that the regular staff of the LAA, based on the new staffing pattern, shall have been appointed: *Provided*, That the regular personnel shall be appointed by the Director General, or his/her duly authorized representative, on the basis of merit, previous permanent appointment, fitness, and seniority: *Provided, further*, That except for the position of Director General and Deputy Director Generals, there shall be no hiring of new personnel for the LAA.

Section 27. Separation and Benefits.- Personnel who are not offered appointment within twelve (12) months upon the effectivity of this Act under the new staffing pattern of the LAA on at least equivalent terms and conditions as their present employment by reason of duplication or redundancy and those who decline an appointment in the LAA by reason of diminution in rank and conditions shall be entitled to a gratuity at a rate equivalent to the following:

- a) Two and one-half (2½) months basic salary for every year of service for the first twenty (20) years;

- b) Two and three-fourths (2¾) months basic salary for every additional year of service from the twenty-first (21st) to the thirtieth (30th) year of service;
- c) Three (3) months basic salary for every additional year of service from the thirty-first (31st) year of service and onwards.

Affected personnel shall also be entitled to other benefits as may be authorized by existing laws and regulations. Furthermore, they shall be entitled to the refund of their contributions including government share to the Home Development Mutual Fund (Pag-IBIG) and the Government Service Insurance System (GSIS) and to the commutation of their unused vacation and sick leaves in accordance with existing rules and regulations.

Employees who are offered appointments under the new staffing pattern of the LAA without any diminution in rank and work conditions but who decline such appointments shall be deemed to have voluntarily resigned and shall be entitled only to separation benefits equal to those provided for by other laws: *Provided*, That those who are qualified to retire shall be allowed to retire and be entitled to all the benefits provided under any of the existing retirement laws.

Section 28. Separation Fund.- There is hereby established a separation fund in the amount of Two Billion Pesos (P2,000,000,000.00) to pay the separation benefits herein provided: *Provided*, That the fund shall be used exclusively to pay for separation benefits: *Provided further*, That within two years after the effectivity of this Act, any unutilized amount of the separation fund shall be reverted to the National Treasury.

Section 29. Reemployment.- Government personnel who are separated as a result of the integration of the aforementioned offices may apply for positions and be employed in other agencies or branches of the government including Government-Owned and/or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), or Local Government Units (LGUs).

Section 30. 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 Register of Deeds, NAMRIA except the budget for its Coast and Geodetic Survey Department, LMB, LMS, DENR-CARP National Secretariat and its field offices, and the LAMP are hereby transferred to the LAA.

Such other unexpended balances of appropriations as may be deemed appropriate by the Department of Budget and Management for transfer to the LAA shall also 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, NAMRIA except those pertaining to its Coast and Geodetic Survey Department, DENR-CARP National Secretariat and its Field Offices, LRA/RoD, and LAMP, are hereby transferred to the LAA.

Section 31. Penal Provisions. – Any person who violates any of the provisions of this Act shall suffer the following penalties :

- a) Any person who sells forms issued and distributed gratuitously under this Act or who, being an officer charged with distributing them refuses or fails without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not less than One Hundred Thousand Pesos (P100,000.00) and not more than One Million Pesos (P1,000,000.00) or imprisonment of not less than six (6) months nor more than three (3) years, or both, in the discretion of the Courts.
- b) Any person, corporation, association, or partnership which, not being qualified or no longer authorized to apply for registration purposes, files or induces or knowingly permits another person, corporation, association, or partnership to file an application in his/her or its behalf or for his/her or its interest, benefit, or advantage, shall be punished for each offense by a fine of not less than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not less than five (5) years, or both, at the discretion of the Courts: Provided, That in case the offender is a corporation, association, or partnership, their responsible officials shall be deemed jointly and severally liable. The application shall be cancelled.
- c) Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of the public domain or other real property or any right, title or interest, or property right of any class to the same, and

any person aiding and abetting him therein or serving as a means or tool thereof, shall, upon conviction, be punished by a fine of not less than one hundred thousand pesos (P100,000.00) and imprisonment of not less than five (5) years nor more than twelve (12) years, or both, in the discretion of the Courts.

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

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

Section 32. *Preservation of Records.*- The LAA shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the authority.

Pending a written notice of receipt issued by a duly authorized officer of the LAA, it shall be the 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 less than one million pesos (P1,000,000.00) or imprisonment of not more than five (5) years, or both, upon the discretion of the Court.

Section 33. *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, COSLAP, 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, COSLAP, DENR-CARP National Secretariat and its field offices, and LAMP, the functions of which are transferred by this Act to the LAA 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 LAA or such official of the LAA as may be appropriate.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 34. Assurance Fund.- A special account within the LAA is hereby created for the entire proceeds of the Assurance Fund, which shall no longer be paid to the National Treasurer as provided for in Section 94 of PD No. 1529. Claims from the Assurance Fund shall be heard, decided, and determined by the Land Adjudication Board. All pending cases or claims against the Assurance Fund now being handled by the Bureau of Treasury, through the Office of the Solicitor General, shall likewise be transferred to the Land Adjudication Board. Thereafter, the National Treasurer shall no longer be impleaded as party in any action against the Assurance Fund.

Section 35. Implementing Rules and Regulations.- Within sixty (60) days from the effectivity of this Act, the LAA shall promulgate the rules and regulations to implement the provisions of this Act.

Section 36. 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.

Section 37. Repealing Clause.- The pertinent provisions of Republic Act No. 6657 (Comprehensive Agrarian Reform Law) and Republic Act No. 8371 (Indigenous People's Rights Act of 1997) with regard to the conduct of survey, approval of survey results, preparation and issuance of tenure instruments, and

the provisions of PD 1529 pertaining to the assurance fund, and their implementing rules and regulations are hereby amended or modified accordingly.

All other laws, decrees, orders, instructions, proclamations, rules and regulations or parts thereof, including pertinent provisions of Commonwealth Act No. 141, Act No. 496, Presidential Decree No. 1529, Executive Order No. 192 and its related rules and regulations; Executive Order No. 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.

Section 38. 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,