
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, delineation, 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 lands of native-born Filipinos who were found to be occupying and cultivating such lands for a certain period.

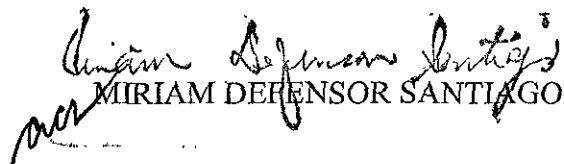
The amendments contained in this Bill were identified to reflect the present realities and to remove disincentives on the formal system. They will remove outdated and obsolete provisions and will facilitate the mass titling of public alienable and disposable lands in the Philippines.

The salient features of the bill are:

- Reduction of the period of cultivation and occupation from 30 years (prior to the effectivity of Republic Act No. 6940 on 15 April 1960) to 10 years.
- Provision for the issuance 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, 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 CA 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.


MIRIAM DEFENSOR SANTIAGO

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

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

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

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

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

1 FREE PATENTS BASED ON POSSESSION TEN (10) YEARS BEFORE THE
2 COMMENCEMENT OF THIS ACT CAN BE APPROVED FROM THE DATE OF
3 EFFECTIVITY OF THIS SECTION.”

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

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

18 PATENTS BASED ON POSSESSION TEN (10) YEARS BEFORE THE
19 COMMENCEMENT OF THIS ACT CAN BE APPROVED FROM THE DATE OF
20 EFFECTIVITY OF THIS SECTION.”

21 “SECTION 44 (3). THOSE WHO HAVE CONTINUOUSLY POSSESSED AND
22 USED A TRACT OF LAND AS DESCRIBED IN SECTION 44(1) AND 44(2) FOR AT
23 LEAST THREE (3) YEARS AND HAVE OTHERWISE SATISFIED THE
24 REQUIREMENTS OF THAT SECTION PRIOR TO THE EFFECTIVITY OF THIS ACT
25 SHALL BE ENTITLED TO HAVE A CERTIFICATE OF POSSESSION TO HIM/HER
26 FOR SUCH TRACT OF LAND BUT WHICH SHALL NOT BE SUBJECT TO
27 ENCUMBRANCE OR ALIENATION UNTIL SUCH TIME THAT THE BENEFICIARY
28 SHALL HAVE COMPLETED TEN (10) YEARS OF CONTINUOUS POSSESSION

1 OVER, SAID TRACT OF LAND, WHEREUPON HE/SHE SHALL BE ISSUED A FREE
2 PATENT FOR SUCH TRACT OF LAND.”

3 “SECTION 44 (4). – LAND ACQUIRED BY FREE PATENT UNDER THE
4 PROVISIONS OF THIS CHAPTER SHALL BE TREATED AS ANY OTHER PRIVATE
5 LAND WITH ALL THE CONCOMITANT RIGHTS THEREUNTO APPERTAINING
6 AND SHALL NOT BE SUBJECT TO THE RESTRICTIONS OF, NOR SHALL IT
7 ENJOY THE EXEMPTION FROM BEING HELD IN SATISFACTION OF ANY DEBT,
8 AS HERETOFORE PROVIDED IN SECTION 118 AND SECTIONS 121, 122, 123,
9 AND 124 OF COMMONWEALTH ACT NO. 141.

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

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

22 “SECTION 44 (6). – FOR THE PURPOSES OF THIS ACT, IT IS SUFFICIENT
23 THAT THE LAND APPLIED FOR SHALL HAVE BEEN CLASSIFIED AS
24 ALIENABLE AND DISPOSABLE/AGRICULTURAL AT THE TIME OF
25 APPLICATION; PROVIDED: THAT AREAS THAT ARE UNCLASSIFIED LAND,
26 BUT ARE ALREADY BUILT-UP OR WITH SETTLERS SHALL BE DEEMED
27 CLASSIFIED AS ALIENABLE AND DISPOSABLE/AGRICULTURAL BY VIRTUE
28 OF THIS ACT. PROVIDED FURTHER: THAT IF THE LAND HAS A SLOPE 18% OR

1 12 DEGREES GRADIENT, AND THE GRANT THEREOF TO THE APPLICANT
2 WILL MEET ECOLOGICAL STANDARDS PRESCRIBED BY THE DENR.”

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

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

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

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

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

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

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

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

1 “SECTION 132. – ANY PERSON, CORPORATION, ASSOCIATION OR
2 PARTNERSHIP WHICH, NOT BEING QUALIFIED OR NO LONGER AUTHORIZED
3 TO APPLY FOR PUBLIC LAND UNDER THE PROVISION OF, THIS ACT, FILES OR
4 INDUCES OR KNOWINGLY, PERMITS ANOTHER PERSON, CORPORATION,
5 ASSOCIATION OR PARTNERSHIP TO FILE AN APPLICATION IN HIS/HER OR ITS
6 *BEHALF OR FOR HIM/HER OR ITS INTEREST, BENEFIT OR ADVANTAGE,
7 SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TEN PERCENT (10%) OF
8 THE VALUE OF THE LAND APPLIED FOR, BASED ON THE ZONAL VALUE AS
9 DETERMINED BUREAU OF INTERNAL REVENUE OR BASED ON THE
10 ASSESSED VALUE OF THE CONCERNED LOCAL GOVERNMENT UNIT,
11 WHICHEVER IS HIGHER OR BY IMPRISONMENT OF SIX (6) YEARS TO TWELVE
12 (12) YEARS, OR BOTH, IN THE DISCRETION OF THE COURT; AND THE
13 APPLICATION SHALL BE CANCELLED; PROVIDED: THAT IN CASE THE
14 OFFENDER IS A CORPORATION, ASSOCIATION OR PARTNERSHIP THEIR
15 RESPONSIBLE OFFICIALS SHALL BE DEEMED JOINTLY AND SEVERALLY
16 LIABLE; PROVIDED FURTHER: THAT IN CASE THE OFFENDER IS A PUBLIC
17 OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE
18 OFFICE, FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR ACCUMULATED
19 LEAVE CREDITS AND BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY
20 ELECTIVE OR APPOINTIVE OFFICE.”

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

23 “SECTION 133. – ANY PERSON WHO, WITHOUT HAVING THE
24 QUALIFICATIONS REQUIRED BY THIS ACT, SHALL BY DECEIPT OR FRAUD
25 *ACQUIRE OR ATTEMPT TO ACQUIRE LANDS OF THE PUBLIC DOMAIN OR
26 OTHER REAL PROPERTY OR ANY RIGHT, TITLE OR INTEREST, OR
27 PROPERTRY RIGHT OF ANY CLASS TO THE SAME, AND ANY PERSON AIDING
28 ANDABETTING HIM THEREIN OR SERVING AS A MEANS OR TOOL THEREOF,

1 SHALL, UPON CONVICTION, BE PUNISHED BY A FINE OF NOT LESS THAN
2 TEN PERCENT (10%) THE VALUE OF THE LAND APPLIED FOR, BASED ON THE
3 FAIR MARKET VALUE AS DETERMINED BY THE BUREAU OF INTERNAL
4 REVENUE OR BY THE CONCERNED LOCAL GOVERNMENT UNIT WHICHEVER
5 IS HIGHER, OR BY IMPRISONMENT OF SIX (6) YEARS TO TWELVE (12) YEARS,
6 OR BOTH, IN THE DISCRETION OF THE COURT. IF THE OFFENDER IS A PUBLIC
7 OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN
8 ADDITION, REMOVED FROM THE OFFICE, FORFEIT ALL RETIREMENT
9 BENEFITS, EXCEPT FOR ACCUMULATED LEAVE CREDITS AND BE
10 PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR
11 APPOINTIVE PUBLIC OFFICE.”

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

14 SECTION 11. Presidential decree No. 152 is hereby further amended by the
15 addition of the following paragraph:

16 “PROVIDING THAT THIS DECREE DOES NOT, AND WAS NEVER
17 INTENDED TO APPLY TO LAND GRANTS UNDER THE FREE PATENT
18 PROVISIONS OF THE PUBLIC LAND ACT.”

19 SECTION 12. – Section 93 of Presidential Decree 1629 as amended, is hereby
20 further amended by the addition of the following paragraph”

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

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

1 “PROVIDING THAT THE FEES PRESCRIBED BY THIS SECTION SHALL
2 APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE
3 PUBLIC LAND ACT.”

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

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

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

15 SECTION 17. *Separability Clause.* – If any provision of this Act is held invalid or
16 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
17 remain valid and subsisting.

18 SECTION 18. *Repealing Clause.* – Any law, presidential decree or issuance,
19 executive order, letter of instruction, administrative rule or regulation contrary to or
20 inconsistent with the provisions of this Act is hereby repealed, modified or amended
21 accordingly.

22 SECTION 19. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
23 its publication in at least two (2) newspapers of general circulation.

Approved,