

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

OFFICE OF THE SECRETARY

9 MAY -4 AM 11:25

SENATE

S. B. No. 3202

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INTRODUCED BY HONORABLE MAR ROXAS

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Pursuant to Article XIII, Section 1 of the 1987 Philippine Constitution, Congress is mandated to give highest priority to the enactment of measures that reduce social, economic and political inequalities and cultural inequities by equitably diffusing wealth and political power. The State shall, to this end, regulate the acquisition, ownership, use and disposition of property and its increments. The 1987 Constitution, in the same article, likewise upholds the rights of farmers to own directly the lands they till, and of fishermen to the preferential use of both inland and offshore communal marine resources.

However, 22 years after the ratification of the 1987 Constitution, the State has yet to fulfill this mandate. Land ownership continues to remain a dream for many landless farmers and fishermen. Thus, this bill proposes a mechanism that will ensure equitable access to and ownership of public lands by farmers and fisherfolks through a system of free patent. While the proposed measure extends the free patent system to qualified beneficiaries as defined, preferential right is given to (1) farmers and farm workers who have continuously occupied and cultivated either by themselves or their predecessors-in-interest a parcel of public land; and (2) fisherfolks living along coastal areas and similar areas of the public domain near the fishing ground. As a safeguard for the qualified beneficiaries of the free patent system, any person who willfully obstructs or impedes the acquisition of a free patent by a qualified beneficiary, or who sells, transfers or acquires a land of public domain to circumvent the application of this bill, shall be criminally liable and meted out a penalty of fine and/or imprisonment.

The importance of land tenure security cannot be overstated. Ownership of land tenure facilitates transactions in land and enables land to be used as collateral for loans. More importantly, food security depends on land security tenure in direct and indirect ways – farmers and fishermen who are given security of land tenure contribute to food security through their own food production and through other economic activity using land as a resource. This bill thus provides hope not only for landless, marginalized farmers and fishermen but also to the general Filipino public.

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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OFFICE OF THE CLERK

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SENATE  
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INTRODUCED BY HONORABLE MAR ROXAS

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AN ACT  
PROVIDING A MECHANISM FOR THE EQUITABLE ACCESS TO AND OWNERSHIP OF  
PUBLIC LANDS BY FARMERS AND FISHERFOLKS, MANDATING FOR THAT PURPOSE  
AN ADMINISTRATIVE PROCESS FOR THE TITLING OF SUCH PUBLIC LANDS  
THROUGH THE ISSUANCE OF FREE PATENT 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 “*Farmers’ and Fishermen’s*  
2 *Free Patent Act of 2009.*”

3 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
4 give utmost priority to the right of farmers and fisherfolks to an equitable access to and  
5 ownership of land. Toward these ends, the State shall implement a mechanism for an  
6 expeditious and affordable land titling process, thereby providing farmers and farmworkers  
7 an opportunity to directly own land and acquire security of land tenure. Further, the State  
8 shall endeavor to protect the rights of fisherfolks and ensure their preferential use to  
9 communal marine and fishing resources, both inland and offshore. Moreover, the State shall  
10 craft and implement measures that will bring about the optimum use of land as a resource  
11 and ensure the sustainable use and management of lands.

12 SECTION 3. *Coverage.* This Act shall cover only alienable and disposable lands of the  
13 public domain classified as such in accordance with law.

1           SECTION 4. *Qualified Beneficiaries.* The provisions of any law, rules or regulations  
2 to the contrary notwithstanding, any natural-born citizen of the Philippines who is not a  
3 registered owner of more than twelve (12) hectares of alienable and disposable public land  
4 and who for ten (10) years or prior thereto, either by himself or through his *bona fide*  
5 predecessor-in-interest, has been actually residing on, and continuously possessing and  
6 occupying, under a *bona fide* claim of acquisition of ownership, a parcel of untitled land of  
7 the public domain classified as alienable and disposable, shall, upon application, be entitled  
8 to have a free patent issued to him for such parcel of land; *Provided*, That the land applied  
9 for is not needed for public service or public use and that no such free patent shall be issued  
10 for townsite reservations established under Chapter XI of the Public Land Act: *Provided*  
11 *further*, That none of the provisions of Presidential Decree No. 705, otherwise known as the  
12 *Revised Forestry Code* are violated by the issuance of such patent; *Provided finally*, That the  
13 land for which a free patent is applied for shall not be encumbered, sold, or converted into  
14 other uses by the applicant within five (5) years from the issuance of the free patent.

15           SECTION 5. *Preferential Right to Free Patent.* – Except when ownership of a parcel  
16 of land has already been acquired through homestead patents, judicial confirmation of title,  
17 or other modes of acquisition of title recognized under Commonwealth Act No. 141,  
18 otherwise known as the *Public Land Act*, the following shall have preferential right to apply  
19 for a free patent covering the public land which they occupy:

- 20           (1) Farmers and farmworkers who have continuously occupied and cultivated  
21                 either by themselves or their predecessors-in-interest a parcel of public land;  
22                 and  
23           (2) Fishermen and fisherfolks living along coastal areas and similar areas of the  
24                 public domain near the fishing ground.

1 For purposes of this Act, "farmer" shall refer to a natural person whose primary  
2 livelihood is cultivation of land or the production of agricultural crops either by himself or  
3 with the help of his immediate household, "farmworker" shall refer to a natural person who  
4 renders service for value as an employee or laborer in an agricultural enterprise or farm  
5 regardless of whether his compensation is paid on a daily, weekly, monthly or "*pakyaw*" basis  
6 and "fisherfolk" shall refer to any natural person directly or personally and physically  
7 engaged in taking and/or culturing and processing fishery and/or aquatic resources.

8 SECTION 6. *Jurisdiction.* The Provincial Environment and Natural Resources Officer  
9 or City Environment and Natural Resources Officer of the DENR shall have exclusive  
10 original jurisdiction over all applications for the issuance of a free patent under this Act for  
11 all alienable and disposable public lands within their area of jurisdiction. All protest and  
12 opposition to any application for the issuance of a free patent shall likewise be adjudicated  
13 exclusively by the Provincial or City Environment and Natural Resources Officer; *Provided,*  
14 *That,* jurisdiction over all conflicts and cases arising from ownership of private lands shall  
15 remain with the regular courts.

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

- 18 (1) The name and address of the applicant;
- 19 (2) That the applicant has all the qualifications required by this Act;
- 20 (3) That the application is made in good faith;
- 21 (4) That the application is made for the exclusive benefit of the applicant and  
22 not, either directly or indirectly for the benefit of any other person, or  
23 persons, corporation, association, or partnership.
- 24 (5) As accurate a description of the land as may be given, the city or  
25 municipality where it is located, and its limits and boundaries, specifying

1           those having reference to accidents of the ground or permanent  
2           monuments, if any; and

3           (6)       That the land applied for shall not be encumbered, sold, or converted into  
4           other uses by the applicant within five (5) years from the issuance of the  
5           free patent.

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

10          SECTION 9. *Registration of Title.* If, after having duly complied with the posting  
11 requirement, without any objection or opposition having been filed thereto, the land is  
12 determined to be an alienable and disposable land of the public domain and the applicant is a  
13 qualified beneficiary under the provisions of this Act, an order for the approval of application  
14 and issuance of a free patent shall be signed and issued by the Provincial Environment and  
15 Natural Resources Officer or the City Environment and Natural Resources Officer.

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

23          SECTION 10. *Remedies.* Any person may file an objection or opposition under oath  
24 to any application on the grounds that the applicant is not qualified under the provisions of  
25 this Act, or that the land subject of the application is needed for public use and purposes.

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

4           SECTION 11. *Bar Against Conversions.* – Any land whose title is secured under the  
5 provisions of this Act for the benefit of farmers/ farm workers and/or fishermen/fisherfolks  
6 shall not be allowed for any large-scale conversions whether for residential, industrial or  
7 commercial purposes for a period of twenty (20) years beginning from the date of issuance of  
8 the title. This twenty year bar against land conversions, as provided in this Section, shall be  
9 expressly noted in the land title issued under this Act.

10          SECTION 12. *Mandatory Support from Government Agencies.* - Any land whose title  
11 is secured under the provisions of this Act for the benefit of farmers/ farm workers and/or  
12 fishermen/fisherfolks shall be promptly given the adequate support from any government  
13 agency, particularly from the Departments of Trade and Industry, Agriculture and  
14 Environment and Natural Resources, which shall include such adequate entrepreneurial  
15 training, financial access programs, and such other administrative support services necessary  
16 to ensure that these lands and its use are maximized for the benefit of the farmers/fisherfolks  
17 and fishermen/fisherfolks.

18          SECTION 13. *Penalties.* Any person who, without having the qualifications required  
19 by this Act, shall by deceit or fraud secures or attempts to secure a certificate of title through  
20 a free patent, or induces or knowingly permits another to do the same, and any person aiding  
21 and abetting him therein shall, upon conviction, be punished by a fine of not less than 10%  
22 of the fair market value of the land applied for as determined by the local government unit  
23 or by imprisonment of *prision mayor*, or both, in the discretion of the court; Provided, That  
24 if the offender is a public official, the penalty shall include removal from office, forfeiture of

1 all retirement benefits and perpetual disqualification to hold any other appointive or elective  
2 positions.

3 Any person who willfully prevents or obstructs the acquisition of a free patent by a  
4 qualified beneficiary, or sells, transfers, acquires a land of the public domain for purposes of  
5 circumventing the provisions of this Act shall, upon conviction, be punished by a fine of not  
6 less than 20% of the fair market value of the land applied for as determined by the local  
7 government unit or by imprisonment of *reclusion temporal*, or both, in the discretion of the  
8 court; Provided, That if the offender is a public official, the penalty shall include removal  
9 from office, forfeiture of all retirement benefits and perpetual disqualification to hold any  
10 other appointive or elective positions.

11 Any violation of Section 11 of this Act shall be punishable by imprisonment of *prision*  
12 *mayor*, or both, in the discretion of the court; provided that, if the offender is a public  
13 official, the penalty shall include removal from office, forfeiture of all retirement benefits  
14 and perpetual disqualification to hold any other appointive or elective positions.

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

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

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

24  
25 Approved,