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SENATE

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Senate Bill No. 2318

Introduced by Honorable SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The importance of title to land cannot be overemphasized. The main objects of land title registration are to protect property rights, to facilitate transactions in land, and to enable land to be used as collateral for a loan. A title provides incentives for investment in land and therefore creates an impetus for sustainable economic development. In order to hasten title registration and thus spur economic growth, the process should be simple, reliable, prompt and affordable.

One of the modes of acquiring public land is by Free Patent or administrative legalization of an imperfect title. Historically, it is intended to legalize and register the undocumented private land rights of native-born Filipinos who are actual occupants of agricultural lands. It is the most expeditious, popular and affordable mode of public land disposition because the process is administrative and inexpensive to the applicant since it merely recognizes his acquisitive right over the land as actual occupant.

Batas Pambansa 223 extended the grant of Free Patent to actual occupants of residential lands, however, it ceased to be effective since it only allows residential application up to December 31, 1987. Considering that around 70% of the remaining unregistered land parcels in the country are residential land, the re-enactment and improvement of residential free patent will expedite mass titling of lands and will in turn create economic growth.

The Salient Features of the Bill are the following:

- Extend Free Patent to residential lands classified/zoned by the local government in its land use plan as residential and is not needed for public service and public use and subject to area limits
- Reduction of period of occupation to ten (10) years
- Removal of the restriction on encumbrance on the title

The proposed bill seeks to enable the land sector to contribute to the sustainable development, economic growth and poverty alleviation. The bill's early enactment will boost the Philippine's role in the global movement to sustainable development while providing an improved access to land and services to the majority of the Filipino people, especially the poor and marginalized. I earnestly seek the immediate passage of this very urgent and important bill.



JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2318

FILED MAY 22 1998

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**AN ACT TO HASTEN TITLING OF RESIDENTIAL LANDS OF THE PUBLIC
DOMAIN BY EXTENDING THE GRANT OF FREE PATENT TO
RESIDENTIAL LANDS UNDER CERTAIN CONDITIONS**

SECTION 1. *Who May Avail.* - The provisions of any law, rules or regulations to the contrary notwithstanding, any citizen of the Philippines who is not a registered owner of a residential land and who for ten (10) years or prior thereto, either by himself/herself or through his/her bona fide predecessor-in-interest, has been actually residing on, and continuously possessing and occupying, under a bona fide claim of acquisition of ownership, a parcel of residential land of the public domain, which is alienable or disposable, and who has paid all the real estate taxes thereon for ten (10) years or prior thereto, shall, upon application, be entitled to have a free patent issued to him/her for such parcel of land not to exceed three hundred (300) square meters in highly urbanized cities, component cities and municipalities; Provided, That the land applied for is not needed for public service or public use and has been zoned as residential in the land use plan of the local government and provided further that no free patent shall be issued in townsite reservations established under Chapter XI of the Public Land Act: Provided, finally, that none of the provisions of Presidential Decree No. 705 are violated by the issuance of such patent.

SECTION 2. *Prioritization.* - In order to obtain the objective of asset reform and to prevent the undue consolidation of property ownership to few persons, availment of residential lands of the public domain shall be according to the prioritization below:

1. Landless persons who have not acquired ownership of land through Homestead Patents, Emancipation Patents and Certificate of Landownership Award; and
2. Landless persons who have not benefited from any housing program of the government whether in the present or in the past.

The local government unit shall ensure that landless persons living along danger zones such as coastal areas, riverbanks, and similar areas be given opportunity to apply for titles of residential lands of the public domain near the fishing ground in relation to Section 108 (*Fisherfolk Settlement*) of RA 8550, otherwise known as The Philippine Fisheries Code of 1998.

SECTION 3. Procedure. - The application shall be submitted to a designated office within DENR / DENR Regional Office shall be accompanied with a map and technical description of the land applied for, along with supporting affidavits of two (2) disinterested persons who are residents of the city/municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that the applicant thereof has, either by himself/herself or through his/her predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the land applied for at least ten (10) years and has complied with the requirements prescribed in Section One hereof.

The DENR shall also designate an office within the Department to monitor the titling of residential lands of the public domain, which is alienable and disposable, and to recommend to the DENR necessary policies to carry out the orderly implementation of this Act.

The pertinent provisions of Chapter XIV, Title VI of Commonwealth Act Numbered One hundred forty-one, as amended, shall apply to free patent applications filed under the provisions of this, except that residential free patent issued under this law shall not be subject to any legal restrictions on encumbrance, conveyance or alienation.

The Department of Environment and Natural Resources, upon the recommendation of the Director of Lands, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SECTION 4. Pending Applications. - All pending applications filed before the effectivity of this Act shall be treated as having been filed in accordance with the provisions hereof.

SECTION 5. Repealing Clause. — All laws, decrees, executive orders, executive issuances or letters of instruction, rules and regulations, or any part thereof, inconsistent with or contrary to the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

SECTION 6. Separability Clause. — If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SECTION 7. Effectivity Clause. — This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,