


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

8 JUN 11 P3:24

SENATE  
S. B. No. **2401**

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INTRODUCED BY HONORABLE MAR ROXAS

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The Land Administration and Management Project estimates that 7.5 Million out of the 11.15 Million untitled land parcels in our country are classified as residential lands. This massive number of untitled residential lands can be easily attributed to the lack of an efficient, expeditious and inexpensive procedure for the titling of residential lands.

This expeditious and affordable procedure was available under Batas Pambansa 223, which was enacted on April 16, 1982. It provided for the administrative legalization of an imperfect title for public lands classified for residential use, by recognizing the acquisitive right of the actual occupant through the issuance of a residential land patent. However, the said law has ceased to be effective as it only allowed applications for residential land patents only until December 31, 1987.

Thus, this bill seeks to re-enact the provisions of Batas Pambansa 223 and further improve the process for titling and registration of residential lands through the grant of residential patents to actual occupants of residential lands classified/zoned by the local government unit in its land use plan. In addition, this bill expands the coverage of Batas Pambansa 223 which is limited to 5<sup>th</sup> and 6<sup>th</sup> class municipalities only, by extending the same to residential lands in cities and in all municipalities. Further, the restrictions on *encumbrance imposed by Batas Pambansa 223 were removed, to allow the use of land as capital. As an added safeguard against possible abuse of the process under this bill, penal provisions are imposed against any person who, not being a qualified beneficiary of this proposed Act, tries to secure title to residential lands by fraud and deceit.*

The importance of title to land cannot be overemphasized. Land title registration is primarily intended to protect property rights. It gives the title holder security of land tenure. Corollary to this, title to land facilitates transactions in land and enables land to be used as collateral for loans. Moreover, land title generates economic growth as it provides incentives for investment in land. Thus, this bill's early enactment will provide an improved access to land and services to the majority of the Filipino people, especially the poor and marginalized.

In view of the foregoing, early passage of this bill is earnestly requested.

  
M A R ROXAS  
Senator

FOURTEENTH CONGRESS OF THE )  
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AN ACT  
PROVIDING FOR AN EQUITABLE ACCESS TO OWNERSHIP OF RESIDENTIAL LANDS,  
ESTABLISHING FOR THAT PURPOSE AN ADMINISTRATIVE PROCESS FOR THE  
TITLING OF RESIDENTIAL LANDS THROUGH THE ISSUANCE OF A RESIDENTIAL  
PATENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Equitable Residential*  
2 *Land Titling Act of 2008.*”

3 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
4 secure the right of all persons to an equitable access to land. Toward this end, the State shall  
5 implement a mechanism for an expeditious and affordable land titling process, thereby  
6 providing for every person’s security of land tenure. Further, the State shall endeavor to put  
7 up measures that will bring about the optimum use of land as a resource and ensure the  
8 sustainable use and management of lands.

9 SECTION 3. *Coverage.* This Act shall cover only alienable and disposable lands of the  
10 public domain classified and zoned as residential in the land use plan of the local government  
11 unit where such land is situated.

12 SECTION 4. *Schedule of Implementation.* The distribution of all lands covered  
13 within this Act shall be implemented and completed within 10 years from the effectivity  
14 thereof. The Department of Environment and Natural Resources, in coordination with the

1 Land Management Bureau, shall plan and program the titling and registration of alienable  
2 and disposable residential lands of the public domain covered by the provisions of this Act  
3 through a period of 10 years from the effectivity of this Act.

4 The program of implementation shall indicate all the municipalities and cities that  
5 have already been released for disposition and further classified for residential purposes  
6 which shall be the priority areas for land titling and registration.

7 SECTION 5. *Qualified Beneficiaries.* The provisions of any law, rules or regulations to  
8 the contrary notwithstanding, any citizen of the Philippines who is not a registered owner of  
9 a residential land and who for ten (10) years or prior thereto, either by himself or through  
10 his bona fide predecessor-in-interest, has been actually residing on, and continuously  
11 possessing and occupying, under a bona fide claim of acquisition of ownership, a parcel of  
12 untitled land of the public domain classified as residential in the land use plan of the local  
13 government where it is situated, which is alienable or disposable, and who has paid all the  
14 real estate taxes thereon for ten (10) years or prior thereto, shall, upon application, be  
15 entitled to have a residential patent issued to him for such parcel of land not to exceed three  
16 hundred (300) square meters in highly urbanized cities; eight hundred (800) square meters in  
17 other cities; and one thousand (1,000) square meters in all municipalities; *Provided*, that the  
18 land applied for is not needed for public service or public use that no such residential patent  
19 shall be issued for townsite reservations established under Chapter XI of the Public Land Act:  
20 *Provided*, finally, that none of the provisions of Presidential Decree No. 705 are violated by  
21 the issuance of such patent.

22 SECTION 6. *Jurisdiction.* The Provincial Environment and Natural Resources Officer  
23 or City Environment and Natural Resources Officer of the DENR shall have exclusive  
24 original jurisdiction over all applications for the issuance of a residential patent under this  
25 Act for all residential lands within their area of jurisdiction. All protest and opposition to any

1 application for the issuance of a residential patent shall likewise be adjudicated exclusively  
2 by the Provincial or City Environment and Natural Resources Officer; *provided that*,  
3 jurisdiction over all conflicts and cases arising from ownership of private lands shall remain  
4 with the regular courts.

5       SECTION 7. *Requirements.* Every application under the provisions of this Act shall  
6 be made under oath and shall set forth:

7       (a) The name and address of the applicant;

8       (b) That the applicant has all the qualifications required by this Act;

9       (c) That the application is made in good faith, and that the land is for residential  
10 purpose and for no other purpose;

11       (d) That the application is made for the exclusive benefit of the applicant and not,  
12 either directly or indirectly for the benefit of any other person, or persons,  
13 corporation, association, or partnership.

14       (e) As accurate a description of the land as may be given, the city or municipality  
15 where it is located, and its limits and boundaries, specifying those having reference to  
16 accidents of the ground or permanent monuments, if any;

17       (f) That the land applied for has been classified and zoned as residential in the land use  
18 plan of the government.

19       The application shall be accompanied with a map and technical description of the  
20 land applied for, along with supporting affidavits of two (2) disinterested persons who are  
21 residents of the city/municipality where the land is located, attesting to the truth of the facts  
22 contained in the application to the effect that the applicant thereof has, either by himself or  
23 through his predecessor-in-interest, actually resided on and continuously possessed and  
24 occupied, under a bona fide claim of acquisition of ownership, the land applied for at least  
25 ten (10) years and that the applicant is qualified in accordance with Section 5 hereof.

1           SECTION 8. *Publication.* All applications for a residential patent filed under the  
2 provisions of this Act shall be posted in the Provincial or City Environment and Natural  
3 Resources Office and in the provincial capitol or city hall of the province or city where the  
4 land subject of the application is situated.

5           SECTION 9. *Registration of Title.* If, after having duly complied with the posting  
6 requirement, without any objection or opposition having been filed thereto, the land is  
7 determined to be residential in accordance with the land use plan of the local government  
8 unit where the same is situated and the applicant is a qualified beneficiary under the  
9 provisions of this Act, an order for the approval of application and issuance of a residential  
10 patent shall be signed and issued by the Provincial Environment and Natural Resources  
11 Officer or the City Environment and Natural Resources Officer.

12           The duly-signed residential patent shall be transmitted to the Register of Deeds of the  
13 province or city where the land subject of application is situated within five (5) working days  
14 from the time of its issuance for registration and the issuance of the corresponding certificate  
15 of title, in accordance with Section 103 of Presidential Decree 1529. It shall be the duty of  
16 the Register of Deeds to register the residential patent within five (5) days from receipt  
17 thereof, whereupon a certificate of title shall be entered as in other cases of registered lands,  
18 and an owner's duplicate certificate of title be issued to the grantee.

19           SECTION 10. *Remedies.* Any person may file an objection or opposition under oath  
20 to any application on the grounds that the applicant is not qualified under the provisions of  
21 this Act, or that the land subject of the application is needed for public use and purposes or  
22 that it was not classified as residential in the land use plan of the local government unit.

23           The City Environment and Natural Resources Officer or the Provincial Environment  
24 and Natural Officer shall resolve the matter raised by the opposition in accordance with the  
25 existing mechanism and procedure for Settlement of Land Disputes.

1           SECTION 11. *Penalties.* Any person who, without having the qualifications required  
2 by this Act, shall by deceit or fraud secure or attempts to secure a certificate of title through  
3 a residential patent, or induces or knowingly permits another to do the same, and any person  
4 aiding and abetting him therein shall, upon conviction, be punished by a fine of not less than  
5 10% of the fair market value of the land applied for as determined by the local government  
6 unit or by imprisonment of *prision mayor*, or both, in the discretion of the court; provided  
7 that, if the offender is a public official, the penalty shall include removal from office,  
8 forfeiture of all retirement benefits and perpetual disqualification to hold any other  
9 appointive or elective positions.

10           SECTION 12. *Congressional Oversight Committee.* For the full and effective  
11 implementation of this Act, a Congressional Oversight Committee for Residential Land  
12 Registration is hereby created as the principal body tasked to ensure the sustainability of the  
13 residential land titling program, and shall monitor and assess the implementation of the  
14 provisions of this Act. It shall be jointly chaired by the Chairpersons of the Senate  
15 Committee on Environment and Natural Resources and the House Committee on Natural  
16 Resources, and composed of six (6) members, with three (3) each from the Senate and the  
17 House of Representatives, and shall meet bi-annually.

18           The Congressional Oversight Committee for Residential Land Titling may require,  
19 from time to time, the Department of Environment and Natural Resources to submit a  
20 comprehensive status and accomplishment report on the implementation of the residential  
21 titling program under this Act.

22           SECTION 13. *Appropriations.* For the initial implementation of this Act, the Regional  
23 Offices of the DENR shall provide an amount not less than the amount appropriated for  
24 processing applications for agricultural free patents. Thereafter, a separate appropriation for  
25 the activities necessary to implement the residential titling program under this Act shall be

1 provided for starting in the fiscal year immediately following the approval of this Act, in  
2 addition to the annual budget given to the Department of Environment and Natural  
3 Resources.

4 SECTION 14. *Separability Clause.* If, for any reason or reasons, any part or parts of  
5 this Act shall be declared unconstitutional or invalid by any competent court, other parts or  
6 provisions thereof not affected thereby shall continue to be in full force and effect.

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

11 SECTION 16. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its  
12 publication in two (2) national newspapers of general circulation.

13

14 Approved,