



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3764**

EXPLANATORY NOTE

In most developing countries, land is a notable means of generating a livelihood and often the key instrument for investing, accumulating, and transferring wealth between generations. Thus, the institutional and legal framework in which access to land is regulated, property rights are defined, and ownership conflicts are resolved, have broad implications in the country's pursuit for growth and poverty reduction.

Typically, an efficient land market allows the optimal use of land, and well-defined property rights will help overcome credit market imperfections. However, the Philippine land market has not been efficiently functioning (e.g. problems on fake titles and boundary disputes among others).

At present, the Philippine land administration system is handled by multiple agencies and governed by multiple laws resulting to different standards for surveys and mapping, land valuation, overlapping land titling processes and so many opportunities for graft and corruption. Inefficiencies in the system is due to outdated land legislation and administrative processes which further lead to high cost of doing business involving real estate properties.

The institutional setting for land administration and management is characterized by large, central agencies that are quite resistant to change. There are about four (4) agencies involved and the two principal agencies are the Department of Environment and Natural Resources (DENR) and the Land Registration Authority (LRA) of the Department of Justice. There are two legal processes in gaining title to land—administrative and judicial. Administrative processes leading to titles are handled by three agencies. The DENR is responsible for issuing titles for all government or public land and the land alienated through the issuance of patents, decrees and other legal instruments. The Department of Agrarian Reform (DAR) implements the Comprehensive Agrarian Reform Program (CARP) mandated by the Comprehensive Agrarian Reform Law (CARL) of 1988 (Republic Act No. 6657) by issuing certificates of land ownership awards (CLOAs) to agrarian reform beneficiaries (ARBs). The third administrative titling procedure relates to indigenous land and is handled by the National Commission for Indigenous Peoples (NCIP) through the issuance of certificates of ancestral domain titles (CADTs) and certificates of ancestral land titles (CALTs).

The essential part of land administration is the survey, and management of land records. It also includes the single and seamless digital map projection system to emphasize the need to convert existing land records including survey data/maps/plans to digital format. Recently, the DENR, thru the Land Management Bureau has announced the successful implementation of Cadastral Survey in the whole country in 2015. The first cadastral survey in the country was conducted in 1908 in Pilar, Bataan. With the exit of cadastral survey, it is imperative for the LMB to institutionalise the computerisation of technical data and land records. Thus, Land Administration and Management System or LAMS was conceived. LAMS is an information system designed to provide effective management of land records and efficient delivery of land transactions and information services to the public. The establishment of the LAMS ensures the integrity and access to land information such as cadastral maps, isolated survey plans, public land applications, patents and titles. It also ensures the quick processing of land transactions and updating of land records, as well as the tracking of applications undergoing processing. In addition to LAMS, the development

and maintenance of a Digital Cadastral Database (DCDB) and Cadastral Spatial Data Infrastructure (CSDI) should also be part of this act. DCDB and CSDI should be the medium and long-term programs, respectively, of the LAA to support the planning, operations management, and innovative efforts of the LAA.

Another essential part of land administration is the Land Registration Authority, a government agency under the Department of Justice responsible for issuing decrees of registration and certificates of title and register documents, patents and other land transactions for the benefit of landowners, agrarian-reform beneficiaries and the registering public in general. Recently, it has been successful in the implementation of the Land Titling Computerization Project (LTCP) which will further enhance the integrity of the Torrens System as it is envisioned that a query on the status of a land title can be made anytime and anywhere from any of the various Registry of Deeds nationwide and will hasten the turnaround time in the generation and issuance of land title.

Both the DENR regional land management offices and Land Registration Authority conduct verification and approval of subdivision or consolidation surveys for titling purposes, which results in two different sets of parcel maps in different reference systems, and these are not interlinked. Therefore, there is a need to integrate these agencies into one agency capable of delivering services in public land administration.

The country's land administrative approach must be streamline hence the Land Administration Reform Act Bill is submitted creating the Land Administration Authority which will serve as the primary government agency responsible for land administration and public land management. It is envisioned:

- a. To produce a single system of map projection;
- b. To eradicate the proliferation of fake land titles;
- c. To provide a comprehensive and accurate data on land resources of the country;
- d. To provide economic data for land-based development studies of the country;
- e. To provide a secure, stable and trustworthy record of land ownership and recorded interests therein so as to promote social and economic well-being and contribute to the national development;
- f. To reduce the cost of duplication of administrative process;
- g. To provide an integrated delivery of services to the public to facilitate land related transactions to the government and the public through integrated land registration and record management systems.
- h. To provide reliable information to facilitate "parcel-based" Comprehensive Land Use Plan (CLUP) formulation and updating;
- i. To ensure the availability of parcel-based information for pre- and post-Disaster Risk Reduction Management (DRRM); and
- j. To maintain credible data to support land transaction system for investment purposes.

The proposed Land Administration Reform Act will be a guiding force of the contribution of lands to the country's socio-economic goals. It shall be geared towards sustainable management of land resources and records; standardization of the titling process; and the development of increased transparency and accountability across the whole administration process. Efficient land administration towards security of tenure, poverty reduction and economic development will thus be attained.


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

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House Bill No. **3764**

AN ACT
INSTITUTING REFORMS IN LAND ADMINISTRATION, CREATING FOR THE PURPOSE,
THE LAND ADMINISTRATION AUTHORITY AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I
GENERAL PROVISIONS

Section 1. Short title.— This Act shall be known as the “Land Administration Reform Act.”

Sec 2. Declaration of Policy.— It is hereby declared the policy of the State to institutionalize reforms in land administration in order to optimize and rationalize their contribution to the goals of national development, eradication of poverty and attainment of social, economic and cultural justice. Towards this end, the State shall:

- a) Ensure equitable distribution and full utilization and development of alienable and disposable lands;
- b) Undertake a comprehensive and continuing land administration program that will make the processes and procedures of land survey, titling and registration affordable, expeditious and reliable
- c) Rationalize the structure, powers, functions, and competencies of the different land administration agencies and integrate all land administration and registration policies, plans, programs and projects of various government agencies to ensure efficiency and remove overlaps and duplication in the delivery of land administration services;
- d) Ensure the attainment of the government’s asset reform programs; and
- e) Recognize, respect and ensure participation of the basic sectors of society in the enforcement of land related rights.

Sec 3. Definition of Terms.— As used in this Act:

- a) *Alienable and disposable land* refers to lands of the public domain which have been delineated, classified and certified as available for disposition under Commonwealth Act No. 141, otherwise known as the Public Land Act;
- b) *Consulta* refers to the procedure wherein the issue of registrability of certain instruments is resolved in accordance with Presidential Decree No. 1529, otherwise known as the “Property Registration Decree”;
- c) *Land administration* refers to the processes of determining, recording and disseminating information about the ownership, value and use of land;
- d) *Land management* refers to activities associated with the management of land as an environmental and a socio-economic resource such as surveys, mapping, titling and registration;
- e) *Public domain* refers to lands belonging to the State which may be classified as agricultural, forest or timber, mineral, or national park as provided for in the 1987 Constitution;

- f) *Cadastral survey* refers to the survey of a city, municipality or province to determine its metes and bounds or political boundaries. It also covers the identification and delineation of individual lots of all landowners and claimants and the establishment of survey control points;
- g) *Land ownership* is the right and interest which a person has in land to the exclusion of others. It is the independent right of exclusive enjoyment and control over land for the purpose of deriving therefrom all advantages required by the reasonable needs of the holder of the right and the promotion of the general welfare but subject to the restrictions imposed by law and the rights of others.
- h) *Land value* is the value of the piece of a property, including both the value of the land itself as well as any improvements that have been made to it;
- i) *Land use* is the function of land - what it is used for. *Land use* varies from area to area. In rural areas (countryside) *land use* can include forestry and farming. *Land use* involves the management and modification of natural environment or wilderness into built environment such as settlements and semi-natural habitats such as arable fields, pastures, and managed woods;
- j) *Mapping* is the creation of maps, a graphic symbolic representation of the significant features of a part of the surface of the earth; and
- k) *Survey* is the technique, profession, and science of determining the terrestrial or three-dimensional position of points and the distances and angles between them

ARTICLE II CREATION, STRUCTURE, POWERS AND FUNCTIONS

SEC. 4. *Creation of the Land Administration Authority (LAA).* - To carry out the purposes of this Act, the Land Administration Authority, hereinafter referred to as the Authority, is hereby created and placed under the Office of the President. It shall be the primary government agency responsible for land administration and management.

SEC 5. *Powers and Functions of the Authority.*- The Authority shall exercise the following powers and functions:

a) **Survey & Mapping**

- 1) Execute, verify and approve all nationwide cadastral surveys conducted in accordance with the provisions of Act No. 2259, otherwise known as the Cadastral Act, and all original and private land consolidation and consolidation-subdivision surveys intended for titling purposes;
- 2) Conduct and/or approve surveys and mapping necessary in the implementation of Republic Act No. 7160, otherwise known as the Local Government Code, Republic Act No. 7279, otherwise known as the Urban Development and Housing Act, Republic Act No. 8435, otherwise known as the Agriculture and Fisheries Modernization Act (AFMA), Republic Act No. 7916, otherwise known as the Special Economic Zone Act of 1995, Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law and other existing laws requiring survey and mapping. For this purpose, the Authority shall coordinate with the National Mapping and Resource Information Authority (NAMRIA), local government units and other pertinent agencies for the development of a standardized mapping system and procedures..
- 3) Ensure that all surveying and mapping activities in the country shall be based on the Philippine Reference System of 1993 as prescribed in Executive Order No. 45, series of 1993 entitled, "*Adopting the Philippine Reference System of 1992 as the Standard Reference System for Surveys in the Philippines*" and its derivative systems.

b) **Land Registration**

- 1) Register original titles to land and subsequent dealings concerning registered lands under the provisions of Commonwealth Act 141 and Presidential Decree No. 1529 as amended, Republic Act No. 6657, Republic Act No. 8371, otherwise known as the

Indigenous Peoples Rights Act and Republic Act No. 10023, otherwise known as the Free Patent Act;

- 2) Determine and identify spurious, fake, defective and other questionable titles;
- 3) Undertake thorough investigation of questionable titles and, when merited, initiate the proper proceedings for their cancellation or annulment under the rules and procedures that it shall promulgate consistent with this Act and other existing laws;
- 4) Correct defective titles through administrative processes. *Provided*, That the correction shall only be for minor and apparent typographical errors.

c) Land Administration and Management

- 1) Administer, manage and dispose of all alienable and disposable lands under the provisions of Commonwealth Act No. 141, Act No. 1120, otherwise known as the Friar Lands Act, and patrimonial property of the National Government under Act No. 3038, entitled "An Act Authorizing the Secretary of Agriculture and Natural Resources to Sell or Lease Lands of the Private Domain of the Government of the Philippine Islands", and such other public lands that have not been placed under the jurisdiction of any other government agency or instrumentality, in accordance with existing laws; and
- 2) Coordinate with local government units and the appropriate agencies in identifying alienable and disposable lands of the public domain for the accelerated implementation of agrarian reform, socialized housing, resettlement and other similar government programs.

d) Land Information and Management System

- 1) Establish and maintain a secure, integrated and accessible computerized database of all survey and mapping records, registration and titling;
- 2) Establish and maintain an information technology system that shall provide public accessibility to land information as well facilitate linkage and information-sharing among concerned offices of the Authority;
- 3) Establish and maintain an efficient custodial and storage system to ensure the security and integrity of all survey, mapping and titling and registration;
- 4) Establish and maintain the Digital Cadastral Database (DCDB) and Cadastral Spatial Data Infrastructure for medium and long-term programs to support the planning, operations management and innovative efforts of the Authority.

e) Other Functions

- 1) Formulate policies and implement programs to achieve the intent and purposes of this Act;
- 2) Determine, fix and collect reasonable amounts to be charged as fees, fines and penalties in the implementation of this Act;
- 3) Enter into contracts in the implementation of this Act, subject to existing laws;
- 4) Perform such other functions as are implied, necessary, proper and incidental to implement the provisions of this Act.

SEC. 6. *Structure and Organization.*- The Authority shall consist of:

- (a) The Office of the Director General;
- (b) The Offices of the four (4) Deputy Directors General;
- (c) The Offices of the five (5) Assistant Directors General; and
- (d) Land Offices

SEC. 7. *The Director General.*- The Authority shall be headed by a Director General who shall hold a Cabinet rank and who shall be appointed by the President. The appointment shall be for a fixed term of four (4) years subject to reappointment for another four (4) years only. *Provided*, That no person shall be appointed as Director General unless a member of the Philippine Bar or a Geodetic Engineer or any person with proven competence in land administration and management.

The Director General shall have the following functions:

- a) Promulgate rules, regulations and other issuances necessary in carrying out the Authority's mandate;

- b) Establish policies and standards for the efficient and effective operations of the Authority;
- c) Formulate strategic plans and programs including research and development;
- d) Appoint subordinate officials holding the positions of Provincial and City Executive Land Officers and their respective rank and file personnel in accordance with the Civil Service laws, rules and regulations;
- e) Exercise control and supervision over all functions and activities of the Authority and its Land Offices;
- f) Delegate authority over all powers, functions and activities of the Authority; and
- g) Perform such other functions as may be provided by law or assigned by the President.

SEC. 8. Deputy Directors General.- The Director General shall be assisted by four (4) Deputies who shall be appointed by the President. The Director General is hereby authorized to delineate, assign or reassign the respective functional administrative divisions of responsibility of the Deputy Director General, as follows:

- a) Survey and Mapping- all technical programs, procedures and operations involved in the surveying and mapping activities of the Authority;
- b) Land Registration - all technical programs, procedures and operations in the registration functions of the Authority;
- c) Land Administration and Management- all technical programs, procedures and operations in the disposition, administration and management of alienable and disposable lands not otherwise in the control of any other agency or instrumentality of the government;
- d) Land Information and Technology - all technical programs, procedures and operations in the records and information technology management functions of the Authority.

The Deputy Director General for Land Title Registration shall be a member of the Philippine Bar with experience on land registration while the Deputy Director General for Survey shall be a Geodetic Engineer.

SEC. 9. Powers and Functions of Deputy Directors General.- The Deputy Directors General shall exercise the following functions:

- a) Recommend policies and programs to the Director General and advise the Director General in the promulgation of administrative orders and other issuances with respect to one's area of functional responsibility;
- b) Issue technical and operating standards, guidelines, regulations and orders to enforce policies; *Provided*, That the Deputy Director General assigned to land title registration shall resolve issues of registrability of instruments elevated in *consulta* as provided for under Presidential Decree No. 1529, as amended;
- c) Supervise and monitor the field offices on the implementation of policies, programs and projects;
- d) Ensure the proper coordination of the functions and activities with other concerned units of the Authority;
- e) Exercise authority on monitoring and evaluation of technical and operating standards related to the functions and activities of the land offices of the Authority; and
- f) Perform other functions as may be provided by law or assigned by the Director General.

SEC. 10. Assistant Directors General.- The Director General and Deputies shall be assisted by five (5) Assistant Directors General who shall be appointed by the President accordingly for:

- a) Survey and Mapping;
- b) Land Registration;
- c) Land Administration and Management;

- d) Land Information and Management System; and
- e) Administration and Operations.

SEC. 11. Land Administration Offices.- Permanent Field offices at the chartered cities and provincial levels are hereby established and shall be called Provincial and City Land Offices which shall be headed by Executive Land Officers: *Provided*, That provinces and cities with existing Registry of Deeds upon approval of this Act, shall automatically be converted into Land Administration Offices of the Authority.

The Land Administration Offices at the provincial and city levels shall be comprised of the following offices: a) surveys and mapping; b) registration and titling; c) land administration; d) records and information technology; e) administrative support; f) legal unit; and g) such other units as may be established by the Director General: *Provided*, That the Authority shall ensure that Land Administration Offices shall be strategically located to provide easy access to the public.

ARTICLE IV LAND ADJUDICATION BOARD

SEC. 12. Creation of the Land Adjudication Board (LAB).- There is hereby created a Land Adjudication Board (LAB). The LAB shall be the quasi-judicial body of the Authority and shall have the following functions:

- a) Exercise exclusive original jurisdiction over all matters involving the implementation of laws, rules and regulations on land administration and public land management, and all cases or controversies arising therefrom: *Provided*, That all petitions for the correction of clerical or typographical errors committed in writing, copying, transcribing or typing of an entry in the maps, survey plans and certificates of land titles shall be administratively addressed by the Authority's Land Administration Offices;
- b) Exercise exclusive original jurisdiction on conflicts arising from the determination and adjudication in land administration and public land management matters, except cases falling under the jurisdiction of the Department of Agrarian Reform (DAR) under the CARP Law and the National Commission on Indigenous Peoples under the IPRA law unless specifically provided herein: *Provided*, That jurisdiction over conflicts and cases arising from ownership of private lands shall remain with the regular courts. *Provided further*, That existing cases on land ownership and conflicts pending in the regular courts shall remain under the court's jurisdiction unless otherwise remanded by the courts to the Authority or LAB for disposition subject to the pertinent provisions of this Act;
- c) Exercise appellate jurisdiction over all cases decided by the Local Land Adjudication Board (LAB).

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

- d) Exercise quasi-judicial function on the settlement of boundary disputes which is appealable to the Court of Appeals.

SEC. 13. Composition.- Each Division of the LAB shall be composed of four (4) members who shall be appointed by the President for a fixed term of four (4) years and can be reappointed for another term of four (4) years .

All three (3) members of the LAB shall be members of the Philippine Bar and another member is a registered Geodetic Engineer with at least ten (10) years experience in property and land administration and management matters.

The members of each division shall elect their Presiding Officer who shall serve for a term of four (4) years.

SEC. 14. Local Land Adjudication Board.- Local Land Adjudication Boards (LLAB) are hereby created in all provincial and city land offices that shall serve as first level board. The LLAB shall be composed of three (3) full-time members wherein one is a lawyer or a graduate of Bachelor of Laws, a geodetic engineer, and a person with experience on land administration and management. The legal unit of the provincial land offices shall serve as the secretariat which shall provide administrative support services to the LLAB.

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

SEC. 15. Proceedings and Procedure.- The LAB shall not be bound by technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes, or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case. Toward this end, it shall adopt a uniform rule of procedure to achieve a just, expeditious, and inexpensive determination of merits: *Provided*, That it shall endeavour to settle disputes and controversies amicably.

In the exercise of its functions, the LAB shall have the power to summon witnesses, administer oaths, take testimony, require submission of reports, compel the production of books and documents and answers to interrogatories, issue subpoena and subpoena *duces tecum*, and enforce its writs through sheriffs or other duly deputized officers. It shall punish direct and indirect contempt in the same manner and subject to the same penalties as provided for in the Rules of Court.

Responsible persons shall be allowed to represent themselves or their organizations in any proceedings before the LAB: *Provided, however*, That when there are two (2) or more representatives for any individual or group, the representatives should choose only one from among themselves to represent such party or group before any LAB proceedings.

SEC. 16. Finality of determination.- Any case or controversy before the LAB shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. Moreover, any order, award, ruling, or decision shall be final after the lapse of fifteen (15) days from receipt by the parties of a copy thereof.

SEC. 17. Frivolous Appeals.- To discourage frivolous or dilatory appeals from the decisions, awards, rulings, or orders, the LAB may impose reasonable penalties including, but not limited to, fines or censures upon erring parties.

ARTICLE V JUDICIAL REVIEW

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

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

SEC.19. Restraining Order or Preliminary Injunction.- Only Court of Appeals and the Supreme Court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Authority or any of its duly authorized or designated

offices in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement or interpretation of this Act and other pertinent laws on land administration, registration and public land management.

SEC.20. Procedure on Review.- Review by the Court of Appeals as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require the parties to file simultaneous memoranda within a period of fifteen (15) days from notice, after which the case is deemed submitted for decision.

ARTICLE VI TRANSITORY PROVISIONS

SEC. 21. Transfer of Powers.- The powers and functions vested by law in the LMB of DENR, the LRA/RoD, the DENR-CARP National Secretariat and other related offices as contemplated under this Act, are hereby transferred to the LAA.

SEC. 22. Integration of the LMB, the DENR-CARP National Secretariat and the LRA/RoD.-The DENR's Land Management Bureau and CARP National Secretariat and its field offices, and the Land Registration Authority and Register of Deeds, are hereby integrated into the Authority

SEC. 23. Organization of the LAA.- The Authority's organizational and administrative structure and functions and staffing pattern, including the personnel's duties and responsibilities and the appropriate compensation package, shall be submitted by the Director General to the President for review and approval, and shall be fully implemented within a period of six (6) months after such approval.

SEC. 24. Transfer of Personnel.- To ensure a smooth transition, all incumbent personnel of the DENR's LMB, the DENR-CARP National Secretariat and its field offices and the LRA/RoD shall continue to perform their present duties and functions as interim personnel of the Authority until such time, being not later than twelve (12) months from the effectivity of this Act, that the regular staff of the Authority, based on the new staffing pattern, shall have been appointed: *Provided*, That all incumbent and qualified personnel of the DENR's LMB, DENR-CARP National Secretariat and its field offices, the LRA/RoD shall be prioritized in filling up the appropriate positions for regular personnel of the Authority and its field offices. *Provided further*, That the regular personnel shall be appointed by the Director General, or his/her duly authorized representative, on the basis of merit, previous permanent appointment, fitness and seniority.

The existing number of officials and employees of the Land Registration Authority and other agencies to be integrated to the Land Administration Authority shall not be increased and no new hiring shall be allowed until all of them shall have been properly placed. Those who opt to stay shall retain their remuneration and seniority. No official or personnel shall be dislocated and involuntarily separated, except for cause.

SEC. 25. Separation Pay and Other Benefits.- Personnel who are not offered appointment within twelve (12) months upon the effectivity of this Act under the new staffing pattern of the Authority of at least equivalent terms and conditions as their present employment by reason of duplication or redundancy, and those who decline an appointment in the Authority by reason of diminution in rank and conditions, shall be entitled to incentives at the rate equivalent to the following:

One (1) month of the basic salary for every year of government service and a fraction thereof, for those who have rendered twenty (20) years of service and below;

One and one-half (1 ½) month of the present basic salary for every year of government service and a fraction thereof, computed starting from the 1st year, for those who have rendered twenty one to thirty (21-30) years of service; and

Two (2) months of the present basic salary for every year of government service and a fraction thereof, computed starting from the 1st year, for those who have rendered thirty one (31) years of service and above.

Affected personnel shall also be entitled to other benefits as may be authorized by existing laws and regulations. Furthermore, they shall be entitled to the refund of their contributions including government share to the Home Development Mutual Fund (PAG-IBIG) and the Government Service Insurance System (GSIS) and to the commutation of their unused vacation and sick leaves in accordance with existing rules and regulations.

Employees who are offered appointments under the new staffing pattern of the Authority without any diminution in rank and work conditions but who decline such appointment shall be deemed to have voluntarily resigned and shall be entitled only to separation benefits equal to those provided for by other laws: *Provided*, That those who qualified to retire shall be allowed to retire and be entitled to all the benefits provided under pertinent retirement laws.

SEC. 26. *Reemployment.*- In view of Section 16, Article XVII of the Philippine Constitution, government personnel who are separated as a result of the integration of the aforesaid offices to LAA, may apply for positions and be employed in other agencies or branches of the government including Government-Owned and/or -Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), or local government units (LGUs), subject to the sound discretion of the concerned appointing authority and the provision of the Civil Service Law, rules and regulations.

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

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

All real and personal properties, assets, liabilities, records, documents, positions, appropriations, contracts and agreements which, upon the effectivity of this Act, are vested in, or owned, by the LMB, the DENR-CARP National Secretariat and its field offices, the LRA/RoD are hereby transferred to the Authority.

SEC. 28. *Penal Provisions.*- Any person who sells forms issued and distributed gratuitously under this Act or who, being an officer charged with distributing them refuses or fails without sufficient reason, to furnish the same, shall be punished for each offense by a fine of not less than Fifty thousand pesos (PhP50,000.00) and not more than One hundred thousand pesos (PhP100,000.00) or imprisonment of not less than six (6) months nor more than one (1) year, or both, at the discretion of the court.

Any person, corporation, association, or partnership which, not being qualified or no longer authorized to apply for registration purposes, files or induces or knowingly permits another person, corporation, association, or partnership to file an application in his/her or its behalf or for his/her or its interest, benefit, or advantage, shall be punished for each offense by a fine of not less than One hundred thousand pesos (PhP100,000.00) and not more than Five hundred thousand pesos (PhP500,000.00) or imprisonment of not less than three (3) years and one (1) day nor more than six (6) years, or both, at the discretion of the court: *Provided*, That in case the offender is a corporation, association, or partnership, their responsible officials shall be deemed jointly and severally liable. The application shall be cancelled.

Any person who shall, by deceit or fraud, acquire or attempt to acquire lands of the public domain or other real property or any right, title or interest, or property right of any class to the same, and any person aiding and abetting him therein or serving as a means or

tool thereof, shall, upon conviction, be punished by a fine of not less than One hundred thousand pesos (PhP100,000.00) and imprisonment of not less than six (6) years nor more than twelve (12) years, or both, at the discretion of the court.

Any person who shall tamper or attempt to tamper any records of the Authority that will result in the acquisition of rights, title or interest over real property and any person aiding and abetting him therein or serving as a means or tool thereof, shall, upon conviction, be punished by a fine of not less than Five hundred thousand pesos (PhP500,000.00) and imprisonment of not less than twelve (12) years, or both, at the discretion of the court.

For purposes of this Act, if the offender is a public official or government official or employee, he or she shall be, in addition to the existing penalties under this Act and other existing laws and depending on the gravity of the offense committed, meted the appropriate administrative penalties under Civil Service laws, rules and regulations.

SEC. 29. *Preservation of Records.*- The Authority shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the Authority.

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

Without prejudice to any other penalties provided for by law, any person who fails to fulfil one's duty pursuant to the above paragraph, shall be guilty of an offense against the provisions of this Act, punishable by a fine of not less than One million pesos (PhP1,000,000.00) or imprisonment of not more than five (5) years, or both, upon the discretion of the court.

SEC. 30. *Saving Clause.*- All orders, determination, rules, regulations, permits, certificates, licenses, and privileges which have been issued, made, or granted effective by the former LMB, LRA, RoD, DENR-CARP National Secretariat and its field offices, or their predecessors shall continue to be in effect according to their terms until modified, terminated, superseded, set aside, or repealed.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any division or unit of the former LMB, LRA, RoD, DENR-CARP National Secretariat and its field offices, the functions of which are transferred by this Act to the Authority shall abate by reason of this Act. In like manner, no cause of action by or against such division or unit or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. *Provided*, That causes of actions, suits, or other proceedings may be asserted for, or against the Authority, or for, or against any officer of the Authority as may be appropriate.

ARTICLE VII MISCELLANEOUS PROVISIONS

SEC. 31. *Public Consultations.* The Authority shall, whenever necessary, conduct public consultations on matters pertaining to land administration and management of alienable and disposable lands with the end in view of formulating new, and improving existing policies that shall affect the survey, mapping, titling and registration of lands.

SEC. 32. *Use of Income.*- The Authority is hereby authorized to use twenty percent (20%) of all revenues derived from fees, charges and other sources in the implementation of its projects according to existing rules and regulations of the Department and Budget Management and the Commission on Audit. All donations and grants received by the Authority may be used to finance its programs and projects in pursuit of its mandate.

SEC. 33. Assurance Fund. A special account within the Authority is hereby created for the entire proceeds of the Assurance Fund, which shall no longer be paid to the National Treasurer as provided for in Section 94 of Presidential Decree No. 1529. The existing accounts of assurance fund created under Presidential Decree No. 1529 held by the National Treasurer shall be transferred to the Authority. All claims from the assurance Fund shall be heard, decided and determined by the LAB. All pending cases or claims against the Assurance Fund now being handled by the Bureau of Treasury, through the Office of the Solicitor General, shall likewise be transferred to the LAB. Thereafter, the National Treasurer shall no longer be impleaded as party in any action against the Assurance Fund.

SEC. 34. Indemnification of Officials and Personnel.- The Authority shall indemnify all officials and personnel for all costs and expenses reasonably incurred by such persons in connection with any civil or criminal actions, suits, or proceedings to which they may be or made a party by reason of the performance of their functions or duties, unless they are finally adjudged in such actions or proceedings to be liable.

SEC. 35. Implementing Rules and Regulations.- Within one hundred twenty (120) days from the effectivity of this Act, the Authority shall promulgate the rules and regulations necessary to implement the provisions of this Act.

SEC. 36. Congressional Oversight Committee on the Land Administration Reform Act. – There is hereby created a Congressional Oversight Committee composed of five (5) Members from the Senate and the House of Representatives, respectively to be designated by the Senate President and the House Speaker, as the case may be. The Chairman of the Committee on Environment and Natural Resources of the Senate and the Chairman of the Committee on Natural Resources of the House of Representatives shall serve as co-chairman of the oversight committee.

The Congressional Oversight Committee, which shall function for a period not more than five (5) years, shall review the implementing rules promulgated by the Authority including the procedures on claims against the assurance fund, and the implementation of this Act. *Provided*, That the Congressional Oversight Committee shall set the guidelines and overall framework for the monitoring of the implementation of this Act and shall adopt its internal rules of procedure. *Provided further*, That the Secretariat of the Congressional Oversight Committee shall be drawn from the existing personnel of the concerned Senate and House of Representatives offices comprising the Congressional Oversight Committee.

SEC. 37. Appropriations. - The amount necessary to implement the provisions of this Act shall be charged against the current year's appropriations of the LMB, LRA, RoD, DENR-CARP National Secretariat and other concerned agencies. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 38. Repealing Clause.- The pertinent provisions of the CARL and the IPRA with regard to the conduct of survey, approval of survey results, preparation and issuance of tenure instruments, are hereby amended or modified accordingly.

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

SEC. 39. *Separability Clause.*- Should any provision of this Act or any part hereof be declared unconstitutional or invalid by a court, the other provisions hereof which are not affected thereby, shall remain in force and effect.

SEC. 40. *Effectivity.*- This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,