



SENATE

73 JUL -4 A8 07

S. B. No. 431

RECEIVED BY: *Jes*

Introduced by Senator FRANCIS G. ESCUDERO

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.

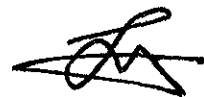
The integration of these agencies/ offices into a single agency will:

- 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.



FRANCIS G. ESCUDERO



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SENATE

S. B. No. 431

RECEIVED BY: *ju*

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION

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

ARTICLE I

GENERAL PROVISIONS

1
2
3 SECTION 1. *Short Title.*- This Act shall be known as "The Land Administration
4 Reform Act".

5
6 SEC. 2. *Declaration of Policy.*- It is hereby declared the policy of the State to
7 institute continuing reforms in land administration and management in order to
8 optimize and rationalize their contribution to the goals of national development, tenure
9 security, eradication of poverty, and attainment of social, economic, and cultural justice.
10 Towards this end, the State shall:

11
12 (a) Integrate and rationalize the structure, powers, functions, and responsibilities of the
13 different agencies involved in land administration and management in order to increase
14 the efficiency, effectiveness, transparency, accountability and expedite the delivery of
15 services.

16
17 (b) Undertake reforms in land administration and management to ensure equitable
18 distribution and full utilization and development of land resources.

19
20 (c) Provide an efficient and effective classification, mapping, surveying, disposition,
21 registration and management of land resources; and

22
23 (d) Develop, establish and maintain an up-to-date, open, accessible, integrated and
24 computer-based land information, records and database system.

25
26 SEC. 3. *Definition of Terms.*- For the purpose of this Act, the following terms
27 shall, unless the context indicates otherwise, have the following meanings:

28
29 (a) "*Alienable and disposable lands*" refers to agricultural lands of the public domain
30 which have been delineated, classified, and certified as available for disposition under
31 the public land act.

32
33 (b) "*Agricultural lands*" refers to lands devoted to or suitable for the cultivation of the
34 soil, planting of crops, or growing of trees, and not classified as mineral land, forest

1 land, or national park, or sub-classified as residential land, commercial land, or
2 industrial land.
3
4 (c) "*Automated Registration System*" refers to a system using appropriate technology for
5 scanning, recording, and land registration using electronic devices to store the copy of
6 certificates of title and other documents relative thereto.
7
8 (d) "*Classification and Reclassification*" refers to the Act of Congress in setting the specific
9 limits of forestlands and national parks and increasing or decreasing their boundaries
10 by law, as provided for in Article XV, Section 4 of the 1987 Philippine Constitution.
11
12 (e) "*Consulta*" refers to the procedure wherein the issue of registrability of certain
13 instruments is resolved in accordance with Presidential Decree No. 1529.
14
15 (f) "*Director General*" refers to the person occupying the position of Director General of
16 the Land Administration Authority created by this Act.
17
18 (g) "*Land*" refers to resources, both man-made and natural, found on the surface, below
19 and above the ground, including inland waters and the air therein.
20
21 (h) "*Land Administration and Public Land Management*" refers to the administration of all
22 functions, powers and activities related to the mapping, land survey, classification,
23 ownership, disposition, and registration of land titles and deeds, and the management
24 of public lands.
25
26 (i) "*Land Information System*" refers to a system of linking textual attributes (such as
27 ownership, identity, location and value) of land into spatial reference designed to
28 facilitate access to information and assist in planning and decision making.
29
30 (j) "*Land Management Bureau (LMB)*" refers to the staff Bureau of the Department of
31 Environment and Natural Resources (DENR).
32
33 (k) "*Land Management Services [LMS]*" refers to the land management sector or offices of
34 the DENR at the regional, provincial, and district level.
35
36 (l) "*Land registration case*" refers to the proceeding, either administrative or judicial, for
37 registering the title to, or interest in, a land so that such title or interest becomes a
38 matter for public record, and all persons who have interest in the land may be informed
39 thereof, actually or constructively, and be bound thereby if they make no objections
40 thereto within a specific time.
41
42 (m) "*Land Registration Authority (LRA)*" refers to the attached agency of the Department
43 of Justice (DOJ), including the Registers of Deeds (ROD).
44
45 (n) "*National Mapping and Resource Information Authority (NAMRIA)*" refers to the
46 agency known by that name attached to the DENR.
47
48 (o) "President" refers to the President of the Philippines.
49
50 (p) "*Public domain*" refers to lands that belong to the State, which may either be
51 agricultural, forest or timber, mineral or national park as provided for in the
52 Constitution.
53

1 (q) "Public lands" refer to lands which have not been subject to private property rights
2 or subject to sale or other modes of acquisition or concession under the general laws,
3 and are devoted to public use.

4
5 **ARTICLE II**
6 **CREATION OF THE LAND ADMINISTRATION AUTHORITY**

7
8 **SEC. 4. *Creation of the Land Administration Authority (LAA)*** - To carry out the
9 purposes of this Act, the Land Administration Authority (LAA) is hereby created and
10 placed under the Office of the President. It shall be the primary government agency
11 responsible for land administration and public land management.

12
13 **SEC. 5. *General Powers and Functions of the LAA*** - The LAA shall exercise the
14 following powers and functions:

15
16 a) Land Survey & Mapping

17
18 1) Execute, complete and continually update the nationwide cadastral surveys in
19 accordance with the provisions of Act No. 2259 as amended, and update all
20 existing cadastral maps;

21
22 2) Conduct nationwide survey and topographic mapping to assist Congress in
23 determining the specific limits of forest lands and national parks, to delimit the
24 specific boundaries and classification of alienable and disposable lands of the
25 public domain, and to identify the specific boundaries of environmentally
26 protected areas under Republic Act 7586 otherwise known as the National
27 Integrated Protected Areas System (NIPAS).

28
29 3) In coordination with local government units and the pertinent agencies,
30 conduct and/or approve surveys and mapping necessary in the implementation
31 of Republic Act No. 7160 or the Local Government Code, Republic Act No. 7279
32 or the Urban Development and Housing Act, Republic Act No. 8435 or the
33 Agriculture and Fisheries Modernization Act (AFMA), Republic Act 7916 or the
34 ECOZONE Law, Republic Act No. 6657 or the Comprehensive Agrarian Reform
35 Law (CARL), and other existing laws requiring survey and mapping;

36
37 4) Verify and approve all private land consolidation, subdivision and
38 consolidation-subdivision surveys intended for titling purposes;

39
40 5) Prescribe standards, rules and regulations for the conduct of all kinds of
41 geophysical surveys, mapping, aerial photography, remote sensing and similar
42 activities in accordance with existing laws and internationally accepted
43 principles, practices and standards;

44
45 6) Prescribe a uniform base map that shall be used for all public and private
46 mapping activities, and provide convenient and affordable public access to the
47 same; and

48
49 7) Establish and maintain an appropriate custodial and storage system that shall
50 ensure the security and integrity of all survey and mapping records.

51
52 b) Land Registration

53
54 1) Register original titles to land and subsequent dealings in registered lands
55 under the provisions of Act No. 496 and Presidential Decree No. 1529 as

1 amended; *Provided*, that prior to registering a tenure instrument and issuing an
2 original certificate of title based thereon, the LAA shall first verify compliance
3 with/ the conditions and requirements prescribed under the law authorizing the
4 issuance of said tenure instrument;

5
6 2) Establish and maintain an appropriate custodial and storage system that shall
7 ensure the security and integrity of all registration and titling records, subject to
8 the provisions of Act No. 496, Presidential Decree 1529 and pertinent laws; and

9
10 3) Compile a nationwide master list of suspected spurious land titles and tenure
11 instruments, undertake thorough investigation of the same and, when merited,
12 initiate the proper proceedings for the cancellation thereof by a competent court;
13 *Provided*, that cancellation of instruments which have not yet been registered
14 under the Torrens system as provided under existing laws and which are found
15 to be spurious shall be effected by the LAA under rules and procedures that it
16 shall promulgate consistent with this Act and existing laws, and provided
17 further, that patently fake titles shall also be dealt with administratively by the
18 LAA.

19
20 c) Public Land Administration

21
22 1) Administer, manage and/or dispose of all alienable and disposable lands of
23 the public domain under the provisions of Commonwealth Act No. 141
24 otherwise known as the Public Land Act, as amended, Friar Lands under the
25 provisions of Act No. 1120, patrimonial property of the National government
26 under Act No. 3038, and such other public lands as have not been placed under
27 the jurisdiction of any other government agency or instrumentality, in
28 accordance with existing laws; and

29
30 2) Coordinate with local government units and the appropriate agencies in
31 releasing alienable and disposable lands of the public domain for the accelerated
32 implementation of agrarian reform, socialized housing, resettlement and other
33 government programs requiring land.

34
35 d) Land Records and Information Technology

36
37 1) Establish and maintain a secure, integrated, and accessible computerized
38 database of all survey and mapping records, registration and titling records and
39 other land information data, and ensure the timely updating of said database;
40 and

41
42 2) Establish and maintain an open system to provide convenient nationwide
43 public access to survey, mapping, registration, titling and other land data;
44 subject, however, to the requirements of security and confidentiality under
45 existing laws.

46
47 e) Formulate and recommend policies and programs to achieve the intent and purposes
48 of this Act;

49
50 f) Determine, fix and collect reasonable amounts to be charged as fees, fines and
51 penalties in the implementation of this Act;

52
53 g) Receive grants and donations;

- 1 h) Enter into contracts in the implementation of this Act, subject to existing laws;
2
3 i) Perform such other powers and functions as are currently lodged with the LRA/RoD,
4 LMB/LMS, NAMRIA, DENR-CARP National Secretariat under PD 1529, CA 141 as
5 amended and other existing laws and issuances; and
6
7 j) Perform such other functions as are necessary, proper and incidental to implement the
8 provisions of this Act.
9

10
11 **ARTICLE III**
12 **IMPLEMENTING MECHANISM**
13

14 **SEC. 6. *Structure and Organization.***- The LAA shall consist of
15

- 16 (a) The Office of the Director General;
17 (b) The Offices of the four (4) Deputy Directors General;
18 (c) The Offices of the five (5) Assistant Directors General; and
19 (d) Land Offices
20
21
22

23 **SEC. 7. *The Director General.***- The authority and responsibility for the exercise
24 of the mandate of the LAA, the accomplishment of its objectives, and the discharge of
25 its powers and functions shall be vested in the Director General, a cabinet rank with
26 portfolio, who shall be appointed by the President and subject to confirmation by the
27 Commission on Appointments. The appointment shall be for a fixed term of four (4)
28 years subject to reappointment for another term of four (4) years only. *Provided*, That no
29 person shall be appointed as Director General unless he/she is a member of the
30 Philippine Bar or Geodetic Engineer and/or any other person with adequate experience
31 on matters pertaining to land administration and land management.
32

33 The Director General shall have the following functions:
34

- 35 (a) Advise the President on the promulgation of rules, regulations, and other issuances
36 relative to land administration and public land management;
37 (b) Establish policies and standards for the efficient and effective operations of the LAA
38 in accordance with the programs of the Government;
39 (c) Promulgate rules, regulations, and other issuances necessary in carrying out the
40 LAA's mandate, objectives, policies, plans, programs and projects;
41 (d) Exercise control and supervision over all functions and activities of the LAA and its
42 Land Offices;
43 (e) Delegate authority over all powers, functions and activities of the LAA; and
44 (f) Perform such other functions as may be provided by law or assigned by the
45 President.
46

47 **SEC. 8. *Office of the Director General*** - The Office of the Director General shall
48 consist of the Director General and his immediate staff and the following offices:
49

- 50 (a) Management Services Office
51 (b) Planning and Monitoring Office
52 (c) Human Resource Office
53 (d) Legal and Land Adjudication Office
54 (e) Special Projects and Programs Office
55

1 **SEC. 9. Office of the Deputy Directors General** - The Director General shall be
2 assisted by four (4) Deputies who shall be appointed by the President. The Director
3 General is hereby authorized to delineate, assign and/or reassign the respective
4 functional administrative divisions of responsibility of the Deputy Director General, as
5 follows:

6
7 a) Surveys - Provides all technical programs, procedures and operations involved
8 in the surveying and mapping activities of the LAA.

9 (b) Land Title Registration - Provides all technical programs, procedures and
10 operations in the registration functions of the LAA.

11 (c) Public Land Administration and Management - Provides all technical
12 programs, procedures and operations in the disposition, administration and
13 management of public lands not otherwise in the control of any other agency or
14 instrumentality of the government, functions of the LAA.

15 (e) Land Information and Technology - Provides all technical programs,
16 procedures and operations in the records and information technology
17 management functions of the LAA.

18
19 No Deputy Director General shall be assigned primarily administrative
20 responsibilities. Within &/her functional area of responsibility, the Deputy Directors
21 General shall have the following functions:

22
23 (a) Recommend policies and programs to the Director General and advise the Director
24 General in the promulgation of administrative orders and other issuances with respect
25 to his/her area of responsibility;

26 (b) Issue technical and operating standards, guidelines, regulations and orders to
27 enforce policies with respect to his/her area of responsibility. *Provided*, that the Deputy
28 Director General assigned to land title registration shall resolved issues of registrability
29 of instruments elevated in *consulta* as provided for under PD 1529 as amended;

30 (c) Provide opinion and advise the field office on the efficient and effective
31 implementation of policies, programs and projects in his/her area of responsibility,
32 consistent with LAA policies, that will efficiently and effectively govern its activities
33 and functions under his/her responsibility;

34 (d) Coordinate the functions and activities of the units under his/her responsibility
35 with those of other units under the responsibility of other Deputies;

36 (e) Exercise authority on monitoring and evaluation of technical and operating
37 standards related to the functions and activities of units under his/her responsibility in
38 the land offices of the LAA;

39 (f) Exercise supervision over the offices, services, operating units and officers and
40 employees under his direct responsibility;

41 (g) Perform other functions as may be provided by law or assigned appropriately by the
42 Director General.

43
44 *Provided* that the Deputy Director General for Land Title Registration should be a
45 member of the Philippine Bar with experience on land registration and the Deputy
46 Director General for Survey shall be a Geodetic Engineer.

47
48 *Provided further*, that aside from the functions above-stated, the Deputy Director
49 General for Land Title Registration shall exercise executive supervision over all clerks of
50 court and personnel of the regular courts throughout the Philippines, with respect to
51 the discharge of their duties and functions in relation to the registration of lands.

52
53 **SEC. 10. Assistant Director General.** - The Director General and the Deputies
54 shall be assisted by five (5) Assistant Directors General appointed by the Director

1 General. They shall oversee the general administration of the LAA and shall be
2 responsible for the following:

- 3
4 (a) Management Services Office
5 (b) Planning and Monitoring Office
6 (c) Human Resource Office
7 (d) Legal and Land Adjudication Office
8 (e) Special Projects and Programs Office
9

10 **SEC. 11. Land Offices.** -Permanent field offices at the city and provincial levels
11 are hereby established and shall be called Land Offices. The LAA may *also* establish
12 additional Land Offices in a city or province as it may be determined for the efficient
13 and effective delivery of its services. Provided, that provinces and cities with existing
14 Registry of Deeds upon approval of this Act shall automatically establish Land Offices.
15

16 The Land Offices shall be headed by an Executive Land Officer. He/She shall
17 exercise general supervision on land survey, land registration, public land
18 administration and record and information management within his/her jurisdiction.
19 He/She shall also implement such other functions of the LAA in his/her respective
20 area of responsibility as may be delegated by the Director General to provide a more
21 efficient and effective delivery of services. Provided, that the registration personnel
22 shall continue to exercise its other registration functions in accordance with existing
23 laws.
24

25 The Land Offices at the provincial and city levels shall be comprised of the
26 following offices: (a) local surveys and mapping unit; (b) local registration and titling
27 unit; (c) local public land administration unit; (d) local records and information
28 technology unit (e) administrative support unit; (f) legal unit, and (g) such other units as
29 may be established thereat by appropriate directive of the Director-General; Provided,
30 that the Land Offices herein created shall co-locate in a One-Stop-Shop concept as soon
31 as the necessary infrastructure is made available.
32

33 **ARTICLE IV** 34 **LAND ADJUDICATION BOARD** 35

36 **SEC. 12. Creation of the Land Adjudication Board (LAB).**- There is hereby
37 created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial body of
38 the LAA and shall have the following functions:
39

40 (a) Exercise exclusive original jurisdiction over all matters involving the
41 implementation of laws, rules and regulations on land administration and public land
42 management, and all cases and /or controversies arising therefrom; *Provided*, that all
43 petitions for the correction of clerical or typographical errors committed in writing,
44 copying, transcribing, or typing of an entry in the maps, survey plans, and certificate of
45 land titles should be administratively addressed by the LAA Land Offices.
46

47 (b) Exercise exclusive original jurisdiction on conflicts arising from the determination
48 and adjudication in land administration and public land management matters, except
49 cases falling under the jurisdiction of the Department of Agrarian Reform (DAR) under
50 the CARP law and the National Commission on Indigenous Peoples under the PRA law
51 unless specifically provided herein. *Provided*, that jurisdiction over conflicts and cases
52 arising from ownership of private lands shall remain with the regular courts. *Provided*
53 *further*, that existing cases on land ownership and conflicts pending in the regular courts

1 shall remain under the court's jurisdiction unless otherwise remanded by the courts to
2 the LAA or LAB for disposition subject to the pertinent provisions of this Act.
3

4 The LAB shall be under the administrative supervision of the Director General
5 and shall be divided into three divisions. Each division shall exercise equal powers,
6 independently resolving cases raised on appeal from the decisions of the Local Land
7 Adjudication Boards, created pursuant to Section 14 hereof, from Luzon, Visayas, and
8 Mindanao: *Provided*, That the divisions assigned to handle cases from Visayas and
9 Mindanao shall hold permanent office in any of the cities therein.
10

11 **SEC. 13. Composition** - Each division of the LAB shall be composed of three (3)
12 members who shall be appointed by the President for a fixed term of (4) years and can
13 be reappointed for another term of four (4) years.
14

15 All members of the Land Adjudication Board shall be members of the Philippine
16 Bar with at least ten (10) years experience in property and land administration and
17 management related matters.
18

19 The members of each division shall elect their Presiding Officer who shall serve
20 for a term of four years.
21

22 **SEC. 14. Local Land Adjudication Board** - Local Land Adjudication Boards
23 (LLAE) are hereby created in all provincial and city Land Offices that shall serve as first
24 level board. The LLAB shall be composed of four (4) members. The Presiding Officer
25 shall be the Executive Land Officer, the two other members shall be the head of the local
26 surveys unit and the head of the local registration unit while the fourth member shall be
27 a representative designated by the Chief Executive of the Local Government Unit where
28 the LLAB sits.
29

30 Decisions, orders, and resolutions of the Local Land Adjudication Board shall be
31 raised on appeal to the LAB.
32

33 **SEC. 15. Budget and Administrative Support** - The LAB shall determine and
34 propose its budgetary requirements and shall be submitted as part of the LAA's budget
35 request. Disbursements of the approved budget resources shall be the sole
36 responsibility and accountability of the LAB. Secretariat services shall be provided by
37 the LAA.
38

39 **SEC. 16. Proceedings and Procedures.**- The LAB shall not be bound by technical
40 rules of procedure and evidence but shall proceed to hear and decide all cases, disputes,
41 or controversies in a most expeditious manner, employing all reasonable means to
42 ascertain the facts of every case in accordance with justice and equity and the merits of
43 the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just,
44 expeditious, and inexpensive determination of merits: *Provided*, That it shall endeavor to
45 settle disputes and controversies amicably.
46

47 In the exercise of its functions, the LAB shall have the power to summon
48 witnesses, administer oaths, take testimony, require submission of reports, compel the
49 production of books and documents and answers to interrogatories, issue subpoena and
50 subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized
51 officers. It shall punish direct and indirect contempt *in* the same manner and subject to
52 the same penalties as provided for in the Rules of court.
53

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

6
7 **SEC. 17. Finality of Determination.**- Any case or controversy before the LAB
8 shall be decided within thirty (30) days after it is submitted for resolution. Only one (1)
9 motion for reconsideration shall be allowed. Moreover, any order, award, ruling, or
10 decision shall be final after the lapse of fifteen (15) days from receipt by the parties of a
11 copy thereof.

12
13 **SEC. 18. Frivolous Appeals** - To discourage frivolous or dilatory appeals from
14 the decisions, awards, rulings, or orders, the LAB may impose reasonable penalties
15 including, but not limited to, fines or censures upon erring parties.

16
17 **ARTICLE V**
18 **JUDICIAL REVIEW**

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

25
26 The findings of fact of the LAB shall be final and conclusive if based on
27 substantial evidence.

28
29 **SEC. 20. Procedure on Review** - Review by the Court of Appeals or the Supreme
30 Court, as the case may be, shall be governed by the Rules of Court.

31
32 **SEC. 21. Authenticity and Validity of Land Record and Titles** - The LAA shall
33 have the sole authority and power to validate, authenticate and reconstitute land titles
34 and land ownership records and information; *Provided,* that existing cases filed under
35 the regular courts shall remain under its jurisdiction unless remanded to the LAA.

36
37 **ARTICLE VI**
38 **STAKEHOLDER'S ADVISORY COMMITTEE**

39
40 **SEC. 22. Stakeholders' Advisory Committee.**- The LAA shall be assisted by a
41 Stakeholders' Advisory Committee composed of the following:

42
43 (a) Nine (9) representatives from the basic sectors chosen through the
44 nomination process of the National Anti-Poverty Commission (NAPC), of
45 whom one (1) shall be a woman;

46
47 (b) Three (3) representatives from the private sector appointed by the
48 President: *Provided* that one shall come from the business sector and
49 another one from the Geodetic Engineer's sector.

50
51 (c) Three (3) representatives from the League of Municipalities, Cities and
52 Provinces, respectively;

53
54 (d) The Director General, as ex-officio member.
55

1 (e) The Executive Secretary
2

3 The Executive Secretary or his duly designated alternate shall serve as the
4 Chairperson of the Stakeholders' Advisory Committee. Except for the Director General,
5 the members of the Stakeholder's Advisory Committee shall not hold office in the LAA
6 nor receive any salary but shall be entitled, for actual attendance during meetings, to
7 such allowances and honoraria as are allowed by rules and regulations promulgated by
8 the Commission on Audit.
9

10 **SEC. 23. Functions of the Stakeholders Advisory Committee.-** The Committee
11 shall advise the LAA on the formulation of policies and policy development pertaining
12 to land administration and public land management and shall monitor their
13 implementation. It shall submit, within three months following the end of each calendar
14 year, a report to the President on its advisory and monitoring activities.
15

16 **SEC. 24. Meetings of the Committee.-** The Chairperson shall convene regular
17 meetings of the Committee, which shall be at least once every quarter. Special meetings
18 may also be called by the Chairperson or at the initiative of at least three (3) members.
19

20 **SEC. 25. Secretariat and Logistical Support.-** The Office of the Director General
21 shall provide secretariat and logistical support to the Committee.
22
23
24

25 **ARTICLE VII**
26 **TRANSITORY PROVISIONS**
27

28 **SEC. 26. Transfer of Powers and Transition Plan.-** The powers and functions of
29 the LAA heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS and
30 DENR-CARP National Secretariat or in any office within or attached to these agencies,
31 are hereby transferred to and vested in the Office of the Director General. The Director
32 General shall be responsible for the identification, preparation and formulation of a
33 transition plan to ensure the smooth and seamless transfer and assumption of powers,
34 functions and personnel from the abovementioned agencies to the LAA; *Provided*, that
35 such transition plan shall be prepared, formulated and developed in consultation with
36 the affected agencies and its representative stakeholders; *Provided further*, that the
37 transition plan shall integrate such other actions and activities necessary, including
38 provisions under this section and as provided for under this Act to complete the
39 transition to the LAA.
40

41 **SEC. 27. Transfer of the NAMRIA as an Attached Agency of the LAA.-** The
42 NAMRIA is hereby attached to the LAA. It shall retain its structure, budgetary
43 allocation under the current General Appropriations Act, and all properties, equipment,
44 and other facilities necessary in the performance of its mandate.
45

46 **SEC. 28. Organization of the LAA -** The LAA's organizational and
47 administrative structure and functions and staffing pattern, including the personnel's
48 duties and responsibilities and the appropriate compensation package shall be
49 submitted by the Director General within six (6) months upon approval of this Act for
50 review and approval of the President and shall be fully implemented within a period of
51 six (6) months after such approval of the President.
52

53 **SEC. 29. Transfer of Personnel-** To ensure a smooth transition, all incumbent
54 personnel of the DENR's LMB/LMS, DENR-CARP National Secretariat and its field
55 offices, 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
2 (12) months from the effectivity of this Act, that the regular staff of the LAA, based on
3 the new staffing pattern, shall have been appointed: *Provided* that all incumbent and
4 qualified personnel of the DENR's LMB/LMS, DENR-CARP National Secretariat and
5 its field offices, the DOJ's LRA/RoD shall be allowed to fill up the appropriate positions
6 for regular personnel of the LAA and its field offices. *Provided further*, that the regular
7 personnel shall be appointed by the Director General, or his/her duly authorized
8 representative, on the basis of merit, previous permanent appointment, fitness, and
9 seniority.

10
11 **SEC. 30. Exemption from Salary Standardization Law-** All officials and
12 personnel of the LAA including LAB and LLAB shall be exempted from the Salary
13 Standardization Law.

14
15 **SEC. 31. Integration of LMB/LMS, DENR-CARP National Secretariat, and**
16 **LRA/XOD.-** The DENR's Land Management Bureau, Land Management Services, and
17 CARP National Secretariat and its field offices, and the DOJ's Land Registration
18 Authority and Register of Deeds, are hereby integrated into the Land Administration
19 Authority.

20
21 **SEC. 32. Separation Pay and Other Benefits.-** Personnel who are not offered
22 appointment within twelve (12) months upon the effectivity of this Act under the new
23 staffing pattern of the LAA on at least equivalent terms and conditions as their present
24 employment by reason of duplication or redundancy and those who decline an
25 appointment in the LAA by reason of diminution in rank and conditions shall be
26 entitled to all gratuities and benefits under existing laws.

27
28 **SEC. 33. Reemployment -** Government personnel who are separated as a result of
29 the integration of the aforesaid offices may apply for positions and be employed in
30 other agencies or branches of the government including Government-Owned and/or -
31 Controlled Corporations (GOES), Government Financial Institutions (GFIs), or local
32 government units (LGUs).

33
34 **SEC. 34. Unexpended Appropriations and Transfer of Assets.-** Upon approval of
35 this Act, the unexpended appropriations, assets and properties of the LRA and ROD,
36 LMB, LMS, DENR-CARP National Secretariat and its field offices, are hereby
37 transferred to the LAA.

38
39 Such other unexpended appropriations as may be deemed appropriate by the
40 Department of Budget and Management for transfer to the LAA shall also be so
41 transferred.

42
43 All real and personal properties, liabilities, records, documents, positions,
44 contracts, and agreements which, upon the effectivity of this Act, are vested in, or
45 owned, by the LMB/LMS, DENR-CARP National Secretariat and its Field Offices, and
46 LRA/RoD are hereby transferred to the LAA.

47
48 **SEC. 35. Penal Provisions. -** Any person who sells forms issued and distributed
49 gratuitously under this Act or who, being an officer charged with distributing them
50 refuses or fails without sufficient reason, to furnish the same, shall be punished for each
51 offense by a fine of not less than one hundred thousand pesos and not more than one
52 million pesos or imprisonment of not less than six months nor more than three years, or
53 both, upon the discretion of the Courts.

1 Any person, corporation, association, or partnership which, not being qualified
2 or no longer authorized to apply for registration purposes, files or induces or
3 knowingly permits another person, corporation, association, or partnership to file an
4 application in &/her or its behalf or for &/her or its interest, benefit, or advantage, shall
5 be punished for each offense by a fine of not less than one hundred thousand pesos
6 (₱100,000.00) or imprisonment of not less than five (5) years, or both, at the discretion of
7 the Courts: *Provided*, That in case the offender is a corporation, association, or
8 partnership, their responsible officials shall be deemed jointly and severally liable. The
9 application shall be cancelled.

10
11 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of
12 the public domain *or* other real property or any right, title *or* interest, or property right
13 of any class to the same, and any person aiding and abetting him therein or serving as a
14 means or tool thereof, shall, upon conviction, be punished by a fine of not less than one
15 hundred thousand pesos (₱100,000.00) and imprisonment of not less than five years nor
16 more than twelve years, or both, in the discretion of the Courts.

17
18 Any person who shall tamper or attempt to tamper any records of the LAA that
19 will result in the acquisition of rights, title or interest over real property and any person
20 aiding and abetting him therein or serving as a means or tool thereof, shall, upon
21 conviction, be punished by a fine of not less than five hundred thousand pesos
22 (₱500,000.00) and imprisonment of not less than twelve (12) years, or both, at the
23 discretion of the Court. For purposes of this Act, if the offender is a public official or
24 government official or employee, he or she shall be, in addition to the existing penalties,
25 removed from office, forfeit all retirement benefits except the monetary value of
26 accumulated leave credits, and be perpetually disqualified from holding any elective or
27 appointive public office.

28
29 **SEC. 36. *Preservation of Records.***- The LAA shall have possession and control of
30 all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations,
31 land and other property, real or personal, held for the benefit or use of all bodies,
32 offices, and officers whose duties, powers, and functions have been transferred to and
33 conferred upon the Authority. Pending a written notice of receipt issued by a duly
34 authorized officer of the LAA, it shall be the duty of any and all personnel responsible
35 for, or in possession of records relating to the affairs of the LMB, LMS, the DENR-CARP
36 National Secretariat and its field offices, the LRA and the ROD to protect and preserve
37 such records.

38
39 Without prejudice to any other penalties provided for by law, any person who
40 fails to fulfill his/her duty pursuant to the above paragraph, shall be guilty of an
41 offense against the provisions of this Act, punishable by a fine of not less than one
42 million pesos (P1,000,000.00) or imprisonment of not more than five years, or both, upon
43 the discretion of the Court.

44
45 **SEC. 37. *Saving Clause.***- All orders, determination, rules, regulations, permits,
46 certificates, licenses, and privileges which have been issued, made, or granted effective
47 by the former LMB, LMS, LRA, ROD, DENR-CARP National Secretariat and its field
48 offices, or their predecessors shall continue to be in effect according to their terms until
49 modified, terminated, superseded, set aside, or repealed.

50
51 No suit, action, or other proceeding commenced by or against any officer in his
52 official capacity as an officer of any division or unit of the former LMB, LMS, LRA,
53 ROD, DENR-CARP National Secretariat and its field offices, the functions of which are
54 transferred by this Act to the LAA shall abate by reason of this Act. In like manner, no

1 cause of action by or against such division or unit or by or against any officer thereof in
2 his official capacity shall abate by reason of the enactment of this Act. Causes of actions,
3 suits, or other proceedings may be asserted for or against the LAA or such official of the
4 LAA as may be appropriate.

5
6 **ARTICLE VIII**
7 **MISCELLANEOUS PROVISIONS**
8

9 **SEC. 38. Use of Income and Other Sources of Funds.-** The LAA is hereby
10 authorized to use one hundred percent (100%) of all revenues derived from fees,
11 charges, fines, penalties and other sources for capital outlay on infrastructure,
12 procurement of equipment and services related to the integration, updating and
13 maintenance of computer-based land information and database system, training and
14 skills upgrading including personnel capacity building of LAA.

15
16 The LAA shall be allowed to receive, hold and utilize funds from grants,
17 donations, contributions and other gratuitous sources both foreign and local for the
18 implementation of its mandate, programs and projects, subject to existing rules and
19 regulations.

20
21 **SEC. 39. Assurance Fund.-** A special account within the LAA is hereby created
22 for the entire proceeds of the Assurance Fund, which shall no longer be paid to the
23 National Treasurer as provided for in Section 94 of PD No. 1529. The existing account of
24 the Assurance Fund created under PD No. 1529 held by the National Treasurer shall be
25 transferred to the LAA. Claims from the Assurance Fund shall be heard, decided, and
26 determined by the Land Adjudication Board. All pending cases or claims against the
27 Assurance Fund now being handled by the Bureau of Treasury, through the Office of
28 the Solicitor General, shall likewise be transferred to the Land Adjudication Board.
29 Thereafter, the National Treasurer shall no longer be impleaded as party in any action
30 against the Assurance Fund.

31
32 **SEC. 40. Indemnification of Officials and Personnel--** The LAA shall indemnify
33 all officials and personnel for all costs and expenses reasonably incurred by such
34 persons in connection with any civil or criminal actions, suits, or proceedings to which
35 they may be or made a party by reason of the performance of their functions or duties,
36 unless they are finally adjudged in such actions or proceedings to be liable.

37
38 In the event of settlement or compromise, indemnification shall be provided only
39 in connection with such matters covered by the settlement as to which the LAA is
40 advised by an external counsel that the persons to be indemnified did not commit any
41 gross negligence or misconduct.

42
43 The costs and expenses incurred in defending the aforementioned action, suit or
44 proceeding may be paid by the LAA in advance of the final disposition of such action,
45 suit or proceeding upon receipt of an undertaking by or on behalf of the Director
46 General, where in the official or employee shall repay the amount advanced should it
47 ultimately be determined by the LAA that such official or employee is not entitled to be
48 indemnified as provided in this section.

49
50 **SEC. 41. Implementing Rules and Regulations.-** Within sixty (60) days from the
51 effectivity of this Act, the LAA shall promulgate the rules and regulations to implement
52 the provisions of this Act. Said rules and regulations shall be submitted to the
53 Congressional Oversight Committee for approval. In the process of the formulation of
54 the IRR for this Act, consultations shall be made with the Stakeholders' Advisory

1 Committee and submitted to the Office of the President for approval, Copies of the IRR
2 shall be distributed to the Congressional Oversight Committee on Land Administration.
3

4 **SEC. 42. Congressional Oversight Committee on the Land Administration Act.-**
5 There is hereby created a Congressional Oversight Committee composed of seven (7)
6 members from the Senate Committee on Environment and Natural Resources and seven
7 (7) members from the House of Representatives Committees on Natural Resources,
8 Housing and Urban Development, and Government Reorganization.
9

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

14 The secretariat of the Oversight Committee shall be drawn from the existing
15 secretariat personnel of the committees of the Senate and the House of Representatives
16 comprising the oversight and the funding for its operations shall be taken from the
17 existing budget of the concerned committees.
18

19 **SEC. 43. Separability Clause-** Should any provision of this Act or any part hereof
20 be declared unconstitutional or invalid by a Court, the other provisions hereof which
21 are not affected thereby, shall remain in force and effect.
22

23 **SEC. 44. Repealing Clause.-** The provisions of PD 1529 pertaining to the
24 assurance fund, and their implementing rules and regulations are hereby amended or
25 modified accordingly.
26

27 All other laws, decrees, orders, instructions, proclamations, rules and regulations
28 or parts thereof, including pertinent provisions of Commonwealth Act No. 141, Act No.
29 496, Presidential Decree No. 1529, Executive Order No. 192 and its related rules and
30 regulations; Executive Order No. 469 dated February 11, 1981 and the subsequent
31 Presidential Memorandum Circular dated 30 September 1988 and their related rules
32 and regulations; and the Administrative Code of 1987, which are inconsistent with any
33 provision of this Act, are hereby repealed, modified, or amended accordingly.
34

35 **SEC. 45. Effectivity.-** This Act shall take effect fifteen (15) days after its complete
36 publication in the *Official Gazette* or in a newspaper of general circulation.
37

38 *Approved,*