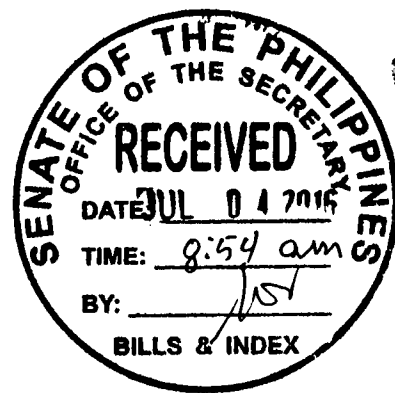


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SEVENTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
*First Regular Session*

SENATE  
S.B. No. 256



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Introduced by **SENATOR LACSON**

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### EXPLANATORY NOTE

Land is the ultimate resource in sustaining life, and thus, good stewardship in land use is essential for present and future generations.


The world's population has doubled in the last 40 years and passed the 7 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. Yet again, only less than half of the world's population has secured 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. They also underscored the need to facilitate full and equal access to land-related economic opportunities such as credit and natural resources.

However, the performance of government agencies undertaking land administration functions such as land surveys, mapping, classification, titling and disposition and registration is considered below par. The services provided by these agencies do not address our domestic problems on sustainable development and much more, global concerns.

The problem is largely attributed to fundamental legal and institutional defects in both the structure and operations of the land administration system. For one, there are many laws governing land administration functions. This results in the existence of a number of institutions administering our scarce land resources which bring confusions, delays, high transaction costs for both government and users, low investment, and graft and corruption.

These institutional and structural defects in land administration are detrimental to the sustainable development of natural resources. More so, these 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; proliferation of fake titles; duplication and overlap of activities among government



agencies; and, unnecessary costs of land administration services to both the national and local governments and the clients.

To address these problems, the Government has been undertaking a Land Administration and Management Project preparatory to a long-term program to reform the present land administration system, thereby promoting sustainable development, economic growth, and poverty alleviation.

However, to pursue the necessary reforms, it is a fundamental prerequisite to consolidate and streamline within a single government agency of land administration the powers and functions currently dispersed across the Department of Justice's Land Registration Authority and Registries of Deeds; 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, the Comprehensive Agrarian Reform Program (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 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 of duplicated administrative support services and other costs arising from the current fragmentation of land administration services over time; and
- Enable the development of increased transparency and enhancement of professionalism and accountability across the whole land administration system.

The proposed Land Reform Act seeks to improve the land sector as a driver to sustainable development, economic growth, and poverty alleviation. The Bill's enactment will ensure recognition of the Philippines in the global initiative for sustainable development. It will ultimately improve the access to land and services for the majority of the Filipino people, especially the poor.

I strongly recommend the Bill for the favorable consideration by the Senate.

  
**PANFILO M. LACSON**  
Senator



1 (e) Undertake reforms in land administration and management to ensure  
2 equitable distribution and full utilization and development of alienable or disposable  
3 lands;

4 (f) Improve the efficiency, effectiveness, transparency, and accountability of  
5 land administration services;

6 (g) Establish a sustainable and viable administration of land through  
7 computerization of functions and removal of overlaps and duplication in the delivery of  
8 land administration services;

9 (h) Establish an administrative system for the cancellation of duplicate and fake  
10 titles and the eradication of land grabbing activities;

11 (i) Provide accessible, efficient, and affordable land administration services to  
12 the people through the establishment of One-Stop-Shops nationwide;

13 (j) Establish an effective land information system and provide easy and  
14 affordable access to land information by members of the public;

15 (k) Rationalize and clarify the entitlements of persons to land titles to make the  
16 process of issuing original titles fast and low-cost;

17 (l) Promote and support the development of a national land administration and  
18 management education system;

19 (m) Identify and reduce disincentives to the registration of property transactions;

20 (n) Mainstream gender in all aspects of the land administration system; and

21 (o) Recognize, respect, ensure participation, and assist in the enforcement of  
22 land related rights of men and women of the basic sectors, as defined in Republic Act No.

23 8425, otherwise known as the "Social Reform and Poverty Alleviation Act."

24

1           Section 3. *Definition of Terms.* - For the purpose of this Act, the following terms  
2 shall, unless the context indicates otherwise, have the following meanings:

3           (a) "*Director General*" refers to the person occupying the position of Director  
4           General of the Land Administration Authority created by this Act including  
5           any person appointed as Acting Director General.

6           (b) "*Land Administration and Public Land Management*" refers to the  
7           administration of all functions, powers and activities related to the mapping,  
8           land survey, classification, ownership, disposition, and registration of land  
9           titles and deeds, and the management of public lands.

10          (c) "*Lands Management Bureau (LMB)*" refers to a staff Bureau of the  
11          Department of Environment and Natural Resources (DENR).

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

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

16          (f) "*National Mapping and Resource Information Authority (NAMRIA)*" refers  
17          to the agency known by that name attached to the DENR.

18          (g) "*Land Administration and Management Project (LAMP)*" refers to the  
19          project office providing technical and administrative support to the  
20          interagency endeavor of the Philippine government to identify strategic  
21          directions toward land administration reform in land institutions, laws, taxes  
22          and fees, and valuation.

23          (h) "*Classification and Reclassification*" refers to the Act of Congress in setting  
24          the specific limits of forestlands and national parks and increasing or  
25          decreasing their boundaries by law, as provided for in Article XII, Section 4  
26          of the 1987 Philippine Constitution.

1 ARTICLE II

2 CREATION OF THE LAND ADMINISTRATION AUTHORITY

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

7 Section 5. *Powers and Functions of the LAA*. - The LAA shall exercise the  
8 following powers and functions:

9 (a) Conduct, integrate and regulate the functions of geodetic and geophysical  
10 surveys, land classification surveys, mapping, aerial photography, remote sensing,  
11 management of resource information needed by both public and private sectors, and  
12 research development thereof in accordance with existing laws and internationally  
13 accepted norms, procedures, and standards;

14 (b) Survey, map and maintain data base to support the determination of specific  
15 limits of forest lands and national parks by Congress as provided under Section 4, Article  
16 XII of the Constitution;

17 (c) Survey, map, maintain database on, administer, manage and/or dispose of all  
18 alienable and disposable lands of the public domain and other lands, including foreshore  
19 and marsh lands, under the provisions of Commonwealth Act No. 141, as amended,  
20 otherwise known as the Public Land Act, and in accordance with existing laws;

21 (d) Manage, sell, and/or dispose the remaining Friar Lands under the provisions  
22 of Act No. 1120, as amended, and in accordance with existing laws;

23 (e) Manage and dispose lands of patrimonial property of the National  
24 Government under the provisions of Act No. 3038, or such other Government lands as  
25 have not been placed under the administration, management, control or exclusive use of  
26 any other government agency by legislative or executive issuance;

1 (f) Register original titles to land issued pursuant to Commonwealth Act No.  
2 141 and subsequent dealings of registered lands under the provisions of Act No. 496 and  
3 Presidential Decree No. 1529, otherwise known as the Land Registration Act and the  
4 Property Registration Decree, respectively;

5 (g) Conduct, regulate and approve all types of land surveys including surveys  
6 intended for the implementation of Commonwealth Act No. 141, Republic Act No. 6657  
7 or the Comprehensive Agrarian Reform Law (CARL), Republic Act No. 8371 or the  
8 Indigenous Peoples Rights Act of 1997 (IPRA) and Republic Act No. 7279 or the Urban  
9 Development and Housing Act (UDHA);

10 (h) Prepare, issue, and register all titles to land issued pursuant to  
11 Commonwealth Act No. 141 and subsequent dealings of registered lands including all  
12 types of tenure instruments intended for the implementation of the CARL, UDHA and the  
13 IPRA;

14 (i) Determine, fix, and collect reasonable amounts to be charged as  
15 administrative fees, fines, and penalties relative to the implementation of this Act;

16 (j) Formulate land administration and management policies in accordance with  
17 existing national laws;

18 (k) Promulgate rules, regulations, circulars and other administrative issuances as  
19 may be necessary to implement the provisions of this Act;

20 (l) Such other functions undertaken by the LRA/RoD, LMB/LMS, NAMRIA,  
21 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat  
22 under P.D. 1529 and C.A. 141, as amended; and

23 (m) Such other functions as are necessary, proper, and incidental to implement  
24 the provisions of this Act.

25 Whenever any reference is made to the LRA/RoD, LMB/LMS, NAMRIA,  
26 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat

1 under E.O. 192, P.D. 1529, and C.A. 141, as amended, pertaining to a duty, power,  
2 purpose, responsibility, or jurisdiction transferred to the LAA by this Act, it shall be  
3 deemed to be a reference to, and to mean, the Land Administration Authority and the  
4 Director General of the LAA, as the case may be.

5 Section 6. *Stakeholders' Advisory Committee.* - The LAA shall be assisted by a  
6 Stakeholders' Advisory Committee composed of the following:

7 (a) Six (6) Representatives from the Basic Sectors (farmers, fisherfolk, urban  
8 poor, workers in the informal sector; indigenous peoples and NGOs) chosen through the  
9 nomination process of the National Anti-Poverty Commission (NAPC);

10 (b) Two (2) Representatives from the NAPC Women's Sectoral Council;

11 (c) Three (3) representatives from the private sector such as, but not limited to,  
12 real estate, professionals/practitioners, and academe to be appointed by the President; and

13 (d) The LAA Director General, as *ex-officio* member.

14 The President shall designate the chairperson from among the members of the  
15 Committee. The members of the Committee, except the LAA Director General, shall not  
16 hold office in the LAA nor receive any salary but shall be entitled, for actual attendance  
17 during meetings, to such allowances and honoraria as are allowed by rules and  
18 regulations promulgated by the Commission on Audit.

19 Section 7. *Functions of the Stakeholders Advisory Committee.* - The Committee  
20 shall advise the LAA on the formulation of policies and policy development pertaining to  
21 land administration and public land management and shall monitor their implementation.  
22 It shall submit, within three months following the end of each calendar year, a report to  
23 the President on its advisory and monitoring activities.

24 Section 8. *Meetings of the Committee.* - The Chairperson shall convene regular  
25 meetings of the Committee, which shall be at least once every quarter. Special meetings  
26 may also be called by the Chairperson or at the initiative of at least three (3) members.





1           Section 12. *Office of the Director General.* - The Office of the Director General  
2 shall consist of the Director General, his immediate staff, and the Office of the Legal  
3 Services.

4           Section 13. *Deputy Director Generals.* - The Director General shall be assisted by  
5 at least three (3) Deputy Director Generals who shall likewise be appointed by the  
6 President. The Director General is hereby authorized to delineate, assign, and/or reassign  
7 the respective functional areas of responsibility of the Deputy Director Generals:  
8 *Provided*, That no Deputy Director General shall be assigned primarily administrative  
9 responsibilities. Within his functional area of responsibility, a Deputy Director General  
10 shall have the following functions:

11           (a) Advise the Director General in the promulgation of administrative orders and  
12 other issuances with respect to his area of responsibility;

13           (b) Exercise supervision over the offices, departments, or operating units and  
14 officers and employees under his responsibility;

15           (c) Promulgate rules and regulations that will efficiently and effectively govern  
16 the activities of units under his responsibility;

17           (d) Coordinate the functions and activities of the units under his responsibility  
18 with those of other units under the responsibility of other Deputy Director Generals;

19           (e) Exercise authority on substantive and administrative matters related to the  
20 functions and activities of units under his responsibility as may be delegated by the  
21 Director General; and

22           (f) Perform other functions as may be provided by law or assigned by the  
23 Director General.

24           Section 14. *Assistant Director Generals.* - The Director General and Deputy  
25 Director Generals shall be assisted by five (5) Assistant Director Generals in the

1 formulation, management and implementation of land administration and public land  
2 management laws, policies, plans, programs, and projects.

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

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

9 (a) Implement laws, policies, plans, programs, projects, rules and regulations of  
10 the LAA on land administration and public land management;

11 (b) Provide efficient and effective delivery of services to the people;

12 (c) Coordinate with field or branch offices of other agencies of the government  
13 in the region and with local government units in the enforcement of land administration  
14 and public land management laws and regulations and in the formulation and  
15 implementation of programs and projects;

16 (d) Recommend and, upon approval, implement programs and projects on land  
17 administration and management and related concerns;

18 (e) Conduct a comprehensive inventory of alienable and disposable lands of the  
19 public domain and of patrimonial properties and formulate district/provincial/regional  
20 short and long term development plans for the management, administration, utilization,  
21 and disposition of such lands toward national development; and

22 (f) Perform such other functions as may be assigned by the Director General  
23 and/or as provided by law.

24

1 ARTICLE IV

2 LAND ADJUDICATION BOARD

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

12 Section 17. *Composition*. - The LAB shall be composed of five (5) members who  
13 shall be nominated by the Stakeholders Advisory Committee and to be appointed by the  
14 President. The Presiding Officer shall be selected by the members from among  
15 themselves.

16 Section 18. *Local Land Adjudication Board*. - The Board shall create a Local Land  
17 Adjudication Board in the provincial or city office which shall be composed of five  
18 members who shall be appointed by the LAB. Decisions, orders, and resolutions of the  
19 Local Land Adjudication Board shall be raised on appeal to the LAB.

20 Section 19. *Budget and Administrative Support*. - The LAB shall determine and  
21 propose its budgetary requirements and shall be submitted as part of the LAA's budget  
22 request. Disbursements of the approved budget resources shall be the sole responsibility  
23 of the LAB. Secretariat services shall be provided by the LAA.

24 Section 20. *Proceedings and Procedures*. - The LAB shall not be bound by  
25 technical rules of procedure and evidence but shall proceed to hear and decide all cases,  
26 disputes, or controversies in a most expeditious manner, employing all reasonable means

1 to ascertain the facts of every case in accordance with justice and equity and the merits of  
2 the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just,  
3 expeditious, and inexpensive determination of merits: *Provided*, That it shall endeavor to  
4 settle disputes and controversies amicably.

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

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

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

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

24

1 ARTICLE V

2 JUDICIAL REVIEW

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

8 The findings of fact of the LAA shall be final and conclusive if based on  
9 substantial evidence.

10 Section 24. *Restraining Order or Preliminary Injunction*. - The Court of Appeals  
11 and Supreme Court of the Philippines shall have jurisdiction to issue any restraining  
12 order or writ of preliminary injunction against the LAA or any of its duly authorized or  
13 designated offices in any case, dispute or controversy arising from, necessary to, or in  
14 connection with the application, implementation, enforcement, or interpretation of this  
15 Act and other pertinent laws on land administration and public land management.

16 Section 25. *Procedure on Review*. - Review by the Court of Appeals or the  
17 Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court  
18 of Appeals, however, may require the parties to file simultaneous memoranda within a  
19 period of fifteen (15) days from notice, after which the case is deemed submitted for  
20 decision.

21 ARTICLE VI

22 TRANSITORY PROVISIONS

23 Section 26. *Transfer of Powers*. - The powers and functions of the LAA  
24 heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS, NAMRIA except  
25 the powers and functions of its Coast and Geodetic Surveys Department, DENR-  
26 Comprehensive Agrarian Reform Program National Secretariat, LAMP, or in any office

1 within or attached to these agencies, are hereby transferred to and vested in the Office of  
2 the LAA Director General.

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

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

23       Section 29. *Transfer of Personnel.* - To ensure a smooth transition, all incumbent  
24 personnel of the DENR's LMB/LMS, NAMRIA, DENR-CARP National Secretariat and  
25 its field offices, and LAMP; the DOJ's LRA/RoD shall continue to perform their present  
26 duties and functions as interim personnel of the LAA until such time, being not later than

1 twelve (12) months from the effectivity of this Act, that the regular staff of the LAA,  
2 based on the new staffing pattern, shall have been appointed: *Provided*, That the regular  
3 personnel shall be appointed by the Director General, or his/her duly authorized  
4 representative, on the basis of merit, previous permanent appointment, fitness, and  
5 seniority: *Provided, moreover*, That except for the position of Director General and  
6 Deputy Director Generals, there shall be no hiring of new personnel for the LAA.

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

- 13 (1) Two and one-half (2½) months basic salary for every year of service for  
14 the first twenty (20) years;
- 15 (2) Two and three-fourths (2¾) months basic salary for every additional year  
16 of service from the twenty-first (21<sup>st</sup>) to the thirtieth (30<sup>th</sup>) year of service;
- 17 (3) Three (3) months basic salary for every additional year of service from the  
18 thirty-first (31<sup>st</sup>) year of service and onwards.

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

24 Employees who are offered appointments under the new staffing pattern of the  
25 LAA without any diminution in rank and work conditions but who decline such  
26 appointments shall be deemed to have voluntarily resigned and shall be entitled only to



1 separation benefits equal to those provided for by other laws: *Provided, moreover,* That  
2 those who are qualified to retire shall be allowed to retire and be entitled to all the  
3 benefits provided under any of the existing retirement laws.

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

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

15 Section 33. *Unexpended Appropriations and Transfer of Assets.* - The  
16 unexpended balances of appropriations in the current General Appropriations Act and  
17 other Acts in force upon approval hereof, pertaining to, held, or used by, or available to  
18 the LRA and RoD, NAMRIA except the budget for its Coast and Geodetic Survey  
19 Department, LMB, LMS, DENR-CARP National Secretariat and its field offices, and the  
20 LAMP are hereby transferred to the LAA.

21 Such other unexpended balances of appropriations as may be deemed appropriate  
22 by the Department of Budget and Management for transfer to the LAA shall also be so  
23 transferred.

24 All real and personal properties, assets, liabilities, records, documents, positions,  
25 appropriations, contracts, and agreements which, upon the effectivity of this Act, are  
26 vested in, or owned, by the LMB/LMS, NAMRIA except those pertaining to its Coast

1 and Geodetic Survey Department, DENR-CARP National Secretariat and its Field  
2 Offices, LRA/RoD, and LAMP, are hereby transferred to the LAA.

3 Section 34. *Penal Provisions.* – Any person who sells forms issued and  
4 distributed gratuitously under this Act or who, being an officer charged with distributing  
5 them refuses or fails without sufficient reason, to furnish the same, shall be punished for  
6 each offense by a fine of not less than one hundred thousand pesos and not more than one  
7 million pesos or imprisonment of not less than six months nor more than three years, or  
8 both, in the discretion of the Courts.

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

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

24 Any person who shall tamper or attempt to tamper any records of the LAA that  
25 will result in the acquisition of rights, title or interest over real property and any person  
26 aiding and abetting him therein or serving as a means or tool thereof, shall, upon

1 conviction, be punished by a fine of not less than five hundred thousand pesos  
2 (P500,000.00) and imprisonment of not less than twelve (12) years, or both, at the  
3 discretion of the Court.

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

8 Section 35. *Preservation of Records.* - The LAA shall have possession and  
9 control of all records, books, papers, offices, equipment, supplies, moneys, funds,  
10 appropriations, land and other property, real or personal, held for the benefit or use of all  
11 bodies, offices, and officers whose duties, powers, and functions have been transferred to  
12 and conferred upon the authority.

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

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

23 Section 36. *Saving Clause.* - All orders, determination, rules, regulations, permits,  
24 certificates, licenses, and privileges which have been issued, made, or granted effective  
25 by the former LMB, LMS, NAMRIA, LRA, RoDs, DENR-CARP National Secretariat

1 and its field offices, and LAMP, or their predecessors shall continue to be in effect  
2 according to their terms until modified, terminated, superseded, set aside, or repealed.

3 No suit, action, or other proceeding commenced by or against any officer in his  
4 official capacity as an officer of any division or unit of the former LMB, LMS,  
5 NAMRIA, LRA, RoDs, DENR-CARP National Secretariat and its field offices, and  
6 LAMP, the functions of which are transferred by this Act. In like manner, no cause of  
7 action by or against such division or unit or by or against any officer thereof in his  
8 official capacity shall abate by reason of the enactment of this Act. Causes of actions,  
9 suits, or other proceedings may be asserted for or against the LAA or such official of the  
10 LAA as may be appropriate.

## 11 ARTICLE VII

### 12 MISCELLANEOUS PROVISIONS

13 Section 37. *Use of Income.* - The LAA is hereby authorized to use twenty percent  
14 (20%) of all revenues derived from fees, charges, and other sources in the  
15 implementation of its projects.

16 Section 38. *Assurance Fund.* - A special account within the LAA is hereby  
17 created for the entire proceeds of the Assurance Fund, which shall no longer be paid to  
18 the National Treasurer as provided for in Section 94 of PD No. 1529. Claims from the  
19 Assurance Fund shall be heard, decided, and determined by the Land Adjudication  
20 Board. All pending cases or claims against the Assurance Fund now being handled by  
21 the Bureau of Treasury, through the Office of the Solicitor General, shall likewise be  
22 transferred to the Land Adjudication Board. Thereafter, the National Treasurer shall no  
23 longer be impleaded as party in any action against the Assurance Fund.

24 Section 39. *Indemnification of Officials and Personnel.* - The LAA shall  
25 indemnify all officials and personnel for all costs and expenses reasonably incurred by  
26 such persons in connection with any civil or criminal actions, suits, or proceedings to

1 which they may be or made a party by reason of the performance of their functions or  
2 duties, unless they are finally adjudged in such actions or proceedings to be liable.

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 is  
5 advised by an external counsel that the persons to be indemnified did not commit any  
6 gross negligence or misconduct.

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

12 Section 40. *Implementing Rules and Regulations.* - Within sixty (60) days from  
13 the effectivity of this Act, the LAA shall promulgate the rules and regulations to  
14 implement the provisions of this Act. Said rules and regulations shall be submitted to the  
15 Congressional Oversight Committee for approval.

16 Section 41. *Congressional Oversight Committee on the Land Administration Act.*  
17 - There is hereby created a Congressional Oversight Committee composed of seven (7)  
18 members from the Senate Committee on Environment and Natural Resources and seven  
19 (7) members from the House of Representatives Committee on Natural Resources.

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

1 the Senate.

2 Section 42. *Separability Clause.* - Should any provision of this Act or any part  
3 thereof be declared unconstitutional or invalid by a Court, the other provisions hereof  
4 which are not affected thereby, shall remain in force and effect.

5 Section 43. *Repealing Clause.* - The pertinent provisions of CARL and IPRA with  
6 regard to the conduct of survey, approval of survey results, preparation and issuance of  
7 tenure instruments, and the provisions of PD 1529 pertaining to the assurance fund, and  
8 their implementing rules and regulations are hereby amended or modified accordingly.

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

16 Section 44. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
17 complete publication in the *Official Gazette* or in a newspaper of general circulation.

18 *Approved,*