


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

8 JAN 16 2003

SENATE
S. No. 2003

RECEIVED BY: 

Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

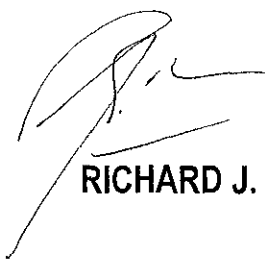
Commonwealth Act No. 141, otherwise known as the Public Land Act as amended, is the General Law governing the classification, delimitation, surveying and disposition of alienable lands of the public domain. One of the modes of acquiring public lands under this law is by administrative legalization of imperfect title more popularly known as *free patent*. Historically, it was intended to legalize the undocumented private right of native born Filipinos who were found to be occupying and cultivating such lands for a certain period.

The amendments contained in this Bill have been drafted to reflect the realities on the ground 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 They will remove outdated and obsolete provisions and will facilitate the mass titling of public alienable and disposable lands of the Philippines.

The salient features of this proposed bill are:

1. Reduction of the period of eligibility from 30 years to 10 years;
2. Extension of free patent to cover residential and commercial lands
3. Removal of restrictions after patent issuance
4. Removal of the reservation of the right to repurchase
5. Continuous implementation of the Public Land Act
6. Increase in penalties
7. Providing the DENR with the authority to determine form of technical description

The proposed amendment of specific provisions of the Commonwealth Act No. 141 seeks to enable the land sector to contribute to sustainable development, economic growth and poverty alleviation in the country. The Bill's early enactment will ensure Philippine's recognition to the global efforts for sustainable development while providing an improved access to land and services to the majority of our Filipino people especially the poor. The bill will contribute in unlocking the "dead" capital amounting to US\$133 Billion. The passage of this bill is therefore earnestly sought.




RICHARD J. GORDON

FOURTEENTH CONGRESS OF THE REPUBLIC }
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8 JUN 16 2000

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Introduced by **Senator Richard J. Gordon**

AN ACT REFORMING THE ADMINISTRATIVE TITLING PROCESS, AMENDING CERTAIN PROVISIONS OF COMMONWEALTH ACT NO. 141 OTHERWISE KNOWN AS THE PUBLIC LAND ACT AS AMENDED

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

1 **Section 1.** – Paragraph 1, Section 44, Chapter VII, Title II of Commonwealth Act No.
2 141, as amended, is hereby further amended to read as follows:

3 **“Section 44 (1).** – Any natural born citizen of the Philippines
4 who is not the owner of more than twelve (12) hectares and who for at
5 least [thirty (30) years prior to the effectivity of this amendatory Act]
6 TEN (10) YEARS PRIOR TO HIS/HER FILING OF APPLICATION
7 FOR PATENT, has continuously occupied and cultivated, either by
8 himself/HERSELF or through his/her predecessors-in-interest, a tract
9 or tracts of agricultural public land subject to disposition, [who shall
10 have paid the real estate tax thereon while the same has not been
11 occupied by any person] shall be entitled, under the provisions of this
12 Chapter, to have a free patent issued to him/HER for such tract or
13 tracts of land not to exceed twelve (12) hectares, INCLUSIVE OF
14 HIS/HER CURRENTLY OWNED LANDS; PROVIDED: THAT IF
15 THERE ARE TENANTS, SHARE CROPPERS, REGULAR OR
16 SEASONAL FARM WORKERS ON THE LAND, THE ISSUANCE OF
17 A FREE PATENT TO THE APPLICANT SHALL BE WITHOUT
18 PREJUDICE TO THEIR RIGHTS UNDER EXISTING LAND REFORM
19 LAWS.
20

1 FREE PATENT APPLICATIONS BASED ON POSSESSION
2 TEN YEARS BEFORE THE COMMENCEMENT OF THIS ACT CAN
3 BE APPROVED FROM THE DATE OF EFFECTIVITY OF THIS ACT.”

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

6 **“SECTION 44 (2).**- THE PROVISIONS OF ANY LAW TO THE
7 CONTRARY NOTWITHSTANDING, ANY NATURAL BORN CITIZEN
8 OF THE PHILIPPINES WHO IS NOT THE OWNER OF MORE THAN
9 TWELVE (12) HECTARES AND WHO FOR AT LEAST TEN (10)
10 YEARS PRIOR TO HIS/HER APPLICATION FOR PATENT, HAS
11 CONTINUOUSLY POSSESSED AND USED EITHER BY
12 HIMSELF/HERSELF OR THROUGH HIS/HER PREDECESSORS-IN-
13 INTEREST, A TRACT OR TRACTS OF LAND OF THE PUBLIC
14 DOMAIN SUBJECT TO DISPOSITION FOR RESIDENTIAL AND
15 COMMERCIAL PURPOSES NOT TO EXCEED THREE THOUSAND
16 SQUARE METERS (3,000 SQ.M), SHALL ALSO BE ENTITLED,
17 UNDER THE PROVISIONS OF THIS CHAPTER, TO HAVE A FREE
18 PATENT ISSUED TO HIM/HER FOR SUCH TRACT OR TRACTS OF
19 LANDS. *PROVIDED*, THAT THE TOTAL AREA OF HIS/HER LAND
20 SHALL NOT EXCEED TWELVE (12) HECTARES.

21 PATENT APPLICATIONS BASED ON POSSESSION TEN
22 YEARS BEFORE THE COMMENCEMENT OF THIS ACT CAN BE
23 APPROVED FROM THE DATE OF EFFECTIVITY OF THIS ACT.”

24 **SECTION 44 (3).** -LAND ACQUIRED BY FREE PATENT
25 UNDER THE PROVISIONS OF THIS CHAPTER SHALL BE
26 TREATED AS ANY OTHER PRIVATE LAND WITH ALL THE
27 CONCOMITANT RIGHTS THEREUNTO APPERTAINING AND
28 SHALL NOT BE SUBJECT TO THE RESTRICTIONS OF, NOR
29 SHALL IT ENJOY THE EXEMPTION FROM BEING HELD IN
30 SATISFACTION OF ANY DEBT, AS HERETOFORE PROVIDED IN
31 SECTION 118, AND SECTIONS 121, 122, 123 AND 124 OF
32 COMMONWEALTH ACT NO. 141.

1 THIS APPLIES TO PATENTS ISSUED BEFORE OR AFTER
2 THE DATE OF EFFECTIVITY OF THIS ACT."

3 **SECTION 44 (4).**-ANY ENCUMBRANCE IN ACCORDANCE
4 WITH THE LAW CREATING AN INTEREST IN LAND THAT HAS
5 BEEN ENTERED INTO BEFORE THE LAND IS ACQUIRED BY
6 FREE PATENT, AND WHICH REMAINS IN EXISTENCE AT THE
7 TIME OF THE GRANT OF FREE PATENT, SHALL BE PRESERVED
8 AND MAY BE RECORDED ON THE PATENT AS AN
9 ENCUMBRANCE AT THE TIME THE PATENT IS ISSUED.

10 **Section 3.** – Section 45, Chapter VI, Title II of Commonwealth Act No. 141 is
11 hereby repealed.

12 ["Sec. 45. The President of the Philippines, upon
13 recommendation of the Secretary of Environment and Natural
14 Resources, shall from time to time fix by proclamation the period within
15 which applications for free patents may be filed in the Community
16 Environment and Natural Resources Office or region specified in such
17 proclamation, and upon the expiration of the period so designated,
18 unless the same be extended by the President, all the lands comprised
19 within such district, chartered city, province, municipality or region
20 subject thereto under the provisions of this chapter may be disposed of
21 as agricultural public land without prejudice to the prior right of the
22 occupant and cultivator to acquire such land under this Act by means
23 other than free patent. The time to be fixed in the entire Archipelago
24 for the filing of applications under this Chapter shall not extend beyond
25 31 December 2020: Provided, That the period shall apply only when
26 the area applied for does not exceed twelve (12) hectares. The period
27 fixed for any district, chartered city, province or municipality shall take
28 effect thirty (30) days after the publication of the proclamation in one
29 (1) newspaper of general circulation in the city, province or
30 municipality concerned. A certified copy of said proclamation shall be
31 furnished by the Secretary of Environment and Natural Resources
32 within thirty (30) days counted from the date of the presidential

1 proclamation to the Community Environment and Natural Resources
2 Office and to the provincial board and municipal board or city council
3 and barangay council affected, and copies thereof shall be posted on
4 the bulletin board of the Community Environment and Natural
5 Resources Office and at such conspicuous places in the provincial
6 capitol, city or municipal hall, and in barangay hall or meeting place. It
7 shall moreover be announced and aired over the government station in
8 the concerned local area."]

9 **Section 4.** – Section 47, Chapter VIII, Title II of Commonwealth Act No. 141
10 is hereby repealed.

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

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

23 [SECTION 48. The following described citizens of the
24 Philippines, occupying lands of the public domain or claiming to own
25 any such lands or an interest therein, but whose titles have not been
26 perfected or completed, may apply to the Court of First Instance of the
27 province where the land is located for confirmation of their claims and
28 the issuance of a certificate of title therefor, under the Land
29 Registration Act, to wit:

30 xxx

31 "PROVIDED, THAT NOTHING IN THIS PROVISION SHALL
32 BE TAKEN TO PRECLUDE THOSE IN POSSESSION OF PUBLIC

1 ALIENABLE AND DISPOSABLE LAND FROM SEEKING
2 ADMINISTRATIVE CONFIRMATION OF THEIR TITLE.”

3 **Section 6.** – Section 119, Chapter XIV, Title VI of Commonwealth Act No.
4 141 is hereby repealed.

5 [SECTION 119. Every conveyance of land acquired under
6 the free patent or homestead provisions, when proper, shall be subject
7 to repurchase by the applicant, his widow, or legal heirs, within a
8 period of five years from the date of the conveyance.]

9 **Section 7.** – Section 131, Chapter XVI, Title VI of Commonwealth Act No.
10 141, as amended, is hereby further amended to read as follows:

11 **“Section 131.** Any person who sells forms issued and
12 distributed gratuitously under this Act or who, being an officer charged
13 with distributing them ,refuses or fails, without sufficient reason, to
14 furnish the same, shall be punished for each offense by a fine of [not
15 more than one hundred pesos] NOT LESS THAN FIFTY THOUSAND
16 PESOS (P50,000) AND NOT MORE THAN FIVE HUNDRED
17 THOUSAND PESOS (P500,000) or imprisonment [for not more than
18 three months] FOR NOT MORE THAN ONE YEAR, or both, upon the
19 discretion of the court.”

20 **Section 8.** – Section 132, Chapter XVI, Title VI of Commonwealth Act No.
21 141, as amended, is hereby further amended to read as follows:

22 **“Section 132.** – Any person, corporation, association or
23 partnership which, not being qualified or no longer authorized to apply
24 for public land under the provision of this Act, files or induces or
25 knowingly permits another person, corporation, association or
26 partnership to file an application in his/HER or its behalf or for his/HER
27 or its interest, benefit or advantage, shall be punished by a fine of [not
28 less than two hundred nor more than five thousand pesos] NOT LESS
29 THAN 10% OF THE FAIR MARKET VALUE OF THE LAND APPLIED
30 FOR or by imprisonment [for not less than two months nor more than
31 five years] FOR SIX (6) YEARS TO TWELVE (12) YEARS, or both,
32 upon the discretion of the court; and the application shall be cancelled.

1 *PROVIDED, THAT IN CASE THE OFFENDER IS A CORPORATION,*
2 *ASSOCIATION OR PARTNERSHIP THEIR RESPONSIBLE*
3 *OFFICIALS SHALL BE DEEMED JOINTLY AND SEVERALLY*
4 *LIABLE; PROVIDED FURTHER, THAT IN CASE THE OFFENDER IS*
5 *A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE,*
6 *HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE,*
7 *FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR*
8 *ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY*
9 *DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE*
10 *PUBLIC OFFICE.”*

11 **Section 9.** – Section 133, Chapter XVI, Title VI of Commonwealth Act No.
12 141, as amended, is hereby further amended to read as follows:

13 **“Section 133.** – Any person who, without having the
14 qualifications required by this Act, shall by deceit or fraud acquire or
15 attempt to acquire lands of the public domain or other real property or
16 any right, title or interest, or property right of any class to the same,
17 and any person aiding and abetting him therein or serving as a means
18 or tool thereof, shall, upon conviction, be punished by a fine of [not
19 more than five thousand pesos] NOT LESS THAN 10% OF THE FAIR
20 MARKET VALUE OF THE LAND APPLIED FOR, or by imprisonment
21 [for not more than five years] FROM SIX (6) YEARS TO TWELVE (12)
22 YEARS, or both, upon the discretion of the court. IF THE OFFENDER
23 IS A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE,
24 HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE,
25 FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR
26 ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY
27 DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE
28 PUBLIC OFFICE.”

29 **Section 10.** – In order to expedite the issuance of free patents, the DENR
30 through the LMS/LMB shall determine the appropriate form, style and definition of
31 technical description which should not be limited to metes and bounds. Such
32 technical description shall form part of the patent, subsequent title and derivatives

1 thereof. Those free patents having technical description other than metes and
2 bounds shall be treated as any private land with all the concomitant rights thereto
3 appertaining pursuant to this Act and other existing laws.

4 **Section 11.** – All pending applications for free patent filed before the
5 effectivity of this Act shall be treated as having been filed in accordance with the
6 provisions of this Act.

7 **Section 12.**– Upon effectivity of this act, no fees shall henceforth be payable
8 for the preparation, issue and registration of free patents.

9 **Section 13. Repealing Clause** –All other laws, decrees, executive orders,
10 executive issuances or letters of instructions, rules and regulations, or any part
11 thereof, inconsistent or contrary to the provisions of this Act are hereby deemed
12 repealed, amended or modified accordingly

13 **Section 14. Separability Clause** -If any provision of this Act is declared
14 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
15 to be in full force and effect.

16 **Section 15. Effectivity Clause** - This Act shall take effect fifteen (15) days
17 after its complete publication in the Official Gazette or in two (2) newspapers of
18 general circulation.

19 *Approved,*