

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

5 AUG 24 P2:18

SENATE
S. B. NO. **2100**

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Commonwealth Act (CA) No. 141, otherwise known as the Public Land Act, is the general law governing the classification, delimitation, survey and disposition of alienable lands of the public domain. One of the modes of acquiring public lands under this law is by administrative legalization of imperfect title – more popularly known as Free Patent. Historically, it was intended to legalize the undocumented private land rights of native-born Filipinos who were found to be occupying and cultivating such lands for a certain period.

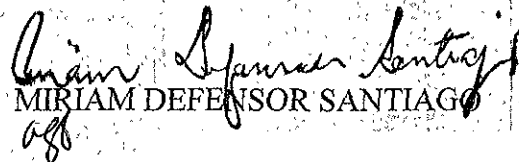
The amendments contained in this Bill were identified to reflect the present realities and to remove disincentives on the formal system. They will remove outdated and obsolete provisions and will facilitate the mass titling of public alienable and disposable lands in the Philippines.

The salient features of the bill are:

- Reduction of the period of cultivation and occupation from 30 years (prior to effectivity of Republic Act No. 6940 on 15 April 1960) to 10 years
- Provision for the issue of Free Patents without payment of outstanding taxes
- Extension of Free Patents to residential, commercial and industrial lands
- Issuance of a certificate of possession/provisional free patent may be issued to the applicant, which may be exchanged for a Free Patent upon the expiration of 10 years of possession.
- Removal of restrictions on transfer and other conveyances for titles acquired through Free Patent

- Classification of areas that are unclassified land, but are already built-up or with settlers as alienable and disposable lands by virtue of the Act
- Increase of penalty in the penal provisions for any person, public official or government official/employee who will commit an offense under the Act
- Abolition of administrative fees and charges for Free Patents to encourage greater participation in the titling process
- Adoption by the Department of Environment and Natural Resources of new mapping and surveying technologies as they become available to expedite the issuance of Free Patents.

The proposed amendment of specific provisions of the C.A. No. 141, Presidential Decree No. 152 and Presidential Decree No. 1529 seeks to enable the lands sector to contribute to sustainable development, economic growth and poverty alleviation. The Bill's early enactment will boost the Philippine's role in the global movement for sustainable development while providing an improved access to land and services to the majority of the Filipinos, especially the poor and marginalized. I earnestly seek the immediate passage of this very urgent and important bill.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
REFORMING THE ADMINISTRATIVE TITLING PROCESS BY AMENDING CERTAIN
PROVISIONS OF COMMONWEALTH ACT NO. 141 OTHERWISE KNOWN AS THE
PUBLIC LAND ACT, AND OTHER RELATED LAWS

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

SECTION 1. – Paragraph 1, Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“SECTION 44 (1). – ANY NATURAL BORN CITIZEN OF THE PHILIPPINES WHO IS NOT THE OWNER OF MORE THAN TWELVE (12) HECTARES AND WHO FOR AT LEAST TEN (10) YEARS PRIOR TO HIS/HER FILING OF APPLICATION FOR PATENT, HAS CONTINUOUSLY POSSESSED AND CULTIVATED, EITHER BY HIMSELF/HERSELF OR THROUGH HIS/HER PREDECESSORS-IN-INTEREST, A TRACT OR TRACTS OF AGRICULTURAL PUBLIC LANDS SUBJECT TO DISPOSITION SHALL BE ENTITLED, UNDER THE PROVISIONS OF THIS CHAPTER, TO HAVE A FREE PATENT ISSUED TO HIM/HER FOR SUCH TRACT OR TRACTS OF SUCH LAND NOT TO EXCEED TWELVE (12) HECTARES, INCLUSIVE OF HIS/HER CURRENTLY OWNED LANDS; PROVIDED: THAT IF THERE ARE TENANTS, SHARE CROPPERS, REGULAR OR SEASONAL FARM WORKERS ON THE LAND, THE ISSUANCE OF A FREE PATENT TO THE APPLICANT SHALL BE WITHOUT PREJUDICE TO THEIR RIGHTS UNDER EXISTING LAND REFORM LAWS.

FREE PATENTS BASED ON POSSESSION TEN YEARS BEFORE THE COMMENCEMENT OF THIS ACT CAN BE APPROVED FROM THE DATE OF EFFECTIVITY OF THIS SECTION.”

SECTION 2. – Section 44, Chapter VII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraphs:

“SECTION 44 (2). – THE PROVISIONS OF ANY LAW TO THE CONTRARY NOTWITHSTANDING, ANY NATURAL BORN CITIZEN OF THE PHILIPPINES WHO IS NOT THE OWNER OF MORE THAN TWELVE (12) HECTARES AND WHO FOR AT LEAST TEN (10) YEARS PRIOR TO HIS/HER APPLICATION FOR PATENT, HAS CONTINUOUSLY POSSESSED AND USED EITHER BY HIMSELF/HERSELF OR THROUGH HIS/HER PREDECESSORS-IN-INTEREST, A TRACT OR TRACTS OF PUBLIC ALIENABLE AND DISPOSABLE LANDS NOT TO EXCEED TWELVE (12) HECTARES, INCLUSIVE OF HIS/HER CURRENTLY OWNED LANDS SUBJECT TO DISPOSITION OF RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PURPOSES, SHALL ALSO BE ENTITLED, UNDER THE PROVISIONS OF THIS CHAPTER, TO HAVE A FREE PATENT ISSUED TO HIM/HER FOR SUCH TRACT OR TRACTS OF LANDS.

PATENTS BASED ON POSSESSION TEN YEARS BEFORE THE COMMENCEMENT OF THIS ACT CAN BE APPROVED FROM THE DATE OF EFFECTIVITY OF THIS SECTION.”

“SECTION 44 (3). – THOSE WHO HAVE CONTINUOUSLY POSSESSED AND USED A TRACT OF LAND AS DESCRIBED IN SECTION 44 (1) AND 44 (2) FOR AT LEAST THREE (3) YEARS AND HAVE OTHERWISE SATISFIED THE REQUIREMENTS OF THAT SECTION PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE ENTITLED TO HAVE A CERTIFICATE OF POSSESSION TO HIM/HER FOR SUCH TRACT OF LAND BUT WHICH SHALL NOT BE SUBJECT TO ENCUMBRANCE OR ALIENATION UNTIL SUCH TIME THAT THE BENEFICIARY SHALL HAVE COMPLETED TEN (10) YEARS OF CONTINUOUS POSSESSION OVER SAID TRACT OF LAND, WHEREUPON HE/SHE SHALL BE ISSUED A FREE PATENT FOR SUCH TRACT OF LAND.”

“SECTION 44 (4). – LAND ACQUIRED BY FREE PATENT UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE TREATED AS ANY OTHER PRIVATE LAND WITH ALL THE CONCOMITANT RIGHTS THEREUNTO APPERTAINING AND SHALL NOT BE SUBJECT TO THE RESTRICTIONS OF, NOR SHALL IT ENJOY THE EXEMPTION FROM BEING HELD IN SATISFACTION OF ANY DEBT, AS HERETOFORE

PROVIDED IN SECTION 118 AND SECTIONS 121, 122, 123 AND 124 OF COMMONWEALTH ACT NO. 141.

THIS APPLIES TO PATENTS ISSUED BEFORE OR AFTER THE DATE OF EFFECTIVITY OF THIS ACT.”

“SECTION 44 (5). – ANY ENCUMBRANCE CREATING AN INTEREST IN LAND THAT HAS BEEN ENTERED INTO BEFORE THE LAND IS ACQUIRED BY FREE PATENT, WHICH ASIDE FROM THE QUESTION OF THE STATUS OF THE LAND WOULD OTHERWISE BE LAWFUL, AND WHICH REMAINS IN EXISTENCE AT THE TIME OF THE GRANT OF FREE PATENT, SHALL BE PRESERVED AND MAY BE RECORDED ON THE PATENT AS AN ENCUMBRANCE AT THE TIME THE PATENT IS ISSUED. PROVIDED, THAT THE CONTRACT CREATING THE ENCUMBRANCE SHALL NOT BE CONTRARY TO LAW, GOOD MORALS, PUBLIC ORDER OR PUBLIC POLICY AND THAT THE INSTRUMENT SHALL BE SUFFICIENT IN LAW FOR PURPOSES OF REGISTRATION.”

“SECTION 44 (6). – FOR THE PURPOSES OF THIS ACT, IT IS SUFFICIENT THAT THE LAND APPLIED FOR SHALL HAVE BEEN CLASSIFIED AS ALIENABLE AND DISPOSABLE/AGRICULTURAL AT THE TIME OF THE APPROVAL OF APPLICATION; PROVIDED: THAT AREAS THAT ARE UNCLASSIFIED LAND, BUT ARE ALREADY BUILT-UP OR WITH SETTLERS SHALL BE DEEMED CLASSIFIED AS ALIENABLE AND DISPOSABLE/AGRICULTURAL BY VIRTUE OF THIS ACT. PROVIDED FURTHER: THAT IF THE LAND HAS A SLOPE BELOW 18% OR 12 DEGREES GRADIENT, AND THE GRANT THEREOF TO THE APPLICANT WILL MEET ECOLOGICAL STANDARDS PRESCRIBED BY THE DENR.”

SECTION 3. – Section 45, Chapter VII, Title II of Commonwealth Act No. 141 is hereby repealed.

SECTION 4. – Section 47, Chapter VII, Title II of Commonwealth Act No. 141 is hereby repealed.

SECTION 5. – Section 48, Chapter VIII, Title II of Commonwealth Act No. 141, as amended, is hereby further amended by the addition of the following paragraph:

“(D) PROVIDED; THAT NOTHING IN THIS PROVISION SHALL BE TAKEN TO PRECLUDE THOSE IN POSSESSION OF PUBLIC ALIENABLE AND DISPOSABLE LAND FROM SEEKING ADMINISTRATIVE CONFIRMATION OF THEIR TITLE.”

SECTION 6. – Section 119, Chapter XIV, Title VI of Commonwealth Act No. 141, is hereby repealed.

SECTION 7. – Section 131, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“SECTION 131. ANY PERSON WHO SELLS FORMS ISSUED AND DISTRIBUTED GRATUITOUSLY UNDER THIS ACT OR WHO, BEING AN OFFICER CHARGED WITH DISTRIBUTING THEM REFUSES OR FAILS WITHOUT SUFFICIENT REASON, TO FURNISH THE SAME, SHALL BE PUNISHED FOR EACH OFFENSE BY A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) AND NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) OR IMPRISONMENT OF NOT MORE THAN ONE YEAR, BOTH, IN THE DISCRETION OF THE COURT..”

SECTION 8. – Section 132, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

“SECTION 132. – ANY PERSON, CORPORATION, ASSOCIATION OR PARTNERSHIP WHICH, NOT BEING QUALIFIED OR NO LONGER AUTHORIZED TO APPLY FOR PUBLIC LAND UNDER THE PROVISION OF THIS ACT, FILES OR INDUCES OR KNOWINGLY PERMITS ANOTHER PERSON, CORPORATION, ASSOCIATION OR PARTNERSHIP TO FILE AN APPLICATION IN HIS/HER OR ITS BEHALF OR FOR HIS/HER OR ITS INTEREST, BENEFIT OR ADVANTAGE, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN 10% OF THE VALUE OF THE LAND APPLIED FOR, BASED ON THE ZONAL VALUE AS DETERMINED BY THE BUREAU OF INTERNAL REVENUE OR BASED ON THE ASSESSED VALUE OF THE CONCERNED LOCAL GOVERNMENT UNIT, WHICHEVER IS HIGHER OR BY IMPRISONMENT OF SIX (6) YEARS TO TWELVE (12) YEARS, OR BOTH, IN THE DISCRETION OF THE COURT; AND THE APPLICATION SHALL BE CANCELLED; PROVIDED, THAT IN CASE THE OFFENDER IS A CORPORATION, ASSOCIATION OR PARTNERSHIP THEIR RESPONSIBLE OFFICIALS SHALL BE DEEMED JOINTLY AND SEVERALLY LIABLE;

PROVIDED FURTHER: THAT IN CASE THE OFFENDER IS A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE, FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE PUBLIC OFFICE."

SECTION 9. – Section 133, Chapter XVI, Title VI of Commonwealth Act No. 141, as amended, is hereby further amended to read as follows:

"SECTION 133. – ANY PERSON WHO, WITHOUT HAVING THE QUALIFICATIONS REQUIRED BY THIS ACT, SHALL BY DECEIT OR FRAUD ACQUIRE OR ATTEMPT TO ACQUIRE LANDS OF THE PUBLIC DOMAIN OR OTHER REAL PROPERTY OR ANY RIGHT, TITLE OR INTEREST, OR PROPERTY RIGHT OF ANY CLASS TO THE SAME, AND ANY PERSON AIDING AND ABETTING HIM THEREIN OR SERVING AS A MEANS OR TOOL THEREOF, SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT LESS THAN 10% OF THE VALUE OF THE LAND APPLIED FOR, BASED ON THE FAIR MARKET VALUE AS DETERMINED BY THE BUREAU OF INTERNAL REVENUE OR BY THE CONCERNED LOCAL GOVERNMENT UNIT, WHICHEVER IS HIGHER, OR BY IMPRISONMENT OF SIX (6) YEARS TO TWELVE (12) YEARS, OR BOTH, IN THE DISCRETION OF THE COURT. IF THE OFFENDER IS A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE, FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE PUBLIC OFFICE."

SECTION 10. – The penal provisions provided for in the preceding sections shall apply only to acts committed after the date of effectivity of this Act.

SECTION 11. – Presidential Decree 152 is hereby further amended by the addition of the following paragraph:

"PROVIDING THAT THIS DECREE DOES NOT, AND WAS NEVER INTENDED TO, APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE PUBLIC LAND ACT"

SECTION 12. – Section 93 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

“PROVIDING THAT THE FEES PRESCRIBED BY THIS SECTION SHALL NOT APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE PUBLIC LAND ACT.”

SECTION 13. – Section 111 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

“PROVIDING THAT THE FEES PRESCRIBED BY THIS SECTION SHALL NOT APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE PUBLIC LAND ACT.”

SECTION 14. – The Department of Environment and Natural Resources may adopt such mapping and surveying technologies as it sees fit in order to expedite the issuance of free patents. The Department shall determine the appropriate form, style and definition of technical description which should not be limited to metes and bounds as it appears on the free patent and to the subsequent title thereto. Those free patents having technical description other than metes and bounds shall be treated as any private land with all the concomitant rights thereto appertaining pursuant to this Act and other existing laws.

SECTION 15. – All pending applications filed before the effectivity of this Act shall be treated as having been filed in accordance with the provisions of this Act.

SECTION 16. – No fees shall henceforth be payable for the preparation, issue and registration of land grants under the free patent provisions of the Public Land Act.

SECTION 17. Separability Clause - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 18. Repealing Clause - All laws, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 19. *Effectivity Clause* - This Act shall take effect fifteen days after its publication in at least two (2) newspapers of general circulation.

Approved,