


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

8 JUN 10 10:48

SENATE  
S.B. No. 2382

RECEIVED BY: 

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Introduced by Senator Loren Legarda

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#### EXPLANATORY NOTE

This bill seeks to provide residential landowners an efficient, effective and affordable method to title their lands, thereby securing the property rights of the owner, facilitating transactions in land and enabling the owner to use the title as collateral for loans. By having more titled lands, economic activities are stimulated, contributing positively to growth and development.

Despite the perceived benefits of a title, about 46 percent of the 24.2 million land parcels in the Philippines remain untitled. Of this, 70 percent or 7.8 million land parcels are residential. This is because the current methods of titling residential lands are not ideal modes for mass titling of residential lands. For the past four years, only an average of 1,200 decrees of registration were issued by Land Registration Authority for registration of confirmed titles and an average of 3,200 sales patents have been issued by the Department of Environment and Natural Resources. On the other hand, an average of 100,000 free patents have been issued each year. Free patents, which is the administrative legalization of titles without the need to pay to the government the value of the land are however only applicable for agricultural lands.

It is therefore recommended that an enabling law that will grant free patent to residential landowners be passed. Batas Pambasa 223 granted free patent to residential lands but it has expired in 1987 and was restricted to fifth and sixth class municipalities.

The most important feature of the proposed measure is to provide a means to title residential lands through administrative proceeding by extending the grant of free patent to residential lands in all municipalities, given certain conditions. Another salient feature is the removal of restriction on encumbrance on the title, allowing the property to be transacted immediately upon titling.

Through this bill, thirty-nine (39) million Filipinos living in 7.8 million untitled residential parcels are expected to benefit from the security of tenure and economic opportunities that a titled land provides.

In view of the foregoing, immediate passage of this bill is earnestly sought.

  
**LOREN LEGARDA**  
Senator

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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**

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

**SECTION 1.** The provision 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; 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.** The application 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 or through his predecessor-in-interest,

actually resided on and continuously possessed and occupied, under a bonafide 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 pertinent provisions of Chapter XIV, Title VI of Commonwealth Act 141, as amended, shall apply to free patent applications filed under the provisions of this Act, 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 3.** All pending applications filed before the effectivity of this Act shall be treated as having filed in accordance with the provisions hereof.

**SECTION 4.** *Repealing Clause* - All laws, decrees, executive orders, executive issuances or letters of instruction, rules and regulations, or any part thereof inconsistent herewith or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

**SECTION 5.** *Separability Clause* - If any part of provision 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 6.** *Effectivity Clause* - This Act shall take fifteen (15) days after its complete publication in two (2) national newspapers of general circulation.

Approved,