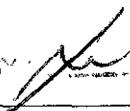


SENATE
S. No. 1914

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Land is the ultimate resource, for without it, life on earth cannot be sustained, and thus, good stewardship of the land is essential for present and future generations.

The world's population has doubled in the last 40 years and passed the 6 billion mark. It is predicted to reach 8.5 billion by the year 2030, a population level thought by many scientists to be the maximum number of people supported by the world's resources and capacity for food production. Less than half of the world's population has secure access to land.

The International Federation of Surveyors (FIG) in cooperation with the United Nations hosted the "Bathurst Workshop on Land Tenure and Cadastral Infrastructures for Sustainable Development" in Australia in October, 1999 and concluded that sustainable development is just rhetoric without appropriate land administration system. The Bathurst declaration recommends a global commitment to provide effective legal security of tenure and access to property for all men and women and to provide reforms in the land administration system 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.

The performance, however, of government agencies undertaking land administration functions such as land surveys, mapping, classification, titling and disposition and registration is below par. The services being provided by these agencies are not contributing to address our domestic problems on sustainable development, much more to the global concerns. The problem is largely contributed by fundamental legal and institutional defects in both the structure and operations of the land administration system. For one, there are many laws governing the land administration functions including the existence of a number of institutions administering our

scarce land resources resulting to confusions, delays, high transactions costs (government and users), low investment, and graft and corruption.

These institutional and structural defects in land administration besides not contributing to the sustainable development of natural resources have also given rise to major inefficiencies including 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 governments and the users/clients of land administration services.

To address these problems, the Government has been undertaking 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.

However, there is a widespread agreement that a fundamental prerequisite for the 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 Philippines is unusual, compared to its neighboring countries, in that the government's land administration functions are currently dispersed across multiple agencies. Without integrating these three agencies, it will be difficult to undertake the major long term investment of resources that will be necessary to implement the required over all reforms.

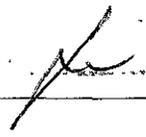
The proposed Land Administration Reform Act seeks to enable the lands sector to contribute to sustainable development, economic growth and poverty alleviation. The Bill's early enactment will ensure Philippines' recognition to the global efforts for sustainable development while providing an improved access to land and services to the majority of our Filipino people especially the poor. I strongly recommend the Bill for favorable consideration by the Senate.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAÑO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

1914 JUL 22 2 4 43

SENATE
S. No. 1914

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Introduced by Senator Miriam Defensor Santiago

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;

1 (F) Improve the efficiency, effectiveness, transparency, and accountability of land
2 administration services;

3 (G) Establish a sustainable and viable administration of land through computerization
4 of functions and removal of overlaps and duplication in the delivery of land administration
5 services;

6 (H) Establish an administrative system for the cancellation of duplicate and fake titles
7 and the eradication of land grabbing activities;

8 (I) Provide accessible, efficient, and affordable land administration services to the
9 people through the establishment of One-Stop-Shops nationwide;

10 (J) Establish an effective land information system and provide easy and affordable
11 access to land information by members of the public;

12 (K) Rationalize and clarify the entitlements of persons to land titles to make the process
13 of issuing original titles fast and low-cost;

14 (L) Promote and support the development of a national land administration and
15 management education system;

16 (M) Identify and reduce disincentives to the registration of property transactions;

17 (N) Mainstream gender in all aspects of the land administration system; and

18 (O) Recognize, respect, ensure participation, and assist in the enforcement of land related
19 rights of men and women of the basic sectors, as defined in Republic Act No. 8425, otherwise
20 known as the "Social Reform and Poverty Alleviation Act."

21 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the following terms
22 shall, unless the context indicates otherwise, have the following meanings:

23 (A) "*Director General*" refers to the person occupying the position of Director General
24 of the Land Administration Authority created by this Act including any person
25 appointed as Acting Director General.

26 (B) "*Land Administration and Public Land Management*" refers to the administration
27 of all functions, powers and activities related to the mapping, land survey,

1 classification, ownership, disposition, and registration of land titles and deeds, and
2 the management of public lands.

3 (C) "*Lands Management Bureau (LMB)*" refers to a staff Bureau of the Department of
4 Environment and Natural Resources (DENR).

5 (D) "*Lands Management Services (LMS)*" refers to the land management sector or
6 offices of the DENR at the regional, provincial, and district level.

7 (E) "*Land Registration Authority (LRA)*" refers to an attached agency of the Department
8 of Justice (DOJ), including the Registers of Deeds (RoD).

9 (F) "*National Mapping and Resource Information Authority (NAMRIA)*" refers to the
10 agency known by that name attached to the DENR.

11 (G) "*Land Administration and Management Project (LAMP)*" refers to the project office
12 providing technical and administrative support to the interagency endeavor of the
13 Philippine government to identify strategic directions toward land administration
14 reform in land institutions, laws, taxes and fees, and valuation.

15 (H) "*Classification and Reclassification*" refers to the Act of Congress in setting the
16 specific limits of forestlands and national parks and increasing or decreasing their
17 boundaries by law, as provided for in Article XII, Section 4 of the 1987 Philippine
18 Constitution.

19 ARTICLE II

20 CREATION OF THE LAND ADMINISTRATION AUTHORITY

21 SECTION 4. *Creation of the Land Administration Authority (LAA)*. – To carry out the
22 purposes of this Act, the Land Administration Authority (LAA) is hereby created and placed
23 under the Office of the President. It shall be the primary government agency responsible for land
24 administration and public land management.

25 SECTION 5. *Powers and Functions of the LAA*. – The LAA shall exercise the following
26 powers and functions:

- 1 (A) Conduct, integrate and regulate the functions of geodetic and geophysical surveys,
2 land classification surveys, mapping, aerial photography, remote sensing,
3 management of resource information needed by both public and private sectors, and
4 research development thereof in accordance with existing laws and internationally
5 accepted norms, procedures, and standards;
- 6 (B) Survey, map and maintain data base to support the determination of specific limits of
7 forest lands and national parks by Congress as provided under Section 4, Article XII
8 of the Constitution;
- 9 (C) Survey, map, maintain database on, administer, manage and/or dispose of all
10 alienable and disposable lands of the public domain and other lands, including
11 foreshore and marsh lands, under the provisions of Commonwealth Act No. 141, as
12 amended, otherwise known as the Public Land Act, and in accordance with existing
13 laws;
- 14 (D) Manage, sell, and/or dispose the remaining Friar Lands under the provisions of Act
15 No. 1120, as amended, and in accordance with existing laws;
- 16 (E) Manage and dispose lands of patrimonial property of the National Government under
17 the provisions of Act No. 3038, or such other Government lands as have not been
18 placed under the administration, management, control or exclusive use of any other
19 government agency by legislative or executive issuance;
- 20 (F) Register original titles to land issued pursuant to Commonwealth Act No. 141 and
21 subsequent dealings of registered lands under the provisions of Act No. 496 and
22 Presidential Decree No. 1529, otherwise known as the Land Registration Act and the
23 Property Registration Decree, respectively;
- 24 (G) Conduct, regulate and approve all types of land surveys including surveys intended
25 for the implementation of Commonwealth Act No. 141, Republic Act No. 6657 or
26 the Comprehensive Agrarian Reform Law (CARL), Republic Act No. 8371 or the
27 Indigenous Peoples Rights Act of 1997 (IPRA) and Republic Act No. 7279 or the
28 Urban Development and Housing Act (UDHA);

- 1 (H) Prepare, issue, and register all titles to land issued pursuant to Commonwealth Act
2 No. 141 and subsequent dealings of registered lands including all types of tenure
3 instruments intended for the implementation of the CARL, UDHA and the IPRA;
- 4 (I) Determine, fix, and collect reasonable amounts to be charged as administration fees,
5 fines, and penalties relative to the implementation of this Act;
- 6 (J) Formulate land administration and management policies in accordance with existing
7 national laws;
- 8 (K) Promulgate rules, regulations, circulars and other administrative issuances as may be
9 necessary to implement the provisions of this Act;
- 10 (L) Such other functions undertaken by the LRA/RoD, LMB/LMS, NAMRIA, DENR-
11 Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat
12 under P.D. 1529 and C.A. 141, as amended; and
- 13 (M) Such other functions as are necessary, proper, and incidental to implement the
14 provisions of this Act.

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

21 SECTION 6. *Stakeholders' Advisory Committee.* – The LAA shall be assisted by a
22 Stakeholders' Advisory Committee composed of the following:

- 23 (A) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk, urban poor,
24 workers in the informal sector; indigenous peoples and NGOs) chosen through the
25 nomination process of the National Anti-Poverty Commission (NAPC);
- 26 (B) Two (2) Representatives from the NAPC Women's Sectoral Council;
- 27 (C) Three (3) representatives from the private sector such as, but not limited to, real
28 estate, professionals/practitioners, and academe to be appointed by the President; and

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

2 The President shall designate the chairperson from among the members of the Committee.

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

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

12 SECTION 8. *Meetings of the Committee.* – The Chairperson shall convene regular
13 meetings of the Committee, which shall be at least once every quarter. Special meetings may
14 also be called by the Chairperson or at the initiative of at least three (3) members.

15 SECTION 9. *Secretariat and Logistical Support.*– The Office of the Director General
16 shall provide secretariat and logistical support to the Committee.

17 ARTICLE III

18 IMPLEMENTING MECHANISM

19 SECTION 10. *Structure and Organization.* – The LAA shall consist of:

20 (A) The Office of the Director General;

21 (B) The Offices of the Deputy Director Generals;

22 (C) The Offices of the Assistant Director Generals; and

23 (D) Field Offices

1 SECTION 11. *The Director General.* – The authority and responsibility for the exercise
2 of the mandate of the LAA, the accomplishment of its objectives, and the discharge of its powers
3 and functions shall be vested in the Director General, a cabinet rank, who shall exercise control
4 and supervision over the LAA and shall be appointed by the President. For such purposes, the
5 Director General shall have the following functions:

- 6 (A) Advise the President on the promulgation of rules, regulations, and other issuances
7 relative to land administration and public land management;
- 8 (B) Exercise appellate jurisdiction of all cases arising from conflicting land surveys;
- 9 (C) Establish policies and standards for the efficient and effective operations of the LAA
10 in accordance with the programs of the Government;
- 11 (D) Promulgate rules, regulations, and other issuances necessary in carrying out the
12 LAA’s mandate, objectives, policies, plans, programs and project;
- 13 (E) Exercise control and supervision over all functions and activities of the LAA;
- 14 (F) Delegate authority over all powers, functions and activities of the LAA; and
- 15 (G) Perform such other functions as may be provided by law or assigned by the President.

16 SECTION 12. *Office of the Director General.* – The Office of the Director General shall
17 consist of the Director General, his immediate staff, and the Office of the Legal Services.

18 SECTION 13. *Deputy Director Generals.* – The Director General shall be assisted by at
19 least three (3) Deputy Director Generals who shall likewise be appointed by the President. The
20 Director General is hereby authorized to delineate, assign, and/or reassign the respective
21 functional areas of responsibility of the Deputy Director Generals: *Provided,* That no Deputy
22 Director General shall be assigned primarily administrative responsibilities. Within his
23 functional area of responsibility, a Deputy Director General shall have the following functions:

- 24 (A) Advise the Director General in the promulgation of administrative orders and other
25 issuances with respect to his area of responsibility;
- 26 (B) Exercise supervision over the offices, departments, or operating units and officers
27 and employees under his responsibility;

- 1 (C) Promulgate rules and regulations that will efficiently and effectively govern the
2 activities of units under his responsibility;
- 3 (D) Coordinate the functions and activities of the units under his responsibility with those
4 of other units under the responsibility of other Deputy Director Generals;
- 5 (E) Exercise authority on substantive and administrative matters related to the functions
6 and activities of units under his responsibility as may be delegated by the Director
7 General; and
- 8 (F) Perform other functions as may be provided by law or assigned by the Director
9 General.

10 SECTION 14. *Assistant Director Generals.* – The Director General and Deputy Director
11 Generals shall be assisted by five (5) Assistant Director Generals in the formulation,
12 management and implementation of land administration and public land management laws,
13 policies, plans, programs, and projects.

14 SECTION 15. *Field Offices.* – The LAA shall establish permanent field offices at city
15 and provincial levels. The LAA may also establish additional field offices in a city or province
16 as it may determine for the efficient and effective delivery of its services subject to the approval
17 of the President: *Provided,* That said additional field offices may be abolished by the Director
18 General when no longer necessary.

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

- 20 (A) Implement laws, policies, plans, programs, projects, rules and regulations of the
21 LAA on land administration and public land management;
- 22 (B) Provide efficient and effective delivery of services to the people;
- 23 (C) Coordinate with field or branch offices of other agencies of the government in the
24 region and with local government units in the enforcement of land administration and
25 public land management laws and regulations and in the formulation and
26 implementation of programs and projects;

1 (D) Recommend and, upon approval, implement programs and projects on land
2 administration and management and related concerns;

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

7 (F) Perform such other functions as may be assigned by the Director General and/or as
8 provided by law.

9 ARTICLE IV

10 LAND ADJUDICATION BOARD

11 SECTION 16. *Creation of the Land Adjudication Board (LAB).* – There is hereby created
12 a Land Adjudication Board (LAB) that will exercise primary jurisdiction to determine and
13 adjudicate land administration and public land management matters and shall have exclusive
14 original jurisdiction over all matters involving the implementation of laws, rules and regulations
15 on land administration and public land management including petitions for the correction of
16 clerical or typographical errors committed in writing, copying, transcribing, or typing of an entry
17 in the maps, survey plans, and certificate of land titles, except those cases falling under the
18 jurisdiction of the Department of Agrarian Reform unless specifically provided herein.

19 SECTION 17. *Composition.* – The LAB shall be composed of five (5) members who
20 shall be nominated by the Stakeholders Advisory Committee and to be appointed by the
21 President. The Presiding Officer shall be selected by the members from among themselves

22 SECTION 18. *Local Land Adjudication Board.* – The Board shall create a Local Land
23 Adjudication Board in the provincial or city office which shall be composed of five members
24 who shall be appointed by the LAB. Decisions, orders, and resolutions of the Local Land
25 Adjudication Board shall be raised on appeal to the LAB.

1 SECTION 19. *Budget and Administrative Support.* – The LAB shall determine and
2 propose its budgetary requirements and shall be submitted as part of the LAA’s budget request.
3 Disbursements of the approved budget resources shall be the sole responsibility of the LAB.
4 Secretariat services shall be provided by the LAA.

5 SECTION 20. *Proceedings and Procedures.* – The LAB shall not be bound by technical
6 rules of procedure and evidence but shall proceed to hear and decide all cases, disputes, or
7 controversies in a most expeditious manner, employing all reasonable means to ascertain the
8 facts of every case in accordance with justice and equity and the merits of the case. Toward this
9 end, it shall adopt a uniform rule of procedure to achieve a just, expeditious, and inexpensive
10 determination of merits: *Provided*, That it shall endeavor to settle disputes and controversies
11 amicably.

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

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

22 SECTION 21. *Finality of Determination.* – Any case or controversy before the LAB
23 shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion
24 for reconsideration shall be allowed. Moreover, any order, award, ruling, or decision shall be
25 final after the lapse of fifteen (15) days from receipt by the parties of a copy thereof.

1 SECTION 26. *Transfer of Powers.* – The powers and functions of the LAA heretofore
2 vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA except the powers and
3 functions of its Coast and Geodetic Surveys Department, DENR-Comprehensive Agrarian
4 Reform Program National Secretariat, LAMP, or in any office within or attached to these
5 agencies, are hereby transferred to and vested in the Office of the LAA Director General.

6 SECTION 27. *Transfer of the Coast and Geodetic Surveys Department of NAMRIA to*
7 *the Office of the Secretary of National Defense.* – Within twelve (12) months upon the effectivity
8 of this Act, the commissioned officers and enlisted and civilian technical personnel of the Coast
9 and Geodetic Survey Department of NAMRIA and a complement of administrative support staff
10 shall be constituted as the National Hydrographic Office directly under the Office of the
11 Secretary of National Defense. The National Hydrographic Office shall be responsible for the
12 hydrographic and oceanographic surveys necessary in chart production and safety to navigation.
13 It shall retain its budgetary allocation under the current General Appropriations Act, and all
14 properties, survey instruments and equipment and other facilities necessary in the performance of
15 its mandate.

16 SECTION 28. *Organization of the LAA.* – The LAA's organizational and administrative
17 structure and functions and staffing pattern, including the personnel's duties and responsibilities
18 and the appropriate compensation package shall be submitted by the Director General for review
19 and approval to the Congressional Oversight Committee within six (6) months from the
20 effectivity of this Act. After the oversight committee's review and approval, the proposed
21 organizational structure and staffing pattern, which shall not exceed the total number of
22 permanent positions that have been merged, shall be submitted to the President for final approval
23 and shall be fully implemented within a period of three (3) months after such approval.

24 SECTION 29. *Transfer of Personnel.* – To ensure a smooth transition, all incumbent
25 personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National Secretariat and its field
26 offices, and LAMP; the DOJ's LRA/RoD shall continue to perform their present duties and

1 functions as interim personnel of the LAA until such time, being not later than twelve (12)
2 months from the effectivity of this Act, that the regular staff of the LAA, based on the new
3 staffing pattern, shall have been appointed: *Provided*, That the regular personnel shall be
4 appointed by the Director General, or his/her duly authorized representative, on the basis of merit,
5 previous permanent appointment, fitness, and seniority: *Provided, moreover*, That except for the
6 position of Director General and Deputy Director Generals, there shall be no hiring of new
7 personnel for the LAA.

8 SECTION 30. *Separation and Benefits*. – Personnel who are not offered appointment
9 within twelve (12) months upon the effectivity of this Act under the new staffing pattern of the
10 LAA on at least equivalent terms and conditions as their present employment by reason of
11 duplication or redundancy and those who decline an appointment in the LAA by reason of
12 diminution in rank and conditions shall be entitled to a gratuity at a rate equivalent to the
13 following:

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

16 (B) Two and three-fourths (2¾) months basic salary for every additional year of service
17 from the twenty-first (21st) to the thirtieth (30th) year of service;

18 (C) Three (3) months basic salary for every additional year of service from the thirty-first
19 (31st) year of service and onwards.

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

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

1 be allowed to retire and be entitled to all the benefits provided under any of the existing
2 retirement laws.

3 SECTION 31. *Separation Fund.* – There is hereby established a “one-time” separation
4 fund in the amount of Two Billion Pesos (P2,000,000,000.00) to pay the separation benefits
5 herein provided: *Provided*, That the fund shall be used exclusively to pay for separation benefits:
6 *Provided further*, That within two years after the effectivity of this Act, any unutilized amount of
7 the separation fund shall be reverted to the National Treasury.

8 SECTION 32. *Reemployment.* – Government personnel who are separated as a result of
9 the integration of the aforecited offices may apply for positions and be employed in other
10 agencies or branches of the government including Government-Owned and/or –Controlled
11 Corporations, Government Financial Institutions (GOCCs/GFIs), or local government units.

12 SECTION 33. *Unexpended Appropriations and Transfer of Assets.* – The unexpended
13 balances of appropriations in the current General Appropriations Act and other Acts in force
14 upon approval hereof, pertaining to, held, or used by, or available to the LRA and RoD,
15 NAMRIA except the budget for its Coast and Geodetic Survey Department, LMB, LMS, DENR-
16 CARP National Secretariat and its field offices, and the LAMP are hereby transferred to the
17 LAA. Such other unexpended balances of appropriations as may be deemed appropriate by the
18 Department of Budget and Management for transfer to the LAA shall also be so transferred.

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

24 SECTION 34. *Penal Provisions.* – Any person who sells forms issued and distributed
25 gratuitously under this Act or who, being an officer charged with distributing them refuses or

1 fails without sufficient reason, to furnish the same, shall be punished for each offense by a fine
2 of not less than one hundred thousand pesos and not more than one million pesos or
3 imprisonment of not less than six months nor more than three years, or both, in the discretion of
4 the Courts.

5 Any person, corporation, association, or partnership which, not being qualified or no
6 longer authorized to apply for registration purposes, files or induces or knowingly permits
7 another person, corporation, association, or partnership to file an application in his/her or its
8 behalf or for his/her or its interest, benefit, or advantage, shall be punished for each offense by a
9 fine of not less than one hundred thousand pesos (P100,000.00) or imprisonment of not less than
10 five (5) years, or both, at the discretion of the Courts: *Provided*, That in case the offender is a
11 corporation, association, or partnership, their responsible officials shall be deemed jointly and
12 severally liable. The application shall be cancelled.

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

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

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

1 SECTION 35. *Preservation of Records.* – The LAA shall have possession and control of
2 all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and
3 other property, real or personal, held for the benefit or use of all bodies, offices, and officers
4 whose duties, powers, and functions have been transferred to and conferred upon the authority.

5 Pending a written notice of receipt issued by a duly authorized officer of the LAA, it shall
6 be the duty of any and all personnel responsible for, or in possession of records relating to the
7 affairs of the LMB, LMS, NAMRIA, the DENR-CARP National Secretariat and its field offices,
8 the LRA and the RoDs to protect and preserve such records.

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

13 SECTION 36. *Saving Clause.* – All orders, determination, rules, regulations, permits,
14 certificates, licenses, and privileges which have been issued, made, or granted effective by the
15 former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field
16 offices, and LAMP, or their predecessors shall continue to be in effect according to their terms
17 until modified, terminated, superseded, set aside, or repealed.

18 No suit, action, or other proceeding commenced by or against any officer in his official
19 capacity as an officer of any division or unit of the former LMB, LMS, NAMRIA, LRA, RoDs,
20 DENR-CARP National Secretariat and its field offices, and LAMP, the functions of which are
21 transferred by this Act to the LAA shall abate by reason of this Act. In like manner, no cause of
22 action by or against such division or unit or by or against any officer thereof in his official
23 capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other
24 proceedings may be asserted for or against the LAA or such official of the LAA as may be
25 appropriate.

26 ARTICLE VII
27 MISCELLANEOUS PROVISIONS

1 SECTION 37. *Use of Income.* – The LAA is hereby authorized to use twenty percent
2 (20%) of all revenues derived from fees, charges, and other sources in the implementation of its
3 projects.

4 SECTION 38. *Assurance Fund.* – A special account within the LAA is hereby created for
5 the entire proceeds of the Assurance Fund, which shall no longer be paid to the National
6 Treasurer as provided for in Section 94 of PD No. 1529. Claims from the Assurance Fund shall
7 be heard, decided, and determined by the Land Adjudication Board. All pending cases or claims
8 against the Assurance Fund now being handled by the Bureau of Treasury, through the Office of
9 the Solicitor General, shall likewise be transferred to the Land Adjudication Board. Thereafter,
10 the National Treasurer shall no longer be impleaded as party in any action against the Assurance
11 Fund.

12 SECTION 39. *Indemnification of Officials and Personnel.* – The LAA shall indemnify all
13 officials and personnel for all costs and expenses reasonably incurred by such persons in
14 connection with any civil or criminal actions, suits, or proceedings to which they may be or made
15 a party by reason of the performance of their functions or duties, unless they are finally adjudged
16 in such actions or proceedings to be liable.

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

21 The costs and expenses incurred in defending the aforementioned action, suit or
22 proceeding may be paid by the LAA in advance of the final disposition of such action, suit or
23 proceeding upon receipt of an undertaking by or on behalf of the Director General, official or
24 employee to repay the amount advanced should it ultimately be determined by the LAA that
25 he/she is not entitled to be indemnified as provided in this Section.

1 SECTION 40. *Implementing Rules and Regulations.* – Within sixty (60) days from the
2 effectivity of this Act, the LAA shall promulgate the rules and regulations to implement the
3 provisions of this Act. Said rules and regulations shall be submitted to the Congressional
4 Oversight Committee for approval.

5 SECTION 41. *Congressional Oversight Committee on the Land Administration Act.* –
6 There is hereby created a Congressional Oversight Committee composed of seven (7) members
7 from the Senate Committee on Environment and Natural Resources and seven (7) members from
8 the House of Representatives Committee on Natural Resources.

9 The oversight committee, which shall function for a period not more than three (3) years,
10 shall review the administrative structure, functions, staffing pattern, duties and responsibilities of
11 personnel, the implementing rules promulgated by the LAA including the procedures on claims
12 against the assurance fund, and oversee the implementation of this Act: *Provided, That* the
13 secretariat of the Oversight Committee shall be drawn from the existing secretariat personnel of
14 the committees comprising the oversight and the funding shall be taken from the appropriations
15 of both the House of Representatives and the Senate.

16 SECTION 42. *Separability Clause.* – Should any provision of this Act or any part
17 thereof be declared unconstitutional or invalid by a Court, the other provisions hereof which are
18 not affected thereby, shall remain in force and effect.

19 SECTION 43. *Repealing Clause.* – The pertinent provisions of CARL and IPRA with
20 regard to the conduct of survey, approval of survey results, preparation and issuance of tenure
21 instruments, and the provisions of PD 1529 pertaining to the assurance fund, and their
22 implementing rules and regulations are hereby amended or modified accordingly.

23 All other laws, decrees, orders, instructions, proclamations, rules and regulations or parts
24 thereof, including pertinent provisions of Commonwealth Act No. 141, Act No. 496, Presidential
25 Decree No. 1529, Executive Order No. 192 and its related rules and regulations; Executive Order
26 No. 469 dated February 11, 1981 and the subsequent Presidential Memorandum Circular dated

1 30 September 1988 and their related rules and regulations; and the Administrative Code of 1987,
2 which are inconsistent with any provision of this Act, are hereby repealed, modified, or amended
3 accordingly.

4 SECTION 44. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete
5 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,