

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 5821



INTRODUCED BY
REP. ALFRED D. VARGAS

AN ACT

AMENDING ARTICLES 171 AND 172 OF REPUBLIC ACT. 3815 OTHERWISE KNOWN AS THE REVISED PENAL CODE, IMPOSING STIFFER PENALTIES FOR FALSIFICATION OF CERTIFICATES OF LAND TITLE OR ANY APPLICATION, DEED, INSTRUMENT OR SUPPORTING DOCUMENT, REASONABLY CONNECTED WITH THE TITLE, CLASSIFYING THE SAME AS A HEINOUS OFFENSE INVOLVING ECONOMIC SABOTAGE IF THE VALUE OR AGGREGATE VALUE OF THE LAND IS AT LEAST TEN MILLION PESOS (P 10,000,000.00)

EXPLANATORY NOTE

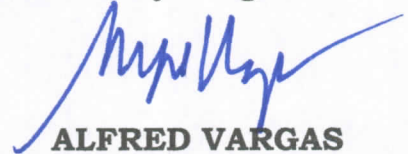
The importance of land titles cannot be overemphasized. It is the evidence of the right of the owner to exclusive possession and enjoyment of the property. It is the only legal document that proves a person's actual ownership over a piece of land.

Many land disputes in the Philippines have led to social unrest, which sometimes bring about conflicts among our people. History has been made witness to the land disputes between big landholders and the poor, landless settlers, indigenous peoples, and other cultural minorities. Additionally, fake land titles in the Philippines are fabricated by syndicates to persuade buyers into acquiring supposedly cheap real estate properties. If the offense continues, our country will be flooded with fake and falsified land titles each inflicting harm on the integrity of institutions, to the detriment of Filipino families and the country's economic stability.

Land titles are legal mechanisms set in place to protect and legalize the claims of the rightful owners of pieces of land and hopefully assist in the settlement of disputes. Falsifying these documents should merit graver penalties.

This proposed legislative measure seeks to remedy and stop the nefarious practice of anomalously titling land, amending for this purpose the provisions of Article 171 and 172 of the Revised Penal Code, by increasing its penalty, if the falsification involves a Certificate of Land Title or any Land Patent Application, deed, instrument of documents in support thereof, reasonably connected with and calculated to cause the issuance of a Certificate of Land Title. In addition, the offense shall be deemed a grave offense involving economic sabotage if the fair market value of the land as shown by its Tax Declaration issued by the City of Provincial Assessor or the Zonal Valuation as determined by the Commissioner of Internal Revenue, whichever is higher or the aggregate value thereof, where the falsification or series or combination of falsifications involves more than one (1) Title is at least Ten Million Pesos (P 10,000,000.00).

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



ALFRED VARGAS

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

SECTION 1. Section 171 of Act No. 3815, as amended, otherwise known as, the Revised Penal Code, is hereby amended to read as follows:

“Article 171. Falsification by the public officer, employee or notary or ecclesiastic minister. - The penalty of prision mayor and a fine not exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following act:

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THE PENALTY OF RECLUSION TEMPORAL AND A FINE OF P50,000 SHALL BE IMPOSED IF THE DOCUMENT FALSIFIED IS A DEED, INSTRUMENT OR DOCUMENT IN SUPPORT THEREOF, REASONABLY CONNECTED WITH AND CALCULATED TO CAUSE THE ISSUANCE OF

A CERTIFICATE OF LAND TITLE. PROVIDED THAT, THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED IF THE FAIR MARKET VALUE AS SHOWN BY ITS TAX DECLARATION ISSUED BY THE CITY OR PROVINCIAL ASSESSOR OR ZONAL VALUATION AS DETERMINED BY THE COMMISSIONER OF THE INTERNAL REVENUE, OR AGGREGATE VALUE THEREOF, WHERE THE FALSIFICATION OR COMBINATION THEREOF INVOLVES MORE THAN ONE

(1) TITLE IS AT LEAST TEN MILLION PESOS (P 10,000,000.00)

SECTION 2. Article 172 of Act No. 3815, as amended, otherwise known as, the Revised Penal Code, is hereby amended to read as follows:

“Article 172. Falsification by the private individuals and use of falsified documents. - The penalty of prision correccional in its medium and maximum periods and a fine of not more than five thousand pesos (P 5,000.00) shall be imposed upon:

(1) Any private individual who shall commit any of the falsification enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document;

PROVIDED, THAT THE PENALTY OF PRISION MAYOR AND A FINE OF TWENTY-FIVE THOUSAND PESOS (P 25,000.00) SHALL BE IMPOSED IF THE DOCUMENT FALSIFIED IS A CERTIFICATE OF LAND TITLE OR ANY LAND PATENT APPLICATION, DEED, INSTRUMENT OR DOCUMENT IN SUPPORT THEREOF, REASONABLY CONNECTED WITH AND CALCULATED TO CAUSE THE ISSUANCE OF CERTIFICATE OF LAND TITLE. PROVIDED THAT THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED IF THE FAIR MARKET VALUE AS SHOW BY ITS TAX DECLARATION ISSUED BY THE CITY OR PROVINCIAL ASSESSOR, OR THE ZONAL VALUATION AS DETERMINED BY THE COMMISSIONER OF INTERNAL REVENUE, OR AGGREGATE VALUE THEREOF, WHERE THE FALSIFICATION OR SERIES OR COMBINATION THEREOF INVOLVES MORE THAN ONE (1) TITLE IS AT LEAST TEN MILLION PESOS (P 10,000,000.00).

CERTIFICATE OF LAND TITLE FOR PURPOSES OF THIS ARTICLE AND IMMEDIATELY PRECEDING ARTICLE REFERS TO EVIDENCE OF OWNERSHIP ISSUED PURSUANT TO THE ORDER OF THE COURT OVER REGISTERED LAND OR THE MUNIMENT OF TITLE ISSUED BY A GOVERNMENT ADMINISTRATIVE AGENCY FOR THE CONVEYANCE OF SOME PORTION OF PUBLIC DOMAIN. IT INCLUDES, BUT IS NOT LIMITED TO ORIGINAL CERTIFICATES OF TITLE (OCT),

TRANSFER CERTIFICATES OF TITLE (TCT), CERTIFICATION OF LAND OWNERSHIP AWARDS (CLOA), LAND PATENT, SALES PATENTS, HOMESTEAD PATENTS, AND FREE PATENTS

(1) XXXX....”

SECTION 3. *Separability Clause*- If any provision of this Act shall be declared invalid or unconstitutional, the remaining part or provisions not otherwise affected shall remain in force

SECTION 4. *Repealing Clause*- Any law, decree, ordinance, administrative circulars not consistent with any provision of this Act is hereby amended, repealed or modified accordingly

SECTION 5. *Effectivity Clause*- This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation

Approved,