

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

2013

SENATE

SECRETARY

Senate Bill No. 2516

Introduced by: **Senator COMPAÑERA PIA S. CAYETANO**

EXPLANATORY NOTE

Survey, registration and titling are important factors in land administration and management. Currently, these factors are handled by different agencies, in particular the Land Management Bureau of the Department of Environment and Natural Resources (DENR) for survey and the Land Registration Authority under the Department of Justice for registration and titling. Moreover, there are other agencies dealing with lands like the Land Management Sector and the National Mapping and Resource Information Authority both under the DENR.

The separation of these functions often results in confusion and conflict thereby affecting the integrity of land titles in the country. This Bill aims to integrate all the various agencies dealing with land administration and management into a single agency with the view of making registration and subsequent dealings in land more simple, accessible and affordable.

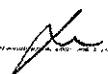
For these reasons, approval of this Bill is urgently sought.


COMPAÑERA PIA S. CAYETANO
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
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Third Regular Session)

SEP 21 2014

SENATE

RECEIVED BY: 

S. B. No. 2516

Introduced by Senator Compañera Pia Cayetano

**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 of 2006."

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

(a) Provide the leadership and management of reforms in land
administration;

(b) Promote efficient and effective mapping, land survey, classification,
disposition, registration, and management of private and public lands;

(c) Undertake a comprehensive and continuing land administration program
that will make the processes and procedures on land registration and titling
affordable, reliable and expeditious;

(d) Assist in the attainment of the government's asset reform programs;

(e) Accelerate and complete the cadastral survey, distribution, titling, and
registration of alienable or disposable lands to provide security of land tenure;

(f) Undertake reforms in land administration and management to ensure
equitable distribution and full utilization and development of alienable or
disposable lands;

(g) Improve the efficiency, effectiveness, transparency, and accountability of
land administration services;

1 (h) Rationalize the structure, powers and functions of the different land
2 administration agencies and integrate all land administration and registration
3 policies, plans, programs, and projects of various government agencies to
4 increase the efficiency of the land titling system of the government, with
5 expeditious delivery of services that are viable with sustainable land
6 administration programs and projects;

7 (i) Establish a sustainable and viable administration of land through
8 computerization of functions and removal of overlaps and duplication in the
9 delivery of land administration services;

10 (j) Establish an administrative system for the cancellation of duplicate and
11 fake titles and the eradication of land grabbing activities;

12 (k) Provide accessible, efficient, and affordable land administration services
13 to the people through the establishment of integrated Land Offices nationwide;

14 (l) Establish an effective, secure and integrated land information system
15 and provide easy and open access to land information by members of the
16 public;

17 (m) Improve the skills of and career opportunities for government employees
18 engaged in the provision of land administration services;

19 (n) Rationalize and clarify the entitlements of persons to land titles to make
20 the process of issuing original titles fast and low-cost;

21 (o) Promote and support the development of a national land administration
22 and management education system;

23 (p) Identify and reduce disincentives to the registration of property
24 transactions;

25 (q) Mainstream gender in all aspects of the land administration system; and

26 (r) Recognize, respect, ensure participation, and assist in the enforcement
27 of land related rights of men and women of the basic sectors, as defined in
28 Republic Act No. 8425, otherwise known as the "Social Reform and Poverty
29 Alleviation Act."

30 **Section 3. *Definition of Terms.***- For the purpose of this Act, the
31 following terms shall, unless the context indicates otherwise, have the following
32 meanings:

33 (a) "Alienable and disposable lands" refers to agricultural lands of the
34 public domain which have been delineated, classified, and certified as available
35 for disposition under the public land act.

36 (b) "*Agricultural lands*" refers to lands devoted to or suitable for the
37 cultivation of the soil, planting of crops, or growing of trees, and not classified as

1 mineral land, forest land, or national park, or sub-classified as residential land,
2 commercial land, or industrial land.

3 (c) "*Automated Registration System*" refers to a system using
4 appropriate technology for scanning, recording, and land registration using
5 electronic devices to store the copy of certificates of title and other documents
6 relative thereto.

7 (d) "*Classification and Reclassification*" refers to the Act of Congress in
8 setting the specific limits of forestlands and national parks and increasing or
9 decreasing their boundaries by law, as provided for in Article XII, Section 4 of
10 the 1987 Philippine Constitution.

11 (e) "*Director General*" refers to the person occupying the position of
12 Director General of the Land Administration Authority created by this Act.

13 (f) "*Land*" refers to resources, both man-made and natural, found on
14 the surface, below and above the ground, including inland waters and the air
15 therein.

16 (g) "*Land Administration and Public Land Management*" refers to the
17 administration of all functions, powers and activities related to the mapping,
18 land survey, classification, ownership, disposition, and registration of land titles
19 and deeds, and the management of public lands.

20 (h) "*Land Information System*" refers to a system of linking textual
21 attributes (such as ownership, identity, location and value) of land into spatial
22 reference designed to facilitate access to information and assist in planning and
23 decision making

24 (i) "*Land Management Bureau (LMB)*" refers to the staff Bureau of the
25 Department of Environment and Natural Resources (DENR).

26 (j) "*Land Management Services (LMS)*" refers to the land management
27 sector or offices of the DENR at the regional, provincial, and district level.

28 (k) "*Land registration case*" refers to the proceeding, either
29 administrative or judicial, for registering the title to, or interest in, a land so that
30 such title or interest becomes a matter for public record, and all persons who
31 have interest in the land may be informed thereof, actually or constructively,
32 and be bound thereby if they make no objections thereto within a specific time.

33 (l) "*Land Registration Authority (LRA)*" refers to the attached agency of
34 the Department of Justice (DOJ), including the Registers of Deeds (RoD).

35 (m) "*National Mapping and Resource Information Authority (NAMRIA)*"
36 refers to the agency known by that name attached to the DENR.

37 (n) "President" refers to the President of the Philippines

1 (o) "*Public domain*" refers to lands that belong to the State, which may
2 either be agricultural, forest or timber, mineral or national park as provided for in
3 the Constitution.

4 (p) "*Public lands*" refer to lands which have not been subject to private
5 property rights or subject to sale or other modes of acquisition or concession
6 under the general laws, and are devoted to public use.

8 ARTICLE II

9 CREATION OF THE LAND ADMINISTRATION AUTHORITY

10 **Section 4. *Creation of the Land Administration Authority (LAA).***- To
11 carry out the purposes of this Act, the Land Administration Authority (LAA) is
12 hereby created and placed under the Office of the President. It shall be the
13 primary government agency responsible for land administration and public land
14 management.

15 **Section 5. *Powers and Functions of the LAA.***- The LAA shall exercise
16 the following powers and functions:

17 (a) Conduct, integrate and regulate the functions of geodetic and
18 geophysical surveys, land classification surveys, mapping, aerial photography,
19 remote sensing, management of resource information needed by both public
20 and private sectors, and research development thereof in accordance with
21 existing laws and internationally accepted norms, procedures, and standards;

22 (b) Survey, map and maintain data base to support the determination
23 of specific limits of forest lands and national parks by Congress as provided
24 under Section 4, Article XII of the Constitution;

25 (c) Survey, map, maintain database on, administer, manage and/or
26 dispose of all alienable and disposable lands of the public domain and other
27 lands, including foreshore and marsh lands, under the provisions of
28 Commonwealth Act No. 141, as amended, otherwise known as the Public Land
29 Act, and in accordance with existing laws;

30 (d) Manage, sell, and/or dispose the remaining Friar Lands under the
31 provisions of Act No. 1120, as amended, and in accordance with existing laws;

32 (e) Manage and dispose lands of patrimonial property of the National
33 Government under the provisions of Act No. 3038, or such other Government
34 lands as have not been placed under the administration, management, control
35 or exclusive use of any other government agency by legislative or executive
36 issuance;

37 (f) Register original titles to land issued pursuant to Commonwealth
38 Act No. 141 and subsequent dealings of registered lands under the provisions

1 of Act No. 496 and Presidential Decree No. 1529, otherwise known as the Land
2 Registration Act and the Property Registration Decree, respectively;

3 (g) Conduct, regulate, and approve all types of land surveys including
4 surveys intended for the implementation of Commonwealth Act No. 141,
5 Republic Act No. 6657 or the Comprehensive Agrarian Reform Law (CARL) and
6 Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA);

7 (h) Complete all Cadastral Surveys and update all existing cadastral
8 maps..

9 (i) Prepare, issue, and register all titles to land issued pursuant to
10 Commonwealth Act No. 141 and all types of tenure instruments intended for the
11 implementation of the CARL and the IPRA and subsequent dealings of
12 registered lands.;

13 (j) Determine, fix, and collect reasonable amounts to be charged as
14 administration fees, fines, and penalties relative to the implementation of this
15 Act;

16 (k) Formulate land administration and management policies in
17 accordance with existing national laws;

18 (l) Promulgate rules, regulations, circulars and other administrative
19 issuances as may be necessary to implement the provisions of this Act;

20 (m) Perform such other functions undertaken by the LRA/RoD,
21 LMB/LMS, DENR-Comprehensive Agrarian Reform Program (DENR-CARP)
22 National Secretariat under P.D. 1529 and C.A. 141, as amended; and

23 (n) Perform such other functions as are necessary, proper, and
24 incidental to implement the provisions of this Act.

25 Whenever any reference is made to the LRA/RoD, LMB/LMS, and
26 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National
27 Secretariat under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining
28 to a duty, power, purpose, responsibility, or jurisdiction transferred to the LAA
29 by this Act, it shall be deemed to be a reference to, and to mean, the Land
30 Administration Authority and the Director General of the LAA, as the case may
31 be.

32 **Section 6. Stakeholders' Advisory Committee.-** The LAA shall be
33 assisted by a Stakeholders' Advisory Committee composed of the following:

34 (a) Five (5) representatives from the basic sectors chosen through the
35 nomination process of the National Anti-Poverty Commission (NAPC), of whom
36 at least two (2) shall be women;

37 (b) Three (3) representatives from the private sector appointed by the
38 President; and

1 (c) The LAA Director General, as ex-officio member.

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

8 **Section 7. Functions of the Stakeholders Advisory Committee.-** The
9 Committee shall advise the LAA on the formulation of policies and policy
10 development pertaining to land administration and public land management and
11 shall monitor their implementation. It shall submit, within three months following
12 the end of each calendar year, a report to the President on its advisory and
13 monitoring activities.

14 **Section 8. Meetings of the Committee.-** The Chairperson shall
15 convene regular meetings of the Committee, which shall be at least once every
16 quarter. Special meetings may also be called by the Chairperson or at the
17 initiative of at least three (3) members.

18 **Section 9. Secretariat and Logistical Support.-** The Office of the
19 Director General shall provide secretariat and logistical support to the
20 Committee.

21

22

ARTICLE III

23

IMPLEMENTING MECHANISM

24

Section 10. Structure and Organization.- The LAA shall consist of:

25

(a) The Office of the Director General;

26

(b) The Offices of the Deputy Directors General;

27

(c) The Offices of the Assistant Directors General; and

28

(d) Land Offices

29

Section 11. The Director General.- The authority and responsibility for
30 the exercise of the mandate of the LAA, the accomplishment of its objectives,
31 and the discharge of its powers and functions shall be vested in the Director
32 General, a cabinet rank with portfolio, who shall be appointed by the President
33 and subject to confirmation by the Commission on Appointments. The
34 appointment shall be for a fixed term of (4) years and can be reappointed for
35 another term. *Provided:* that the total term of the original and reappointment
36 shall not exceed eight (8) years. The Director General shall have the following
37 functions:

1 (a) Advise the President on the promulgation of rules, regulations, and
2 other issuances relative to land administration and public land management;

3 (b) Establish policies and standards for the efficient and effective
4 operations of the LAA in accordance with the programs of the Government;

5 (c) Promulgate rules, regulations, and other issuances necessary in
6 carrying out the LAA's mandate, objectives, policies, plans, programs and
7 project;

8 (d) Exercise control and supervision over all functions and activities of
9 the LAA;

10 (e) Delegate authority over all powers, functions and activities of the
11 LAA; and

12 (f) Perform such other functions as may be provided by law or assigned
13 by the President.

14 **Section 12. Office of the Director General.-** The Office of the Director
15 General shall consist of the Director General, his immediate staff, and the Office
16 of the Legal Services.

17 **Section 13. Deputy Directors General.-** The Director General shall be
18 assisted by at least four (4) Deputy Directors General who shall be appointed
19 by the President. At least one of the Deputy Directors General shall be a
20 member of the bar and/or a geodetic engineer with at least five (5) years
21 experience in any land administration function. The Director General is hereby
22 authorized to delineate, assign, and/or reassign the respective functional areas
23 of responsibility of the Deputy Directors General.

24 A Deputy Director General shall have the following functions:

25 (a) Advise the Director General in the promulgation of administrative
26 orders and other issuances with respect to his area of responsibility;

27 (b) Exercise supervision over the offices, departments, or operating
28 units and officers and employees under his responsibility;

29 (c) Promulgate rules and regulations that will efficiently and effectively
30 govern the activities of units under his responsibility;

31 (d) Coordinate the functions and activities of the units under his
32 responsibility with those of other units under the responsibility of other Deputy
33 Directors General;

34 (e) Exercise authority on substantive and administrative matters related
35 to the functions and activities of units under his responsibility as may be
36 delegated by the Director General; and

37 (f) Perform other functions as may be provided by law or assigned by
38 the Director General.

1 **Section 14. Assistant Directors General.-** The Director General and
2 Deputy Directors General shall be assisted by four (4) Assistant Directors
3 General in the formulation, management and implementation of land
4 administration and public land management laws, policies, plans, programs,
5 and projects.

6 **Section 15. Administrative Divisions.-** The LAA shall be divided into
7 four divisions each headed by a Deputy Director General. These divisions shall
8 be:

9 a. *Corporate Planning and Services-* Provides corporate planning and
10 services for the LAA as a whole including advice to the Director General on
11 work programs and resource allocation within the LAA Budget. It shall also
12 provide support services to the LAA Stakeholders Advisory Committee and
13 merge the current corporate services of LMB/LMS and LRA.

14 b. *National Standards and Practices-* This division shall combine the Law
15 and Clerks of Court Divisions of the LRA. It shall provide core service of LAA
16 unless and until judicial registration proceedings are abolished by legislative
17 reform. It shall also coordinate the overall management of the LAA regional
18 network.

19 c. *Programs-* Provides oversight to the delivery of programs/projects with
20 a finite life-span in accordance with specified budgets, outputs and other project
21 tasking instructions authorized by the LAA director General and Deputy
22 Directors General within the annual LAA budget and overall work program. It
23 shall be responsible for Mobile Project Teams that are tasked with the direct
24 management and control of programs and projects.

25 d. *Operations-* Responsible for the oversight of operations of the
26 regional, provincial and local service centers

27 **Section 16. Land Offices.-** The LAA shall establish permanent field
28 offices at city and provincial levels that shall be called Land Offices. The LAA
29 may also establish additional Land Offices in a city or province as it may
30 determine for the efficient and effective delivery of its services subject to the
31 approval of the President: *Provided*, That said additional Land Offices may be
32 abolished by the Director General when no longer necessary.

33 The Land Offices shall undertake, among others, the following functions:

34 (a) Implement laws, policies, plans, programs, projects, rules and
35 regulations of the LAA on land administration and public land management;

36 (b) Provide efficient and effective delivery of services to the people;

37 (c) Coordinate with field or branch offices of other agencies of the
38 government in the region and with local government units in the enforcement of

1 land administration and public land management laws and regulations and in
2 the formulation and implementation of programs and projects;

3 (d) Recommend and, upon approval, implement programs and projects
4 on land administration and management and related concerns;

5 (e) Conduct a comprehensive inventory of alienable and disposable
6 lands of the public domain and of patrimonial properties and formulate
7 district/provincial/regional short and long term development plans for the
8 management, administration, utilization, and disposition of such lands toward
9 national development;

10 (f) Conduct, complete and update all cadastral surveys and maps; and

11 (g) Perform such other functions as may be assigned by the Director
12 General and/or as provided by law.

13 14 **ARTICLE IV**

15 **LAND ADJUDICATION BOARD**

16 **Section 17. *Creation of the Land Adjudication Board (LAB).***- There
17 is hereby created a Land Adjudication Board (LAB) that shall exercise primary
18 jurisdiction to determine and adjudicate land administration and public land
19 management matters. The LAB shall be the quasi-judicial body of the LAA and
20 shall have exclusive original jurisdiction over all matters involving the
21 implementation of laws, rules and regulations on land administration and public
22 land management, and all cases and /or controversies arising therefrom, except
23 petitions for the correction of clerical or typographical errors committed in
24 writing, copying, transcribing, or typing of an entry in the maps, survey plans,
25 and certificate of land titles which shall be administratively addressed by the
26 LAA field Offices, except further, cases falling under the jurisdiction of the
27 Department of Agrarian Reform (DAR) unless specifically provided herein.
28 Provided however, jurisdiction over conflicts and cases arising from ownership
29 of private lands shall remain with the regular courts.

30 The LAB shall be under the administrative supervision of the Director
31 General and shall be divided into three divisions. Each division shall exercise
32 equal powers, independently resolving cases raised on appeal from the
33 decisions of the Local Land Adjudication Boards, created pursuant to Section
34 19 hereof, from Luzon, Visayas, and Mindanao: *Provided*, That the divisions
35 assigned to handle cases from Visayas and Mindanao shall hold permanent
36 office in any of the cities therein.

37 **Section 18. *Composition.***- Each division of the LAB shall be composed
38 of three (3) members who shall be appointed by the President for a fixed term

1 of (4) years and can be reappointed for another term. *Provided:* that the total
2 term of the original and reappointment shall not exceed eight (8) years.

3 All members of the Land Adjudication Board shall be members of the
4 Philippine Bar with at least ten (10) years experience in property and land
5 administration and management related matters.

6 The members of each division shall elect their Presiding Officer who
7 shall serve for a term of four years.

8 **Section 19. Local Land Adjudication Board.-** Local Land Adjudication
9 Boards shall be created by the LAB in all provincial and city offices of the LAA.
10 The LLAB shall be composed of three members who shall be appointed by the
11 Director General for a fixed term of four years and can be reappointed for
12 another two years. *Provided:* That the total term of the original and
13 reappointment shall not exceed six (6) years.

14 The Presiding Officer of the Local Land Adjudication Board shall be a
15 member of the Philippine Bar with at least five (5) years experience in property
16 and land administration and management related matters.

17 Decisions, orders, and resolutions of the Local Land Adjudication Board
18 shall be raised on appeal to the LAB.

19 **Section 20. Budget and Administrative Support.-** The LAB shall
20 determine and propose its budgetary requirements and shall be submitted as
21 part of the LAA's budget request. Disbursements of the approved budget
22 resources shall be the sole responsibility of the LAB. Secretariat services shall
23 be provided by the LAA.

24 **Section 21. Proceedings and Procedures.-** The LAB shall not be
25 bound by technical rules of procedure and evidence but shall proceed to hear
26 and decide all cases, disputes, or controversies in a most expeditious manner,
27 employing all reasonable means to ascertain the facts of every case in
28 accordance with justice and equity and the merits of the case. Toward this end,
29 it shall adopt a uniform rule of procedure to achieve a just, expeditious, and
30 inexpensive determination of merits: *Provided,* That it shall endeavor to settle
31 disputes and controversies amicably.

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

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

6 **Section 22. *Finality of Determination.***- Any case or controversy
7 before the LAB shall be decided within thirty (30) days after it is submitted for
8 resolution. Only one (1) motion for reconsideration shall be allowed. Moreover,
9 any order, award, ruling, or decision shall be final after the lapse of fifteen (15)
10 days from receipt by the parties of a copy thereof.

11 **Section 23. *Frivolous Appeals.***- To discourage frivolous or dilatory
12 appeals from the decisions, awards, rulings, or orders, the LAB may impose
13 reasonable penalties including, but not limited to, fines or censures upon erring
14 parties.

15 ARTICLE V

16 JUDICIAL REVIEW

17 **Section 24. *Certiorari.***- Any decision, order, award, or ruling of the
18 LAB on any dispute or on any matter pertaining to the application,
19 implementation, enforcement, or interpretation of this Act and other pertinent
20 laws on land administration and public land management may be brought to the
21 Court of Appeals by certiorari within fifteen (15) days from the receipt of a copy
22 thereof.

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

25 **Section 25. *Restraining Order or Preliminary Injunction.***- The Court
26 of Appeals and Supreme Court of the Philippines shall have jurisdiction to issue
27 any restraining order or writ of preliminary injunction against the LAB or any of
28 its duly authorized or designated offices in any case, dispute or controversy
29 arising from, necessary to, or in connection with the application,
30 implementation, enforcement, or interpretation of this Act and other pertinent
31 laws on land administration and public land management.

32 **Section 26. *Procedure on Review.***- Review by the Court of Appeals or
33 the Supreme Court, as the case may be, shall be governed by the Rules of
34 Court. The Court of Appeals, however, may require the parties to file
35 simultaneous memoranda within a period of fifteen (15) days from notice, after
36 which the case is deemed submitted for decision.

1 Act under the new staffing pattern of the LAA on at least equivalent terms and
2 conditions as their present employment by reason of duplication or redundancy
3 and those who decline an appointment in the LAA by reason of diminution in
4 rank and conditions shall be entitled to the separation pay and other benefits in
5 accordance with Sections 10.1 to 10.3 and 13 of Executive Order No. 366 dated
6 October 4, 2004.

7 **Section 34. Reemployment.**- Government personnel who are separated
8 as a result of the integration of the aforecited offices may apply for positions
9 and be employed in other agencies or branches of the government including
10 Government-Owned and/or –Controlled Corporations (GOCCs), Government
11 Financial Institutions (GFIs), or local government units (LGUs).

12 **Section 35. Unexpended Appropriations and Transfer of Assets.-**
13 The unexpended balances of appropriations in the current General
14 Appropriations Act and other laws in force upon approval hereof, pertaining to,
15 held, or used by, or available to the LRA and RoD, LMB, LMS, DENR-CARP
16 National Secretariat and its field offices, are hereby transferred to the LAA.

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

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

25 **Section 36. Penal Provisions.** – Any person who sells forms issued
26 and distributed gratuitously under this Act or who, being an officer charged with
27 distributing them refuses or fails without sufficient reason, to furnish the same,
28 shall be punished for each offense by a fine of not less than one hundred
29 thousand pesos and not more than one million pesos or imprisonment of not
30 less than six months nor more than three years, or both, upon the discretion of
31 the Courts.

32 Any person, corporation, association, or partnership which, not being
33 qualified or no longer authorized to apply for registration purposes, files or
34 induces or knowingly permits another person, corporation, association, or
35 partnership to file an application in his/her or its behalf or for his/her or its
36 interest, benefit, or advantage, shall be punished for each offense by a fine of
37 not less than one hundred thousand pesos (P100,000.00) or imprisonment of
38 not less than five (5) years, or both, at the discretion of the Courts: *Provided,*

1 That in case the offender is a corporation, association, or partnership, their
2 responsible officials shall be deemed jointly and severally liable. The
3 application shall be cancelled.

4 Any person who shall, by deceit or fraud, acquire or attempt to acquire
5 lands of the public domain or other real property or any right, title or interest, or
6 property right of any class to the same, and any person aiding and abetting him
7 therein or serving as a means or tool thereof, shall, upon conviction, be
8 punished by a fine of not less than one hundred thousand pesos and
9 imprisonment of not less than five years nor more than twelve years, or both, in
10 the discretion of the Courts.

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

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

22 **Section 37. Preservation of Records.-** The LAA shall have possession
23 and control of all records, books, papers, offices, equipment, supplies, moneys,
24 funds, appropriations, land and other property, real or personal, held for the
25 benefit or use of all bodies, offices, and officers whose duties, powers, and
26 functions have been transferred to and conferred upon the Authority.

27 Pending a written notice of receipt issued by a duly authorized officer of
28 the LAA, it shall be the duty of any and all personnel responsible for, or in
29 possession of records relating to the affairs of the LMB, LMS, the DENR-CARP
30 National Secretariat and its field offices, the LRA and the RoD to protect and
31 preserve such records.

32 Without prejudice to any other penalties provided for by law, any person
33 who fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of
34 an offense against the provisions of this Act, punishable by a fine of not less
35 than one million pesos (P1,000,000.00) or imprisonment of not more than five
36 years, or both, upon the discretion of the Court.

37 **Section 38. Saving Clause.-** All orders, determination, rules,
38 regulations, permits, certificates, licenses, and privileges which have been

1 issued, made, or granted effective by the former LMB, LMS, LRA, RoD, DENR-
2 CARP National Secretariat and its field offices, or their predecessors shall
3 continue to be in effect according to their terms until modified, terminated,
4 superseded, set aside, or repealed.

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

14 15 **ARTICLE VII**

16 **MISCELLANEOUS PROVISIONS**

17 **Section 39. Use of Income and Other Sources of Funds.-** The LAA
18 is hereby authorized to use one hundred percent (100%) of all revenues derived
19 from fees, charges, and other sources to fund all its operations and implement
20 its projects to ensure efficient and effective delivery of its mandated services
21 and functions.

22 The LLA shall be allowed to receive, hold and utilize funds from grants,
23 donations, contributions and other gratuitous sources both foreign and local for
24 the implementation of its mandate, programs and projects, subject to existing
25 rules and regulations.

26 **Section 40. Assurance Fund.-** A special account within the LAA is
27 hereby created for the entire proceeds of the Assurance Fund, which shall no
28 longer be paid to the National Treasurer as provided for in Section 94 of PD No.
29 1529. Claims from the Assurance Fund shall be heard, decided, and
30 determined by the Land Adjudication Board. All pending cases or claims
31 against the Assurance Fund now being handled by the Bureau of Treasury,
32 through the Office of the Solicitor General, shall likewise be transferred to the
33 Land Adjudication Board. Thereafter, the National Treasurer shall no longer be
34 impleaded as party in any action against the Assurance Fund.

35 **Section 41. Indemnification of Officials and Personnel.-** The LAA
36 shall indemnify all officials and personnel for all costs and expenses reasonably
37 incurred by such persons in connection with any civil or criminal actions, suits,
38 or proceedings to which they may be or made a party by reason of the

1 performance of their functions or duties, unless they are finally adjudged in such
2 actions or proceedings to be liable.

3 In the event of settlement or compromise, indemnification shall be
4 provided only in connection with such matters covered by the settlement as to
5 which the LAA is advised by an external counsel that the persons to be
6 indemnified did not commit any gross negligence or misconduct.

7 The costs and expenses incurred in defending the aforementioned
8 action, suit or proceeding may be paid by the LAA in advance of the final
9 disposition of such action, suit or proceeding upon receipt of an undertaking by
10 or on behalf of the Director General, where in the official or employee shall
11 repay the amount advanced should it ultimately be determined by the LAA that
12 such official or employee is not entitled to be indemnified as provided in this
13 section.

14 **Section 42. Implementing Rules and Regulations.-** Within sixty (60)
15 days from the effectivity of this Act, the LAA shall promulgate the rules and
16 regulations to implement the provisions of this Act. Said rules and regulations
17 shall be submitted to the Congressional Oversight Committee for approval.

18 **Section 43. Congressional Oversight Committee on the Land**
19 **Administration Act.-** There is hereby created a Congressional Oversight
20 Committee composed of seven (7) members from the Senate Committee on
21 Environment and Natural Resources and seven (7) members from the House of
22 Representatives Committees on Natural Resources, Housing and Urban
23 Development, and Government Reorganization.

24 The Congressional oversight committee, which shall function for a period
25 not more than three (3) years, shall review the implementing rules promulgated
26 by the LAA including the procedures on claims against the assurance fund and
27 oversee the implementation of this Act.

28 The secretariat of the Oversight Committee shall be drawn from the
29 existing secretariat personnel of the committees of the Senate and the House of
30 Representatives comprising the oversight and the funding for its operations
31 shall be taken from the existing budget of the concerned committees.

32 **Section 44. Separability Clause.-** Should any provision of this Act or
33 any part hereof be declared unconstitutional or invalid by a Court, the other
34 provisions hereof which are not affected thereby, shall remain in force and
35 effect.

36 **Section 45. Repealing Clause.-** The pertinent provisions of CARL and
37 IPRA with regard to the conduct of survey, approval of survey results,
38 preparation and issuance of tenure instruments, and the provisions of PD 1529

1 pertaining to the assurance fund, and their implementing rules and regulations
2 are hereby amended or modified accordingly.

3 All other laws, decrees, orders, instructions, proclamations, rules and
4 regulations or parts thereof, including pertinent provisions of Commonwealth
5 Act No. 141, Act No. 496, Presidential Decree No. 1529, Executive Order No.
6 192 and its related rules and regulations; Executive Order No. 469 dated
7 February 11, 1981 and the subsequent Presidential Memorandum Circular
8 dated 30 September 1988 and their related rules and regulations; and the
9 Administrative Code of 1987, which are inconsistent with any provision of this
10 Act, are hereby repealed, modified, or amended accordingly.

11 **Section 46. Effectivity.**- This Act shall take effect fifteen (15) days after
12 its complete publication in the *Official Gazette* or in a newspaper of general
13 circulation.

14 Approved,