

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 2763

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 They will remove outdated and obsolete provisions and will facilitate the mass titling of public alienable and disposable lands of the Philippines.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. Exemption from P.D. 152;
8. Exemption from payment of fees under P.D. 1529 and non coverage of the assurance fund;
9. Providing the DENR with the authority to determine form of technical description.

The proposed amendment of specific provisions of the Commonwealth Act No. 141, Presidential Decree 152 and Presidential Decree 1529 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.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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House Bill No. **2763**

AN ACT

REFORMING THE ADMINISTRATIVE TITLING PROCESS BY AMENDING CERTAIN PROVISIONS OF COMMONWEALTH ACT NO. 141 OTHERWISE KNOWN AS THE PUBLIC LAND ACT AS AMENDED, AND OTHER RELATED LAWS

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

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

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

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

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

“**Section 44 (2).** – THE PROVISIONS OF ANY LAW TO THE CONTRARY NOTWITHSTANDING, ANY NATURAL BORN CITIZEN OF THE PHILIPPINES WHO IS NOT THE OWNER OF MORE THAN TWELVE (12) HECTARES AND WHO FOR AT LEAST TEN (10) YEARS PRIOR TO HIS/HER APPLICATION FOR PATENT, HAS CONTINUOUSLY POSSESSED AND USED EITHER BY HIMSELF/HERSELF OR THROUGH HIS/HER PRECEDESSORS-IN-INTEREST, A TRACT OR TRACTS OF LAND OF THE PUBLIC DOMAIN SUBJECT TO DISPOSITION FOR RESIDENTIAL AND COMMERCIAL PURPOSES NOT TO EXCEED THREE THOUSAND SQUARE METERS (3,000 SQ.M), SHALL ALSO BE ENTITLED, UNDER THE PROVISIONS OF THIS CHAPTER, TO HAVE A

FREE PATENT ISSUED TO HIM/HER FOR SUCH TRACT OR TRACTS OF LANDS. PROVIDED, THAT THE TOTAL AREA OF HIS/HER LAND SHALL NOT EXCEED TWELVE (12) HECTARES.

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

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

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

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

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

["Sec. 45. The President of the Philippines, upon recommendation of the Secretary of Environment and Natural Resources, shall from time to time fix by proclamation the period within which applications for free patents may be filed in the Community Environment and Natural Resources Office or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the lands comprised within such district, chartered city, province, municipality or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. The time to be fixed in the entire Archipelago for the filing of applications under this Chapter shall not extend beyond 31 December 2020: Provided, That the period shall apply only when the area applied for does not exceed twelve (12) hectares. The period fixed for any district, chartered city, province or municipality shall take effect thirty (30) days after the publication of the proclamation in one (1) newspaper of general circulation in the city, province or municipality concerned. A certified copy of said proclamation shall be furnished by the Secretary of Environment and Natural Resources within thirty (3) days counted from the date of the presidential proclamation to the Community Environment and Natural Resources Office and to the provincial board and municipal board or city council and barangay council affected, and copies thereof shall be posted on the bulletin board of the Community Environment and Natural Resources Office and at such conspicuous places in the provincial capitol, city or municipal hall, and in barangay hall or meeting

place. It shall moreover be announced and aired over the government station in the concerned local area.”]

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

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

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

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

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“*PROVIDED*, THAT NOTHING IN THIS PROVISION SHALL BE TAKEN TO PRECLUDE THOSE IN POSSESSION OF PUBLIC ALIENABLE AND DISPOSABLE LAND FROM SEEKING ADMINISTRATIVE CONFIRMATION OF THEIR TITLE.”

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

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

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

“**Section 131.** Any person who sells from 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 more than one hundred pesos] NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) AND NOT MORE THAN FIVE HUNDRED THOUSAND PESOS (P500,000) or imprisonment [for not more than three months] FOR NOT MORE THAN ONE YEAR, or both, upon the discretion of the court.”

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

"Section 132. – Any person, corporation, association or partnership which, not being qualified or no longer authorized to apply for public land under the provision of this Act, 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 by a fine of [not less than two hundred nor more than five thousand pesos] NOT LESS THAN 10% OF THE FAIR MARKET VALUE OF THE LAND APPLIED FOR or by imprisonment [for not less than two months nor more than five years] FOR SIX (6) YEARS TO TWELVE (12) YEARS, or both, upon the discretion of the court; and the application shall be cancelled. *PROVIDED*, THAT IN CASE THE OFFENDER IS A CORPORATION, ASSOCIATION OR PARTNERSHIP THEIR RESPONSIBLE OFFICIALS SHALL BE DEEMED JOINTLY AND SEVERALLY LIABLE; *PROVIDED, FURTHER*, THAT IN CASE THE OFFENDER IS A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE, FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE PUBLIC OFFICE."

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

"Section 133. – Any person who, without having the qualification required by this Act, 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 more than five thousand pesos] NOT LESS THAN 10% OF THE FAIR MARKET VALUE OF THE LAND APPLIED FOR, or by imprisonment [for not more than five years] TO TWELVE (12) YEARS, or both, upon the discretion of the court. IF THE OFFENDER IS A PUBLIC OFFICIAL OR GOVERNMENT OFFICIAL/EMPLOYEE, HE/SHE SHALL BE, IN ADDITION, REMOVED FROM THE OFFICE, FORFEIT ALL RETIREMENT BENEFITS, EXCEPT FOR ACCUMULATED LEAVE CREDITS AND BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR APPOINTIVE PUBLIC OFFICE."

Section 10. – Presidential Decree 152 is hereby further amended by the addition of the following paragraph:

"PROVIDED THAT THIS DECREE SHALL NOT APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE PUBLIC LAND ACT"

Section 11. – Section 93 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

Sec. 93. Contribution to Assurance Fund. – Upon the entry of a certificate of title in the name of the registered owner, and also upon the original registration on the certificate of title of a building or other improvements on the land covered by said certificate, as well as upon the entry of a certificate pursuant to any subsequent transfer of registered land, there shall be paid to the Register of Deeds one-fourth of one per cent of the assessed value of the real estate on the basis of the last assessment for taxation purposes, as contribution to the Assurance Fund. Where the land involved has not yet been

assessed for taxation, its value for purposes of this decree shall be determined by the sworn declaration of two disinterested persons to the effect that the value fixed by them is to their knowledge, a fair valuation. Nothing in this section shall in any way preclude the court from increasing the valuation of the property should it appear during the hearing that the value stated is too small.

"PROVIDED THAT THE FEES PRESCRIBED BY THIS SECTION SHALL NOT APPLY TO LAND GRANTS UNDER THE FREE PATENT PROVISIONS OF THE PUBLIC LAND ACT."

Section 12. – Section 111 of Presidential Decree 1529 as amended, is hereby further amended by the addition of the following paragraph:

Sec. 111. Fees payable. – The fees payable to the Clerk of Court, the Sheriff, the Register of Deeds and the Land Registration Commission shall be as follows:

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"PROVIDED THAT THE FEES PRESCRIBED BY THIS SECTION SHALL NOT APPLY TO LAND GRANTS UNDER THE FREE PATENTS PROVISIONS OF THE PUBLIC LAND ACT."

Section 13. – In order to expedite the issuance of free patents, the DENR through the LMS/LMB shall determine the appropriate form, style and definition of technical description which should not be limited to metes and bounds. Such technical description shall form part of the patent, subsequent title and derivatives thereof. Those free patents having technical description other than metes and bounds shall be treated as any private land with all the concomitant rights thereto appertaining pursuant to this Act and other existing laws.

Section 14. – All pending applications for free patent filed before the effectivity of this Act shall be treated as having been filed in accordance with the provisions of this Act.

Section 15. – Upon effectivity of this Act, no fees shall henceforth be payable for the preparation, issue and registration of free patents.

Section 16. – Repealing Clause. – All other laws, decrees, executive orders, executive issuances or letters of instructions, rules and regulations, or any part thereof, inconsistent or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 17. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected shall continue to be in full force and effect.

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

Approved,