

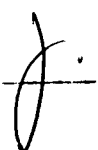
SEVENTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



16 JUL 18 P6 24

SENATE

S.B. No. 408

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

AN ACT
INSTITUTING REFORMS IN THE COUNTRY'S LAND ADMINISTRATION
SYSTEM, CREATING FOR THE PURPOSE THE LAND
ADMINISTRATION AUTHORITY, PRESCRIBING ITS POWERS AND
FUNCTIONS, AND FOR OTHER PURPOSES

Explanatory Note

This bill seeks to institute continuing reforms in land administration and management through the integration of land administration powers and functions into a single government agency for expediency and cost-efficiency and to provide structural and technological changes that will enable transparency and accessibility with the primary objective of advancing equity and full utilization and development of land resources.

Weaknesses in land administration policy have caused inefficiencies such as extensive delays in the disposition and titling of alienable and disposable lands, inaccurate and incomplete land information and records, as well as the proliferation of duplicate and fake titles.

Thus, there is a need for legislation that will streamline the current system of land administration and address the following issues:

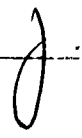
- Overlapping, inconsistent, and outdated land-related laws
- Overlapping tenurial instruments in public lands
- Disjointed policies, rules and regulations, and cumbersome procedures
- Inappropriate land classification for economic planning and development
- Bureaucratic land administrative systems and procedures

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


LOREN LEGARDA
Senator

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OTHER PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

- 1 **SECTION 1. Short Title.** - This Act shall be known as "The Land Administration
2 Reform Act."
3
- 4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to
5 institute continuing reforms in land administration and management in order to
6 optimize and rationalize their contribution to the goals of national development,
7 tenure security, eradication of poverty, and attainment of social, economic, and
8 cultural justice. Towards this end, the State shall:
9
- 10 (a) Integrate and rationalize the structure, powers, functions, and
11 responsibilities of the different agencies involved in land administration and
12 management in order to increase the efficiency, effectiveness, transparency,
13 accountability, and expedite the delivery of services.
14
- 15 (b) Undertake reforms in land administration and management to ensure
16 equitable distribution and full utilization and development of land resources.
17
- 18 (c) Provide an efficient and effective classification, mapping, surveying,
19 disposition, registration, and management of land resources; and
20
- 21 (d) Develop, establish and maintain up-to-date, open, accessible, integrated and
22 computer-based land information and records.
23
- 24 **SEC. 3. Definition of Terms.** - For the purpose of this Act, the following terms
25 shall, unless the context indicates otherwise, have the following meanings:
26
- 27 (a) "Alienable and disposable lands" refers to agricultural lands of the public

1 domain which have been delineated, classified, and certified as available for
2 disposition under the Public Land Act.

3
4 (b) "Agricultural lands" refers to lands devoted to or suitable for the cultivation
5 of the soil, planting of crops or growing of trees, and not classified as mineral
6 land, forest land or national park, or sub classified as residential land,
7 commercial land or industrial land.

8
9 (c) "Automated registration system" refers to a system using appropriate
10 technology for scanning, recording, and land registration using electronic devices
11 to store the copy of certificates of title and other documents relative thereto.

12
13 (d) "Classification and reclassification" refers to the act of Congress in setting the
14 specific limits of forest lands and national parks, and increasing or decreasing
15 their boundaries by law, as provided for in Article XII, Section 4 of the 1987
16 Philippine Constitution.

17
18 (e) "Consulta" refers to the procedure wherein the issue of registrability of certain
19 instruments is resolved in accordance with Presidential Decree No. 1529.

20
21 (f) "Director General" refers to the person occupying the position of Director
22 General of the Land Administration Authority created by this Act.

23
24 (g) "Land" refers to resources, both man-made and natural, found on the surface,
25 below and above the ground, including inland waters and the air therein.

26
27 (h) "Land Administration and Management Project (LAMP)" refers to the project
28 office providing technical and administrative support to the inter-agency
29 endeavor of the government to identify the strategic direction for reform in land
30 institutions, laws, taxes and fees, and valuation.

31
32 (i) "Land administration and public land management" refers to the
33 administration of all functions, powers and activities related to the mapping,
34 land survey, classification, ownership, disposition, and registration of land titles
35 and deeds, and the management of public lands.

36
37 (j) "Land Information System" refers to a system of linking textual attributes
38 (such as ownership, identity, location and value) of land into spatial reference
39 designed to facilitate access to information and assist in planning and decision-
40 making.

41
42 (k) "Land Management Bureau (LMB)" refers to the staff bureau of the
43 Department of Environment and Natural Resources (DENR).

44
45 (l) "Land Management Services (LMS)" refers to the land management sector or
46 offices of the DENR at the regional, provincial, and district level.

47
48 (m) "Land registration case" refers to the proceeding, either administrative or
49 judicial, for registering the title to, or interest in, a land so that such title or
50 interest becomes a matter for public record, and all persons who have interest
51 in the land may be informed thereof, actually or constructively, and be bound
52 thereby if they make no objections within a specific time.

53 (n) "Land Registration Authority (LRA)" refers to the attached agency of the
54 Department of Justice (DOJ), including the Registers of Deeds (ROD).

55
56 (o) "National Mapping and Resources Information Authority (NAMRIA)" refers to

1 the agency known by that name attached to the DENR.

2
3 (p) "President" refers to the President of the Philippines.

4
5 (q) "Public domain" refers to lands that belong to the State, which may either be
6 agricultural, forest or timber, mineral or national park as provided for in the
7 Constitution.

8
9 (r) "Public lands" refers to lands which have not been subject to private property
10 rights or subject to sale or other modes of acquisition or concession under
11 general laws, and are devoted to public use.

12
13 **ARTICLE II**
14 **CREATION OF THE LAND ADMINISTRATION AUTHORITY**

15
16 **SEC. 4. Creation of the Land Administration Authority (LAA).** - To carry out
17 the purposes of this Act, the Land Administration Authority (LAA) is hereby
18 created and placed under the Office of the President. It shall be the primary
19 government agency responsible for land administration and public land
20 management.

21
22 **SEC. 5. General Powers and Functions of the LAA.** - The LAA shall exercise
23 the Following powers and functions:

24
25 a) Land Survey & Mapping

- 26
27 1) Execute, complete, and continually update the nationwide cadastral
28 surveys in accordance with the provisions of Act No. 2259 as
29 amended, and update all existing cadastral maps;
- 30 2) Conduct nationwide survey and topographic mapping to assist
31 Congress in determining the specific limits of forest lands and
32 national parks, to delimit the specific boundaries and classification
33 of alienable and disposable lands of the public domain, and to
34 identify the specific boundaries of environmentally protected areas
35 under Republic Act 7586 otherwise known as the National
36 Integrated Protected Areas System (NIPAS);
- 37 3) In coordination with local government units and the pertinent
38 agencies, conduct and/or approve surveys and mapping necessary
39 in the implementation of Republic Act No. 7160 or the Local
40 Government Code, Republic Act No. 7279 or the Urban Development
41 and Housing Act, Republic Act No. 8435 or the Agriculture and
42 Fisheries Modernization Act (AFMA), Republic Act 7916 or the
43 Ecozone Law, Republic Act No. 6657 or the Comprehensive Agrarian
44 Reform Law (CARL), and other existing laws requiring survey and
45 mapping;
- 46 4) Verify and approve all private land consolidation, subdivision and
47 consolidation-subdivision surveys intended for titling purposes;
- 48 5) Prescribe standards, rules and regulations for the conduct of all
49 kinds of geophysical surveys, mapping, aerial photography, remote
50 sensing, and similar activities in accordance with existing laws and
51 internationally accepted principles, practices and standards;
- 52 6) Prescribe a uniform base map that shall be used for all public and
53 private mapping activities, and provide convenient and affordable
54 public access to the same; and
- 55 7) Establish and maintain an appropriate custodial and storage system
56 that shall ensure the security and integrity of all survey and

1 mapping records.
2

3 b) Land Registration
4

- 5 1) Register original titles to land and subsequent dealings in registered
6 lands under the provisions of Act No. 496 and Presidential Decree
7 No. 1529 as amended; provided, that prior to registering a tenure
8 instrument and issuing an original certificate of title based thereon,
9 the LAA shall first verify compliance with the conditions and
10 requirements prescribed under the law authorizing the issuance of
11 said tenure instrument;
12 2) Establish and maintain an appropriate custodial and storage system
13 that shall ensure the security and integrity of all registration and
14 titling records, subject to the provisions of Act No. 496, Presidential
15 Decree 1529 and pertinent laws; and
16 3) Compile a nationwide master list of suspected spurious land titles
17 and tenure instruments, undertake thorough investigation of the
18 same and, when merited, initiate the proper proceedings for the
19 cancellation thereof by a 'competent court; provided, that
20 cancellation of instruments which have not yet been registered
21 under the Torrens system as provided under existing laws and
22 which are found to be spurious shall be effected by the LAA under
23 rules and procedures that it shall promulgate consistent with this
24 Act and existing laws, and provided further, that patently fake titles
25 shall also be dealt with administratively by the LAA.
26

27 c) Public Land Administration
28

- 29 1) Administer, manage and/or dispose of all alienable and disposable
30 lands of the public domain under the provisions of Commonwealth
31 Act No. 141 otherwise known as the Public Land Act, as amended,
32 Friar Lands under the provisions of Act No. 1120, patrimonial
33 property of the national government under Act No. 3038, and such
34 other public lands that have not been placed under the jurisdiction
35 of any other government agency or instrumentality, in accordance
36 with existing laws; and
37 2) Coordinate with local government units and the appropriate
38 agencies in releasing alienable and disposable lands of the public
39 domain for the accelerated implementation of agrarian reform,
40 socialized housing, resettlement and other government programs
41 requiring land.
42

43 d) Land Records and Information Technology

- 44 1) Establish and maintain a secure, integrated, and accessible
45 computerized database of all survey and mapping records,
46 registration, and titling records and other land information data,
47 and ensure the timely updating of said database; and
48 2) Establish and maintain an open system to provide convenient
49 nationwide public access to survey, mapping, registration, titling,
50 and other land data; subject, however, to the requirements of
51 security and confidentiality under existing laws
52

53 e) Formulate and recommend policies and programs to achieve the intent
54 and purposes of this Act;

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

- 1
2 g) Receive grants and donations;
3
4 h) Conduct, regulate, verify and approve all types of land surveys including
5 surveys intended for the implementation of Commonwealth Act No. 141,
6 as amended, Republic Act No. 6657 or the Comprehensive Agrarian
7 Reform Law (CARL) and Republic Act No. 8371 or the Indigenous Peoples'
8 Rights Act of 1997 (IPRA);
9
10 i) Enter into contracts in the implementation of this Act, subject to existing
11 laws;
12
13 j) Perform such other powers and functions as are currently lodged with the
14 LRA/RoD, LMB/LMS, NAMRIA, DENR-CARP National Secretariat under
15 PD 1529, CA 141 as amended and other existing laws and issuances; and
16
17 k) Perform such other functions as are necessary, proper and incidental to
18 implement the provisions of this Act. (Whenever any reference is made to
19 the LRA/RoD, the LMB/LMS and the DENR-CARP National Secretariat
20 under Executive Order No. 192, Presidential Decree No. 1529 and
21 Commonwealth Act No. 141, as amended, pertaining to a duty, power,
22 purpose, responsibility or jurisdiction transferred to the LAA by this Act,
23 it shall be deemed to be a reference to, and to mean, the LAA and the
24 Director General of the LAA, as the case may be.)
25

26 **SEC. 6. Stakeholders' Advisory Committee.** - The LAA shall be assisted by a
27 Stakeholders' Advisory Committee composed of the following:
28

29 (a) Nine (9) representatives from the basic sectors chosen through the
30 nomination process of the National Anti-Poverty Commission (NAPC);
31

32 (b) Three (3) representatives from the private sector appointed by the President:
33 Provided, that one shall come from the business sector and another one from the
34 Geodetic Engineer's sector;
35

36 (c) Three (3) representatives from the Leagues of Municipalities, Cities and
37 Provinces, respectively;
38

39 d) The Director-General as ex-officio member
40

41 The President shall designate the chairperson from among the members of the
42 committee. Except the LAA Director General, the members of the advisory
43 committee shall not hold office in the LAA nor receive any salary but shall be
44 entitled, for actual attendance during meetings, to such allowances and
45 honoraria as are allowed by the rules and regulations promulgated by the
46 Commission on Audit.
47

48 **SEC. 7. Functions of the Stakeholders' Advisory Committee.** - The committee
49 shall advise the LAA on the formulation of policies pertaining to land
50 administration and public land management and shall monitor their
51 implementation. It shall submit, within three (3) months following the end of
52 each calendar year, a report to the President on its advisory and monitoring
53 activities.
54

55 **SECTION 8. Meetings of the Committee.** - The chairperson shall convene
56 regular meetings of the committee at least once every quarter. Special meetings

1 may also be called by the chairperson or at the initiative of at least three (3)
2 members.

3
4 **SEC. 9. Secretariat and Logistical Support.** - The office of the LAA Director
5 General shall provide secretariat and logistical support to the committee.
6

7 **ARTICLE III**
8 **IMPLEMENTING MECHANISM**
9

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

- 11
12 (a) The office of the Director-General;
13 (b) The offices of the Deputy Directors General;
14 (c) The offices of the Assistant Directors General; and
15 (d) Land offices.
16

17 **SEC. 11. Office of the Director-General.** - The office of the Director General
18 shall consist of the Director General, his immediate staff and the office of the
19 Legal Services.
20

21 **SEC. 12. The Director-General.** - The authority and responsibility for the
22 exercise of the mandate of the LAA, the accomplishment of its objectives and the
23 discharge of its powers and functions shall be vested in the Director General, of
24 cabinet rank, who shall be appointed by the President.
25

26 The Director General shall have the following functions:

- 27
28 (a) Advise the President on the promulgation of rules, regulations, and other
29 issuances relative to land administration and public land management;
30
31 (b) Serve as ex officio member of each division of the Land Adjudication Board;
32
33 (c) Establish policies and standards and promulgate rules, regulations, and other
34 issuances necessary for the efficient and effective operations of the LAA;
35
36 (d) Exercise control and supervision over all functions and activities of the LAA;
37
38 (e) Delegate authority over all powers, functions, and activities of the LAA; and
39
40 (f) Perform such other functions as may be provided by law or assigned by the
41 issuances 'relative to land administration and public land management.
42

43 **SEC. 13. Deputy Directors-General.** - The Director-General shall be assisted
44 by at least three (3) Deputy Directors-General who shall be appointed by the
45 President. At least one (1) of the Deputy Directors-General shall be a member of
46 the bar or a geodetic engineer with at least five (5) years experience in any land
47 administration function. The Director-General is hereby authorized to delineate,
48 assign, and/or reassign the respective functional areas of responsibility of the
49 Deputy Directors General. Provided, That no Deputy Director-General shall be
50 assigned primarily administrative responsibilities.
51

52 Within his functional area of responsibility, a Deputy Director-General shall have
53 the following functions:

- 54
55 (a) Advise the Director-General in the promulgation of administrative orders
56 and other issuances with respect to his area of responsibility;

- 1
2 (b) Exercise supervision over the offices, departments or operating units, and
3 officers and employees under his responsibility;
4
5 (c) Promulgate rules and regulations that will efficiently and effectively govern
6 the activities of the units under his responsibility;
7
8 (d) Coordinate the functions and activities of the units under his
9 responsibility with those of other units under the responsibility of other
10 Deputy Directors-General;
11
12 (e) Exercise authority on substantive and administrative matters related to
13 the functions and activities of the units under his responsibility as may
14 be delegated by the Director-General; and
15
16 (f) Perform such other functions as may be provided by law or assigned by
17 the Director-General.
18

19 **SEC. 14. Assistant Directors-General.** - The Director-General and Deputy
20 Directors-General shall be assisted by five Assistant Directors General in the
21 formulation, management, and implementation of land administration and
22 public land management laws, policies, plans, programs and projects.
23

24 **SECTION 15. Land Offices.** - Permanent field offices at the city and provincial
25 levels are hereby established and shall be called Land Offices. The LAA may also
26 establish additional Land Offices in a city or province as it may be determined
27 for the efficient and effective delivery of its services. Provided, that provinces and
28 cities with existing Registry of Deeds upon approval of this Act shall
29 automatically establish Land Offices.
30

31 The Land Offices shall be headed by an Executive Land Officer. He/She shall
32 exercise general supervision on land survey, land registration, public land
33 administration and record and information management within his/her
34 jurisdiction. He/She shall also implement such other functions of the LAA in
35 his/her respective area of responsibility as may be delegated by the Director
36 General to provide a more efficient and effective delivery of services. Provided,
37 that the registration personnel shall continue to exercise its other registration
38 functions in accordance with existing laws.
39

40 **ARTICLE IV**
41 **LAND ADJUDICATION BOARD**
42

43 **SEC. 16. Creation of the Land Adjudication Board (LAB).** - There is hereby
44 created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial
45 body of the LAA and shall have the following functions:
46

47 (a) Exercise exclusive original jurisdiction over all matters involving the
48 implementation of laws, rules and regulations on land administration and public
49 land management, and all cases and /or controversies arising there from;
50 Provided, that all petitions for the correction of clerical or typographical errors
51 committed in writing, copying, transcribing, or typing of an entry in the maps,
52 survey plans, and certificate of land titles shall be administratively addressed by
53 the LAA Land Offices;
54

55 (b) Exercise exclusive original jurisdiction on conflicts arising from the
56 determination and adjudication in land administration and public land

1 management matters, except cases falling under the jurisdiction of the
2 Department of Agrarian Reform (DAR) under the CARP law and the National
3 Commission on Indigenous Peoples under the IPRA law unless specifically
4 provided herein. Provided, that jurisdiction over conflicts and cases arising from
5 ownership of private lands shall remain with the regular courts. Provided further
6 that existing cases on land ownership and conflicts pending in the regular courts
7 shall remain under the court's jurisdiction unless otherwise remanded by the
8 courts to the LAA or LAB for disposition subject to the pertinent provisions of
9 this Act.

10
11 The LAB shall be under the administrative supervision of the Director General
12 and shall be divided into three divisions. Each division shall exercise equal
13 powers, independently resolving cases raised on appeal from the decisions of the
14 Local Land Adjudication Boards, created pursuant to Section 14 hereof, from
15 Luzon, Visayas, and Mindanao: Provided, that the divisions assigned to handle
16 cases from Visayas and Mindanao shall hold permanent office in any of the cities
17 therein.

18
19 **SEC. 17. Composition.** - Each division of the LAB shall be composed of three
20 permanent members who shall be appointed by the President Provided, that the
21 Director General of the LAA shall sit as ex officio or fourth member of each
22 division. The permanent members of each division shall elect their presiding
23 officer.

24
25 **SEC. 18. Local Land Adjudication Board.** - Local Land Adjudication Boards
26 (LLAB) are hereby created in all provincial and city Land Offices that shall serve
27 as first level board. The LLAB shall be composed of three (3) members. The
28 Presiding Officer shall be the Executive Land Officer, the two other members
29 shall be the head of the local surveys unit and the head of the local registration
30 unit. Decisions, orders, and resolutions of the Local Land Adjudication Board
31 shall be raised on appeal to the LAB.

32
33 **SEC. 19. Budget and Administrative Support.** - The LAB shall determine and
34 propose its budgetary requirements and shall be submitted as part of the LAAs
35 budget request. Disbursements of the approved budget resources shall be the
36 sole responsibility of the LAB. Secretariat services shall be provided by the LAA.

37
38 **SEC. 20. Proceedings.** - The LAB shall not be bound by technical rules of
39 procedure and evidence but shall proceed to hear and decide all cases, disputes
40 or controversies in a most expeditious manner, employing all reasonable means
41 to ascertain the facts of every case in accordance with justice and equity and the
42 merits of the case. Towards this end, it shall adopt a uniform rules of procedure
43 to achieve a just, expeditious and inexpensive determination of merits: Provided,
44 That it shall endeavor to settle disputes and controversies amicably.

45
46 In the exercise of its functions, the LAB shall have the power to summon
47 witnesses, administer oaths, take testimony, require submission of reports,
48 compel the production of books and documents and answers to interrogatories,
49 issue subpoena and subpoena duces tecum and enforce its writs through
50 sheriffs or other duly deputized officers. It shall punish direct and indirect
51 contempt in the same manner and subject to the same penalties as provided for
52 in the Rules of Court.

53
54 Responsible persons shall be allowed to represent themselves or their
55 organizations in any proceedings before the LAB: Provided however, That when
56 there are two or more representatives for any individual or group, the

1 representatives should choose only one from among themselves to represent
2 such party or group before any LAB proceedings.
3

4 **SEC. 21. Resolution of Cases.** - Any case or controversy before the LAB shall
5 be decided within thirty (30) days after it is submitted for resolution. Only one
6 motion for reconsideration shall be allowed. Moreover, any order, award, ruling
7 or decision shall be final after the lapse of fifteen (15) days from receipt by the
8 parties of a copy thereof.
9

10 **SEC. 22. Frivolous Appeals.** - To discourage frivolous or dilatory appeals from
11 the decisions, awards, rulings or orders, the LAB may impose reasonable
12 penalties including, but not limited to, fines or censures upon erring parties.
13

14 **ARTICLE V** 15 **JUDICIAL REVIEW** 16

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

23 The findings of fact of the LAA shall be final and conclusive if based on
24 substantial evidence.
25

26 **SEC. 24. Restraining Order or Preliminary Injunction.** - Only the Court of
27 Appeals and the Supreme Court of the Philippines shall have jurisdiction to issue
28 any restraining order or writ of preliminary injunction against the LAA or any of
29 its duly authorized or designated offices in any case, dispute or controversy
30 arising from, necessary to, or in connection with the application,
31 implementation, enforcement or interpretation of this Act and other pertinent
32 laws on land administration and public land management.
33

34 **SEC. 25. Procedure on Review.** - Review by the Court of Appeals or the
35 Supreme Court, as the case may be, shall be governed by the Rules of Court.
36 The Court of Appeals, however, may require the parties to file simultaneous
37 memoranda within a period of fifteen (15) days from notice, after which the case
38 is deemed submitted for decision.
39

40 **SEC. 26. Authenticity and Validity of Land Record and Titles.** - The LAA
41 shall have the sole authority and power to validate, authenticate, and
42 reconstitute land titles and land ownership records and information; Provided,
43 that existing cases filed under the regular courts shall remain under its
44 jurisdiction unless remanded to the LAA.
45

46 **ARTICLE VI** 47 **TRANSITORY PROVISIONS** 48

49 **SEC. 27. Transfer of Powers and Transition Plan.** - The powers and functions
50 of the LAA heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS and
51 DENR-CARP National Secretariat or in any office within or attached to these
52 agencies are hereby transferred to and vested in the Office of the Director
53 General. The Director General shall be responsible for the identification,
54 preparation, and formulation of a transition plan to ensure the smooth transfer
55 and assumption of powers, functions, and personnel from the abovementioned
56 agencies to the LAA; Provided, that such transition plan shall be prepared,

1 formulated, and developed in consultation with the affected agencies and its
2 representative stakeholders; Provided further, that the transition plan shall
3 integrate such other actions and activities necessary, including provisions under
4 this section and as provided for under this Act to complete the transition to the
5 LAA.

6
7 **SEC. 28. Transfer of the NAMRIA as an Attached Agency of the LAA.** - The
8 NAMRIA is hereby attached to the LAA. It shall retain its structure, budgetary
9 allocation under the current General Appropriations Act, and all properties,
10 equipment, and other facilities necessary in the performance of its mandate.

11
12 **SEC. 29. Organization of the LAA.** - The LAA's organizational and
13 administrative structure and functions and staffing pattern, including the
14 personnel's duties and responsibilities and the appropriate compensation
15 package shall be submitted by the Director General within six (6) months upon
16 approval of this Act for review and approval of the President and shall be fully
17 implemented within a period of six (6) months after such approval of the
18 President.

19
20 **SEC. 30. Transfer of Personnel.** - To ensure a smooth transition, all incumbent
21 personnel of the DENR's LMB/LMS, DENR-CARP National Secretariat and its
22 field offices, the DOJ's LRA/RoD shall continue to perform their present duties
23 and functions as interim personnel of the LAA until such time, being not later
24 than twelve (12) months from the effectivity of this Act, that the regular staff of
25 the LAA, based on the new staffing pattern, shall have been appointed; Provided
26 that all incumbent and qualified personnel of the DENRs LMB/LMS, DENR-
27 CARP National Secretariat and its field offices, the DOJ's LRA/RoD shall be
28 allowed to fill up the appropriate positions for regular personnel of the LAA and
29 its field offices; Provided further, that the regular personnel shall be appointed
30 by the Director General, or his/her duly authorized representative, on the basis
31 of merit, previous permanent appointment, fitness, and seniority.

32
33 **SEC. 31. Separation Pay and Other Benefits.** - Personnel who are not offered
34 appointment within twelve (12) months upon the effectivity of this Act under the
35 new staffing pattern of the LAA on at least equivalent terms and conditions as
36 their present employment by reason of duplication or redundancy and those who
37 decline an appointment in the LAA by reason of diminution in rank and
38 conditions shall be entitled to the separation pay and other benefits in
39 accordance with Sections 10.1 to 10.3 and 13 of Executive Order No. 366 dated
40 October 4, 2004.

41
42 **SEC. 32. Re-employment.** - Government personnel who are separated as a
43 result of the integration of the aforementioned offices may apply for positions
44 and be employed in other agencies or branches of the government including
45 government-owned and/or -controlled corporations (GOCCs), government
46 financial institutions (GFIs) or local government units (LGUs).

47
48 **SEC. 33. Unexpended Appropriations and Transfer of Assets.** - The
49 unexpended balances of appropriations in the current General Appropriations
50 Act and other laws in force upon approval hereof, pertaining to, held, or used by,
51 or available to the LRA and ROD, the LMB, the LMS, the DENR-CARP National
52 Secretariat and its field offices, and the LAMP are hereby transferred to the LAA.

53
54 Such other unexpended balances of appropriations as may be deemed
55 appropriate by the Department of Budget and Management for transfer to the
56 LAA shall also be so transferred.

1
2 All real and personal properties, assets, liabilities, records, documents,
3 positions, appropriations, contracts and agreements which, upon the effectivity
4 of this Act, are vested in, or owned, by the LMB/LMS, the DENR-CARP National
5 Secretariat and its field offices, the LRA/RoD and the LAMP are hereby
6 transferred to the LAA.
7

8 **SEC. 34. Penal Provision.** - Any person who sells forms issued and distributed
9 gratuitously under this Act or who, being an officer charged with distributing
10 them, refuses or fails without sufficient reason to furnish the same shall be
11 punished for each offense by a fine of not less than One hundred thousand pesos
12 (P100,000.00) and not more than One million pesos (P1,000,000.00) or
13 imprisonment of not less than six (6) months nor more than three (3) years, or
14 both, at the discretion of the court.
15

16 Any person, corporation, association or partnership which, not being qualified
17 or no longer authorized to apply for registration purposes, files or induces or
18 knowingly permits another person, corporation, association or partnership to file
19 an application in his/her or its behalf, or for his/her or its interest, benefit or
20 advantage shall be punished for each offense by a fine of not less than One
21 hundred thousand pesos (P100,000.00) or imprisonment of not less than five (5)
22 years, or both, at the discretion of the court: Provided, that in case the offender
23 is a corporation, association or partnership, their responsible officials shall be
24 deemed jointly and severally liable. The application shall also be cancelled.
25

26 Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of
27 the public domain or other real property or any right, title or interest, or property
28 right of any class to the same, and any person aiding and abetting him therein
29 or serving as a means or tool thereof shall, upon conviction, be punished by a
30 fine of not less than One hundred thousand pesos (P100,000.00) or
31 imprisonment of not less than five (5) years nor more than twelve (12) years, or
32 both, at the discretion of the court.
33

34 Any person who shall tamper or attempt to tamper any records of the LAA that
35 will result in the acquisition of rights, title, or interest over real property and any
36 person aiding and abetting him therein or serving as a means or tool thereof
37 shall, upon conviction, be punished by a fine of not less than Five hundred
38 thousand pesos (P500,000.00) or imprisonment of not less than twelve (12)
39 years, or both, at the discretion of the court.
40

41 For purposes of this Act, if the offender is a public official or government official
42 or employee, he or she shall be, in addition to the existing penalties, removed
43 from office, forfeit all retirement benefits except the monetary value of
44 accumulated leave credits and be perpetually disqualified from holding any
45 elective or appointive public office.
46

47 **SEC. 35. Preservation of Records.** - The LAA shall have possession and control
48 of all records, books, papers, offices, equipment, supplies, moneys, funds,
49 appropriations, land, and other property, real or personal, held for the benefit or
50 use of all bodies, offices, and officers whose duties, powers, and functions have
51 been transferred to and conferred upon the Authority.
52

53 Pending a written notice of receipt issued by a duly authorized officer of the LAA,
54 it shall be the duty of any and all personnel responsible for, or in possession of
55 records relating to the affairs of the LMB, the LMS, the DENRCARP National
56 Secretariat and its field offices, the LRA and the ROD to protect and preserve

1 such records.

2
3 Without prejudice to any other penalties provided for by law, any person who
4 fails to fulfill his/her duty pursuant to the above paragraph shall be guilty of an
5 offense against the provisions of this Act, punishable by a fine of not less than
6 One million pesos (P1,000,000.00) or imprisonment of not more than five (5)
7 years, or both, at the discretion of the court.

8
9 **SEC. 36. Saving Clause.** - All orders, determination, rules, regulations, permits,
10 certificates, licenses, and privileges which have been issued, made, or granted
11 effective by the former LMB, LMS, LRA, ROD, DENR-CARP National Secretariat
12 and its field offices, and LAMP, or their predecessors shall continue to be in effect
13 according to their terms until modified, terminated, superseded, set aside, or
14 repealed.

15
16 No suit, action or other proceedings commenced by or against any officer in his
17 official capacity as an officer of any division or unit of the former LMB, LMS, LRA,
18 ROD, DENR-CARP National Secretariat and its field offices, and LAMP, the
19 functions of which are transferred by this Act to the LAA shall abate by reason
20 of this Act. In like manner, no cause of action by or against such division or unit
21 or by or against any officer thereof in his official capacity shall abate by reason
22 of the enactment of this Act. Causes of actions, suits, or other proceedings may
23 be asserted for or against the LAA or such official of the LAA, as may be
24 appropriate.

25
26 **ARTICLE VII**
27 **MISCELLANEOUS PROVISIONS**
28

29 **SEC. 37. Use of Income and Other Sources of Funds.** - The LAA is hereby
30 authorized to use thirty percent (30%) of all revenues derived from fees, charges,
31 fines, penalties, and other sources for capital outlay on infrastructure,
32 procurement of equipment and services related to the integration, updating and
33 maintenance of computer-based land information and database system, training
34 and skills upgrading including personnel capacity building of LAA.

35
36 The LAA shall be allowed to receive, hold, and utilize funds from grants,
37 donations, contributions, and other gratuitous sources both foreign and local for
38 the implementation of its mandate, programs, and projects, subject to existing
39 rules and regulations.

40
41 **SEC. 38. Assurance Fund.** - A special account within the LAA is hereby created
42 for the entire proceeds of the Assurance Fund, which shall no longer be paid to
43 the National Treasurer as provided for in Section 94 of Presidential Decree No.
44 1529.

45
46 Claims from the Assurance Fund shall be heard, decided, and determined by the
47 LAB. All pending cases or claims against the Assurance Fund now being handled
48 by the Bureau of Treasury, through the Office of the Solicitor General, shall
49 likewise be transferred to the LAB. Thereafter, the National Treasurer shall no
50 longer be impleaded as party in any action against the Assurance Fund.

51
52 **SEC. 39. Indemnification of Officials and Personnel.** - The LAA shall
53 indemnify all officials and personnel for all costs and expenses reasonably
54 incurred by such persons in connection with any civil or criminal actions, suits
55 or proceedings to which they may be or made a party by reason of the
56 performance of their functions or duties, unless they are finally adjudged in such

1 actions or proceedings to be liable.
2

3 In the event of settlement or compromise, indemnification shall be provided only
4 in connection with such matters covered by the settlement as to which the LAA
5 is advised by an external counsel that the persons to be indemnified did not
6 commit any gross negligence or misconduct.
7

8 The costs and expenses incurred in defending the aforementioned action, suit or
9 proceeding may be paid by the LAA in advance of the final disposition of such
10 action, suit, or proceeding upon receipt of an undertaking by or on behalf of the
11 Director General wherein the official or employee shall repay the amount
12 advanced should it ultimately be determined by the LAA that such official or
13 employee is not entitled to be indemnified as provided in this section.
14

15 **SEC. 40. Implementing Rules and Regulations.** - Within sixty (60) days from
16 the effectivity of this Act, the LAA shall promulgate the rules and regulations to
17 implement the provisions of this Act. Said rules and regulations shall be
18 submitted to the Congressional Oversight Committee for approval. In the process
19 of the formulation of the IRR for this Act, consultations shall be made with the
20 Stakeholders' Advisory Committee and submitted to the Office of the President
21 for approval. Copies of the IRR shall be distributed to the Congressional
22 Oversight Committee on Land Administration created under Section 42 hereof.
23

24 **SEC. 41. Congressional Oversight Committee on the Land Administration**
25 **Reform Act.** - There is hereby created a Congressional Oversight Committee
26 composed of seven (7) Members from the Senate and seven (7) Members from the
27 House of Representatives to be designated by the Senate President and the
28 House Speaker, respectively. These shall be headed by the respective
29 Chairpersons of the Committee on Environment and Natural Resources.
30

31 The Congressional Oversight Committee, which shall function for a period of not
32 more than three (3) years, shall review the implementing rules promulgated by
33 the LAA, including the procedures on claims against the Assurance Fund and
34 shall oversee the implementation of this Act.
35

36 **SEC. 42. Separability Clause.** - Should any provision of this Act or any part
37 hereof be declared unconstitutional or invalid by a court, the other provisions
38 hereof which are not affected shall remain in force and effect.
39

40 **SEC. 43. Repealing Clause.** - The provisions of PD 1529 pertaining to the
41 assurance fund, and their implementing rules and regulations are hereby
42 amended or modified accordingly.
43

44 All other laws, decrees, orders, instructions, proclamations, rules and
45 regulations, or parts thereof, including pertinent provisions of Commonwealth
46 Act No. 141, Act No. 496, Presidential Decree No. 1529, Executive Order No. 192
47 and its related rules and regulations; Executive Order No. 469 dated February
48 11, 1981 and the subsequent Presidential Memorandum Circular dated 30
49 September 1988 and their related rules and regulations; and the Administrative
50 Code of 1987, which are inconsistent with any provision of this Act, are hereby
51 repealed, modified, or amended accordingly.
52

53 **SEC. 44. Effectivity.** - This Act shall take effect fifteen (15) days after its
54 complete publication in the Official Gazette or in a newspaper of general
55 circulation.
56

1 Approved,