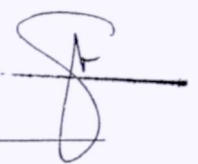


20 JAN 15 P 4:47

SENATE

S. B. No. 1268

RECEIVED BY: 

INTRODUCED BY SENATOR SONNY ANGARA

AN ACT
SIMPLIFYING THE CONFIRMATION OF IMPERFECT TITLES, AMENDING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH
ACT NO. 141 AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Land titling is important to protection of one's property rights. Government data on public land titling, however, show that only 5,174 titles were confirmed by the courts in the last 10 years, with judicial titling at a steady, with only around 140 titles issued in 2017.

This steady decline in court-issued titles was due to recent strict and literal interpretation of land laws. Although the court recognizes the countrywide phenomenon of untitled lands and the problem of informal settlement, the court in *Malabanan vs. Court of Appeals*¹ puts the burden on Congress to improve land tenure in the country saying that:

"It could only be up to Congress to set forth a new phase of land reform to sensibly regularize and formalize the settlement of such lands, which in legal theory are lands of the public domain, before the problem becomes insoluble. This could be accomplished, to cite two examples, by liberalizing the standards for judicial confirmation of imperfect title, x x x."

Moreover, Republic Act No. 9176 that allows titling through judicial and administrative legalization of titles is about to expire on December 31, 2020. This

¹ G.R. No. 179987, April 29, 2009 and in Republic vs. Gielczyk, GR No. 179990, October 23, 2013.

may prove detrimental to many Filipinos—especially our farmers, whose very livelihoods are dependent on land tenure.

The proposed bill aims to improve the efficiency of land titling by, integrating and liberalizing court confirmation of imperfect titles under the provisions of Presidential Decree (PD) No. 1529 (Property Registration Decree) and Commonwealth Act (CA) No. 141 (Public Land Act), setting the standards and procedures in the processing of applications for agricultural free patents under Section 44 of CA No. 141, and removing the time period for application on both free patent and confirmation of imperfect title that is about to expire on December 31, 2020.

Through this measure, we hope that many more in the countryside will be empowered to truly live off their land.

In view of the foregoing, the passing of this bill is earnestly sought.



SONNY ANGARA



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AN ACT

SIMPLIFYING THE CONFIRMATION OF IMPERFECT TITLES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1529, COMMONWEALTH ACT NO. 141 AND REPUBLIC ACT NO. 9176, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Declaration of Policy.* – It is the declared policy of the State to
2 simplify, update and harmonize similar and related provisions of land laws in order
3 to clarify and remove ambiguity in its interpretation and implementation. It is also
4 the policy of the State to provide land tenure security by continuing judicial and
5 administrative titling processes.

6 SEC. 2. *Judicial Confirmation of Imperfect Title.* – The qualifications provided
7 in Section 14 of Presidential Decree No. 1529 and Section 48, Chapter VII of
8 Commonwealth Act No. 141, as amended, shall be amended to read as follows:

9 "Section 14. Who may apply. The following persons may file in
10 the proper [~~Court of First Instance~~] **REGIONAL TRIAL**
11 **COURT** an application for registration of title to land, **NOT**
12 **EXCEEDING TWELVE (12) HECTARES**, whether personally
13 or through their duly authorized representatives:

14 (1) Those who by themselves or through their
15 predecessors-in-interest have been in open, continuous,
16 exclusive and notorious possession and occupation of
17 alienable and disposable lands of the public domain
18 under a bona fide claim of ownership [~~since June 12,~~

1 ~~1945, or earlier.]~~ **FOR AT LEAST THIRTY (30)**
2 **YEARS IMMEDIATELY PRECEDING THE FILING**
3 **OF THE APPLICATION FOR CONFIRMATION OF**
4 **TITLE EXCEPT WHEN PREVENTED BY WAR OR**
5 **FORCE MAJEURE. THEY SHALL BE CONCLUSIVELY**
6 **PRESUMED TO HAVE PERFORMED ALL THE**
7 **CONDITIONS ESSENTIAL TO A GOVERNMENT**
8 **GRANT AND SHALL BE ENTITLED TO A**
9 **CERTIFICATE OF TITLE UNDER THIS SECTION.**

10 (2) **THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
11 **PRIVATE LANDS OR ABANDONED RIVER BEDS BY**
12 **RIGHT OF ACCESSION OR ACCRETION UNDER**
13 **THE EXISTING LAWS.**

14 (3) **THOSE WHO HAVE ACQUIRED OWNERSHIP OF**
15 **LAND IN ANY OTHER MANNER PROVIDED FOR BY**
16 **LAW."**

17 "SECTION 48. The following-described citizens of the
18 Philippines, occupying lands of the public domain or claiming to
19 own any such lands or an interest therein, but whose titles
20 have not been perfected or completed, may apply to the
21 ~~[Court of First Instance of the province]~~ **REGIONAL TRIAL**
22 **COURT** where the land is located for confirmation of their
23 claims and the issuance of a certificate of title therefor, under
24 the Land Registration Act, to wit:

25 **(1) THOSE WHO BY THEMSELVES OR THROUGH**
26 **THEIR PREDECESSORS-IN-INTEREST HAVE BEEN**
27 **IN OPEN, CONTINUOUS, EXCLUSIVE AND**
28 **NOTORIOUS POSSESSION AND OCCUPATION OF**
29 **ALIENABLE AND DISPOSABLE LANDS OF THE**
30 **PUBLIC DOMAIN UNDER A BONA FIDE CLAIM OF**
31 **OWNERSHIP FOR AT LEAST THIRTY (30) YEARS**

1 IMMEDIATELY PRECEDING THE FILING OF THE
2 APPLICATION FOR CONFIRMATION OF TITLE
3 EXCEPT WHEN PREVENTED BY WAR OR FORCE
4 MAJEURE. THEY SHALL BE CONCLUSIVELY
5 PRESUMED TO HAVE PERFORMED ALL THE
6 CONDITIONS ESSENTIAL TO A GOVERNMENT
7 GRANT AND SHALL BE ENTITLED TO A
8 CERTIFICATE OF TITLE UNDER THIS SECTION.

9 (2) THOSE WHO HAVE ACQUIRED OWNERSHIP OF
10 PRIVATE LANDS OR ABANDONED RIVER BEDS BY
11 RIGHT OF ACCESSION OR ACCRETION UNDER
12 THE EXISTING LAWS.

13 (3) THOSE WHO HAVE ACQUIRED OWNERSHIP OF
14 LAND IN ANY OTHER MANNER PROVIDED FOR BY
15 LAW."

16 SEC. 3. *Certification that the land is Alienable and Disposable.* – For purposes
17 of issuing the Certification that the land is Alienable and Disposable, it shall be
18 sufficient that the applicant submit a projection map prepared and signed by a
19 licensed geodetic engineer and verified and approved by DENR official designated by
20 the DENR Secretary showing that the land is within Alienable and Disposable lands
21 of the public domain. The projection map shall contain a sworn statement by the
22 geodetic engineer that the land is within the alienable and disposable lands of the
23 public domain and shall state the applicable Forestry Administrative Order, DENR
24 Administrative Order, Executive Order, Proclamations and the Land Classification
25 Project Map covering the land.

26 SEC. 4. *Administrative legalization of Free Patents.* – Sections 44, Chapter VI
27 of Commonwealth Act (CA) No. 141, as amended, is further amended to read as
28 follows:

29 "SECTION 44. Any natural-born citizen of the Philippines who
30 is not the owner of more than twelve (12) hectares and who,
31 for at least thirty (30) years prior to the [~~effectivity of this~~
32 ~~amendatory Act~~] **FILING OF THE APPLICATION**, has

1 continuously occupied and cultivated, either by
2 himself/**HERSELF** or through his/**HER** predecessors-in-
3 interest a tract or tracts of **ALIENABLE AND DISPOSABLE**
4 agricultural public lands subject to disposition, **AND** who shall
5 have paid the real estate tax thereon [~~while the same has not~~
6 ~~been occupied by any person~~] shall be entitled, under the
7 provisions of this Chapter, to have a free patent issued to him
8 for such tract or tracts of such land not to exceed twelve (12)
9 hectares."

10 SEC. 5. Section 45, as amended, of CA No. 141 shall be deleted
11 and a new Section 45 shall be inserted as follows:

12 **"SECTION 45. PERIOD FOR APPLICATION. ALL**
13 **APPLICATIONS SHALL BE FILED AT ANY TIME AFTER**
14 **THE EFFECTIVITY OF THIS ACT BEFORE THE**
15 **COMMUNITY ENVIRONMENT AND NATURAL**
16 **RESOURCES OFFICE (CENRO) OR REGION OF THE**
17 **DEPARTMENT OF ENVIRONMENT AND NATURAL**
18 **RESOURCES (DENR). THE CENRO IS MANDATED TO**
19 **PROCESS THE APPLICATION WITHIN ONE HUNDRED**
20 **AND TWENTY (120) DAYS TO INCLUDE COMPLIANCE**
21 **WITH THE REQUIRED NOTICES AND OTHER LEGAL**
22 **REQUIREMENTS, AND FORWARD THEIR**
23 **RECOMMENDATION TO THE PROVINCIAL**
24 **ENVIRONMENT AND NATURAL RESOURCES OFFICE**
25 **(PENRO) IF THE AREA OF THE LAND IS BELOW FIVE (5)**
26 **HECTARES; TO THE DENR REGIONAL DIRECTOR IF THE**
27 **AREA OF THE LAND IS FIVE (5) TO TEN (10)**
28 **HECTARES; AND TO THE SECRETARY OF DENR IF THE**
29 **AREA OF THE LAND IS MORE THAN 10 TO TWELVE (12)**
30 **HECTARES, WHO SHALL HAVE FIVE (5) DAYS TO**
31 **APPROVE OR DISAPPROVE THE PATENT. IN CASE OF**
32 **APPROVAL, THE PATENT SHALL BE ISSUED; IN CASE OF**

1 **CONFLICTING CLAIMS AMONG DIFFERENT**
2 **CLAIMANTS, THE PARTIES MAY SEEK THE PROPER**
3 **JUDICIAL REMEDIES. PROVIDED, THAT IN PROVINCES**
4 **WITH NO CENRO, THE APPLICATION SHALL BE FILED**
5 **WITH THE PENRO.”**

6 SEC. 6. Section 47, Chapter VIII of CA No. 141, as amended by Republic Act
7 No. 9176, is hereby amended to read as follows:

8 “Section 47. The persons specified in the next following
9 section ~~[are hereby granted time, not to extend beyond~~
10 ~~December 31, 2020 within which to]~~ **MAY** avail of the benefits
11 of this Chapter **AT ANYTIME.** ~~[: Provided, That this period~~
12 ~~shall apply only where the area applied for does not exceed~~
13 ~~twelve (12) hectares: Provided, further, That the several~~
14 ~~periods of time designated by the President in accordance with~~
15 ~~Section Forty five of this Act shall apply also to the lands~~
16 ~~comprised in the provisions of this Chapter, but this Section~~
17 ~~shall not be construed as prohibiting any of said persons from~~
18 ~~acting under this Chapter at any time prior to the period fixed~~
19 ~~by the President.]”~~

20 SEC. 7. *Penalties.* - In addition to the administrative sanctions, any person
21 who violates Section 3 of this Act shall, upon conviction, be imprisoned for not less
22 than six (6) months nor more than six (6) years, at the discretion of the court.

23 SEC. 8. *Implementing Rules and Regulations.* - Within sixty (60) days from
24 the effectivity of this Act, the DENR shall promulgate the Implementing Rules and
25 Regulations to carry out the provisions of this Act.

26 SEC. 9. *Separability Clause.* - If, for any reason or reasons, any part or parts
27 of this Act shall be declared unconstitutional or invalid by any competent court,
28 other parts of this Act which are not affected thereby shall continue to be in full
29 force and effect.

30 SEC. 10. *Repealing Clause.* - All laws, decrees, executive orders, executive
31 issuances or letters of instruction, rules and regulations or any part thereof

1 inconsistent with or contrary to the provisions of this Act are hereby deemed
2 repealed, amended or modified accordingly..

3 SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
4 following its publication in the Official Gazette or in a newspaper of general
5 circulation.

Approved,