

13th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

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SENATE

RECEIVED BY:

S. BILL NO. 2485

INTRODUCED BY HONORABLE RALPH G. RECTO

EXPLANATORY NOTE

Land is the most tangible and limited resource of any country. It is similarly the most valuable commodity priced by its citizenry and most controversial because not every person can have access to land. In the Philippines, the country's 30 million hectares of land is shared by the country's more than 80 million Filipinos. However, not all Filipinos have access to these lands much more, own any land. Thus, it is imperative that our country's land resources are effectively and equitably managed not only by the State and its agencies but also by its people for the sake of generations to come.

Because land is a major resource of a country and its people, the utilization of our land resources for national and local development is crucial to maximize the benefits derived from the utilization, management and ownership of land. The responsibility of ensuring that the benefits accruing to the country's land resources rests with the national and local governments. In the case of national government, the Department of Environment and Natural Resources (DENR) is mandated to administer, conserve, protect and manage almost 15.88 million hectares of forestlands or 52.9% of the country's total land area.

Likewise, the DENR, through the Land Management Bureau (LMB), is further mandated to dispose and issue titles to another 6.0 million hectares of untitled lands that has been released and classified as alienable and disposal (A&D) lands. On the other hand, the Land Registration Authority (LRA) is responsible for the registration of issued titles released by the DENR or judicially decreed lands totaling another 6 million hectares. However, both agencies operate on totally different systems of records, information and document management systems and are guided by outdated legal mandates (e.g. Public Land Act of 1936 and Land Registration Act of 1902/Property Registration Decree of 1978) that are not anymore attuned to present-day conditions of land administration in the Philippines.

On the other hand, local government units (LGUs) are the key field managers of land resources for both public and private lands. While the DENR and LRA have specific mandates on the over-all administration of public and private lands, LGUs exercise direct administration, preservation, utilization and allocation of land uses and resources at the local levels. In this regard, LGUs have a big stake in the effective and efficient management of land resources in their localities because a large part of the local revenues generated by the LGUs in their localities come from income from real property taxes and land-related transactions such as transfer taxes.

A joint study by the Bureau of Local Government Finance (BLGF) and the National Tax Research Center (NTRC) of the Department of Finance, reported that from the period 2000-2005, that LGUs are losing some PhP 9.5 billion yearly due to poor collection efficiency of local property taxes. Among key reasons cited for the poor collection of RPT among LGUs are inefficient collection system, understated values of assessed real properties compared to real market values and local economic development. It is no wonder that many LGUs are dependent on national revenue transfers, particularly the yearly internal revenue allotments (IRA), because RPT collection which should be the main source of local revenues accounts for a mere 12.5% of the total revenues generated by LGUs.

The proposed Land Resources Administration Reform Act of 2006 aims to upgrade, systematize and integrate the administration, management and operations of the country's land resources in both public and private lands. It also aims to improve, rationalize and systematize the land records, titling, documentation and information systems into an open, updated, and reliable systems. The bill further aims to improve the delivery of land-related services to the general public and reduce delays in land document processing and releases. And finally, the bill aims to enhance and improve transparency and governance in the land resource and administration system by cutting down the overly bureaucratic, technically oriented land titling and registration processes in the system.

Some of the main features of the proposed Land Resources Administration Reform Act of 2006 are the following:

- a) Integration of the functions, operations and systems of the DENR's Land Management Bureau (LMB) and the Land Registration Authority into a single Land Administration Authority (LAA) under the Office of the President (OP) with provincial and city offices;
- b) Establishment of regional, provincial and city-level Land Adjudication Boards (LAB) as quasi-judicial bodies that would resolve and address land-related conflicts and cases such as overlapping titles, ownership disputes, transfers and exchanges;
- c) Elevating the management and administration of land resources to the level of a Cabinet-secretary with portfolio that would be appointed by the President of the Philippines and confirmed by the Commission on Appointments;
- d) Establishment of an 8-person multi-sectoral Stakeholders' Advisory Committee that shall assist the LAA in the formulation of policies on land administration and public land management and monitor its implementation;
- e) Strengthen the administrative accountability and authority of the LAB to administratively address simple clerical and typographical errors in the *issuance of plans, maps and titles*;
- f) Strengthen fiscal autonomy and eliminate graft and corruption in the lands administration sector by allowing the LAA to use its income to support its operations and projects, including increases in salaries and provision of incentives to LAA personnel.

The proposed land Resources Administration Reform Act of 2006 hopes to provide the necessary foundation to jumpstart a long-delayed and often-neglected but highly sensitive problems confronted by almost all Filipino citizens --- ensuring the credibility and sanctity of the land they own. While, the proposed bill does not presume to resolve all the detailed, complex and multi-dimensional problems pervading the administration and management of the country's most critical yet finite land resources, the proposed Land Resources Administration Reform Act of 2006 firmly hopes to provide the impetus to take the first critical and serious step to its solution.

It is fervently prayed and admonished that the proposed Land Resources Administration Reform Act of 2006 be urgently and readily passed into law so that our future generations of Filipinos will not have to suffer the negligence and distress suffered by our parents and ancestors.




RALPH G. RECTO

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AN ACT
INSTITUTING REFORMS IN LAND RESOURCE ADMINISTRATION

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

- 1 **SECTION 1. Short Title.** - This Act shall be known as “The Land Resource
2 Administration Reform Act of 2006.”
- 3 **SECTION 2. Declaration of Policy.** - It is hereby declared the policy of the State to
4 institutionalize reforms in land resource administration and management in order to
5 optimize and rationalize their contribution to the goals of national development,
6 eradication of poverty, and attainment of social, economic, and cultural justice. Towards
7 this end, the State shall:
- 8 a) Provide the leadership and management of reforms in land administration;
 - 9 b) Promote efficient and effective mapping, land survey, classification,
10 disposition, registration, and management of private and public lands;
 - 11 c) Undertake a comprehensive and continuing land administration program that
12 will make the process and procedures on land registration and titling
13 affordable, reliable and expeditious;
 - 14 d) Assist in the attainment of the government’s asset reform programs;
 - 15 e) Accelerate and complete the distribution, titling, and registration of alienable
16 or disposable lands to provide security of land tenure;

- 1 f) Undertake reforms in land administration and management to ensure equitable
2 distribution and full utilization and development of alienable or disposable
3 lands;
- 4 g) Improve the efficiency, effectiveness, transparency, and accountability of land
5 administration services;
- 6 h) Rationalize the structure, powers and functions of the different land
7 administration agencies and integrate all land administration and registration
8 policies, plans, programs and projects of various government agencies to
9 increase the efficiency of the land titling system of the government, with
10 expeditious delivery of services that are viable with sustainable land
11 administration programs and policies;
- 12 i) Establish a sustainable and viable administration of land through
13 computerization of functions and removal of overlaps and duplications in the
14 delivery of land administration services;
- 15 j) Establish an administrative system for the cancellation of duplicate and fake
16 titles and the eradication of land grabbing activities;
- 17 k) Provide accessible, efficient and affordable land administration services to the
18 people through the establishment of One-Stop shops nationwide;
- 19 l) Establish an effective land information system and provide easy and
20 affordable access to land information by members of the public;
- 21 m) Improve the skills of and career opportunities for government employees
22 engaged in the provision of land administration services;
- 23 n) Rationalize and clarify the entitlements of persons to land titles to make the
24 process of issuing original titles fast and low-cost;
- 25 o) Promote and support the development of a national land administration and
26 management education system;
- 27 p) Identify and reduce disincentives to the registration of property transactions;
- 28 q) Mainstream gender in all aspects of the land administration system; and

1 r) Recognize, respect, ensure participation, and assist in the enforcement of land
2 related rights of men and women of the basic sectors, as defined in Republic
3 Act No. 9425, otherwise known as the “Social Reform and Poverty
4 Alleviation Act.”

5 **SECTION 3. Definition of Terms.** - For the purpose of this Act, the following
6 terms shall, unless the context indicates otherwise, have the following meanings:

7 a) “Alienable and disposable lands” refers to agricultural lands of the public domain
8 which have been delineated, classified, and certified as available for disposition
9 under the Public Land Act.

10 b) “Agricultural lands” refers to lands devoted to or suitable for the cultivation of the
11 soil, planting of crops, or growing of trees, and not classified as mineral land,
12 forestland, or national park, or sub classified as residential land, commercial land,
13 or industrial land.

14 c) “Automated Registration System” refers to a system using appropriate technology
15 for scanning, recording, and land registration using electronic devices to store the
16 copy of certificates of title and other document relative thereto.

17 d) “Classification and Reclassification” refers to the Act of Congress in setting the
18 specific limits of forestlands and national parks and increasing or decreasing their
19 boundaries by law, as provided for in Article XII, Section 4 of the 1987 Philippine
20 Constitution.

21 e) “Consulta and/or Query” refers to the procedure where the Register of Deeds or
22 the registrant may elevate the issue of registrability of certain instruments to the
23 LRA Administrator as defined in Section 117 of Presidential Decree No. 1529
24 otherwise known as the Property Registration Decree.

25 f) “Director General” refers to the person occupying the position of Director
26 General Of the Land Administration Authority created by this Act.

27 g) “Land” refers to resources, both man-made and natural, found on the surface,
28 below and above the ground, including inland waters and the air therein.

- 1 h) "Land Administration and Public Land Management" refers to the administration
2 of all functions, powers and activities related to the mapping, land survey,
3 classification, ownership, disposition, and registration of land titles and deeds, and
4 the management of public lands.
- 5 i) "Land Management Bureau (LMB)" refers to a staff Bureau of the Department of
6 Environment and Natural Resources (DENR).
- 7 j) "Land Management Services (LMS)" refers to the land management sector or
8 offices of the DENR at the regional, Provincial, and district level.
- 9 k) "Land registration case" refers to the proceeding, either administrative or judicial,
10 for registering the title to, or interest in, a land so that such title or interest
11 becomes a matter for public record, and all persons who have interest in the land
12 may be informed thereof, actually or constructively, and be bound thereby if they
13 make no objections thereto within a specific time.
- 14 l) "Land Registration Authority (LRA)" refers to an attached agency of the
15 Department of Justice (DOJ), including the Registers of Deeds (RoD).
- 16 m) "National Mapping and Resource Information Authority (NAMRIA)" refers to
17 the agency known by that name attached to the DENR.
- 18 n) "President" refers to the President of the Philippines.
- 19 o) "Public Domain" refers to lands that belong to the State, which may either be
20 agricultural, forest or timber, mineral or national park as provided for in the
21 Constitution.
- 22 p) "Public Lands" refer to lands, which have not been subject to private property
23 rights or subject to sale or other modes of acquisition or concession under the
24 general laws, and are devoted to public use.

25
26 **ARTICLE II**

27 **CREATION OF THE LAND ADMINISTRATION AUTHORITY**

28 **SECTION 4. Creation of the Land Administration Authority (LAA).** - To carry out
29 the purpose of this Act, the Land Administration Authority (LAA) is hereby created and

1 placed under the Office of the President. It shall be the primary government agency
2 responsible for the land administration and public land management.

3 **SECTION 5. Powers and Functions of the LAA.** - The LAA shall exercise the
4 following powers and functions:

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

10 b) Survey, map and maintain data base to support the determination of specific
11 limits of forest lands and national parks by Congress as provided under
12 Section 4, Article of the Constitution;

13 c) Survey, map, maintain database on, administer, manage and/or dispose of all
14 alienable and disposable lands of the public domain and other lands, including
15 foreshore and marsh lands, under the provisions of Commonwealth Act, and
16 in accordance with existing laws;

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

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

24 f) Register original titles to land issued pursuant to Commonwealth Act No. 141
25 and subsequent dealings of registered lands under the provisions of Act No.
26 496 and Presidential Decree No. 1529, otherwise known as the Land
27 Registration Act and the Property Registration Decree, respectively;

- 1 g) Conduct, regulate, and approve all types of land surveys including surveys
2 intended for the implementation of Commonwealth Act No. 141, Republic
3 Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA);
- 4 h) Prepare, issue, and register all titles to land issued pursuant to Commonwealth
5 Act No. 141 and subsequent dealings of registered lands including all types of
6 tenure instruments intended for the implementation of the CARL and the
7 IPRA;
- 8 i) Determine, fix, and collect reasonable amounts to be charged as
9 administration fees, fines, and penalties relative to the implementation of this
10 Act;
- 11 j) Formulate land administration and management policies in accordance with
12 existing national laws.
- 13 k) Promulgate rules, regulations, circulars and other administrative issuances as
14 maybe necessary to implement the provisions of this Act;
- 15 l) Perform such other functions undertaken by the LRA/RoD, LMB/LMS,
16 DENR-Comprehensive Agrarian Reform Program (DENR-CARP) National
17 Secretariat under P.D. 1529 and C.A. 141, as amended; and
- 18 m) Perform such other functions as are necessary, proper, and incidental to
19 implement the provisions of this Act.

20 Whenever any reference is made to the LRA/RoD, LMB/LMS and DENR
21 Comprehensive Agrarian Reform Program (DENR-CARP) National Secretariat under
22 E.O. 192, P.D. 1529 and C.A. 141, as amended, pertaining to a duty, power, purpose,
23 responsibility, or jurisdiction transferred to the LAA by this Act, it shall be deemed to
24 be a reference to, and to mean, the Land Administration Authority and the Director
25 General of the LAA, as the case may be.

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

- 1 a) Five (5) representatives from the basic sectors chosen through the nomination
2 process of the National Anti-Poverty Commission (NAPC), of whom at least two
3 (2) shall be women;
- 4 b) Three (3) representatives from the private sector appointed by the President; and
- 5 c) The LAA Director General, as ex-officio member.

6 The President shall designate the chairperson from among the members of the
7 Committee. Except the LAA Director General, the members of the Advisory
8 Committee shall not hold office in the LAA nor receive any salary but shall be
9 entitled, for actual attendance during meetings, to such allowances and honoraria
10 as are allowed by rules and regulations promulgated by the Commission on Audit.

11 **SECTION 7. Functions of the Stakeholders' Advisory Committee.-** The
12 Committee shall advise the LAA on the formulation of policies and policy development
13 pertaining to land administration and public land management and shall monitor their
14 implementation. It shall submit, within three months following the end of each calendar
15 year, a report to the President on its advisory and monitoring activities.

16 **SECTION 8. Meetings of the Committee. -** The Chairperson shall convene
17 regular meetings of the Committee, which shall be at least once every quarter. Special
18 meetings may also be called by the Chairperson or at the initiative of at least three (3)
19 members.

20 **SECTION 9. Secretariat and Logistical Support. -** The Office of the Director
21 General shall provide secretariat and logistical support to the committee.

22

23

ARTICLE III

24

IMPLEMENTING MECHANISM

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

- 26 a) The Office of the Director General;
- 27 b) The Offices of the Deputy Directors General;
- 28 c) The Office of the Assistant Directors General; and
- 29 d) Field Offices.

1 **SECTION 11. The Director General.** - The authority and responsibility for the
2 exercise of the mandate of the LAA, the accomplishment of its objectives, and the
3 discharge of its powers and functions shall be vested in the Director General, a cabinet
4 rank with portfolio, who shall be appointed by the President and subject to confirmation
5 by the Commission on Appointments. The appointment shall be for affixed term of four
6 (4) years and can be reappointed for another term. Provided: that the total term of the
7 original and reappointment shall not exceed eight (8) years. The Director General shall
8 have the following functions:

- 9 a) Advise the President on the promulgation of rules, regulations, and other
10 issuances relative to land administration and public land management;
- 11 b) Establish policies and standards for the efficient and effective operations of
12 the LAA in accordance with the programs of the Government;
- 13 c) Promulgate rules, regulations, and other issuances necessary in carrying out
14 the LAA's mandate, objectives, policies, plans programs and project;
- 15 d) Exercise control and supervision over all functions and activities of the LAA;
- 16 e) Delegate authority over all powers, functions and activities of the LAA; and
- 17 f) Perform such other functions as may be provided by law or assigned by the
18 President.

19 **SECTION 12. Office of the Director General.** - The Office of the Director General
20 shall consist of the Director General, his immediate staff, and the Office of the Legal
21 Services.

22 **SECTION 13. Deputy Directors General.** - The Director General shall be assisted by
23 at least four (4) Deputy Directors General who shall be appointed by the President. At
24 least one (1) of the Deputy Directors General shall be a member of the bar or a geodetic
25 engineer with at least five (5) years experience in any land administration function. The
26 Director General is hereby authorized to delineate, assign, and/or reassign the respective
27 functional areas of responsibility of the Deputy Directors General.

28 A Deputy Director General shall have the following functions:

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

15 **Section 14. Assistant Directors General.** - The Director General and Deputy
16 Directors General shall be assisted by four (4) Assistant Directors General in the
17 formulation, management and implementation of land administration and public land
18 management laws, policies, plans, programs, and projects.

19 **Section 15. Administrative Divisions.** – The LAA shall be divided into four
20 divisions each headed by a Deputy Director General. These divisions shall be:

- 21 a. Corporate Planning and Services – Provides corporate planning and services
22 for the LAA as a whole including advice to the Director General on work
23 programs and resource allocation within the LAA Budget. It shall also provide
24 support services to the LAA Stakeholders Advisory Committee and merge the
25 current corporate services of LMB/LMS and LRA.
- 26 b. National Standards and Practices – This division shall combine the Law and
27 Clerks of Court Divisions of the LRA. It shall provide core service of LAA
28 unless and until judicial registration proceedings are abolished by legislative

1 reform. It shall also coordinate the overall management of the LAA regional
2 network.

3 c. Programs – Provides oversight to the delivery of programs/projects with a
4 finite life-span in accordance with specified budgets, outputs and other project
5 tasking instructions authorized by the LAA Director General and Deputy
6 Directors General within the annual LAA budget and overall work program. It
7 shall be responsible for Mobile Project Teams that are tasked with the direct
8 management and control of programs and projects.

9 d. Operations – Responsible for the oversight of operations of the regional,
10 provincial and local service centers.

11 **Section 16. Field Offices.** – The LAA shall establish permanent field offices at
12 city and provincial levels. The LAA may also establish additional field offices in a city or
13 province as it may determine for the efficient and effective delivery of its services subject
14 to the approval of the President: provided, That said additional field offices may be
15 abolished by the Director General when no longer necessary.

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

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

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

20 (c) Coordinate with field or branch offices of other agencies of the
21 government in the region and with local government units in the enforcement of land
22 administration and public land management laws and regulations and in the formulation
23 and implementation of programs and projects;

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

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

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

3
4 **ARTICLE IV**

5 **LAND ADJUDICATION BOARD**

6 **Section 17. Creation of the Land Adjudication Board (LAB).** – There is
7 hereby created a Land Adjudication Board (LAB) that shall exercise primary jurisdiction
8 to determine and adjudicate land administration and public land management matters.
9 The LAB shall be the quasi-judicial body of the LAA and shall have exclusive original
10 jurisdiction over all matters involving the implementation of laws, rules and regulations
11 on land administration and public land management, and all cases and / or controversies
12 arising therefrom, except petitions for the correction of clerical or typographical errors
13 committed in writing, copying, transcribing, or typing of an entry in the maps, survey
14 plans, and certificate of land titles which shall be administratively addressed by the LAA
15 field Offices, except further, cases falling under the jurisdiction of the Department of
16 Agrarian Reform (DAR) unless specifically provided herein.

17 The LAB shall be under the administrative supervision of the Director General
18 and shall be divided into three divisions. Each division shall exercise equal powers,
19 independently resolving cases raised on appeal from the decisions of the Local Land
20 Adjudication Boards, created pursuant to Section 19 hereof, from Luzon, Visayas, and
21 Mindanao: Provided, That the divisions assigned to handle cases from Visayas and
22 Mindanao shall hold permanent office in any of the cities therein.

23 **Section 18. Composition.** – Each division of the LAB shall be composed of
24 three (3) members who shall be appointed by the President for a fixed term of four (4)
25 years and can be reappointed for another term. Provided: That the total term of the
26 original and reappointment shall not exceed eight (8) years.

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

1 The members of each division shall elect their Presiding Officer who shall serve
2 for a term of four years.

3 **Section 19. Local Land Adjudication Board.** – Local Land Adjudication
4 Boards shall be created by the LAB in all provincial and city offices of the LAA. The
5 LLAB shall be composed of three (3) members who shall be appointed by the Director
6 General for a fixed term of four (4) years and can be reappointed for another two (2)
7 years. Provided: that the total term of the original and reappointment shall not exceed six
8 (6) years.

9 The Presiding Officer of the Local Land Adjudication Board shall be a member of
10 the Philippine Bar with at least five (5) years experience in property and land
11 administration and management related matters.

12 Decisions, orders, and resolutions of the Local Land Adjudication Board shall be
13 raised on appeal to the LAB.

14 **Section 20. Budget and Administrative Support.** – The LAB shall determine
15 and propose its budgetary requirements and shall be submitted as part of the LAA's
16 budget request. Disbursements of the approved budget resources shall be the sole
17 responsibility of the LAB. Secretariat services shall be provided by the LAA.

18 **Section 21. Proceedings and Procedures.** – The LAB shall not be bound by
19 technical rules of procedure and evidence but shall proceed to hear and decide all cases,
20 disputes, or controversies in a most expeditious manner, employing all reasonable means
21 to ascertain the facts of every case in accordance with justice and equity and the merits of
22 the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just,
23 expeditious, and inexpensive determination of merits: Provided, That it shall endeavor to
24 settle disputes and controversies amicably.

25 In the exercise of its functions, the LAB shall have the power to summon
26 witnesses, administer oaths, take testimony, require submission of reports, compel the
27 production of books and documents and answers to interrogatories, issue subpoena and
28 subpoena *duces tecum*, and enforce its writs through sheriffs or duly deputized officers. It

1 shall punish direct and indirect contempt in the same manner and subject to the same
2 penalties as provided for in the Rules of Court.

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

8 **Section 22. Finality of Determination.** – Any case or controversy before the
9 LAB shall be decided within thirty (30) days after it is submitted for resolution. Only one
10 (1) motion for reconsideration shall be allowed. Moreover, any order, award, ruling, or
11 decision shall be final after the lapse of fifteen (15) days from receipt by the parties of a
12 copy thereof.

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

16 ARTICLE V

17 JUDICIAL REVIEW

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

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

25 **Section 25. Restraining Order or Preliminary Injunction.** – The Court of
26 Appeals and Supreme Court of the Philippines shall have jurisdiction to issue any
27 restraining order or writ of preliminary injunction against the LAB or any of its duly
28 authorized or designated offices in any case, dispute or controversy arising from,
29 necessary to, or in connection with the application, implementation, enforcement, or

1 interpretation of this Act and other pertinent laws on land administration and public land
2 management.

3 **Section 26. Procedure on Review.** – Review by the Court or the Supreme
4 Court, as the case may be, shall be governed by the Rules of Court. The Court of
5 Appeals, however, may require the parties to file simultaneous memoranda within a
6 period of fifteen (15) days from notice, after which the case is deemed submitted for
7 decision.

8

9

ARTICLE VI

10

TRANSITORY PROVISIONS

11

Section 27. Transfer of Powers. – The powers and functions of the LAA
12 heretofore vested by law in the DENR, DOJ, LRA/RoD, LMB/LMS and DENR-CARP
13 National Secretariat or in any office within or attached to these agencies, are hereby
14 transferred to any vested in the Office of the LAA Director General.

15

Section 28. Transfer of the NAMRIA as an Attached Agency of the LAA. –
16 The NAMRIA is hereby attached to the LAA. It shall retain its structure, budgetary
17 allocation under the current General Appropriations Act, and all properties, equipment,
18 and other facilities necessary in the performance of its mandate.

19

Section 29. Organization of the LAA. – The LAA’s organizational and
20 administrative structure and functions and staffing pattern, including the personnel’s
21 duties and responsibilities and the appropriate compensation package shall be submitted
22 by the Director General within six (6) months upon approval of this act for review and
23 approval of the President and shall be fully implemented within a period of six (6)
24 months after such approval of the President.

25

Section 30. Transfer of Personnel. – To ensure a smooth transition, all
26 incumbent personnel of the DENR’s LMB/LMS, DENR-CARP National Secretariat and
27 its field offices, the DOJ’s LRA/RoD shall continue to perform their present duties and
28 functions as interim personnel of the LAA until such time, being not later than twelve
29 (12) months from the effectivity of this Act, that the regular staff of the LAA, based on

1 the new staffing pattern, shall have been appointed: Provided, That the regular personnel
2 shall be appointed by the Director General, or his/her duly authorized representative, on
3 the basis of merit, previous permanent appointment, fitness, and seniority.

4 **Section 31. Exemption from Salary Standardization Law** – All officials and
5 personnel of the LAA including LAB and LLAB shall be exempted from the Salary
6 Standardization Law.

7 **Section 32. Integration of LMB/LMS, DENR-CARP National Secretariat,**
8 **and LRA/RoD.** – The DENR’s Land Management Bureau, Land Management Services,
9 and CARP National Secretariat and its field offices, and the DOJ’s land Registration
10 Authority and Register of Deeds, are hereby integrated into a single authority.

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

18 **Section 34. Reemployment.** – Government personnel who are separated as a
19 result of the integration of the aforementioned offices may apply for positions and be employed
20 in other agencies or branches of the government including Government-Owned and/or --
21 Controlled Corporations (GOCCs), Government Financial Institution (GFIs), or local
22 government units (LGUs).

23 **Section 35. Unexpended Appropriations and Transfer of Assets.** – The
24 unexpended balances of appropriations in the current General Appropriations Act and
25 other laws in force upon approval hereof, pertaining to, held, or used by, or available to
26 the LRA and RoD, LMB, LMS, DENR-CARP National Secretariat and its field offices,
27 are hereby transferred to the LAA.

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

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

8 **Section 36. Penal Provisions.** – Any person who sells forms issued and
9 distributed 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 punished for
11 each offense by a fine of not less than one hundred thousand pesos and not more than
12 three years, or both, upon the discretion of the Courts.

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

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

28 Any person who shall tamper or attempt to tamper any records of the LAA that
29 will result in the acquisition of rights, title or interest over real property and any person

1 aiding and abetting him therein or serving as a means or tool thereof, shall, upon
2 conviction, be punished by a fine of not less than five hundred thousand pesos
3 (P500,000.00) and imprisonment of not less than twelve (12) years, or both, at the
4 discretion of the Court.

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

9 **Section 37. Preservation of Records.** – The LAA shall have possession and
10 control of all records, books, papers, offices, equipment, supplies, moneys, funds,
11 appropriations, land and other property, real or personal, held for the benefit or use of all
12 bodies, offices, and officers whose duties, powers, and functions have been transferred to
13 and conferred upon the authority.

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

18 Without prejudice to any other penalties provided for by law, any person who
19 fails 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 more than five years, or both, upon the discretion
22 of the Court.

23 **Section 38. Saving Clause.** – All orders, determination, rules, regulations,
24 permits, certificates, licenses, and privileges which have been issued, made, or granted
25 effective by the former LMB, LMS, LRA, RoD, DENR-CARP National Secretariat and
26 its field offices, or their predecessors shall continue to be in effect according to their
27 terms until modified, terminated, superseded, set aside, or repealed.

28 No suit, action, or other proceeding commenced by or against any officer in his
29 official capacity as an officer of any division or unit of the former LMB, LMS, LRA,

1 RoD, DENR-CARP National Secretariat and its field offices, the functions of which are
2 transferred by this Act to the LAA shall abate by reason of this Act. In like manner, no
3 cause of action by or against such division or unit or by or against any officer thereof in
4 his official capacity shall abate by reason of the enactment of this Act. Causes of actions,
5 suits, or other proceedings may be asserted for or against the LAA or such official of the
6 LAA as may be appropriate.

7

8 ARTICLE VII

9

MISCELLANEOUS PROVISIONS

10 **Section 39. Use of Income and Other Sources of Funds.** – The LAA is
11 hereby authorized to use revenues derived from fees, charges, and other sources to fund
12 all its operations and implement its projects to ensure efficient and effective of its
13 mandated services and functions.

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

18 **Section 40. Assurance Fund.** – A special account within the LAA is hereby
19 created for the entire proceeds of the Assurance Fund, which shall no longer be paid to
20 the National Treasurer as provided for in Section 94 of PD No. 1529. Claims from the
21 Assurance Fund shall be heard, decided, and determined by the Land Adjudication
22 Board. All pending cases or claims against the Assurance Fund now being handled by the
23 Bureau of Treasury, through the Office of the Solicitor General, shall likewise be
24 transferred to the Land Adjudication Board. Thereafter, the National Treasurer shall no
25 longer be impleaded as party in any action against the Assurance Fund.

26 **Section 41. Indemnification of Officials and Personnel.** – The LAA shall
27 indemnify all officials and personnel for all costs and expenses reasonably incurred by
28 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 proceedings 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 where in the official or employee shall repay the amount advanced should it ultimately be
11 determined by the LAA that such official or employee is not entitled to be indemnified as
12 provided in this section.

13 **Section 42. Implementing Rules and Regulations.** – Within sixty (60) days
14 from the effectivity of this Act, the LAA shall promulgate the rules and regulations to
15 implement the provisions of this Act. Said rules and regulations shall be submitted to the
16 Congressional Oversight Committee for approval.

17 **Section 43. Congressional Oversight Committee on the Land**
18 **Administration Act.** – There is hereby created a Congressional Oversight Committee
19 composed of seven (7) members from the Senate Committee on Environment and Natural
20 Resources and seven (7) members from the House of Representatives Committee of
21 Natural Resources, Housing and Urban Development, and Government Reorganization.

22 The Congressional Oversight Committee, which shall function for a period not
23 more than three (3) years, shall review the implementing rules promulgated by the LAA
24 including the procedures on claims against the assurance fund and oversee the
25 implementation of this Act.

26 The secretariat of the Oversight Committee shall be drawn from the existing
27 secretariat personnel of the committees of the Senate and the House of Representatives
28 comprising the oversight and the funding for its operations shall be taken from the
29 existing budget of the concerned committees.

1 **Section 44. Separability Clause.** – Should any provision of this Act or any
2 part hereof be declared unconstitutional or invalid by a Court, the other provisions hereof
3 which are not affected thereby, shall remain in force and effect.

4 **Section 45. Repealing Clause.** - The pertinent provisions of CARL and IPRA
5 with regard to the conduct of survey, approval of survey results, preparation and issuance
6 of tenure instruments, and the provisions of PD 1529 pertaining to the assurance fund and
7 their implementing rules and regulations are hereby amended or modified accordingly.

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

15 **Section 46. Effectivity.** – This Act shall take effect fifteen (15) days after its
16 complete publication in the Official Gazette or in a newspaper of general circulation.

17 Approved,